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# From disciplines to concepts: beyond (inter-)disciplinarity in legal knowledge generation

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## From disciplines to concepts: Beyond (inter)disciplinarity in legal knowledge generation

**Abstract:** *Law is both a ubiquitous social phenomenon and an academic discipline. However, unlike with knowledge generated in many other disciplines, legal knowledge has come to sit uneasily with the notions of science. The 20<sup>th</sup> century saw increased alienation between law and science. On the one hand, doctrinal approaches separate ‘legal science’ from other domains of knowledge but struggle to be accepted as scientific by the broader scientific community. On the other hand, calls for infusing perspectives and methods from other disciplines into law raises questions on whether anything distinct remains in such interdisciplinary legal scholarship as opposed to its merging with other academic disciplines. The genealogy of dominant ways of legal knowledge generation as the process of creating authoritative research results that sustain and enhance the legitimacy of law as a discipline demonstrates this alienation amidst growing emphasis on ‘interdisciplinary’ scholarship and prompts the question of how it may be remedied. The article argues that interdisciplinarity is an overly limited logic and advocates an alternative logic beyond disciplines that begins with key overarching political concepts instead of disciplines, more than merely interdisciplinary engagement. Legal knowledge is particularly suitable to be welcoming towards such a shift due to its particular interest in concepts and linkages to legal practice that underscore its practical relevance. The article argues that the study of concepts allows for a less dominating—and hence more democratic—engagement beyond disciplines, because it does not require rigid disciplinary identities. Although the focus on concepts cannot altogether replace working within disciplines, the findings point to the potential of more diverse academic spaces, often found in the ‘Global South’, to contribute to democratizing legal knowledge generation thanks to the relatively weaker straightjacket of disciplinary separation in general and alienation between law and science in particular in these spaces.*

**Keywords:** alienation, concepts, democracy, disciplinarity, legal knowledge, legal science

## Introduction

‘Science’ is typically not the first association that comes to mind in relation to ‘law’. Depending on whether respondents have a hopeful, pragmatic or pessimistic view of law, they might speak of ‘justice’, ‘rules’, ‘power and ideology’ or any number of associated concepts. Law is also acknowledged as a form of ‘craft’ or ‘art’, pertaining to success (and failure) in litigation or the general capacity to develop the most persuasive argument on the (non-)application of certain rules (Kritzer 2007). Law is also an academic discipline that has a distinct tradition of teaching and research as well as its own method of inquiry, the ‘legal method’ (Smits 2012; McLeod 2013). There is contestation, nevertheless, on the ‘scientific’ character of law as a discipline and its methods of inquiry.<sup>i</sup>

In the Western ‘canon’ (on the concept, cf. Choudhry et al. 2024), towering among those who retain an understanding of law as science is Hans Kelsen, who, besides extensive academic work, played a pivotal role in the establishment of centralized constitutional review in Central Europe, from where this institutional arrangement expanded globally and may even have reached beyond the contours of the state (Ginsburg 2010; Fabbrini and Maduro 2018). However, as Balkin argues, such understandings of law *purely* as a distinctive science are on the retreat, in favour of approaches self-identifying as *law+* (for example: law+economics, law+geography, law+history, law+literature, law+psychology, law+sociology) laying a stronger claim to scientific identity in contemporary discourse (Balkin 1996).

This article makes use of the genealogical approach, which has been demonstrated to be useful in uncovering the political contexts of workings of democracy and knowledge production or knowledge generation (e.g. Jenkins 2011; Elstub and Gagnon 2015). With this approach, it identifies the alienation between law and science marked by the rift between doctrinal legal scholars pursuing ‘legal methods’ as a distinct science and the broader scientific community’s scepticism over the scientific character of legal scholarship. The alienation is entrenched by the fears of the infusion of social scientific methods into legal

scholarship that some legal scholars perceive to be undermining its distinct qualities and character (Section 1). While similar tendencies might appear beyond law, law is particularly suitable for analysis for several reasons. Firstly, legal regulation impacts societal practices (Friedman 2016), thus strengthening the potential of legal research to influence and improve societal well-being. Secondly, law possesses a less straightforward ‘scientific’ identity as opposed to fields where the reference to science appears as a core element of the disciplinary label (sociology, psychology, political science). This can make the problem of alienation between legal scholarship and science more pertinent. Thirdly and relatedly, precisely because of the contestation of the scientific character of legal scholarship, at least when it employs the conventional ‘legal method’, law can be more easily come to be ‘owned’ by scholars versed in other disciplines (Gaakeer 2020, 327). In other words, law has a relatively greater potential to transcend disciplinary boundaries.<sup>ii</sup>

This article nevertheless argues that interdisciplinarity is at best an *incomplete remedy* to the alienation, due to the limited critical scrutiny of the ‘discourses on disciplinarity’ (Section 2). Responding to this limitation via critically engaging with some alternatives presented already in the literature, namely transdisciplinarity and postdisciplinarity, the article then sketches a potential avenue to overcome the alienation by going *beyond the ‘interdisciplinarity discourse’* and its offshoots via an acknowledgement of the centrality of concepts in legal studies (Section 3), and the potential of democracy embedded in the *process* of such research. The focus on concepts reduces the emphasis on disciplines, contributes to mitigating the alienation between law and science and might help democratize academia by reducing the hierarchies in legal knowledge generation. This is achieved through amplifying the value of diverse forms of methodological trainings and identities for the conceptual work, instead of encouraging hierarchies over ‘which method works better’ that fuel the alienation. The Conclusion raises questions for further research including on whether and how some spaces of legal knowledge generation as the process of

creating authoritative research results that sustain and enhance the legitimacy of law as a discipline may be more conducive to democratic legal science than others.

### 1. The alienation between law and science: why it matters for legal knowledge generation

This section makes use of the genealogical approach and evidence especially from Anglo-American scholarship to show how, over the past decades, doctrinal legal research has increasingly struggled to be accepted as science, given the dominance of positivist methods in understanding what counts as ‘science’. Parts of the legal academia have, as a result, adopted their own notion of ‘legal science’ and questioned that legal knowledge can be generated with the use of other than doctrinal methods.

