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INTERNATIONAL LAW AND THE CHALLENGES
OF CONTEMPORARY SOCIETY

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MODERN INTERNATIONAL LAW AND
THE RELEVANCE OF ITS RESEARCH

Abstract:

The pace of scientific discoveries and developments in international current affairs creates a pacing problem to which modern international law must deal with continuous adaptation. The growing and double-meaning influence of public international law on the national legal order and vice versa, leads to the idea of a global vision both in education and in legal research, with an emphasis on the relevance of comparison and transnationality. Without global standards of comparison, the current legal discourse cannot evolve in an autarchic manner, especially since the national legal order is also increasingly dependent on international norms and mechanisms. This paper is built on the way in which legal research must harmonise its methodology with this reality in a real and balanced way. Methodologically, attention is directed towards flexibility and adequacy to what society and legal education represent today.

Keywords: *relevance of legal research and legal education; methodological sustainability; international law; inter, multi and transdisciplinarity.*

INTRODUCTORY CONSIDERATIONS

The modern normative metamorphosis that characterises *the global legal order* is shaping a profoundly unstable epistemological framework, in which legal research faces the dual pressures of rapid updating and the preservation of a coherent methodological identity. In this plane dominated by interconnections, the constant trajectory of supranational

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normativity and the transgressive impact of technologies, the sustainability of legal research can no longer be conceived within traditional parameters. The present study proposes a reconfiguration of legal methodology through a multi- and transdisciplinary ecology of knowledge, in which law is increasingly *international* and acts not only as a vector of normative harmonisation, but also as a principle of epistemological structuring.

Firstly, what do we mean by the sustainability of legal research? Concretely, this concept is its capacity to remain relevant, methodologically coherent and epistemologically strong in the dynamics of norms, institutions and technologies, for continuity of critical reflection, conceptual updating and transformative impact on society and legal practice.¹

Both the global legal order that I mentioned at the outset and the international legal order must be understood in the most correct sense, since they do not represent a single positive system of law, nor a hierarchy of rules imposed at a global level. There is no 'global law' as the equivalent of a *lex universals*; therefore we will not understand the application of the current standards of national orders to a global legal order.² The proposed definition of the *global legal order* is that of a polycentric normative environment, composed of sources of public international law, transnational regulations and global governance mechanisms acting cumulatively, often without formal hierarchy, on the relations between state and non-state actors, in order to regulate phenomena of international relevance – a definition that remains valid today.

The perception of frivolity associated with the concept of 'global legal order' derives from the lack of a single source of legitimacy, from its polycentric and hybrid nature, which runs counter to the expectations of classical legal thinking oriented towards normative hierarchy and sovereign authority, from its rhetorical use in geopolitical discourses where the legal is often confused with the moral or strategic, and from academic approaches that treat the term in generalisations without rigorous theoretical grounding, creating the impression of a conceptual vacuum³. The term *global legal order* does not designate a planetary constitution, but rather a complex set of rules, mechanisms and practices governing transnational relations, including international agreements, international jurisprudence, soft law, technical standards, trade rules, as well as regulations on the environment, data and artificial intelligence, for example. The concept to which we refer reflects a polycentric legal space, in which multiple centres of normative power states, international organisations, transnational corporations, international NGOs and epistemic networks-generate rules with cross-border applicability⁴. We are witnessing the emergence of a different form of legality, composite and often informal, which does not correspond to the classical Kelsenian model, but is based instead on mutual recognition, normative

1 The characteristics under discussion have been brought into the literature since the 1990s, and are now becoming more acute. See Gibbons, Michael, Camille Limoges, Helga Nowotny, Simon Schwartzman, Peter Scott, and Martin Trow. *The New Production of Knowledge: The Dynamics of Science and Research in Contemporary Societies*. London: SAGE Publications, 1994. See generally Cotterrell and Roger. *Jurisprudence and Socio-Legal Studies: Intersecting Fields*. Routledge, 2024.

2 Rafael Domingo. 'The Global Legal Order.' Chapter. In *The New Global Law*, 121-53. ASIL Studies in International Legal Theory. Cambridge: Cambridge University Press, 2010.

3 See more in Martti Koskenniemi, *To the Uttermost Parts of the Earth: Legal Imagination and International Power 1300-1870* (Cambridge: Cambridge University Press, 2021).

4 Ulrich Sieber, 'Legal Order in a Global World – The Development of a Fragmented System of National, International, and Private Norms,' *Max Planck Yearbook of United Nations Law Online* 5 (2001): 1-48, available at https://www.mpil.de/files/pdf3/mpunyb_01_sieber_14.pdf?utm, accessed 30 March 2024.

convergence and functional networks, such as the regulations issued by GAFAM⁵, ISO standards⁶, WHO standards⁷ or the Arctic Council.⁸

The current normative climate can be characterised by what might be termed *dynamic hyper-institutionalisation*, a phenomenon in which the production and modification of norms are no longer governed by stability, but by the accelerating pace of global change. Law, once seen as a stabilising system, is itself subject to a functional instability that erodes the traditional doctrinal capacity to predict and classify. In this new condition, the legal researcher can no longer be a mere interpreter of a relatively fixed corpus of rules, but must become an acrobat in the dense web of fluid, overlapping and interdependent rules. Here, of course, comes the appeal to William Twining, who warned against the ‘methodological provincialism’ of many legal approaches.

Methodological provincialism is a critical concept formulated by Twining, which denounces the tendency of scholars – particularly in Western legal traditions – to treat the methods, concepts and rules of their own national context as universally valid⁹. In other words, this is a narrow and self-referential view, which separatistly ignores the diversity of legal systems, normative pluralism and the complexity of international legal realities (be they cultural, religious, political, social, etc.). The solution proposed by Twining – the globalisation of legal education – implies a profound methodological reorientation: from the internal analysis of the norm to the transnational and comparative contextualisation of its meaning.

