Elusive Interdisciplinarity in International Law in the Nordics

Abstract

In this article we discuss the interdisciplinarity as a practical question and a theoretical challenge. We place international law on a disciplinary map and advocate for theoretical openings towards other social sciences using the critique on methodological nationalism in social sciences as an example of possibilities for broadening the theoretical approaches. We suggest that methodological dialogue should be taken as central in research practices. We also inquire into interdisciplinarity practices that include theoretical openness towards other disciplines and explain how they could benefit legal scholars particularly when analysing consequences of the law. A number of examples from the interdisciplinarity in Nordic countries are included and some of their approaches and terminological challenges discussed.

1 Introduction

This article has its roots in a coincidental, interdisciplinary encounter: a legal scholar met a sociologist, both asking themselves, where the "inter" and what the "discipline" is in that interdisciplinarity that includes law. In this article, we construct an interdisciplinary bridge between the critique on methodological nationalism in migration research and international law, particularly looking for the potential connections through the various lenses of legal pluralism. Disciplines can be described as bodies of internal protocols, goals, concepts, facts, tacit skills, and methodologies.[1] Scholars often have a 'home discipline' that has a language, an epistemology, a culture, a style or sensibility. If so, interdisciplinarity implies conceptual and linguistic blending and mixing of disciplinary tools[2] and an openness to leave 'home'; thus, it renders one at the edge of innovation, escaping the comfort zone of the established paradigmatic tools and canons. Interdisciplinarity, at the very least, requires a disciplinary awareness and a willingness to learn from cross-fertilization among peers from other disciplines and/or cultures. While 'discipline' is a concept to be critically examined, perhaps even debunked,[3] feminist scholarship often identifies bodies of work rather than disciplines or methodologies; when international legal feminism first gained ground, some critics questioned it as 'unscholarly, disruptive or mad' from the point of view of established disciplinarity.[4]

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[1] D. Vick, 'Interdiscipinarity and the Discipline of Law', 31 *J. L. & Soc'y* (2004) pp. 163, 166.
[2] S. Nikitina, 'Pathways to Interdisciplinary Cognition', 23 *Cognition & Instruction* (2005) pp. 389, 393, 414.
[3] See e.g. R. James, 'Observing and Normalizing: Foucault, Discipline and Inequality in Schooling', 25 *J. of Educ. Thought (JET) / Revue de la Pensée Éducation* (1991) pp. 104–119.
[4] H. Charlesworth, 'Feminist Methods in International Law', *Stud. Transnat'l Legal Pol'y* (2004) pp. 159–160

When law is seen as a social phenomenon, it classifies neatly as a (sub)discipline of social sciences. Consequently, law and other social sciences have similar responses to ontological questions (what exists and how) and to epistemological questions (how we know). One of the connotations of the prefix 'inter' in interdisciplinarity is precisely such mutuality. The so-called 'objectivity anxiety' is also mutually recognised;[5] social sciences and their methods address the relationship of the scholar to the object of research – is one so distant that the result is 'objectification'.

In this article, we will first discuss the interdisciplinarity as a practical question and theoretical challenge. Law and other social sciences coexist in the discipline of legal studies in socio-legal approaches. These have become part of the curriculum when universities have established professorships and possibilities of studying theoretical and methodological basics of law as social phenomena and legal studies as one of the social sciences. The simultaneous disciplinary proximity and distance inspired us to look closer into the interdisciplinarity. Multidisciplinary research institutes have established research communities in which different aspects of law and institutions are studied from multiple scholarly perspectives. Interdisciplinary research projects bring together scholars from different disciplines to work together with a specific topic.

After discussing interdisciplinarity in the Nordics, we shall discuss legal scholars' openness to engage with theoretical takes found in (other) social sciences. The law is not only a matter of interest for legal scholars. National and international law as well as its embodied consequences have gained importance among the scholars of other social sciences as well. Even though the possibilities and practices of interdisciplinary scholarship are many, the theoretical debates might remain distant. In this article, we discuss it through an example drawn from the critique on methodological nationalism, focusing on migration research.