Contemporary social sciences, judging by the standards and practices of most widely circulated and recognized global academic publications, continue to prominently build on the positivist paradigm, which translates into research revolving around testable hypotheses and measurable concepts (requiring not only conceptualization, but also operationalization).<sup>iii</sup> A degree of humility seems to remain ingrained into this process of knowledge generation via Popper’s falsificationism, which posits the requirement to formulate stringent tests for hypotheses in an attempt to reduce the risk of advancing ambitious causal claims insufficiently supported by evidence (Stroebe 2016, 137). Falsificationism gives rise to discussions of limitations of hypothesis-testing research (Quine 1995, 256). Yet, it does not modify making broad generalizations to be the main ambition of positivist research.

In the early 20<sup>th</sup> century, law was welcomed in the study of political science as an adjacent discipline which had a more clear-cut ambition to be scientific: some of the eminent platforms publishing research in this discipline in the US have embraced a variety of approaches. In particular, scholars with legal education had relatively open doors in these platforms, as manifested by prominent works by Hans Kelsen and Karl Loewenstein (Loewenstein 1935; Kelsen 1942; 1949; 1951) or collaborative conceptual contributions by those self-identifying as lawyers and as political scientists in US political science journals

(Kaplan and Katzenbach 1959). Kelsen himself, having escaped the Nazi regime, received tenure in a political science department,<sup>iv</sup> although his journey there was not straightforward (Jütersonke 2022; Olechowski 2016). His trajectory mirrors that of several German émigré scholars (Tuori 2020, 263–72). The early 20<sup>th</sup> century in the US has been particularly generative in this respect, as it marked the infusion of American legal realism (see Holmes 1899) into the previously existing publication patterns. These included a variant of doctrinal ‘legal science’ represented by the Langdellian approach advanced initially at Harvard Law School in the 1870s, building on earlier struggles to legitimize law as a scientific discipline taught at universities (Hoeflich 1986). The Langdellian approach, in combination with American legal realism and early influences from European continental legal thought (Kantorowicz and Patterson 1928) generated rich scholarly discourses without rigid disciplinary categorization (cf. Morse 1923; Cook 1927).<sup>v</sup>

A halt to this diversity emerged gradually in the wake of the ‘behavioural revolution’ in the US after the 1950s (Farr 1995). The impact of the emphasis on actors’ (typically rational) behavior and the consequent need to design ‘objective’ studies to understand and even predict this behavior has become a mainstream approach in the social sciences (Dahl 1961; Dryzek 2006). Illustratively, the same political science journal which published Kelsen and Loewenstein and which had a significant impact globally rarely accepts similar conceptual work today. Publishing conceptual studies (even if informed by empirical case analyses) in the *American Political Science Review* written by scholars without a rigid disciplinary identity is virtually unheard of today and uncommon in central disciplinary journals beyond the US as well.<sup>vi</sup> In the *British Journal of Political Science* as the flagship UK-based disciplinary journal, it is difficult to find contributions by legal scholars, and even one that could be found is of a review article, rather than an original research paper (Harden 1991). In the meanwhile, disciplinary journals in national jurisdictions beyond the ‘usual suspects’ of the US and the UK are rarely known at a global level.<sup>vii</sup> As another example, in the study of European Union law, the behavioralist approach has largely come to be

owned by political scientists, studying ‘judicial politics’ in a largely instrumentalist manner, which treats judges as barely different from other political actors (Joerges 1996). In the meanwhile, traditional legal research using the ‘legal method’ tends to be overly implicit—if not altogether ignorant—towards methodological questions, which reduces its comprehensiveness to broader scientific audiences and may lead to unoriginal work that is deferential to the prevalent legislative and judicial interpretations (Gestel and Micklitz 2014, 313–16).

In the study of law and courts, the depiction of judges as ‘policymakers in robes’ via, initially, the study of judicial preferences (Pritchett 1968) has fueled empirical analyses of judicial behavior to such an extent that they are dominantly represented at Political Science conferences on ‘law and courts’, at least in the US and Western Europe. Judicial behaviorism found a useful early ally in the legal realist movement, one that, today, is the (typically unarticulated) basis of thinking about law among proponents of empirical legal studies/political science of law and courts.<sup>viii</sup> The need to recognize the role of science (albeit in a rather crude, mechanical sense, via referencing statistical evidence and, at best, economics in adjudicative processes) by O. W. Holmes (Holmes 1997), formulated initially in 1897, had the paradoxical effect of distancing the study of law in a more holistic manner from granular, empirical investigations careful to the nuances of political contexts (Leith and Morison 2005).<sup>ix</sup>

Yet, it would be misleading to attribute responsibility for alienation purely to positivism-revering social scientists. On the other end of the barricade are the doctrinal legal scholars who (unlike the author of the ‘Pure Theory of Law’, Kelsen, himself<sup>x</sup>) wish to focus ‘purely on the law’ in their work, describing the operation of legal regulations and at most generate recommendations (*de lege/constitutione ferenda*). These scholars, often writing in national languages and even resisting more global exposure, are tied to the historical development of legal academia which has been even more state-centric than knowledge generation beyond law (von Bogdandy 2012, 616–17). State-centric doctrine that does not interact with

knowledge from other contexts then becomes nothing but *data* for the positivist social scientists who can discern patterns of implicit meanings, but also biases and prejudices, in the products of particular scholars. A slight exception is international law where English has largely served as *lingua franca* and, in combination with its subject matter, necessarily attracted interest beyond state borders (Ammann 2022).<sup>xi</sup>

To an extent, the presentation of law as science that has its distinct method and cannot be brought to interaction with ‘extralegal’ social sciences has fueled the alienation between legal and other scientific epistemic communities beyond the ‘Western’ jurisdictions most affected by the behavioral revolution. For example, ‘legal science’ (Gábriš 2024) is an established term in Central European post-communist jurisdictional settings, plagued by an excessive period of ideologically biased ‘Marxist-Leninist legal science’ (Maňko et al. 2018). The perceptions of inequality and hierarchies between the scholarly environments in ‘Western’ and Central European academia and the more limited reach of the behavioral revolution across the social scientific communities in these spaces can reduce the alienation (see, for instance, Bucholc 2025 [for Poland]; Fekete 2025 [for Hungary]). Still, these references to ‘legal science’ point to a visible ambition of a portion of the legal scholarly community to conceive of law not only as a discipline, but also as a science.