2. STUDY QUESTIONS, METHODS AND OBJECTIVE

Law systems that refuse to be absorbed into the habitus of globalisation proposed by Twining – by reorienting legal education towards transnational contextualisation – choose, instead, solutions of methodological resilience: either by doctrinal retreat, or by identity-based emphasis, normative regionalism or indigenous legal epistemologies, aimed at preserving the sovereignty of their own meaning and specificity of their own normative structure. Refusing *legal globalisation* is not without risks; it requires a coherent strategy of epistemic, methodological and institutional compensation. Otherwise, the preservation of

5 The acronym GAFAM stands for five of the most influential digital technology companies, often perceived as informal global regulatory power players: Google – part of Alphabet Inc., Apple Inc., Facebook Inc. – officially renamed Meta Platforms, Inc. (from October 2021), Amazon.com, Inc. and Microsoft Corporation.

6 ISO stands for: International Organisation for Standardisation, an independent, non-governmental international organisation based in Geneva, Switzerland, which develops and publishes international standards in a wide range of fields, from quality management (e.g. ISO 9001) to information security (e.g. ISO/IEC 27,001).

7 WHO is short for: World Health Organisation/World Health Organization (WHO), a specialised agency of the United Nations with a normative role in global health? WHO issues international guidelines, protocols and standards on health safety, disease prevention, immunisation, pandemics and international health regulations (International Health Regulations – IHR 2005).

8 The Arctic Council/Conseil de l'Arctique is a regional intergovernmental forum founded by the 1996 Ottawa Declaration, composed of Arctic states and organisations representing indigenous peoples. Although non-legislative, it issues guidelines, agreements and best practices on sustainable development, climate change and environmental security in the Arctic region.

9 ‘Much legal theory, especially that based on Western liberal traditions, suffers from a kind of methodological provincialism – assuming that what holds for one legal culture holds true globally.’ Twining, William. **Globalisation and Legal Theory**. London: Butterworths, 2000.

legal sovereignty becomes a costly, sometimes dangerous, endeavour, as it loses touch with international reality and the dynamics of living law. Modern societies are heterogeneous, with a mobile and digitised population. The refusal to integrate global influences is bound to lead to ruptures between law and society, between citizens' expectations and normative conservatism, with the risk of crises of democratic legitimacy and challenges to the authority of the rule. The term 'living law' ('droit vivant' in French, 'droit vivante' in English, 'droit viviente' in Spanish) has a doctrinal and philosophical origin and is associated with schools of legal thought that emphasise the law as actually applied in society, as opposed to written, abstract or formal law. The concept appears in several legal traditions, but can be traced in particular in the works of thinkers such as Eugen Ehrlich, an Austrian jurist with Romanian roots in the Austro-Hungarian area, one of the founders of the sociology of law.¹⁰

In the absence of a legal education open to methodological pluralism, professional training becomes dogmatic, provincial and irrelevant in international contexts, leading to the marginalisation of graduates and universities in international rankings. We add here that an autarkic system may favour rigid formalism and hyper-legalism, with no correlation with social or economic reality. The adaptive functionality of rules is lost and another risk arises: that of administrative inefficiency and conflict between rules and social practices. We live in a competitive society, and isolation translates into a fear of competition. Closed systems of law become unpredictable for investors, corporations and international bodies in the absence of harmonisation with international standards (e.g. data protection, ESG, commercial law). Further, the refusal to integrate international standards (human rights, climate governance, UN norms, etc.) weakens compatibility with international law, affecting diplomatic and trade relations (legal downgrading and straining international relations). Finally, the avoidance of international contextualisation makes systems self-referential, with no capacity to adapt to mutations, which is unacceptable.

Today's legal order is developing at a global level characterised by an unprecedented regulatory hyperproduction, fuelled by the systemic interdependencies generated by what we call 'globalisation', the fragmentation and multiplication of centres of power and the continuous acceleration of digital transformations. The difficulty lies in the mismatch between the rapid proliferation of new normative configurations and the conservative pace of legal research. In other words, the main problem is shaped and fuelled by the tension between the rapid pace of normative reconfiguration and the *methodological inertia* of legal research.

Law, subject to an intense pace of reformulation, is no longer evolving in a predictable or linear space, but in a fluid normative ecology, marked by overlaps, reconfigurations and multiple emergences, in which the classic distinctions between domestic and international, public and private, legal and technological are becoming increasingly permeable. Contemporary crises can no longer be dealt with legally in autonomous national registers, but require a legal response that is as unified, transnational and adaptable as possible, capable of keeping pace with the variety and instability of today's world¹¹. The rupture between the subject of legal research and its methodological tools

10 Eugen Ehrlich (1862-1922), in his *Grundlegung der Soziologie des Rechts* (1913), argued that "the centre of gravity of the development of law is not to be found in legislation or jurisprudence, but in society itself". In the case law of the European Court of Human Rights, the expression "The Convention is a living instrument" refers to the evolving interpretation, adaptable to social change – an institutionalised version of 'living law'. At the same time, in Latin American constitutional law, particularly in Colombia and Argentina, 'derecho viviente' is used to describe the interpretation of rules in the light of their constant application by the courts and society.

11 The central problem is the increasingly evident dissonance between the accelerated speed of normative

is producing visible effects: difficulties of anticipation, weakening of the social relevance of research, epistemic isolation and an inability to make a real contribution to modelling viable legal solutions to crises.¹²

Faced with these problems, the fundamental objective of this study is to propose a reconceptualisation of legal research through an articulated transdisciplinary methodology, which would allow overcoming traditional methodological limits and favour genuine epistemological sustainability. The proposed vision involves the decentralised coordination of the legal, sociological, technological and philosophical dimensions within a flexible but coherent and capable methodological framework, without compromising scientific rigour. Legal transdisciplinarity is not conceived here as a mere thematic extension, but as a change in the style of rationality – a way of thinking of law as a living science, embedded in a universe of meanings in constant (re)negotiation.

