

Towards an Integrative Legal Research

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A. Introduction

In the past decades, interdisciplinary legal studies have flourished in the United States and in several other systems, such as Israel. More recently, thanks in large part to the pioneering work and influence of Christoph Engel, this trend is also gradually taking root in Europe. Economic, behavioral, philosophical and empirical legal analyses, to name just a few examples, make key contributions to legal theory. However, a disturbing byproduct of this development in systems where this interdisciplinary revolution has succeeded, is the fragmentation of legal scholarship. Many legal scholars write exclusively or primarily for others within their own school of thought, such as legal economists or legal empiricists. In addition to the increasing fragmentation within legal academia, the interdisciplinary legal scholarship is often inaccessible to legal practitioners – legislators, judges, or attorneys.

This essay argues that legal scholars should not suffice with engaging in conventional genres of academic legal research – such as doctrinal, comparative, historical, or interdisciplinary studies of various kinds – but rather strive to integrate these different genres, as well. The essay characterizes integrative legal research, describes the need for it, examines its prospects and perils, and maintains that it has the potential to make a substantial contribution to the development of law and even to breakthroughs in legal scholarship.

Integrative legal research acknowledges the contributions of the various research methods and perspectives it incorporates. However, the claim is that, much like in the parable of the *blind men and the elephant*, each methodology captures at most only part of the whole. According to this ancient story, which originates in East Asia, a group of blind individuals attempts to understand what an elephant is by each touching a different part of its body. The one who feels the elephant's leg believes it resembles a tree, another who touches the tusk thinks it is like a spear, the one who explores the trunk assumes it is akin to a snake, and so on. Inte-

grative legal research, as the term implies, strives to integrate the different perspectives. It aligns with intellectual curiosity about diverse viewpoints, openness to new ideas, and a commitment to normative and theoretical pluralism.

B. Interdisciplinary Research and the Fragmentation of Legal Academy

Legal scholars have always differed in their areas of interest, the extent to which they engaged with methods such as comparative law or legal history, and the level of theoretical analysis in their work. However, these differences did not, until a few decades ago, prevent scholars from understanding one another, appreciating each other's work, and engaging in intellectual dialogue. In recent decades, however, this situation has changed due to the fracturing of legal scholarship, at least in the United States. The primary driver of this shift has been the significant expansion of interdisciplinary legal research. Therefore, it is useful to clarify at the outset the meaning – or meanings – of the term *interdisciplinary research*.

Schematically, one can distinguish between three levels of interaction between fields of research and knowledge (in addition to the absence of any interaction). The lowest level of interdisciplinarity, sometimes referred to as *multidisciplinarity*, involves cases where a particular problem has multiple facets. To address it more effectively, researchers from different disciplines collaborate, with each analyzing the problem using the concepts and methods of their respective fields. The findings from these separate studies are then combined into a final product consisting of a series of chapters, each addressing the problem from a distinct perspective.¹

The next level, which I will call *weak interdisciplinarity* (and which is sometimes referred to as *cross-disciplinarity*), involves interdisciplinary research that draws on insights, perspectives, and research methods from one field to enrich research in another field. A common metaphor used in this context is that of “crossing boundaries” between the territories of different disciplines.²

1 David R. Holmes, *Confronting Complex Public Health Problems: The Development of Interdisciplinary Research*, 2 J. PUB. HEALTH POL'Y 361, 362–64 (1981); JULIE THOMPSON KLEIN, *INTERDISCIPLINARITY: HISTORY, THEORY, AND PRACTICE* 56–63 (1990).

2 Joseph J. Kockelmans, *Why Interdisciplinarity?*, in *INTERDISCIPLINARITY AND HIGHER EDUCATION* 123, 127–28 (Joseph J. Kockelmans ed., 1979).

Finally, *strong interdisciplinarity* (or simply *interdisciplinarity* in the narrow sense) does not merely borrow ideas, concepts, and methods developed in one discipline to apply them in another. Instead, it synthesizes and integrates two or more disciplines to create a new field of knowledge. A fitting metaphor for this type of interdisciplinarity is two rivers merging into one.³ Examples of such interdisciplinary fields include biochemistry, criminology, and gender studies.

The boundary between the last two levels of interdisciplinarity is not sharp, and in truth, there exists a spectrum – both analytically and, at times, developmentally – ranging from single-discipline research to multidisciplinary, weak interdisciplinarity, and strong interdisciplinarity. Moreover, interactions between different fields of knowledge are only part of a more complex picture of the processes occurring in academic research and thought, such as the fragmentation of established fields into increasingly independent subfields.

