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THE SCOPE OF INTERDISCIPLINARY COLLABORATION

GLENDON SCHUBERT*

I find myself in such substantial agreement with what Professor Mohr said concerning the *need* for interdisciplinary cooperation that, rather than to cavil over his existentialist philosophy of science, I should rather turn to a few points that were made by Professor Levi, with whom I find it much easier to disagree wholeheartedly. There are two points in particular which I have in mind. The first relates to the possible desirability of having greater interdisciplinary collaboration among lawyers and other social scientists. I state the proposition in such a general and open stance because in this form it implies that law is a social science too. The second point concerns how interdisciplinary cooperation can be facilitated, and whether or not pre-legal university education can now be dispensed with in the United States as well as in Canada.

Let us consider what is the appropriate sort of comparison if we want to talk about the quality of behavioural science empirical knowledge. I suppose no one will dispute that that knowledge is uneven; and if we're going to compare it with that of atomic physics, then behavioural knowledge is rather poor in both validity and reliability. But that, of course, is not the appropriate comparison. I should think any atomic physicist who tried to solve his problems of theory and methodology by turning to political science for empirical answers would be a madman. The relevant question is, rather, what is the relative validity and reliability of empirical knowledge, knowledge about facts, about the real world, as produced by traditional methods of legal research, in comparison to what is available through behavioural science? This is the appropriate comparison. And when we state it that way, we may come out with a very different answer than the one that Professor Levi suggested. Anyhow, I'm going to assume that that would be the case and talk in a very pragmatic, empirical way about how interdisciplinary collaboration, which I assume to be desirable, can take place, focusing particularly upon relationships among other social scientists and lawyers. I do, however, think that the problem of interdisciplinary collaboration is a very general one and this is just one aspect of it.

In the first place, it's my impression that when lawyers and law school faculties think in terms of collaborating with social scientists, the frequent and most usual stance of the lawmen is to assume that they can acquire some behavioural clerks who will do some sort of technical work for them, in the same way that political scientists often want to use computer programmers. The lawman (or political scientist) thinks: there are certain technical tasks that are not terribly important. I don't want to bother to learn them myself;

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I'll get someone else to do them for me and then I can go and do my thing that I'm accustomed to doing in the usual way. I think this point of view is perhaps best expressed in an article by Samuel Fahr (at least then a law professor at Iowa) that appeared in the first volume of the Washburn Law Review about eight years ago. Another example of this, I think, can be drawn from the experience of sociologist Fred Strodbeck, which I choose because the Chicago Jury Project is one of the best publicized and well supported instances of attempts at interdisciplinary collaboration involving lawmen. In the Evan book on *Law and Sociology*, Strodbeck has a footnote in which he remarks that at no time did anything that was going on in the Chicago Jury Project affect legal pedagogy in the University of Chicago Law School. The research on juries was completely independent of what went on in terms of teaching; and at no time was any of the several cooperating research sociologists of the project asked to teach law students. Now, we can turn this around and talk about the alternative possibility of the co-option of lawyers by social scientists. But here again I don't think that the results so far have been terribly happy. I suppose that perhaps one of the most successful examples we can point to is the work during the last generation of Harold Lasswell at the Yale Law Faculty, where he personally has been influential upon a number of his colleagues and upon a good many students. Lasswell remains, however, a rather isolated example of what might be called co-option by infiltration. We do have a number of persons, previously trained in law, who have joined the political science profession as teachers; but on the whole these are not persons who have been identified with significant breakthroughs in scientific theory and method in political science. They have tended, instead, to be persons who have taught public law in the traditional mode in which — as one gathers from one of Arthur Miller's recent articles — it still tends to be taught in many faculties.

An alternative possibility to co-option is boot strapping, by which I don't mean merely picking up some technique, such as multiple regression analysis: you get a statistics text book, you learn how to do multiple regression analysis, and maybe get one program that you know how to use and then you keep running data with it. There are some people in political science, for example, who do this sort of thing; and I suppose there are other social scientist addicts too. What I have in mind by boot strapping, however, is the much harder and more serious business of attempting to educate yourself, in early or later middle-age, in ways that you haven't been trained as a youth. Now, I don't think anybody can fully succeed in this and, moreover, I don't think it proffers any real solution to the problem; it is rather a stop gap measure until better ways of accomplishing the desired result can be developed.

A better alternative is provided by the hybrids, people who have, let's say a Ph.D. in Economics, plus a law degree. (I think, incidentally, that there is a difference between the people who do law first instead of later.) A few such persons have joined law faculties and begun to use their command of economic theory and economic methods in teaching law courses. The problem is that these are very expensive people to produce and I don't think we'll ever produce enough of them to really make any major change along the direction that would be desirable.

So that leaves my final alternative, and the one which is going to take the longest time: giving lawyers a better education in pre-law. One of the respects in which law schools have been most irresponsible and most short sighted is in their failure to define, better than they have, what they expect to be done in terms of university education of the students who are going to come to them. This business of saying "be broad, and maybe take a course in Latin or a couple of courses in English" doesn't help anybody and it doesn't produce any particular kind of product either. It seems to me that if, in the future, more people can be well trained in the behavioural sciences, at least to the level of an undergraduate degree, and *then* go on into law school work, the long range solution for interdisciplinary collaboration will come about through the best law students who will become law teachers having themselves had a better education, that is, a more relevant education in the behavioural sciences than has tended to be true in the past. But even here I must close on a pessimistic note, for this solution is an increasingly less hopeful one under contemporary circumstances: there seem to be so many contemporary pressures upon the undergraduate students, who *ought* to be being trained this way, to by-pass the longer-range kind of training in the skills that are needed, in order to (understandably) engage themselves immediately in attempts to resolve urgent social problems with whatever level of skills they happen to have picked up in secondary school — which rarely is high. They are not willing to take the longer time needed to acquire the competence relevant to the kind of problems for which, it seems to me, interdisciplinary knowledge is so badly needed.