Consideration of the concepts of *legal consciousness*, *global legal pluralism*, *epistemic communities* and *inter-legalities* would support the reconfiguration of contemporary legal research¹³. Legal consciousness, which fine registers through which individuals perceive, negotiate and internalise the norm, reveals that law is not only written, but lived. And when this consciousness manifests itself in a world of global legal pluralism – where state jurisdictions, transnational norms, informal rules and supranational regimes coexist and collaborate – the mere interpretation of the norm becomes a veritable epistemic exercise. Some differences need to be clarified. For example, international legal pluralism is not synonymous with global legal pluralism, as it is frequently used in the literature focussing on the fragmentation of the international legal order, ‘régimes spécialisés’ and conflicts between international sources, whereas global legal pluralism is broader in scope and evokes the idea of the intersection between national, international, regional, religious, indigenous and transnational legal orders. It is in this laboratory that international agendas are shaped, political decision-making is (or would be more likely to be) influenced, and the cognitive infrastructure of transnational regulation exists. Complementarily, the theory of interlegalities (poetically and profoundly formulated by Boaventura de Sousa Santos) teaches us that between ‘big’ and ‘small’ rights, between formal and informal legalities, there is a dynamic of overlap, hybridisation and sometimes bottom-up normative creation.¹⁴

In legal doctrine, the terms ‘big rights’ and ‘small rights’ are used to distinguish between essential fundamental rights, with a high degree of constitutional protection and international protection, and rights of more limited or procedural legal value. ‘Big rights’ refer to fundamental freedoms such as the right to life, freedom of expression, freedom of religion or the prohibition of torture or the death penalty – rights considered indispensable

change – imposed by international dynamics – and the methodological inertia that we have signalled above, still anchored, in many cases, in a doctrinaire paradigm of positivist inspiration.

12 Basil Ugochukwu, in the article ‘From Reaction to Agency: A “Subaltern” Response to William Twining’s Globalisation and Legal Scholarship’, explores how Twining’s theories contain opportunities for marginalised legal systems to assert their relevance in the development of global legal theory. See Ugochukwu, Basil. 2013. ‘From Reaction to Agency: A “Subaltern” Response to William Twining’s *Globalisation and Legal Scholarship*’. *Transnational Legal Theory* 4 (4): 549–65. doi:10.5235/20414005.4.4.549.

13 Haas, Peter M. ‘Introduction: Epistemic Communities and International Policy Coordination.’ *International Organisation* 46, no. 1 (1992): 1–35. <http://www.jstor.org/stable/2706951>. Also see Berman and Paul Schiff. *Global Legal Pluralism: A Jurisprudence of Law Beyond Borders*. Cambridge : Cambridge University Press, 2012.

14 Santos, Boaventura de Sousa. ‘Law: A Map of Misreading. Towards a Postmodern Conception of Law.’ *Journal of Law and Society* 14, no. 3 (1987): 279–302.

to human dignity and democratic order. In contrast, 'small rights' include prerogatives such as the right to petition, access to public information or the right to a healthy environment (in legal orders where this does not have fundamental status), which, while important, can be more easily restricted by the state and require legislative transposition¹⁵. Although the distinction is not formalised in all legal systems, it is useful in analysing proportionality and the prioritisation of rights protection in constitutional and international jurisprudence¹⁶. Through these examples we demonstrate how legal scholarship today – if it is to remain relevant – is invited not only to observe, but to listen to these multiple, different voices and to cultivate an open, polyphonic and creatively adaptive methodology.

4. SOME OBSERVATIONS ON MODERN PUBLIC INTERNATIONAL LAW

Amid the dominance of systemic turbulence and the intensity of new technologies, environmental and geopolitical conflicts, public international law can no longer be perceived as a marginal branch of the international legal order. Beyond the traditional normative plane, we can see how it is taking shape today as a relevant methodological benchmark, an indispensable epistemological matrix in the articulation of legal research capable of operating in an environment marked by fragmentation, volatility and interdependence.¹⁷

Its reconfigurative function becomes evident in relation to new normative territories (mentioned in the introductory part), such as the regulation of artificial intelligence, genetics, the cybernetic legal order or climate change. In overcoming the isolation of national legal systems, we must follow the thread of transversal legal mapping, in which international norms operate as points of convergence, but also as vectors for recalibrating methodologies.

International law thus asserts itself not only as a normative corpus, but as a polyphonic methodological infrastructure in which dialogue between state actors, international organisations, technological entities and international civil society produces new forms of legality. This is a constitutive interlegality, in the sense formulated by Boaventura de Sousa Santos, in which legal pluralism is not an anomaly, but the very expression of global normative complexity. In this logical, legal research is called upon to overcome its doctrinal limitations and to rethink its tools in a transdisciplinary register. Thematic fragmentation – often accompanied by excessive specialisation – risks leading to epistemic exhaustion through an inability to see the multiple meanings of the global legal phenomenon. Only through a methodological compatibility between the doctrinal, empirical and technological dimensions can truly relevant legal research be sustained, capable of contributing to the architecture of future normative solutions. This is a requirement that implies a re-dimensioning of the way we understand the structure of normative authority: it is no longer enough to operate with pyramidal models of law; we must learn

15 Jiaqi, Li. 2025. 'A Study on Proportionality.' *International Journal of Social Science Research and Review* 8 (1), 218-32. <https://doi.org/10.47814/ijssrr.v8i1.2489>. <https://doi.org/10.47814/ijssrr.v8i1.2489>.

16 The concept of '**big rights**' and '**small rights**' has no **single, formalised origin** or canonical author who has explicitly and systematically enshrined it under this heading. Rather, it is a **rhetorical and analytical formula** used in contemporary doctrine, particularly in the context of **the proportionality test, the balancing of rights** and the **analysis of priorities in constitutional jurisprudence**.