In our context, legal scholars, influenced by the American legal realism movement, have found that legal phenomena can be better understood by employing research methods and analytical tools borrowed from other academic disciplines. Familiarity with how questions of interest to legal scholars are discussed and conceptualized in other fields generates fresh insights and enables a critical examination of prevailing assumptions in the legal domain.⁴

A very prominent interdisciplinary approach is law and economics. However, many other interdisciplinary fields have also flourished, including *law and literature*, *law and society*, *law and culture*, *legal philosophy*, *sociology of law*, *feminist legal analysis*, *law and psychology*, and *law and political science*. Additionally, in recent years, empirical (including experimental) studies in law have gained increasing prominence. These method-

3 Arabella Lyon, *Interdisciplinarity: Giving Up Territory*, 54 COLLEGE ENGLISH 681 (1992); Judith A. Allen & Sally L. Kitch, *Disciplined by Disciplines? The Need for an Interdisciplinary Research Mission in Women's Studies*, 24 FEMINIST STUD. 275, 276–78 (1998); Robert L. Scott, *Personal and Institutional Problems Encountered in Being Interdisciplinary*, in INTERDISCIPLINARITY AND HIGHER EDUCATION, *supra* note 2, at 306, 307–08.

4 Douglas W. Vick, *Interdisciplinarity and the Discipline of Law*, 31 J. LAW & SOCIETY 163, 181–82 (2004).

ologies are used to address distinctly legal questions, as well as to explore the complex interrelations between legal and non-legal phenomena.⁵

Although there are significant differences among these interdisciplinary approaches, they typically involve the use of terminology, methods, and research paradigms derived from another field of knowledge (such as economics, sociology, or philosophy). In other words, contemporary writing in the various *law and...* genres mostly reflects *weak interdisciplinarity* – applying insights, research methods, and arguments developed in other disciplines to enrich the understanding and evaluation of legal norms, institutions, and phenomena – rather than *strong interdisciplinarity*, which entails the integration of two disciplines to create a new one. That said, some approaches come closer to strong interdisciplinarity. For example, in parts of economic analysis of law, conventions have gradually developed that differ not only from traditional legal scholarship but also from standard economic analysis.

One way or another, because the perspectives, research methods, and concepts vary significantly from one interdisciplinary approach to another, legal academia has almost become a modern Tower of Babel, where researchers do not engage in dialogue simply because they speak different languages.⁶ Frequently, engagement in one form of interdisciplinary legal research is accompanied by disregard of other forms of interdisciplinary work.⁷ The only commonality among scholars from different interdisciplinary approaches sometimes seems to be their disregard for doctrinal legal writing – scholarship that engages with the law from within.

Under these circumstances, many legal scholars write exclusively or primarily for others within their own school of thought. This is reflected in the specialized jargon they use, in differing conventions regarding how arguments are presented, and in the venues in which they publish. Con-

5 Mathias M. Siems, *The Taxonomy of Interdisciplinary Legal Research: Finding the Way out of the Desert*, 7(1) J. COMMONWEALTH L. & LEGAL EDUC. 5 (2009).

6 Sanford Levinson & J.M. Balkin, *Law, Music, and other Performing Arts*, 139 U. PA. L. REV. 1597, 1653 (1991); Reinhard Zimmermann, *Law Reviews: A Foray through a Strange World*, 47 EMORY L.J. 659, 688 (1998); Jerry Mashaw, *Deconstructing Debate, Reconstructing Law*, 87 CORNELL L. REV. 682, 682 (2002).

7 See, e.g., Eyal Zamir & Yuval Farkash, *Standard Form Contracts: Empirical Studies, Normative Implications, and the Fragmentation of Legal Scholarship: Comments on Florencia Marotta-Wurgler's Studies*, 12 JRSLM REV. LEGAL STUD. 137, 167–69 (2015) (criticizing pro-consumer scholars for disregarding rigorous empirical studies in law and economics, even when those studies support their arguments).

comitantly, much of legal academia, at least in the United States, neither engages with the materials used by legal practitioners nor aspires to influence legal practice, whether in legislation, adjudication, or legal counselling.⁸