Why does the alienation between law and science matter? It matters for democracy, because it may contribute to fragmentation of science as an antidote to various forms of domination (including exclusion or oppression) via falsehoods and those who disseminate them.<sup>xii</sup> Such a domination-reducing function of science becomes ever more important for sustaining democracy amidst the rise of governance failures that threaten the sustainability of the planet and peaceful societal coexistence. Yet, if the ‘scientific character’ of law as a foundational element of governance, public organization and decision making continues to be fractured, science may become increasingly relegated to particularist phenomena, failing to account for

their interconnectedness.<sup>xiii</sup> The next section discusses how accounts of interdisciplinarity emerged with the ambition to mitigate the alienation, but achieved limited success.

## 2. Interdisciplinarity: why it provides only a limited answer to the problem of alienation

'[T]he discipline in question is law and so itself quintessentially disciplinary and disciplining [...]' (Goodrich 2009, 460).

The previous section pointed to the rift that has emerged between the common perceptions of law and science. Doctrinal scholars are largely alone in defending the scientific 'credentials' of their work (Van Hoecke and Ost 1998), while empirical students of law gain easier acceptance when adhering to the positivist logic exacerbated by the inspiration from assumptions of legal realism. It would seem, then, that the way to heal the rift is 'interdisciplinarity'. Law is a relative latecomer to the 'interdisciplinarity' debate. Here, interdisciplinarity became more broadly visible only in the 'late twentieth century' with the growth of various 'law in context' approaches (Henry 2017). However, contemporarily, there is no shortage in claims of law, in various ways, embracing, or at least benefitting from, interdisciplinarity (Gaakeer 2012, 26; Smits 2014, 77–78; see also Ward 2021, 11–36). Interdisciplinarity is also considered helpful for increasing inclusion of various scholarly identities into discourses about law (Bartie 2021).

Yet, it remains common knowledge that interdisciplinarity requires the establishment of disciplines first, to enable the *inter*(-action, -twining, -relations) between them (e.g. Frodeman 2017). The compartmentalization of disciplines fuels the development of 'own criteria of legitimacy' of each discipline, which then obfuscate the capacity of individuals as well as institutional arrangements associating themselves with a particular discipline to appreciate the findings from another discipline that works with different 'criteria of legitimacy' (Sugimoto and Weingart 2015, 789; see also Vienni Baptista et al. 2019, 474 and references therein). This shift to disciplines is comprehensible historically, with the growth of complexity of the social world, as well as globalization and hence the increased transfer of

findings. Still, the stronger the disciplinary boundaries, the more often interdisciplinarity becomes ‘shallow’ instead of ‘deep’: such scholarship tends to merely loosely refer to works in other disciplines (typically those perceived as closest to the disciplinary anchoring of the respective research) instead of engaging with and building on a wide range of disciplines (Rigg and Mason 2018, 1031). The practical consequence of such shallowness might be the inability of knowledge generation to address contemporary challenges while using ‘outdated and ageing frameworks for scholarly activity and academic administration’ (Coles et al. 2009, 81). In fact, already in the 1970s, a trend of a ‘crisis’ in the societal relevance of science more broadly has been identified precisely for this reason (Egan 2017, 26–27).

To the extent that interdisciplinarity requires law to be a ‘discipline’, it appears ill-suited to address the alienation between law and science. For doctrinal scholars, it would allow at best some *reception* of non-doctrinal scholarship, particularly when engaging with the role of ‘facts’ in lawmaking and -implementation (for example, Lachs 1992, 696–99). For the positivist social scientists studying law, it would at best ease their acknowledgment of the de facto authority of doctrinal scholarship in many jurisdictional and decision making contexts.<sup>xiv</sup>

There is, however, a more foundational, and less frequently acknowledged, problem with interdisciplinarity, that is associated with the origins of academic discourse thereon. In the Western, English-language academia at least, this may be located in the 20<sup>th</sup>-century<sup>xv</sup> studies of the ‘other’, themselves largely antidemocratic and dominating. Telling is the title of the collection ‘Interdisciplinary aspects of Negro studies’, a conference proceeding by the American Council of Learned Societies<sup>xvi</sup> from 1940.<sup>xvii</sup> Even when accounting for the fact that the pejorative meaning of the concept is to some extent a recent phenomenon, and remains contextual (Adamovsky 2017), the absence of a reflection of this terminology when recounted at the Council’s own website where it recounts its over century-old history more than eight decades later<sup>xviii</sup> indicates the unawareness of the historical connectedness of calls for

interdisciplinarity and othering. Indeed, an external recounting of the American Council's history with 'Negro studies' from a few decades later is attentive to these difficulties—no matter some partial, temporary successes of the initiative in highlighting the discrimination vis-à-vis African Americans—and highlights the need for different foundations that would be needed to prompt more democratic interdisciplinary studies (Harris 1982, 318, 327–30). These critiques add to concerns over the association between interdisciplinarity, to the extent it is rooted in disciplines, and the (even if inadvertent) justification of oppression, especially when the positivist methods conducive to disciplinarity do not uncover discrimination due to the lack, or manipulation, of quantifiable data (Anthony and Sherwood 2018, 6–8). While the extent of the embeddedness of the 'interdisciplinarity discourse' in 'othering' needs further scrutiny and contrasting arguments in favour of empowering potential of such discourses may be found, (for example, Henry 2019) these instances alone raise doubts about any unequivocal associations made between interdisciplinarity and the democratic impact potential of science.