17 Golder, Ben. 2023. 'International Law and the Politics of Genealogy: International Law and the Politics of History, by Anne Orford, Cambridge, Cambridge University Press, 2021, 382p., £22.99, (Paperback), ISBN: 9,781,108,703,628.' *Global Intellectual History* 9 (6): 745-59. doi:10.1080/23801883.2023.2023.21838881.

to think in terms of normative networks that are as compatible as possible, in which public international law functions as the central, though not exclusive, epistemological node.¹⁸

5. METHODOLOGICAL SHORTCOMINGS FROM DISCIPLINARITY TO TRANSDISCIPLINARITY

The problem of the sustainability of legal research in the face of this normative dynamic is not only one of content, but of method. Traditional legal methodology – centred on doctrinal analysis, jurisprudential interpretation and comparative analysis – risks becoming insufficient if it is not recalibrated through a cumulative consideration of the sociological, technological and philosophical dimensions of law. Here transdisciplinarity becomes not an option but a necessity. It is not a question of mere interdisciplinarity between law and the social sciences or technology, but of a methodological transcendence of epistemic boundaries, whereby legal research becomes truly capable of interrogating widely varied realities in a common language (at least to a sufficient degree) with other fields of knowledge. We reiterate that the meaning of methodological compatibility does not mean the abandonment of legal rigour, but the ability to re-envision it within a broader cognitive construction, by virtue of the sustainability of legal research.

Transdisciplinarity, a concept promoted by the physicist and philosopher Basarab Nicolescu, proposes overcoming disciplinary boundaries by knowledge beyond traditional fields. It is based on three fundamental pillars: the levels of reality, the logic of the included third party and complexity¹⁹. Levels of reality recognise the existence of multiple layers of reality, each with its own laws and rules, allowing a higher level of knowledge. The logic of the included third, unlike classical binary logic, accepts the coexistence of seemingly contradictory elements, facilitating reconciliation and the use of unlimited and different perspectives. Complexity emphasises the deep relationships between the elements of a system, requiring a comprehensive exploration that simultaneously embraces its multiple dimensions and their dynamics. Presumably, if these three pillars were applied, especially in the maintenance of international peace and security, we would be able to find better legal solutions to reconcile tensions.

The application of transdisciplinarity in the legal field is long overdue because it allows the normative to be articulated with modern realities. For example, in the field of cryptocurrency regulation, a transdisciplinary vision is not limited to the normative exegesis of the financial framework, but requires a microscopic deciphering of the economic configurations, the technological substrate and the sociological reverberations of these digital entities with a still oscillating legal status²⁰. Similarly, when we look at algorithmic justice, classical legal hermeneutics are not enough; a comprehensive approach is imperative, one that brings together the epistemology of computer science, the demands of applied ethics and the sensitivity of normative sociology to create the coherent and adaptable legal edifice we need.

18 See Koskeniemi, Martti. **To the Uttermost Parts of the Earth: Legal Imagination and International Power 1300–1870**. Cambridge: Cambridge University Press, 2021. <https://doi.org/10.1017/9781139019774>. <https://doi.org/10.1017/9781139019774>.

19 Nicolescu, Basarab. «Transdisciplinaritatea: Manifest.» **Curtea Veche Publishing**, 2018.

20 See Urquhart, Andrew, and Larisa Yarovaya. 2023. 'Cryptocurrency Research: Future Directions.' *The European Journal of Finance* 30 (16): 1849–54. doi:10.1080/1351847X.2023.2284186. Also see Ciaian, Pavel, Andrej Cupak, Pirmin Fessler, and d'Artis Kancs. 2024. 'Environmental and Social Attitudes and Investments in Crypto-Assets.' *Applied Economics* 56 (60): 9060–80. doi:10.1080/00036846.2023.2297742.

Man's specific, fundamental tendency to knowledge manifests itself in two directions: on the one hand, 'search' and 'discovery', and on the other hand, 'taking possession' and a 'utilisation-transformation' of the world and of one's own being, according to one's desires and aspirations. Constantin Rădulescu-Motru, a profound thinker of the Romanian space, emphasised that 'science is an attitude that is produced individually and maintained with great sacrifices'²¹, stressing that the act of scientific knowledge is not only a collective process but also a personal journey, marked by sustained efforts and renunciations. Although each discipline retains its specificity, transdisciplinary dialogue allows deeper access into the multitude of realities in which man lives. As a consequence, the search for answers to fundamental questions such as 'what?', 'why?' The concept of paradigm is pivotal in this endeavour, although we have heard it used many times lately in the most diverse contexts. A paradigm (as a methodological horizon) not only stabilises scientific knowledge, but also prepares a normative ground that guides researchers in exploring fields of study, whether multidisciplinary or transdisciplinary. Transdisciplinarity is distinguished from pluridisciplinarity and interdisciplinarity by its precise aim: to perceive the contemporary world through a multi-level view of specific issues, consciously crossing traditional disciplinary boundaries, seeking answers to questions that lie between, across and beyond disciplines.

All sciences go through periods of crisis, which generate new currents of thought and research. Thomas Kuhn explains the transition from one framework of scientific thinking to another by identifying anomalies that cannot be explained within the existing way of organising knowledge, specifically, a paradigm shift, which usually incorporates the previous paradigm by integrating new observations²². In this way, a common vision and a common language for researchers are shaped, allowing a more adequate description of the observed reality, so necessary for the path of the legal phenomenon towards the norm.

Therefore, the assumption of a transdisciplinary methodology is not equivalent to renouncing legal rigour, nor to solidifying the role of law as a science, but to repositioning it within an enlarged cognitive horizon, capable of encompassing the simultaneity of the registers of knowledge²³. Such a methodological openness provides the legal researcher not only with the necessary tools to safely traverse the contemporary normative landscape, but also with the possibility of building creative, adapted and sustainable responses in the post-digital world.

6. CONTINUOUS UPDATING, NECESSITY AND EPISTEMOLOGICAL IDENTITY CRISIS

In practice, the constant updating of information and research tools is a pressure which generates an insidious phenomenon: the identity crisis of the legal researcher, caught between the demands of the present and the classical landmarks of his training. Thematic fragmentation, extreme specialisation and the hyper-production of rules often

21 Rădulescu-Motru, Constantin. **Science and Energy**. București: Carol Göbl Institute of Graphic Arts, 1902.

22 Kuhn, Thomas S. **The Structure of Scientific Revolutions**. Chicago: University of Chicago Press, 1962.

23 Ristea, Ana-Lucia, Valeriu Ioan-Franc, and Constanța Popescu. **Metodică în cercetare științifică: Repere metodologice și didactice pentru formare cercetătorilor**. 2nd ed. București: Editura Expert, 2017.

lead to an analytical isolation that sabotages the overall perspective. This is where the sustainability of legal research comes into play, which must be thought of as a balance between dynamism and coherence: the ability to adopt new normative realities rapidly without compromising methodological consistency²⁴. This requires not only expertise but also continuous training – a genuine pedagogy of legal research in which content and form become complementary.