Sometimes, scholars who analyze legal phenomena from an external perspective show little interest in the complexity of legal texts. For example, economic analysis of law is often highly sophisticated in terms of its economic tools but overly simplistic in its understanding of the legal doctrines it analyzes, their practical significance, and their interconnections with other legal doctrines.⁹

What started as a commendable effort to expand the boundaries of legal analysis has, in some instances, resulted in a form of narrow-mindedness, as some scholars affiliated with certain schools of thought tend to overlook legal doctrine, doctrinal research, and legal studies employing other methodologies. What started as a provocative and stimulating challenge to old canons and truths has, in some cases, become rigid adherence to new canons and “truths.” This phenomenon risks impoverishing academic inquiry rather than enriching it. Furthermore, even within distinct schools of thought, some scholars express a sense of diminishing returns or even intellectual stagnation.¹⁰

Is it possible to benefit from the immense contributions of interdisciplinary analysis to legal scholarship without paying the price of the fragmentation described above? In the next section, I argue that it is possible – although it requires effort and is not without risks.

8 Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34 (1992). This article was followed by seventeen responses and a counter-response, published in 91 MICH. L. REV. 1921–2219 (1993). See also Judith S. Kaye, *One Judges' View of Academic Law Review Writing*, 39 J. LEGAL EDU. 313 (1989); Michael D. McClintock, *The Declining Use of Legal Scholarship by Courts: An Empirical Study*, 51 OKLA. L. REV. 659, 682–95 (1998); Zimmermann, *supra* note 6, at 679–81.

9 Pierre Schlag, “*Le Hors De Texte, Ce Moi*”: *The Politics of Form and the Deconstruction of Deconstruction*, 11 CARDOZO L. REV. 1631, 1651 (1990); Gareth Davies, *The Relationship between Empirical Legal Studies and Doctrinal Legal Research*, 13 ERASMUS L. REV. 3, 8–12 (2020).

10 See, e.g., Eric Posner, *Economic Analysis of Contract Law After Three Decades: Success or Failure?*, 112 YALE L.J. 829 (2003)

C. The Promise of Integrative Legal Research

I. The Challenge

Each research method and perspective used to examine legal issues or the law itself has the potential to enrich legal scholarship. However, each method achieves, at most, a limited objective. For instance, standard economic analysis may indicate the most efficient legal rule, given certain assumptions about market structure and human behavior. However, to determine whether these assumptions about market structure are correct, empirical research is required. To better understand human motives and decisions, psychological studies are necessary. Economic research may point to the most efficient legal rule, but an ethical-normative discussion is needed to address the question of how important maximizing overall welfare is and how it should be balanced against other considerations, such as distributive justice. Insights from political philosophy are essential for discussing whether promoting efficiency or redistributing welfare are legitimate roles of the state, while considerations from political science help assess the feasibility of achieving these goals through different institutions. To draw conclusions from theoretical analysis regarding the formulation and implementation of legal norms, one must understand the interplay between the legislature and the courts, and how legal norms are interpreted and evolve over time. Understanding the law in practice requires examining not only the law on the books and the law in action, but also the history of legal institutions and norms, and their interactions with non-legal institutions and norms. Fully grasping the significance of judicial decisions necessitates using critical tools that reveal different layers of judicial reasoning and possible gaps between judicial reasoning and the court's actual ruling. Almost every legal issue can benefit from insights gained from the experiences of other legal systems. Moreover, every legal norm should be assessed in terms of its impact on various sectors in society.

Without diminishing the contributions of different research methods, integrating diverse bodies of knowledge, perspectives, and methodologies is crucial for advancing both theoretical and applied legal scholarship. Such integration is particularly vital if the law is perceived as containing inherent tensions between power, interests, and politics on the one hand, and values, justifications, and social objectives on the other;

between science and craft; between tradition and change; and between experience and logic. This is the challenge of integrative legal research.