2 Disciplinary Map of International Law

Haraway has drawn attention to the *Science Question*[6] and the various criteria for scientific validity. The science question is the infinite problematique that opens when we try to set criteria for science; one of the criteria being academic critique. This latter will also lead to the questioning of the prevailing concept of science, its foundations and, periodically, will lead to paradigm shifts and ruptures through which what was previously considered scientifically valid

[5] See D. Haraway, 'Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective', 14 *Feminist Studies* (1988) pp. 575–599, p.577 referring to a host of scholarship on the subject.
[6] id.

may become invalid or, at least, qualified. In Figure 1 (see below), scientific criteria - repeatability (how, in terms of method, results were reached), falsifiability/verifiability, publicity (peer-review) and transparency, openness to academic critique - are set on the top of the disciplinary map of international law as experienced from the perspective of a Nordic law faculty. While the social science based disciplinary orientations are in the middle of the map, the theory of legal dogmatics (often called doctrinalism) is near the fringe. This is to depict the risk that if legal dogmatism moves too far from its main challenge among the science criteria – namely openness to academic critique – it may veer towards everyday dogmatism[7] and fall off the disciplinary map of (international) law. This is when research fails to produce innovative and creative new thinking and falls back on repeating and pedestalizing the already-known authorities. Dogmatism is kin to legal positivism and both view rules as objects made by human beings. More importantly, they imply that there is no inherent or necessary connection between law and anything beyond it. Positivism as an underlying theory of dogmatism often involves a strict adherence to the letter of the law, focusing on what the law is rather than what it ought to be or why it became what it is literally, institutionally or theoretically. To many, if the latter question is ignored, one can speak of a technical practice rather than a scientific or disciplinary concept of law. Both dogmatism and positivism place significant emphasis on legal texts. Dogmatism's methodical approach to understanding legal norms parallels the structured analysis of international law in positivism, where the focus is on the explicit consent of states as manifested in legal documents.[8]

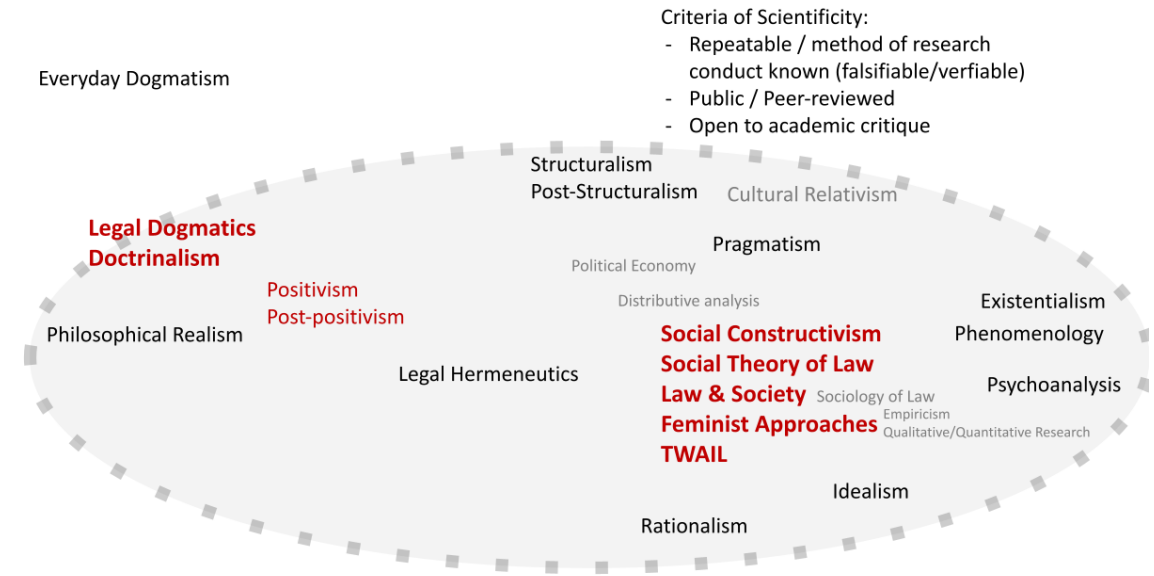
While the borders of the disciplinary map are porous, disciplinary influences generally drift in and out and get adopted – unless a rigid isolationism is practiced. Interdisciplinarity seems fluently addressed in the social theory-based orientations of the disciplinary map (see Figure 1: middle and right) while the world view and the view of the main research objects, subjects and epistemological possibilities is consciously shared with other social and human sciences – e.g. sociology, psychology, economics, anthropology, political science – unlike at the dogmatist fringe. Law is regarded as a social institution, a cultural practice and/or a linguistic idiom that exists as a result of human social, cultural and epistemic endeavours among many