Today's legal researcher is at the crossroads between the imperatives of adapting to new normative realities and fidelity to the traditional theoretical foundations of the discipline, a duality that creates the tension at the heart of which the sustainability of legal research needs to be reconceptualised. For a beginning researcher, this can be an impossibility because the gateways out are in-depth expertise and continuous training, without which we cannot discuss the development of a pedagogy of legal research capable of harmonising content and form in a complimentary way. It must deconstruct and reconstruct, far from being merely an executor of codes. Legal rules are shaped by artificial intelligence, algorithmic platforms, climatic conflicts and structural migrations, so to reduce the training of jurists to the letter of the law is to expose them to normative illiteracy in the face of new normative powers. On the contrary, to train them transdisciplinary is to anchor them in an ethos of discernment and critical courage. In fact, the tension between the need for constant updating and the maintenance of a coherent epistemological identity emphasises the importance of pedagogical reform in legal education.

Only in this way is there a real chance of training researchers who are able to adapt smoothly to changes in legislation and case law, while at the same time maintaining a solid anchoring in the theoretical principles of law. Alongside continuing education, participation in epistemic networks and academic mobility are becoming basic tools for cultivating a mindset of growth and adaptability among legal professionals.²⁵

In conclusion, continuous updating in legal research should not be perceived as a threat to epistemological identity, but as an opportunity for enrichment, its evolution and the harmonious blending of innovation with tradition, which eliminates the risk of volatility in the legal sciences.

7. THE PLACE OR NOT OF TRANSDISCIPLINARITY IN LEGAL PEDAGOGY

Legal pedagogy has evolved from traditional forms of instruction towards increasingly reflective and interdisciplinary models. In medieval European universities, law was taught as a discipline in its own right, separate from the liberal arts, but in parallel

24 Oranburg, Seth C. 'Advanced Online Continuing Legal Education: How to Leverage Technology-Mediated Education for Lawyers' Lifelong Learning.' *Journal of Legal Education* 72, no. 3 & 4 (2024): 555. Article available here: <https://jle.aals.org/cgi/viewcontent.cgi?article=1805&context=home>, accessed 25.02.2025. for a comparative view see Kelly, Orla, Peta White, Fabrizio Butera, Fabrizio Butera, Sam Illingworth, Pim Martens, Maud Huynen, Susan Bailey, Geertje Schuitema, and Sian Cowman. 'A Transdisciplinary Model for Teaching and Learning for Sustainability Science in a Rapidly Warming World.' *Sustainability Science* 18, no. 6 (2023): 2707–2722. <https://doi.org/10.1007/s11625-023-01407-z>. <https://doi.org/10.1007/s11625-023-01407-z>.

25 'The Case for Lifelong Learning to Advance and Extend a Legal Career' *Federal Bar Association*, June 2024. Blog post available here: <https://www.fedbar.org/blog/the-case-for-lifelong-learning-to-advance-and-extend-a-legal-career/>, accessed 25.02.2025. The example is welcome from the practitioner's perspective, counterbalancing research and practice.

the practical apprenticeship model (particularly in the Anglo-American tradition) has long survived²⁶. This dichotomy between practical and theoretical training has marked the history of legal education, with legal education always having to reconcile the practical demands of the profession with the academic, science-orientated approach.

The 19th century brought the institutionalisation of modern university legal studies (e.g. the *case method* introduced by Langdell at Harvard) and the standardisation of the curriculum in post-Napoleonic European law schools. Even within these formalised rules, the teaching of law remained largely *doctrinal* – focussed on learning the legal rules themselves – with little emphasis on the social context or other related areas.

In the second half of the twentieth century, academic movements such as *critical legal studies* and socio-legal research began to challenge the strict positivist interpretive discourse. These currents paved the way for a more interdisciplinary formulation of legal education, combining law with social sciences, economics, philosophy or cultural studies. Such critical perspectives demonstrated the first models of *transdisciplinary* legal pedagogy, transcending the conventional boundaries of law²⁷. The intersection of sociological analysis and critical theory in the study of law has revealed how legal norms are closely linked to power structures and historical contexts, broadening the horizons of future legal scholarship. Through these developments, legal pedagogy has gradually shifted from pure doctrinal memorisation to training oriented towards critical thinking and awareness of the role of law in society, paving the way for today's transdisciplinary approaches.

7.1. Comparisons of International Pedagogical Models

Contemporary reforms in law teaching emphasise transdisciplinarity in various legal systems around the world. I will examine three models below – France, Canada and Brazil – highlighting local particularities and convergence towards a legal pedagogy geared towards the integration of knowledge beyond the boundaries of law, but to its great benefit.

France

In France, the tradition of law faculties has long been marked by strict specialisation and autonomy from other disciplines. For example, until 1968, law and economics were taught together, after which economics was completely separated from law²⁸. Attempts to include courses from other fields (history, political science, accountancy, etc.) existed towards the end of the 20th century, but these remained fragmented, without creating organic links between extralegal knowledge and legal training. Undergraduate legal studies have thus proved reluctant to provide genuinely transdisciplinary training, and have had major difficulties in overcoming traditional disciplinary compartmentalisation.

26 Gibson, R. Dale. 'Legal Education – Past and Future.' *Manitoba Law Journal* 6, no. 1 (1974): 21. 1974 CanLII Docs 49. <https://canlii.ca/t/swmd> (accessed 1 April 2025).