II. Different Types of Integration

While many interdisciplinary legal studies have, over the years, developed well-defined research paradigms, the common denominator among studies that seek to integrate different fields of knowledge is less clear. One type of integration involves incorporating insights from one or more interdisciplinary perspectives into traditional doctrinal legal analysis. Sometimes, such references serve merely as embellishments. In more successful cases, serious engagement with these insights significantly enriches the discussion.¹¹ Integrated legal research rejects viewing law as an isolated discipline, but it does not dismiss internal legal analysis. Doctrinal tools like statutory interpretation, precedent analysis, and analogical reasoning remain essential.¹²

Integrating interdisciplinary insights into traditional (doctrinal) legal analysis enhances their practical usefulness for legal practitioners. In my view, legal academia has a social role that goes beyond producing knowledge for its own sake – it should strive to improve and advance society by influencing legislation, judicial rulings, and other legal activities, as well as by training future legal practitioners.¹³ Unlike some academic fields (such as theoretical physics or metaethics), but similar to others (such as

11 On this type of integration, see, e.g., Matyas Bodig, *Legal Doctrinal Scholarship and Interdisciplinary Engagement*, 8 ERASMUS L. REV. 43 (2015). Two examples of such successful integrations are: Richard Craswell, *Against Fuller and Perdue*, 67 U. CHI. L. REV. 99 (2000) (criticizing the conventional, tripartite classification of interests protected by remedies for breach of contract from the perspectives of economic analysis, contractarian philosophical theories, retributive theories, distributive justice, and corrective justice theories); Melvin A. Eisenberg, *Mistake in Contract Law*, 91 CAL. L. REV. 1573 (2003) (combining economic efficiency, deontological morality and institutional considerations associated with the functioning of the courts to reassess the doctrine of mistake).

12 Richard A. Posner, *The Decline of Law as an Autonomous Discipline 1962–1987*, 100 HARV. L. REV. 761, 777 (1987).

13 See also Edward L. Rubin, *The Practice and Discourse of Legal Scholarship*, 86 MICH. L. REV. 1835, 1881 (1988); Edward L. Rubin, *What Does Prescriptive Legal Scholarship Say and Who is Listening to It: A Response to Professor Meir Dan-Cohen*, 63 U. COLO. L. REV. 731 (1992).

medicine and social work), law is also an applied field in which academia should play a role in addressing real-world challenges.

It follows that legal scholarship should not regard legal policymakers, judges or lawyers merely as research subjects, but also as the audience and interlocutors of legal academia.¹⁴ This perspective also suggests that, in addition to being members of the academic community, legal scholars can and should engage actively with the broader legal profession.¹⁵ Finally, it implies that at least some academic legal research should address issues that concern policymakers and practitioners, and should be written in a language that is accessible to the latter.

Moreover, even if legal research is viewed primarily as a pursuit of knowledge for its own sake, overlooking the nuances of legal doctrine undermines the credibility of interdisciplinary analyses. These nuances are best uncovered through traditional legal analysis. Preference should thus be given to integrative legal research that seriously engages with doctrinal complexity. Similarly, legal theory can meaningfully inform empirical legal studies.¹⁶

A second type of integration, which is closer to conventional interdisciplinary writing, involves moving from a *dual-discipline* approach to a *tri-discipline* or even *quad-discipline* model, and beyond. A prominent example from recent decades is the enrichment of economic analysis of law with insights from the behavioral sciences. What initially appeared to be an antithesis to the mainstream law and economics movement – quickly became an integral part of the broader economic analysis of law, now known as *Behavioral Law and Economics*. The thesis and antithesis merged into a synthesis, and behavioral law and economics has secured a central role in legal-economic analysis.¹⁷ A comparable integration of economics, philosophy, and law can highlight the problematic normative

14 For the opposite view, see Meir Dan-Cohen, *Listeners and Eavesdroppers: Substantive Legal Theory and Its Audience*, 63 U. COLO. L. REV. 569 (1992).

15 On the challenges involved in fulfilling these two roles at the same time, see Theunis Robert Roux, *The Incorporation Problem in Interdisciplinary Legal Research – Some Conceptual Issues and a Practical Illustration*, 8 ERASMUS L. REV. 55, 59–61 (2015).

16 Hanoch Dagan, Roy Kreitner & Tamar Kricheli-Katz, *Legal Theory for Legal Empiricists*, 43 LAW & SOC. INQUIRY 292 (2018).

17 EYAL ZAMIR & DORON TEICHMAN, *BEHAVIORAL LAW AND ECONOMICS* 141–45 (2018); Doron Teichman, Avishalom Tor & Eyal Zamir, *If You Can't Beat Them, Join Them: Richard Posner and Behavioral Law and Economics*, 31(3) HISTORY OF ECONOMIC IDEAS 67 (2023).

assumptions underlying standard economic analysis and address them by developing economic models that impose deontological constraints on social welfare maximization.¹⁸

But even research that does not seek to transform standard interdisciplinary perspectives can still be considered integrative if it examines legal issues from multiple angles simultaneously. This constitutes a third type of integration. For example, a study analyzing a legal issue from sociological, ethical-normative, historical, and comparative perspectives qualifies as integrative legal research, even if it does not aim to alter or improve each of these perspectives individually. Examining a legal issue through multiple lenses influences each of those perspectives. This type of analysis can strengthen certain normative arguments (when different perspectives lead to similar conclusions),¹⁹ while weakening others (when they produce conflicting conclusions).