[7] Everyday dogmatism is a viewpoint or system of ideas based on insufficiently examined premises. Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/dogmatism (accessed 16 May 2023)

[8] For a nuanced discussion, see J. d'Aspremont, 'International Legal Positivism', in J. Dunoff & M. Pollack (eds.), International Legal Theory: Foundations and Frontiers, (Cambridge University Press, Cambridge, 2022) pp. 63-81.

other similar phenomena – politics, psychological systems, social and cultural organizations and systems etc – from which it cannot be meaningfully isolated.

Figure 1.



In legal disciplines the knowledge that is produced serves two-fold purposes; on the one hand, scientific inquiry and, on the other, the purposes of the trade (legal practice). Objectivity is a main requirement for both. From judges, it requires a lack of personal bias, a neutral stance, and the commitment to anti-discrimination. In legal science, it requires the use of transparent methods. However, to maintain a scientificity, we also need to be 'objective about objectivity'[9] which means a critical epistemological stance – an inquiry into how things are known, what pre-absorbed biases knowledge carries, in short, the academic critique of the concept of objectivity. E.g. feminist theory has shown that however ardently we pledge full impartiality on the bases of race, gender, standing, status, ethnicity, creed etc, we carry significant structural and systemic biases.[10] Scientific inquiries are always theory-dependent and operate on the special condition of all social and human sciences – namely, that the object and the subject inhabit, and therefore, constantly cross-influence, each other as the episteme (knowledge and

[9] D. Kennedy, *A Critique of Adjudication (fin de siecle)* (Harvard University Press, Cambridge, 1997/98) pp. 7–8, 342–50; also *id.* 'The Critique of Rights', in J. Halley & W. Brown (eds.) *Left Legalism / Left Critique* (Duke Univeristy Press, Durham, 2002) *passim*
[10] D. Haraway, (*supra* note 5), passim

meanings) accumulate. According to e.g. phenomenological theory-base (see Figure 1), intentionality emerges from the 'unconscious' pre-understanding of the research object and the world context before the scientific examination ever starts. Below, we shall raise certain constraining and therefore problematic pre-understandings with methodological nationalism, e.g. the acceptance of the nation-state as a 'natural' unit of analysis.

The pre-understanding (*Vorverständnis*) is problematized in continental phenomenological and hermeneutic traditions. Prejudgement cannot be dismissed as simply negative prejudice. The purpose of the concept is to highlight that every opinion and every judgement becomes possible only through our pre-reflective involvement with the world that always already creates a non-neutral stance. As Bianchi puts it: "This means that whenever we approach an object of intellectual inquiry, we carry with us our professional presuppositions, cultural biases, and personal experience. There is no such thing as a neutral 'view from nowhere' as traditional legal scholarship would have us believe. The scientific observer's theoretical discourse about international law, or anything else for that matter, comprises what is said, as well as what is not said. The 'scholastic bias', or one's assumptions and presuppositions, stands out among the unsaid."[11] To compare, from the structuralist or critical theory viewpoint (Figure 1), we may note an underlying paradigmatic perception of reality that operates "an anesthetising and alienating effect" on the worldview of the observer.[12] Such *apriori* or pre-understanding is never erased, which is why certain theories propose its bracketing. When legal scholars investigate the social world and objects, their conception of the world and the human being are based on pre-understandings. If ignored, they transplant as arbitrary biases to research and make even relative objectivity questionable.[13] As Otto puts it in discussing feminist and third world approaches to international law, they 'carry a brief' – which, of course, should be recognized openly when strategically used.[14] Otto's strategising is a great example of the struggle with the Science Question.[15]