Discourses on disciplinarity are not limited to interdisciplinarity, however; various alternatives (notably multidisciplinarity, transdisciplinarity, postdisciplinarity) have equally been on the rise (see Chart 1 below, applicable for a selective set of English-language books).<sup>xix</sup> These concepts are sometimes used interchangeably, with no specification of the distinct purpose of each (Bădescu 2016; Jandrić et al. 2023, 14), or without specification why one is opted for as opposed to another, when arguing that insights from several disciplines have been employed (Robinson 2009).

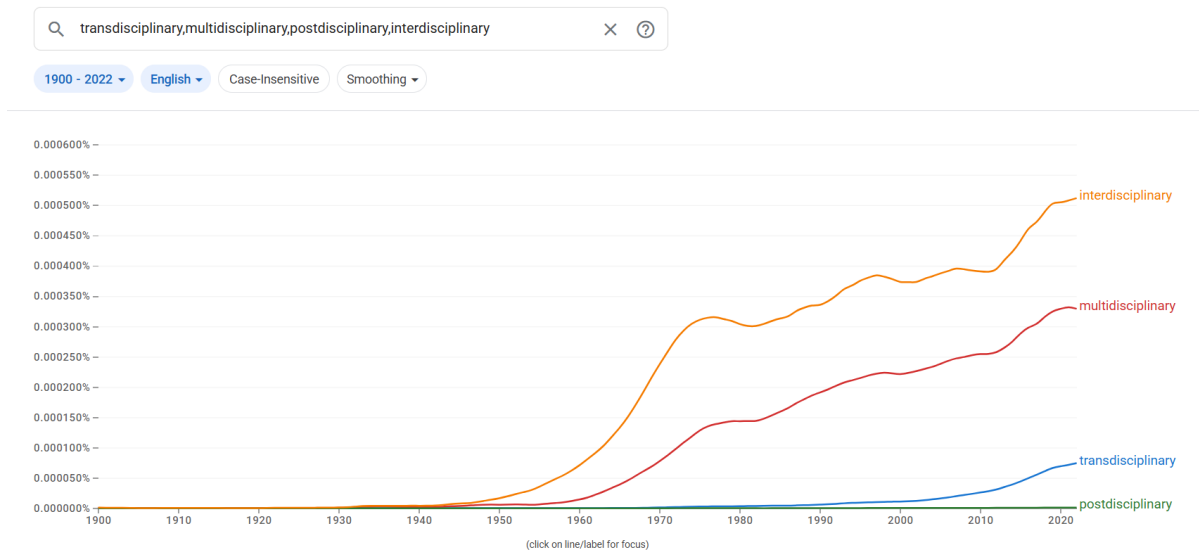


Chart 1: The prominence of concepts compared. Generally, the trends are similar with using their hyphenated version (e.g. multi-disciplinary, trans-disciplinary), though the rise of the ‘hyphenated’ forms tends to start later in time. Source: authors, using Google NGram.

*Multidisciplinarity* seems to offer no advantage here, and even strengthen the siloing effects critiqued with interdisciplinarity, as it does not locate a space *between* disciplines, merely allows to benefit from each others’ insights (Darbellay 2019, 97). *Transdisciplinarity* has been hailed as having the capacity to *transcend* the boundaries of disciplines, rather than only to connect them (Lawrence et al. 2022), and as recognizing the necessity of “going beyond the laboratory” and into the realm of politics’ (Madni 2007, 9; see also Mauser et al. 2013). In his *Manifesto* emerging from an inaugural conference in 1990, the post-1989 Western optimistic atmosphere of democratic development, Romanian physicist Nicolescu defends the ‘transgression of disciplinary boundaries’ for the possibility for researchers to become the ‘rekindlers of hope’ amidst what he saw as the self-destructive pathway of humankind (Nicolescu 2002, 1–3, 9–14). Transdisciplinarity may then offer an easy solution to reconnect studies of law, as a central pillar of the chosen pathway of human organization, with science. Yet, the problem with transdisciplinarity in being applied to law appears to be twofold. Firstly, it has a tendency to ‘give birth’ to *new disciplines*, instead

of actually transcending them (Chimni 2009). These disciplines may be more inclusive and integrated than the ‘old ones’ (for example, ‘socio-legal studies’ as clearly interested in legal phenomena (Webb 2006), or ‘digital humanities’, ‘earth science’, and ‘democracy studies’ as more multi-faceted fields). They are disciplines nonetheless, and, if developed to the full extent with their academic institutional articulations, may appear just slightly less limiting in comparison to the ‘old disciplines’. More importantly, the ‘old disciplines’ do not disappear and, to the extent law (or sociology or political science) remains widespread *as a discipline*, the ‘new generation’ of disciplines would appear rather powerless against the alienating trends identified in the previous section. Secondly, while the proliferation of the ‘-disciplinary’ terminologies in the 21<sup>st</sup> century complicates the delineation of clear-cut trends, transdisciplinarity has been placed into the same bucket with its older brethren—interdisciplinarity, simply because of the extent to which the two have come to be referred to interchangeably in the common parlance.<sup>xx</sup>

*Postdisciplinarity* discourse has been presented as a challenge to the notion of disciplinarity itself, and variants of knowledge generation rooted in it. More than the alternatives, it represents a challenge to the ‘disciplining’ character of disciplines, and is more accommodative towards democratic forms of knowledge generation, accounting for Indigenous knowledge (Anthony and Sherwood 2018) as well as ‘citizen science’ (McNeely 2009, 346–47). This might prevent the epistemic community of scientists to appear dominating when sharing their findings, while still allowing to retain the authoritative character of science (cf., on a less hierarchical form of knowledge generation Bansard and Hel 2022, 291–93). In alignment with its more radical foundations, references to ‘postdisciplinary’ have been increasing in the literature less steadily, with periods hinting at more hostile scholarly atmosphere in commitment to postdisciplinarity being broadly accepted (see Chart 2 below). In case of law, it might help re-constitute law *as science* in a more democratic (non-dominating) manner, as avoiding its authority to rest, from the perception of those historically dominated, merely in the enforcement by coercive public institutions. So

constituted, law can simultaneously invite shared reflections of the meaning and value of the law within and beyond political communities. Yet, postdisciplinarity itself as a label occasionally faces challenges to its authority, because of general scepticism towards the post-turns in science. For instance, Bridges (2006, 270–71) worries about the loss of ‘discipline’ in terms of ‘credibility’ of scientific research particularly in the social sciences and humanities. ‘[I]t is the discipline in research that renders its outcomes especially worthy of our attention and credulity’ (Bridges 2006, 264), and discipline is less frequently associated with postdisciplinarity inquiry in his account. Thus, postdisciplinarity is an important, but not necessarily the most helpful, logic to generate a more consensual and to that extent impactful framework.