III. Contribution to Other Disciplines

Beyond enriching legal research, integrative legal research can make a significant contribution to other, non-legal disciplines. The inherent connection between law and practical life, law's pervasive role in all aspects of society, the responsibility that comes with the coercive power of law, and the prominent place of interdisciplinary research in legal academia – all enable interdisciplinary legal scholars to identify both the methodological and substantive limitations of adjacent fields. For example, legal scholars – including those specializing in law and economics – may be particularly attuned to the tensions between economic efficiency and distributive justice, as well as between economic efficiency and fundamental human rights. Likewise, legal scholars engaged in economic analysis are often more aware than their economist counterparts of the central role that legal systems play in economic activity. Thus, integrative legal re-

18 EYAL ZAMIR & BARAK MEDINA, *LAW, ECONOMICS, AND MORALITY* (2010). The same is true of a possible integration of law, psychology, and normative ethics. See EYAL ZAMIR, *LAW, PSYCHOLOGY, AND MORALITY: THE ROLE OF LOSS AVERSION* (2015).

19 See, e.g., Eyal Zamir, *The Inverted Hierarchy of Contract Interpretation and Supplementation*, 97 COLUM. L. REV. 1710 (1997); Eyal Zamir, *The Missing Interest: Restoration of the Contractual Equivalence*, 93 VA. L. REV. 59 (2007).

search is not only about adopting insights and analytical methods from other disciplines but also about critically examining and refining them.²⁰

Similarly, legal academia provides a space where scholars engaged in one interdisciplinary approach (e.g., law and economics) may engage in dialogue and critique the assumptions and methodologies of another interdisciplinary approach (e.g., law and philosophy).²¹ It is therefore unsurprising, for example, that legal scholars were among the pioneers in integrating insights from cognitive psychology into economic analysis.²²

IV. Methodology and Ideology

Integrative legal research is consistent with normative pluralism – the view that moral and legal questions benefit from multiple, even conflicting, normative theories, such as consequentialism, deontology, or differing conceptions of well-being. Yet even normative monists can adopt integrative approaches, since many legal perspectives are not tied to specific normative positions. For example, a scholar focused solely on maximizing aggregate preference satisfaction can still gain valuable insights from fields like cognitive psychology, comparative law, and legal history.

It is also worth noting the typical association between research methodologies and ideological worldviews. For example, many scholars engaged in law and economics tend to hold conservative views on economic and social policy. They oppose state intervention in private life, resist redistributive measures by the state, and are decidedly critical of paternalism. Integrative legal research can, among other things, separate economic methodology from the normative assumptions commonly associated with it – and the same applies, where relevant, to other interdisciplinary perspectives. Economic analytical tools can be used to assess the effects of different redistributive measures under varying assumptions about market structure, evaluate the efficiency of paternalism, or choose

20 See, e.g., GUIDO CALABRESI, *THE FUTURE OF LAW AND ECONOMICS* (2016).

21 See, e.g., RICHARD A. POSNER, *LAW AND LITERATURE: A MISUNDERSTOOD RELATION* (1988); Richard Craswell, *Contract Law, Default Rules, and the Philosophy of Promising*, 88 MICH. L. REV. 489 (1989); Robin West, *Authority, Autonomy, and Choice: The Role of Consent in the Moral and Political Visions of Franz Kafka and Richard Posner*, 99 HARV. L. REV. 384 (1985).

22 See, e.g., Mark Kelman, *Consumption Theory, Production Theory, and Ideology in the Coase Theorem*, 52 S. CAL. L. REV. 669 (1979).

between different policy options while taking deontological moral constraints into account.²³

V. Preventing Subsumption

A possible advantage of an integrative approach – at least from the perspective of legal scholars – is that in specific interdisciplinary research, one discipline may become dominant over the other, setting the parameters of legitimate research paradigms, or in extreme cases, “swallowing” the less dominant field.²⁴ This risk is relevant to certain *Law and ...* schools of thought, particularly those that are gradually evolving into strong interdisciplinary research, as may be occurring in some branches of law and economics. The dominance of economic methodology in this interdisciplinary research may diminish the role of legal reasoning and ultimately narrow the contributions of law and economics to legal scholarship.²⁵ Integrative legal research is less susceptible to this risk because its core focus remains on law – its rules, institutions, and principles – and because incorporating multiple perspectives inherently reduces the dominance of any single one.