27 Adebiisi, Foluke. 'Should We Rethink the Purposes of the Law School? A Case for Decolonial Thought in Legal Pedagogy.' *Amicus Curiae*, Series 2, vol. 2, no. 3 (2021): 428–449.

28 Lamarche, Marie, and Sébastien Tournaux, « Pourquoi, comment un enseignement transdisciplinaire ? Et demain... » In *Les méthodes d'enseignement à la Clinique du droit de l'université de Bordeaux*, edited by Marie Lamarche and Sébastien Tournaux, 323–344. Pessac : Presses universitaires de Bordeaux, coll. V@demecum 2, 2024. Accessed 13 December 2024. <https://una-editions.fr/pourquoi-comment-un-enseignement-transdisciplinaire>. <https://una-editions.fr/pourquoi-comment-un-enseignement-transdisciplinaire>. DOI: 10.46608/vademecum2.9791030010732.11.

A turning point in French legal pedagogy in recent decades has been the introduction of the legal clinic (*enseignement clinique*). This type of programme, based on solving real cases in the community, has proved to be a favourable environment for transdisciplinarity. Confronted with authentic situations – complex and international – students discover that legal problems cannot be isolated from their social, economic, medical or psychological dimensions. For example, in a clinical project on the regulation of organ removal, students realised that they could not master the legal framework without familiarising themselves with elements of medicine and bioethics²⁹. Thus international biological law developed. Through *clinical education* there is a valuable opportunity to approach cases in a transdisciplinary way, using knowledge from several fields which, in fact, shows future lawyers the limits of law: not every social problem is best solved by legal instruments, and sometimes solutions are a matter of public policy, mediation, social work or other interventions or strategies. Legal methodology cannot be limited. Transdisciplinarity in this context teaches students ‘to learn to know, to do, to live together and to be’ – as the Centre International de Recherches et Études Transdisciplinaires defines it (in its foundational texts) – training them as well-rounded professionals, able to collaborate with experts from other fields. The contemporary French model, through its openness to interdisciplinarity (notably via legal clinics and dual specialisation programmes), thus reflects an effort to adapt the training of lawyers to what we call the complexity of today’s world and to go beyond the old *separate law tube*.

Canada

If we were to follow a Canadian model of legal education, we could not fail to notice that it is in the North American tradition, but it also has particularities that favour transdisciplinarity. Most law schools in Canada have incorporated in their curricula electives or double specialisations (of the *J.D./M.A.* type) that connect law with other fields – from public administration and economics to the environment, technology or indigenous studies. A notable example is McGill Law School’s *trans-systemic* programme, which weaves the study of civil law and *common law* into a single curriculum. It is an innovative solution that not only crosses the disciplinary boundary between different legal systems, but also involves a broader reflection on the common foundations of law, encouraging students to think beyond the confines of a national code or system. The McGill model – seen as *polyjuridical* and highly interdisciplinary – has inspired discussions about the ‘de nationalisation’ of legal education, showing that the training of lawyers in the 21st century must be more than vocational training in a particular jurisdiction.³⁰

In recent years, legal education reformers in Canada and the US have increasingly emphasised the need to reinvent law schools in a transdisciplinary and inclusive direction. The experience of the COVID-19 pandemic, for example, has accelerated thinking about the future of legal education. Camille Nelson (2022) argues that post-pandemic law schools have the opportunity for a forward-looking ‘reboot’, proposing the creation of more inclusive, transdisciplinary, technologically integrated and innovation-oriented law schools³¹. Such a school would break with the inertia of tradition and better serve society by preparing more capable lawyers, not just strictly for the area of law. In practice, some

29 *Ibid.*

30 Dedek, Helge, and Armand de Mestral. ‘Born to Be Wild: The “Trans-Systemic” Programme at McGill and the De-Nationalisation of Legal Education.’ *German Law Journal* 10, no. 6–7 (2009): 889–912. <https://doi.org/10.1017/S2071832200001401>.

31 Nelson, Camille A. “Redux: Towards an Empowering Model of Legal Education.” *Canadian Journal of Comparative and Contemporary Law* 8 (2022): 193–223.

Canadian initiatives already illustrate this vision: from courses on climate change taught in a multidisciplinary workshop format (by experts in the natural sciences, public policy and law), to community legal clinics where students participate in teams with medical or social work colleagues to facilitate systemic legal services³². All these examples highlight the tendency of the Canadian system to see legal education as a broad endeavour to train a lawyer polymath who can understand law in the broader social, technological and cultural context.

Brazil

Brazil's legal education system is an eloquent example of efforts to embrace transdisciplinarity. With one of the largest numbers of law schools in the world, Brazil has grappled with the issue of the quality and social relevance of legal education. Traditionally, the Brazilian curriculum has been highly theoretical and dogmatic, often disconnected from the country's economic, political and cultural realities. This *insular* character of legal education – 'alienated from reality... social reality' – has produced graduates who are well versed in the letter of the law, but less prepared for the complex issues of social justice and access to justice.³³

Aware of these shortcomings, academic and professional authorities in Brazil have initiated curricular reforms to modernise legal pedagogy. An important moment was the adoption of the *Diretrizes Curriculares Nacionais* (new national curricular guidelines) for law studies, which emphasised the integration of practical and theoretical training and the development of the socio-humanistic competences of future lawyers. In many faculties, an integrated curriculum linking classical legal disciplines with areas such as human rights, ethics, alternative conflict resolution and social sciences, has been implemented. The stated aim of these reforms is to train a critical, reflective graduate who is an agent of social transformation, in contrast to the technical lawyer of yesteryear. Thus, the ideology of an 'emancipatory education' has taken shape, based on a transdisciplinary vision of law and the human and social sciences. A concrete example is a pedagogical project implemented at a university in southern Brazil, where the aim was to articulate legal practical training with theory, by involving students in community legal clinics and inter- and multidisciplinary projects, so that they become aware of the cultural and human diversity of society and become active lawyers in the community.³⁴

Brazil has also placed particular emphasis on access to justice as a transdisciplinary theme in legal education. It has been recognised that the effective provision of access to justice (beyond mere access to the courts) requires a diversified methodology that embraces non-positivist thinking and tools from outside the *strict* law. To this end, modules on

32 Chen, Ling. 'Canadian Law Schools Must Do Their Part to Help Combat Climate Change.' **Policy Options Policy**, February 18, 2020. <https://policyoptions.irpp.org/magazines/february-2020/canadian-law-schools-must-do-their-part-to-help-combat-climate-change/>. <https://policyoptions.irpp.org/magazines/february-2020/canadian-law-schools-must-do-their-part-to-help-combat-climate-change/>.