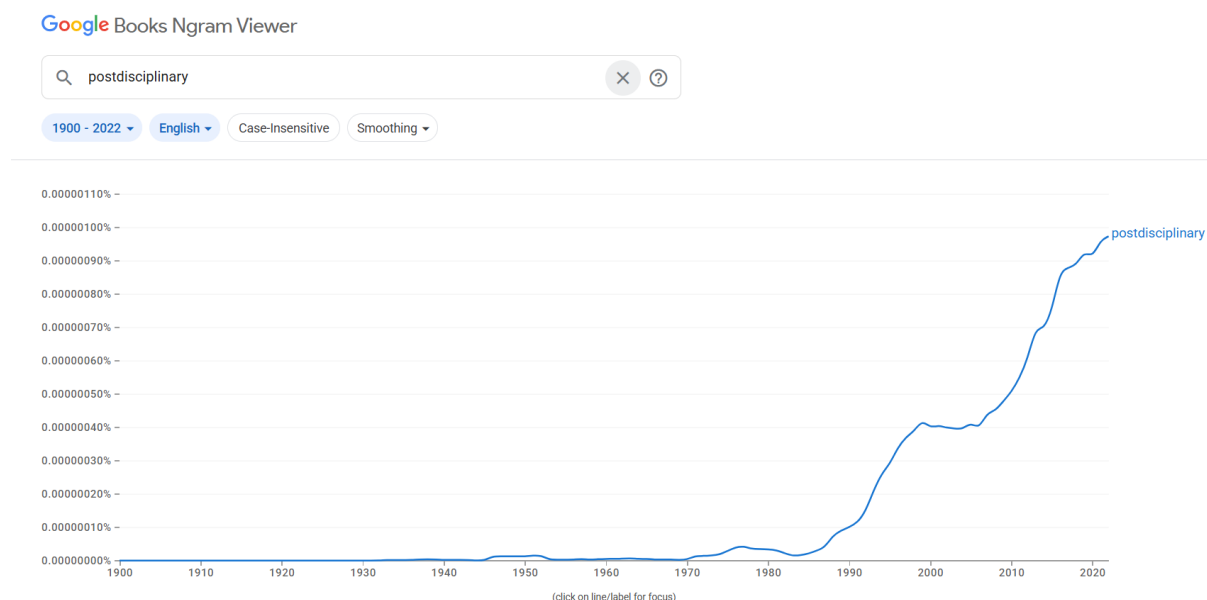


Chart 2: The fluctuation of the invocation of ‘postdisciplinary’ in English-language books, with 1960s and again mid-1980s experiencing declines before the rise after 1990, with another period of stagnation in the early 2000s. Source: authors, using Google NGram.

In response to the loose use of the various prefixes to disciplinarity, one international law theorist has suggested to eliminate the distinction between the various attempts to go beyond disciplinarity altogether, referring to ‘x-disciplinarity’ as a universalized label for all (Korhonen 2021). While this might help

communication, it risks blurring the extent to which various concepts of ‘-disciplinarity’ challenge or, on the contrary, reinforce the disciplinary anchoring of knowledge generation. An even rarer trend is the referencing of *adisciplinarity*, stemming primarily from explicitly anti-hierarchical strands of critical scholarship (Asher 2017; Subramaniam 2023, 74). Invoking this concept in the context of educational research, Hodgson (2024, 238–40) warns against the overemphasis on research methods combined with the need to demonstrate practical impact, often present in research funding frameworks that embrace interdisciplinarity. Egan (2017, 29) emphasizes the communicative dimension of *adisciplinarity* as ‘breaking down of traditional disciplinary jargon and vocabulary, creating a more vernacular method of communicating amongst collaborators, but also with the public and with regulators’. Yet, these works rarely pay attention to law specifically as an area of knowledge generation that may be essential in approximating the alternatives they envision. Bringing this scholarship into dialogue with law *tout court*—as opposed to ‘at the margins’, such as with the law and humanities (Balkin and Levinson 2006) and law and literature movement (Peters 2005)—remains an unexplored agenda.

Filling this gap, this article proposes a complementary pathway, one that moves ‘beyond disciplinarity’, with the ambition to reduce the frequency of invocations of disciplinarity and variants thereof in discourses of (legal) knowledge generation. Its entry point are concepts as ‘the lungs of law’.

### 3. Legal knowledge generation beyond disciplines: Political concepts as anchors to mitigate the alienation

If even transdisciplinarity or postdisciplinarity do not help address the alienation between law and science, what can do so? The starting point for a tentative answer lies in recognizing a further effect of this alienation, in addition to the undermining of the authority of science in democracy: the appropriation of concepts by individual disciplines, and the diminished analytical value of concepts as a result. Disciplinary specializations today cause some concepts to be predominantly thought of in the context of a specific discipline; in fact, one of the characteristics of ‘academic disciplines’ is to have ‘theories and

concepts that can organise the accumulated specialist knowledge effectively’ (Krishnan 2009, 9). Even if the terminological label used for some of these concepts is the same across different disciplines (MacLeod 2018, 711), there are different definitions of the concept; and at times, the concepts are altogether ‘domain specific’ (MacLeod 2018, 698). For example, the concept of ‘value’ would belong to economics (and possibly, general philosophy), ‘environment’ to climate science, ‘beliefs’ to psychology, ‘democracy’ to political science and ‘rule of law’ to law.