D. Challenges and Concerns

Having analyzed the meaning and potential benefits of integrative legal research, this part discusses the challenges it faces and the concerns it raises.

23 See, e.g., Bruce Ackerman, *Regulating Slum Housing Markets on Behalf of the Poor: Of Housing Codes, Housing Subsidies and Income Redistribution Policy*, 80 YALE L.J. 1093 (1971); Eyal Zamir, *The Efficiency of Paternalism*, 84 VA. L. REV. 229 (1998); ZAMIR & MEDINA, *supra* note 17.

24 Compare Sheldon Stryker, *Consequences of the Gap between the “Two Social Psychologies”*, in THE FUTURE OF SOCIAL PSYCHOLOGY: DEFINING THE RELATIONSHIP BETWEEN SOCIOLOGY AND PSYCHOLOGY 83, 93–97 (Cookie W. Stephan, Walter G. Stephan & Thomas F. Pettigrew eds., 1991).

25 For the claim that legal studies are unlikely to be “colonized” by other disciplines, because law is primarily a profession, and legal scholars have a deeply felt professional identity, see M. Balkin, *Interdisciplinarity as Colonization*, 53 WASH. & LEE L. REV. 949, 964–70 (1995).

I. Superficiality

No single scholar can master all research methodologies and relevant literatures across multiple disciplines. There is a concern that attempting to cover too many fields may lead to superficiality or even charlatanism. However, I believe this challenge can be overcome.²⁶ Integration between research methods and perspectives does not replace specialized expertise in individual interdisciplinary fields. Rather, integrative research builds on and contributes to specialized interdisciplinary research. The experience of recent decades suggests that understanding the key insights of interdisciplinary legal research does not typically require deep expertise in adjacent disciplines. In fact, there is sometimes an inverse relationship between the methodological complexity of interdisciplinary legal research and its contribution to legal scholarship. While technically sophisticated research often advances a given interdisciplinary field, interdisciplinary legal studies that significantly impact legal thought generally do not rely on highly complex methodologies. Even when they do, their insights can usually be presented in intuitive and accessible terms.

Just as narrow interdisciplinary studies lay the foundation for integrative research, integrative research can, in turn, enrich these narrower studies. Integrative studies may suffer from gaps in specific expertise, but they gain from a broader perspective – or more precisely, from the multiplicity of perspectives they offer. They can generate new insights and ideas, reveal non-trivial connections between distinct bodies of knowledge, and challenge established truths. Some of these ideas, connections, and challenges may ultimately not withstand critical scrutiny, yet they will stimulate legal thinking.

Integrative legal research does not imply that all methodologies and competing schools of thought in legal academia are equally productive, and certainly not that they are equally productive in every legal context. There is no simple measure for choosing between different possible combinations of perspectives on any given issue. The choice depends on both the skills and inclinations of the researcher and on the issue itself. For example, an integrative analysis of market-related fields (such as contract law, corporate law, and antitrust law) would find it difficult to ignore insights from the economic analysis of law, and an integrative analysis

26 See also Guido Calabresi, *An Introduction to Legal Thought: Four Approaches to Law and to the Allocation of Body Parts*, 55 STAN. L. REV. 2113, 2151 (2003).

of issues concerning the relationship between the government and parliament would likely require insights from political science. At the same time, integrative research should not shy away from incorporating feminist analytical tools in the study of contract law or from applying economic analysis in the study of criminal law.

II. Cumbersomeness

A prominent feature of the formation of a research discipline is the development of a unique vocabulary shared by those engaged in that field. Interdisciplinary research that addresses people who are not experts in one of the fields must be articulated in less technical language and sometimes even explain basic concepts from the other field.²⁷ These requirements apply even more strongly to integrative studies, which by their nature address individuals who are not experts in each of the fields that feed the research. Meeting these requirements may lead to lengthening the work or even making it cumbersome. In more severe cases, the price of meeting these requirements may be an oversimplification of the insights and concepts imported from various disciplines and a loss of subtlety.