33 Bendlin, Luciano Bendlin, Jair Zaleski, Jorge Amaro Bastos Alves, and Robson de Faria Silva. '**The Effectiveness of the Right of Access to Justice: A Proposal for the Implementation of Mediation and Conciliation Centres in Legal Practice Centres (NPJ)**'. *Revista Aracê* 7, no. 1 (2025): 3975-4010. <https://doi.org/10.56238/arev7n1-235>. Accessed 2 April 2025.

34 Duro Dias, Renato. 2015. 'La educación jurídica En Brasil: Una Lectura crítica De Las Directrices Curriculares Nacionales Brasileñas Para El Derecho Y Sus Formas De recontextualización a Partir De Las teorías De Basil Bernstein?' *Revista Pedagogia Universitaria Y Didáctica Del Derecho* 1 (1): pp. 72-87. <https://doi.org/10.5354/0719-5885.2014.35964>.

mediation, conciliation, community law, judicial psychology and legal sociology have been introduced into the undergraduate programme. The legal practice centres (*Núcleos de Prática Jurídica*) in the faculties collaborate with public institutions and NGOs, giving students the opportunity to work in mixed teams (lawyers, psychologists, social workers) to solve the problems of disadvantaged citizens. Such a transdisciplinary initiative demonstrates double benefits: on the one hand, practical training of students by combining theory with concrete action; on the other hand, social impact by promoting alternative methods of conflict resolution and community legal needs³⁵. Studies have established that exposing Brazilian students to these transdisciplinary practices develops their interprofessional collaboration skills and sensitizes them to the social implications of law, countering the traditional tendency to see justice only through the lens of formal procedures.

Overall, the contemporary Brazilian model highlights how transdisciplinarity is actually positive for legal pedagogical reform. From national curricular policies to local innovations, the emphasis is shifting from national curricular policies to local innovations, towards training lawyers prepared to connect law with social reality and to act on changes in the spirit of justice and equity.

TRANSDISCIPLINARITY IN THE CONTEXT OF THE CONTEMPORARY EPISTEMOLOGICAL CRISIS

Today, many voices in academia speak of an epistemological crisis affecting the way we produce and validate knowledge – including in the legal sciences. It is sometimes described as a crisis of epistemic institutions: the traditional authority of universities, academies of sciences and courts of expertise is being challenged, amid the proliferation of information and the contestation of ‘official’ narratives³⁶. In the digital and *fake news* era, the old hierarchies of knowledge are being disrupted and rigid disciplinary boundaries are becoming obstacles to finding the best solutions to the challenges facing international society (economic or military wars, health crises, social injustices, etc.). We can therefore speak of a *crisis of disciplinarity*: hyper-specialisation and the isolation of academic fields make it difficult to take a macro approach to reality, which is becoming ‘unsustainable’ for the progress of knowledge and practical solutions³⁷. In this context of epistemic fragmentation, transdisciplinarity appears as a necessary response – a step towards evolution and a chance for innovation.

Transdisciplinarity implies the attitude or intention to transcend the boundaries between disciplines and to develop a unifying vision of knowledge. In legal pedagogy, this means that the training of future lawyers should not be limited to the *casuistry* and *dogma* of their own jurisdiction, but should expose students to methods and perspectives from

35 Bendlin, Luciano Bendlin, Jair Zaleski, Jorge Amaro Bastos Alves, and Robson de Faria Silva. ‘The Effectiveness of the Right of Access to Justice: A Proposal for the Implementation of Mediation and Conciliation Centres in Legal Practice Centres (NPJ)’. *Revista Aracê* 7, no. 1 (January 29, 2025): 3975-4010. <https://doi.org/10.56238/arev7n1-235>. <https://doi.org/10.56238/arev7n1-235>.

36 Katja Valaskivi & David G. Robertson (2022) Introduction: epistemic contestations in the hybrid media environment, *Popular Communication*, 20:3, 153–161, DOI: 10.1080/15405702.2022.2057998, available here: <https://doi.org/10.1080/15405702.2022.2057998>, accessed 02.04.2025.

37 Khoo, S.-M., Haapakoski, J., Hellstén, M. & Malone, J. (2018). Moving from interdisciplinary research to transdisciplinary educational ethics: bridging epistemological differences in researching higher education internationalisation(s). *European Educational Research Journal*, 18(2), 181–199. <https://doi.org/10.1177/1474904118781223> (Original Work Published 2019).

different fields. The current epistemological crisis – with its questions about the legitimacy of knowledge and the need for solutions to international problems – requires the legal education system to change its methodological horizon. As some authors have observed, traditional legal education has reached a degree of ‘functional decay’: excessively focussed on positive law, it fails to orient students towards a true picture of the links between law and the major problems of society³⁸. The classical curriculum, centred on *doctrinal law*, has often remained silent on the colonial and unequal implications of the global legal order, omitting the connections between the history of law and contemporary injustices (extreme poverty, global inequality, environmental degradation). As a consequence, by limiting itself to an idealised self-portrait of legality, legal education risks becoming merely a ritual of formal certification in a discipline that reproduces an unequal social order. Finally, such criticisms underline the *epistemologically closed* character of the traditional way of teaching law, which does not question its own premises and does not dialogue with other spheres of knowledge.