This affinity of particular concepts to disciplines, however, facilitates the reduction in the range of *conceptions* of the concept and *properties* that those conceptions entail. Even if the concept is used in several disciplines (e.g. ‘justice’ in political science, or general philosophy), its conceptions tend to differ depending on the disciplinary ‘lens’. This is well visible in the concept of democracy (see Gagnon et al. 2025, 111–16), which doctrinal lawyers at least in some jurisdictions seem to have mastered to avoid, perceiving it to belong to the domain of politics and not of law.<sup>xxi</sup>

This compartmentalization, while it may appear as a neutral process of specialization, not only obscures the relationships between concepts, but also empties them out of meanings. The latter strategy has been used, with remarkable success, by authoritarian partisan actors (even within the European Union), enabling them to pretend to remain democrats while simultaneously transforming democratic regimes to models of personal or small group rule (de Búrca and Young 2023; Halmai 2019; Kis 2018). Scholarly proponents of disciplinarity have engineered that compartmentalization,<sup>xxii</sup> but standard interdisciplinary approaches appear ill-suited to respond to this challenge because of their inability to sever ties from disciplinary origins more radically.

Contours of an alternative logic beyond disciplines, without compromising on the rigour and transparency that disciplinary research has been celebrated on, may be found in the study of concepts. How and by whom are particular concepts invoked, which concepts are presented to be connected and which ones

disconnected from each other? How do concepts feature in various disciplinary discourses, with some of their conceptions becoming fashionable and raising the difficulties to present alternative conceptions? A general call that ‘the only answer to the porosity of disciplinary boundaries is cooperation and a certain eclecticism’ (Duve 2024, 36), has not been answered with a broader research program yet. Limited attempts in legal knowledge generation have so far been made on the study of such conceptual interconnectedness,<sup>xxiii</sup> despite the undoubtedly central role that concepts play in the study of society (including law) in particular. The focus on concepts promises to reduce the alienation between law and science (see Chart 3); while the legal method stands quite apart from mainstream social scientific logics, concepts are important for scholars utilizing either of these, as are for those working in one or more of the ‘law+’ interdisciplinary fields.

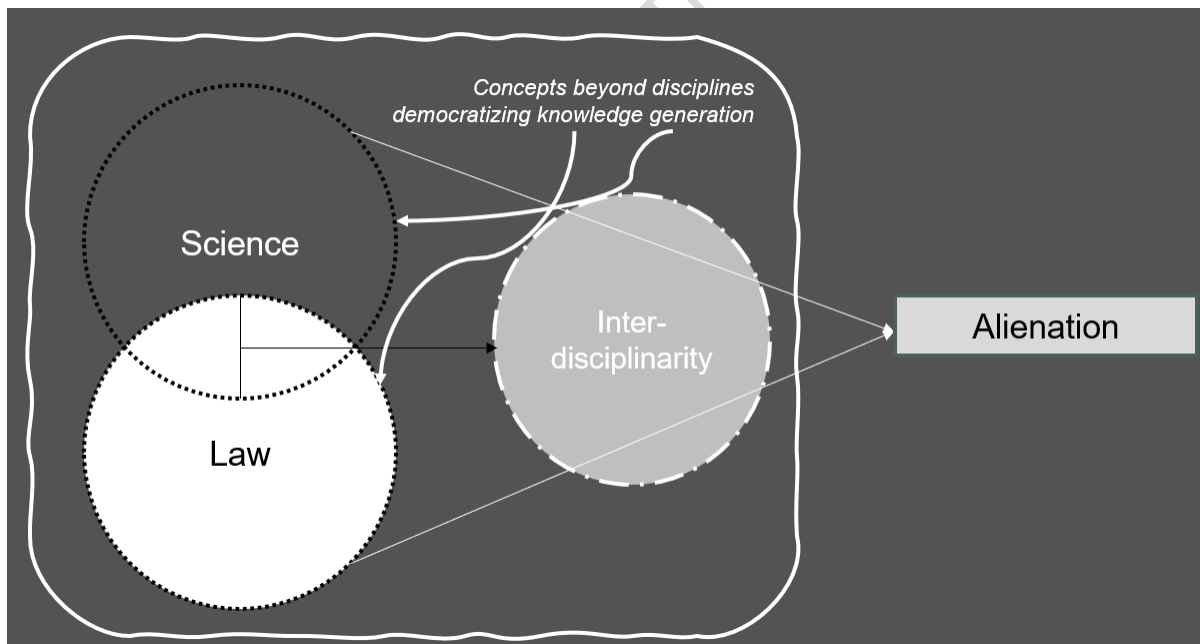


Chart 3: Visualization of the proposed innovation in the manuscript. The focus on concepts beyond disciplines takes a step forward in comparison to interdisciplinarity in terms of the capacity to mitigate the alienation between law (legal academic discourses) and science. Source: authors.

What would be left of disciplines with the employing of this logic? A strong position would argue that they would have to fade, or at least become much less central in academic inquiry. This would even entail specific lenses or approaches that nevertheless self-characterize as remaining tied to a specific discipline. While such approaches may possess considerable potential to challenge the domination of particular conceptions of concepts, they do so with reference to a narrow field of inquiry, which they seem to need to retain for their identity to not be compromised.

A weaker (though more realistic) position would acknowledge that discipline-specific science (and, by extension, interdisciplinarity) may continue to exist alongside research embracing the more integrated logic of concepts. It is difficult to foresee, however, whether such coexistence would be generative, or rather continue to put pressure on those refusing to embrace (or return to) the disciplinary narrative to abandon their alternative, in exchange for the material benefits such embrace could bring, such as publication avenues, scholarly collaborators<sup>xxiv</sup> or even academic positions. Indeed, tension between the freeing of concepts from their disciplinary chains and the capacity of compartmentalization to achieve efficient results in terms of the often primarily output-oriented, corporatism-driven academic environment may explain the difficulty of pursuing the former endeavour in the first place (Husain 2025). Obstacles persist also due to the lack of democracy in academic spaces, which materializes in the tendencies to disregard new ideas, at least as long as they do not enjoy sufficient support from specific disciplinary communities (ANONYMIZED 2025). Either way, legal knowledge generation beyond disciplines, while it may require to be ‘undisciplined’ (Darbellay 2019, 106) vis-à-vis conventional disciplinary practices, still requires rigor.