Again, these risks should not be ignored, but they do not tip the scale against integrative studies. It appears that the great majority of contributions of interdisciplinary studies to legal theory can be presented in terms that do not require technical skill and expertise in other disciplines. Indeed, significant breakthroughs – such as Calabresi and Melamed’s classification of property rules, liability rules, and inalienability,²⁸ and Ayres and Gertner’s introduction of the notion of penalty default rules²⁹ – often prompt a series of responses that progressively refine the original insight through increasing methodological sophistication. However, the importance of these responses is often inversely proportional to the degree of sophistication required to present them. Usually, the strongest arguments against new ideas can be presented in language that is not overly technical.

27 Cf. Richard H. Steckel, *Strategic Ideas in the Rise of the New Anthropometric History and Their Implications for Interdisciplinary Research*, 58 J. ECON. HISTORY 803, 816 (1998).

28 Guido Calabresi & A. Douglas Melamed, *Property Rules, Liability Rules, and Inalienability: One View of the Cathedral*, 85 HARV. L. REV. 1089 (1972).

29 Ian Ayres & Robert Gertner, *Filling Gaps in Incomplete Contracts: An Economic Theory of Default Rules*, 99 YALE L.J. 87 (1989).

It follows that integrative legal research does not necessarily require the use of jargon or a collection of types of technical jargon. The common use of footnotes and the possible use of appendices in legal writing can help in this regard, as well. Footnotes can be used to explain terms taken from other disciplines, and appendices can be used to present arguments in a technical or formalized manner.

III. Community and Audience

One of the risks of engaging in integrative research is that there is often no well-defined reference group for such studies. For example, a study aiming to demonstrate, through philosophical analysis, that there is no contradiction between economic efficiency and paternalism, that findings from cognitive psychology indicate the necessity of paternalism, and that economic analysis methods can be used to assess the efficiency of paternalistic legal rules – may fall between the cracks. Scholars in the mainstream of law and economics might show little interest in it because its conclusions contradict the prevailing ideological perspectives in their field. At the same time, those who advocate communitarian views, altruism, or even paternalism might disregard the study due to their aversion to economic analysis.

When legal academia is structured into distinct silos (law and economics, feminist analysis, legal philosophy, etc.), studies that do not fit neatly into one of these silos may have a harder time gaining recognition than those that do. However, in this respect, integrative legal research is not fundamentally different from any other academic genre, which may initially encounter scepticism or even hostility from more established and entrenched schools of thought – including interdisciplinary schools. Moreover, there is also the potential for such research to resonate with scholars from different schools of thought, forging connections across disciplinary boundaries.

IV. Institutional and Pedagogical Implications

Encouraging integrative legal research has institutional and pedagogical implications. At the institutional level, fostering this type of research requires legal scholars to engage with multiple disciplines, collaborate with

experts from different fields, and participate in intellectual exchanges that bridge methodological divides. However, as many interdisciplinary studies demonstrate, such collaboration is feasible.

The encouragement of integrative legal research should also be pursued at the institutional level. Beyond promoting diverse academic training among law faculty members, appointing faculty with formal training in other disciplines, and establishing joint appointments between law and other university departments, it is essential to establish and nurture integrative research centers that provide the necessary conditions for fostering such interdisciplinary dialogue.

Similarly, one of the defining features of the fragmentation of legal academia in recent decades has been the establishment of associations and research centers, the organization of conferences, and the publication of journals focused on specific interdisciplinary fields. While these institutions, activities, and platforms are undoubtedly valuable, there is also merit in encouraging associations, research centers, and initiatives centered around substantive areas of law, such as contract law, that integrate diverse perspectives on these core legal fields. A dialogue between scholars engaged, for example, in feminist analysis of contract law and those conducting economic or historical analyses of the same doctrines may be just as fruitful as discussions between scholars applying economic analysis to contract law and those doing the same in criminal or tax law. Such interdisciplinary exchanges can contribute not only to the development of contract law but also to the refinement and advancement of each of the respective interdisciplinary approaches.

The integrative approach to legal research also has significant implications for legal education. In addition to doctrinal, comparative, and historical courses, as well as courses specializing in specific interdisciplinary perspectives, it is essential to develop integrative courses. These courses should expose students simultaneously to multiple perspectives on the law and diverse analytical methodologies.