The solution proposed by a growing number of researchers and reformers is to move towards a transdisciplinary perspective aimed at redressing this situation. Foluke Adebisi, in the work already cited (2021), argues that in order to achieve a transformative goal, law schooling must go beyond mere demographic diversification and directly confront hierarchies of power and knowledge in the discipline. It argues for transdisciplinary and decolonial approaches to the production of legal knowledge, so that legal education no longer reproduces inequalities, but dismantles them³⁹. In the same spirit, the *law and...* initiatives (law and literature, law and economics, law and technology, etc.) have proved their usefulness, but they need to be taken further towards a synthesis centred on the whole. It is not just a question of adding courses from other fields, but of rethinking the place of law in the ecology of knowledge so that students can learn to distinguish critically between different epistemological registers.

Transdisciplinarity itself becomes an ethical and civic pillar for legal education in general, and for legal pedagogy in particular, in times of epistemological crisis. By working with other disciplines, future lawyers develop their ‘*epistemic humility*’ – the recognition that their perspectives need to be complemented by others – and learn to communicate in a way that is meaningful to the wider public, restoring the bridges between expertise and society⁴⁰. Of course, this method requires all specialists to be aware of this attitude, just as a transdisciplinary curriculum brings students into community projects alongside medical, architecture or political science students, for cases as diverse as poor housing or access to health services. In such ‘*transdisciplinary cohorts*’, future lawyers or magistrates learn not only applied legal knowledge, but also the ability to contextualise problems legally, to identify relevant non-legal dimensions and to work together as a team for the common good. Indeed, we are talking about a mode of training that responds directly to the epistemological crisis, as it reconnects law to people’s real needs and to the multiple forms of knowledge involved in solving them.

In today’s profoundly changing world, transdisciplinarity is no longer a marginal

38 Adebisi, Foluke. ‘Should We Rethink the Purposes of the Law School? A Case for Decolonial Thought in Legal Pedagogy.’ *Amicus Curiae*, Series 2, vol. 2, no. 3 (2021): 428–449. Article available here: https://research-information.bris.ac.uk/ws/portalfiles/portal/280152426/Final_version_Blackstones_tower_article_Adebisi.pdf, accessed 02.04.2025.

39 *Ibid.*

40 Nelson, Camille A. ‘Redux: Towards an Empowering Model of Legal Education.’ *Canadian Journal of Comparative and Contemporary Law* 8 (2022): 193–223. Article available here: <https://www.cjcl.ca/wp-content/uploads/2022/8-Nelson.pdf>, accessed 02.04.2025.

option, but claims a central and indispensable place. The epistemological crisis and the complexity of the contemporary world call for lawyers with flexible training, capable of linking legal thinking with the perspectives of other sciences and with a critical awareness of the role of law in society. Both the historical development of legal education and innovative models in different countries point in a converging direction: the *law school of the future* is an open, interdisciplinary and international problem-solving orientated one. Through transdisciplinarity, legal pedagogy can overcome the current crisis of relevance and legitimacy, renewing its mission to train lawyers as founders of a more just world, not just technicians of the law. We have before us both the challenge and the promise of transdisciplinarity in contemporary legal education.

FINAL REFLECTIONS

All the arguments and observations contained in this study lead naturally to a profound reconfiguration of the normative ecology of legal knowledge: a mutation from self-referential systems to an open cognitive network, in which law is not merely a *corpus of norms*, but a vector of meaning within a multifocal and emergent human universe. In the new epistemological horizon that I have described at the level of a desideratum, attention to international law is no longer merely a reaction to geopolitical interdependencies, but becomes a requirement of rigorous thinking, capable of transcending disciplinary boundaries and reacting as a science in a coherent and responsible manner. Although it may seem a simple thematic extension, it is an assumption of a methodology compatible with the complexity of reality – a transdisciplinary, flexible methodology, sensitive to the multiple registers of knowledge and to the tensions between the norm and the fact.

It is a reconstruction that does not entail abandoning the normative core of law, but, on the contrary, reconnecting it to the living matrix of the present – a matrix defined by ontological fluidity, systemic interdependence and continuous emergence. Law must thus rediscover its capacity for dialogue with the social sciences, new technologies, ethics and philosophy, taking on the role of an articulator of meaning in increasingly volatile contexts.

The sustainability of legal research is not measured in the volume of publications or in the breadth of the topics addressed, but in the ability to generate epistemological tools capable of understanding and shaping legal phenomena, in the seriousness, responsibility and altruism with which we should take steps in this direction. True innovation lies in the power of adaptation, conceptual mobility and the courage to interrogate fundamentals without sacrificing rigour. An essential triad is taking shape: the organic integration of international law, the adoption of a permeable and open methodology, and the affirmation of transdisciplinarity as a critical infrastructure of legal research, as genuine intellectual engagement.

The final call is not rhetorical, but an invitation to responsibility and creativity: the legal researcher of the 21st century is no longer a mere interpreter of the rule, but one in which every cognitive decision has the potential to shape not only the law, but the world itself.



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SAVREMENO MEĐUNARODNO PRAVO I ZNAČAJ NJEGOVOG ISTRAŽIVANJA

Apstrakt:

Tempo naučnih otkrića i razvoja u savremenim međunarodnim odnosima stvara problem tempa sa kojim se savremeno međunarodno pravo mora nositi kroz kontinuiranu adaptaciju. Rastući i višeznačni uticaj međunarodnog javnog prava na nacionalni pravni poredak i obrnuto predstavlja osnovu za ideju ideju globalne vizije kako u obrazovanju tako i u pravnim istraživanjima, sa naglaskom na značaj poređenja i transnacionalnosti. Bez globalnih standarda poređenja, savremeni pravni diskurs ne može da se razvija na autarhičan način, posebno imajući u vidu da nacionalni pravni poredak postaje sve više zavisao od međunarodnih normi i mehanizama. Ovaj rad se zasniva na načinu na koji pravna istraživanja moraju uskladiti svoju metodologiju s ovom stvarnošću na realan i uravnotežen način. Metodološki, pažnja je usmerena na fleksibilnost i prilagođenost onome što danas predstavljaju društvo i pravno obrazovanje.

Ključne reči: značaj pravnog istraživanja i pravne edukacije, metodološka održivost, međunarodno pravo; inter - , multi – i transdisciplinarnost.

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