## Conclusion

‘The stake of this attitude is clearly a political one. A discipline is much more than the study of a field of objects and questions. It is the delineation of a territory, which means a double operation of exclusion

[...] of those who have not the specific competence for exploring a territory [and of] those who are subjects of knowledge [...] whose thought is considered merely the ‘expression’ of a totality that they are unable to grasp’ (Rancière et al. 2007, 99).

The alternative to knowledge generation via disciplines proposed in this article may appear both ill-founded and utopian at present: it may undermine the eroding authority of science in studying societies and their imaginations of law further, instead of rejuvenating it, and it is unrealistic to be realized because of the hegemony of disciplinary practices and institutions in academia. Both these dangers may, in fact, add to the explanations for why *interdisciplinarity* remains the widespread, even winning language in the efforts to at least reduce compartmentalization.

There are at least three other limitations. Firstly, the use of predominantly Western sources stemming from the authorial positionality and the greater visibility of these sources in globally widespread scholarship may have overlooked tendencies present in non-Western academia, especially in languages other than English and in scholarship that would appear less connected to law but could speak to the problem of its alienation from science. The novelty of the proposal is situated vis-à-vis the dominant discourse on interdisciplinarity in law and the social sciences more broadly. Further research is needed to account for a greater variety of sources when applying the genealogical approach. Secondly, the proposal to focus on overarching concepts instead of disciplines, while absent from the discussions on interdisciplinarity in law and, save rare exceptions, in the social sciences generally, may be more common in other fields, including emerging cross-cutting ones such as transition studies, climate science or futures studies (Keestra and Menken 2016, 24–33). Those engaged in the study of concepts beyond disciplines interested in law-related questions can engage in fruitful dialogue with these emergent areas. Thirdly, the genealogical approach of the article may overlook trends that a quantitative analysis of publications can show. Some work has been done in this respect at interdisciplinary research centers (Jacobs and Frickel

2009), including with statistical methods, but the constant evolution of the publishing landscape requires regular updates.

Despite significant risks, however, the endeavour presented in the article is vital, as ordinary academic discourse seems, after a revival at the end of World War II, again increasingly incapable to capture the extent of dangers to contemporary planetary coexistence, dangers permitted by, at one level, the growth of technological innovations with origins in scholarship (see Zuboff 2022). The endeavour might advance more easily in those academic contexts, where the disciplinary specializations have not fully materialized. These may include academia in South Asia, Latin America and Africa (Bursztyn and Purushothaman 2022, 100–102; Visvanathan 1998), but also in postcommunist Europe (whether in or outside the European Union), provided that basic tenets of academic freedom are in place in them.<sup>xxv</sup> These spaces can be more welcoming towards (re)thinking key concepts beyond their disciplinary anchoring, because that disciplinary anchoring is defined and shaped, up until today, by the experiences of domination (see Adébisi 2023 [on legal education]; Collyer 2018 [on academic publishing]). Secondly, as these spaces often have not advanced the closed communities (‘sects’) of specifically disciplinarily embedded scholars, shared efforts at concept analysis can be easier than where the dividing lines are already in place and individual scholars fall into the self-perpetuating trap of believing in the superiority of their disciplinary angle (Vick 2004, 192).<sup>xxvi</sup>

More scrutiny is also needed towards area studies, in which law played but a negligible role (Friedman 1986, 770), as these might be also more welcoming to study of concepts beyond disciplines. However, the risk with area studies pertains to their ignorance by those ‘uninterested in an area’, that has historically led to Eurocentric focus (Mattei 1997, 7–8), while at times also failing to not fall back to disciplinary specializations (Huat et al. 2019). A yet another unexplored pathway, academic communities in smaller (less populous) countries might be particularly important to prevent such detrimental trends: they might

be easier to offer space for an alternative pathway to the study of concepts, as the specialized scholarly communities in them would be often too small to have become embroiled in self-sustaining discourses.<sup>xxvii</sup> Attentiveness to these distinctions is important, as it can affect the openness to moving beyond disciplines (cf. the discussion of how US “legal” scholarship is less open even to some interdisciplinarity as opposed to others in Glendon 1996, 972–74). At the same time, to the extent that some non-Western democratic contexts largely continue to struggle in terms of funding, infrastructure and access to global fora, there is a challenge in such re-localization as well that cannot be overcome without engagement with the prime established centres of knowledge generation in the ‘West’. The unintended positive effect of the process might be impetus for overall democratization of academia (Ignatieff 2024), without sacrificing commitment to the pursuit of truth in a rigorous and accountable (as opposed to merely ‘disciplined’) manner as an essential quality for knowledge generation.

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#### Conflict of interest declaration

The author(s) declare(s) no conflict of interest.

#### Ethical statement

All sources used in the article were declared in the references section.

#### Informed consent statement

This article does not contain any studies with human participants performed by any of the authors.

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<sup>i</sup> Semantically, the claim that there is a single ‘legal method’ is itself calling for a more or less uniform disciplinary identity for law which is less open to other methods being deemed ‘legal’.

<sup>ii</sup> This is evidenced by the observations in support of law’s openness to interdisciplinarity given its identity as ‘a more ancient and intellectually heterogeneous enterprise’, more ‘pre-disciplinary’ or ‘infra-disciplinary’ (Valverde 2014, 53; see also Husa 2022; Vick 2004, 191–93).

<sup>iii</sup> See, for example, Singh (2010, 29–30 (quoting a Wikipedia definition of science)). See also Ioannidis (2005, 0701 ([...] most new discoveries will continue to stem from hypothesis-generating research with low or very low pre-study odds)).