E. Conclusion (On Elephants and Cathedrals)

The legal academy in systems that have undergone the interdisciplinary revolution is fragmented – and similar fragmentation may occur in systems currently undergoing this transformation. Greater tolerance for competing perspectives and a genuine appreciation of the value of plu-

ralism are needed. But these are not enough. An additional ideal to strive for is that, alongside the continued existence of separate research efforts within each school and the dialogue between scholars from different traditions, an effort should be made to integrate insights from these various schools.

The integrative research envisioned in this Essay respects and engages seriously with legal doctrines, aiming to contribute to their development and improvement. It regards legal practitioners – lawyers and judges – not merely as objects of legal research but also as partners and interlocutors in the evolution of the law. At its best, integrative legal research takes a genuine interest in other legal systems, both past and present, seeking to learn from how they have confronted and continue to address legal questions within their unique legal traditions and socio-economic contexts. This research approach has the potential to discern the valuable elements in doctrinal, comparative, historical, and interdisciplinary studies and extract the best from each.

Integrative legal research aspires to examine legal phenomena and analyze legal questions from multiple perspectives – both internally and externally – simultaneously. At times, it challenges the foundational assumptions of other disciplines, while at other times, it contributes to their development. Such research is likely to be more complex than many of the interdisciplinary studies prevalent today. However, simplicity – or even simplification – is not an advantage when the subject of study is a complex, multifaceted normative, institutional, and social system like the law.

From what I have said so far, one might infer that I believe that the integration of different methodologies and perspectives could yield a complete understanding of legal phenomena and definitive answers to legal questions. Like the parable of the elephant and the blind men, examining the elephant from all angles – rather than merely touching each of its individual parts – should lead to a full comprehension of its shape and essence. Scholars advocating for the integration of diverse theoretical and methodological perspectives sometimes conclude that such integration can produce a sophisticated grand theory or, at the very least, facilitate compromise and balance among competing theoretical frameworks.³⁰ This is not my argument.

30 Harold J. Berman, *Toward an Integrative Jurisprudence: Politics, Morality, History*, 76 CAL. L. REV. 779 (1988); Winfried Brugger, *Legal Interpretation, Schools of Jurispru-*

The parable of the elephant (like the equally famous imagery in recent legal literature of Claude Monet's paintings of the Rouen Cathedral)³¹ can be interpreted in multiple ways. According to one interpretation, the elephant – like normative truth or legal reality – has an objective existence, independent of the partial or clumsy attempts to discern and understand what the elephant looks like, what the correct legal ruling is, or what legal reality truly is. In this view, the Rouen Cathedral also stands unchanged regardless of how it appears at different times of the day or under varying weather conditions.

Another interpretation – aligning with the parable's original meaning in the Buddhist tradition – suggests that no single perspective, nor any combination of perspectives, can ever fully reveal the elephant, determine the correct legal resolution, or capture legal reality as it truly is. This may be because no objective legal reality or single correct answer exists at all or because we are incapable of comprehending and describing them within our conceptual framework.³²

I am not claiming, therefore, that a sophisticated combination of perspectives and methodologies in legal literature will reveal a preexisting legal truth. At the same time, the argument in this Essay does not align with a nihilistic view of law or epistemology.³³ Like the parable of the elephant (and the cathedral imagery), this defence of integrative legal research is compatible with different epistemological perspectives and diverse conceptions of law, legal practice, and legal scholarship.³⁴

Regardless of the perspective one adopts, the proposal here is to go beyond examining just one part of the elephant, viewing only a single image of the cathedral, or relying solely on one perspective on law. Instead, we should strive to integrate multiple examinations and viewpoints.

dence, and Anthropology, 42 AM. J. COMP. L. 395 (1994); Matthias Klat, *Integrative Jurisprudence: Legal Scholarship and the Triadic Nature of Law*, 33 RATIO JURIS 380, 392 (2020).

31 Calabresi & Melamed, *supra* note 28.

32 David M. Zlotnick, *The Buddha's Parable and Legal Rhetoric*, 58 WASH. & LEE L. REV. 957, 961–65 (2001).

33 For critical analyses of such *arrogant*, *optimistic* or *nihilist* uses of the elephant parable in legal literature, see Zlotnick, *supra* note 32.

34 Cf. Vincent C. Kavaloski, *Interdisciplinary Education and Humanistic Aspiration: A Critical Reflection*, in INTERDISCIPLINARITY AND HIGHER EDUCATION, *supra* note 2, at 225.