<sup>iv</sup> [University of California: In Memoriam, March 1976](#). Some of these developments are specifically tied to WWII and to German intellectuals. See also Jacobson and Schlink (2002).

<sup>v</sup> In continental Europe, these questions were discussed a few decades later in the context of ‘Scandinavian legal realism’ prominent in Nordic law faculties (Holtermann and Madsen 2021, 68).

<sup>vi</sup> On publishing in ‘national political science journals [...] some of them in very obscure places and languages’, see Schmitter (2009, speech on the occasion of the Mattei Dogan Prize Ceremony).

<sup>vii</sup> See, for instance, the *Indian Journal of Political Science*, a publication platform with a rich history which used to publish fully-fledged research articles but today publishes largely short notes only, apparently driven by the need of the publisher association’s members to fulfil formal publishing quota. In the late 1960s, an entire study on the behavioral revolution was published there with predominantly referring to the *American Political Science Review* (Shiviah 1969).

<sup>viii</sup> These works interact with other themes common in socio-legal scholarship, including that of ‘reflective judiciary’, i.e. the extent to which effective judicial decision making requires that the composition of the courts approximates the diversity of the society that falls under their jurisdiction (Shetreet 2000, 166–68).

<sup>ix</sup> Leith and Morison raise this claim in the context of the direction that analytical jurisprudence took in the Western scholarly space in the second half of the 20<sup>th</sup> century: one that endorsed theorizing in isolation from empirical data and lives of communities asked to adhere to legal norms.

<sup>x</sup> See, e.g., Baume (2013).

<sup>xi</sup> As Ammann points out, however, this trend can be tied to the colonial origins and expansion of international law, and hence can hardly alone serve as impetus for more democratic knowledge generation in law.

<sup>xii</sup> See also, on the potential of democratic deliberation for greater alignment of public policies with scientific findings: Dryzek et al. (2019).

<sup>xiii</sup> For example, recognizing global warming with ‘hard data’ (Jones et al. 1988; Hansen et al. 2002), but neglecting its connection to the prominence of authoritarian partisan elites (Sonnenfeld and Taylor 2018; Kaul and Buchanan 2023).

<sup>xiv</sup> See also Roux (2019). Balkin presents a different argument, whereby law can resist interdisciplinarity because of its identity as ‘a professional discipline’, requiring to master law as a craft rather than as science (Balkin 1996, 952). If this is the case, however, legal discourses may become more easily isolated from broader societal concerns, particularly given the entrenched inequalities in the legal profession. On the latter, see also Wilmot-Smith (2019).

<sup>xv</sup> However, not by ancient philosophers. It would be mistaken to categorize Aristotle, Plato or other thinkers from before the 20<sup>th</sup> century as ‘interdisciplinary’ thinkers, as, in their time, the notion of ‘disciplines’ in contemporary terms did not exist.

<sup>xvi</sup> The mission presented by this organization is to ‘support[...] the creation and circulation of knowledge that advances understanding of humanity and human endeavors in the past, present, and future, with a view toward improving human experience’. <https://www.acls.org/about/>.

<sup>xvii</sup> <https://www.fulcrum.org/concern/monographs/000000620?locale=en>.

<sup>xviii</sup> <https://www.acls.org/our-history/>.

<sup>xix</sup> The NGram displays an even steeper rise, albeit with a slightly later start in the 1960s, with the noun variant ‘interdisciplinarity’, which signals the growth of the term depicting the phenomenon a self-standing, more than accompanying

another term (such as X being an “interdisciplinary endeavour” or scholars A and B engaged in “interdisciplinary collaboration”). This data, however, is not restricted to legal studies.

<sup>xx</sup> Darbellay (2019, 91; see also 2015) Madni presents them in separate categories in a typology, but the description offered therein (such as transdisciplinarity ‘redefin[ing] disciplinary boundaries and interfaces among disciplines’ still shows that disciplinarity remains the origin point (Madni 2007, 3).

<sup>xxi</sup> Even in the US academia, which seems to be more welcoming towards this particular ‘cross-fertilization’, via, for example, tenured positions in political science and law, we may see signs of this differentiation, such as when the ‘law of democracy’ as a subject is, in fact, focusing on *election law* only. For example, Pildes (2019).

<sup>xxii</sup> The intentions behind this do not have to be malign—systematizing knowledge, after all, holds appeal and disciplinary specializations certainly did advance the state of the art in numerous fields.

<sup>xxiii</sup> Cf. Calise and Lowi (2010). From a historical perspective, Yin presented a ‘network approach to political concepts’ in 2024, although he interprets it as beneficial only for political theory and only for the (albeit important) goal of rethinking the Western-centric origins of political concepts (Yin 2025). Yet, approaches such as his are essential to pursue for knowledge generation about the present and the future as well.

<sup>xxiv</sup> Almond (1990) called these ‘sects’, referring to political science.

<sup>xxv</sup> Academic environments existing in authoritarian regimes, such as China or Russia, are unsuitable due to the wideranging effects censorship has on free endeavour. However, this does not rule out engagement with individual academics who attempt to resist from within, perhaps because, for various personal reasons, they cannot relocate to a free(er) setting.

<sup>xxvi</sup> The similarities between the ‘Second World’ of post-communist Central Europe and the Global South (‘Third World’), particularly in academic environments where academic freedom is broadly secured, may encourage collaborative rethinking of key political concepts beyond disciplines with less disciplinary separation than it is common in the academia in the ‘First World’. See also Hoffmann (2022).

<sup>xxvii</sup> This only applies with openness to the ‘global’ in place though, which may be missing particularly in doctrinal legal studies, making those openings *more difficult* for small legal academia. See arguments in [ANONYMIZED, 2024]. International law might be less prone to such national compartmentalization due to its conventional subject of study, although the impact of small, unique languages on the ways of thinking should not be overstated (for example, the autocratization in Hungary may be explored to be linked to the isolated status of the Hungarian language, even if the subject of the Hungarian-language study were to be international law).