The legal dogmatic/doctrinalist basis proceeds from a 'realm of norms' that is sufficiently autonomous of other social institutions. Therefore, it does not serve a good basis for

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[11] Footnotes in quote omitted. J. D'Aspremont, 'International Legal Positivism', in J. Dunoff & M. Pollack (eds.), *International Legal Theory: Foundations and Frontiers*. (Cambridge University Press, Cambridge, 2022) pp. 63–81.

[12] Intentionality is examined profoundly by Husserl; see E. Husserl, *The Idea of Phenomenology* (orig. 1964, 1990 Kluwer) IV Lecture; also D. Kennedy, 'Critical Theory, Structuralism and Contemporary Legal Scholarship', 21 *New Eng. L. Rev.* (1985) pp. 209, 214

[13] *id.*

[14] D. Otto, 'Gastronomics of TWAIL's Feminist Flavourings. Some Lunch-Time Offerings', 9 *Int'l Comm. L. Rev*. (2007) pp. 345, 351

[15] Haraway (*supra* note 5)

interdisciplinarity. Through the autonomous stance, it either isolates or, at the very least, implies a hierarchy with the law's authority on top. Its methods focus on interpreting and systematizing norms in relationship to each other, not in the context of other social, cultural, political, linguistic etc phenomena. The positivist theory basis similarly centers on authoritative legal sources that can be 'observed without speculating about what lies behind' them.[16] In this level of purity, dogmatists/doctrinalists, according to commentaries, are nearly extinct.[17] It is, therefore, a topical question, how non-puritan dogmatism goes about combining its traditional isolationism with interdisciplinarity and e.g. social constructivism.

2.1 Interdisciplinarity today

The recognition of law as an embedded social phenomenon, the problematization of the human subjectivity and agency, and the consequent theoretical and methodological choices require interdisciplinarity. While dogmatists/doctrinalists take international law as defined by its formal sources and transnational legal policies, they may end up with the 'legalist strawman'[18] that offers a poor basis for dealing with reality, e.g. political economy. the social theory-based approaches seem to prefer the embodied international lawyer, who is an actor and subject of that political economy.[19]

Depending on how far one wants to trace the recent disciplinary developments in terms of the move to a more social-theory based international law discipline and thereby towards interdisciplinarity, one finds the 'fall of international law' (Eurocentric positivist-dogmatist version) in the 1960s,[20] the event of voluminous bi-disciplinarity (IL/IR) in the 1990s,[21] or the emergence of new approaches, e.g. feminism and critique of the international law of coloniality since the 1980s and 90s.[22] Whichever timeline one prefers there are plenty of scholars educated in philosophy, women's studies, economics, anthropology, sociology, political science or

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[16] Vick (supra note 1) p. 180
[17] *id.* p. 181
[18] F. Hoffmann, 'International Legalism and International Politics', in A. Orford and F. Hoffmann (eds), *Oxford Handbook of the Theory of International Law* (Oxford University Press, Oxford, 2016) 954–960.
[19] M. Hirsch, *Invitation to the Sociology of International Law* (Oxford University Press, Oxford, 2015) 2; in the phenomenologist-situationalist frame, see the move from the 'strawman' to the 'living lawyer' and the entailments of such a perspectival change for research and practice, O. Korhonen, *International Law Situated: The Lawyer's Stance Towards Culture, History and Community* (Brill Kluwer Law International, The Hague, 2000) *passim*.
[20] M. Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* (Cambridge University Press, Cambridge, 2001).
[21] See e.g., A.-M. Slaughter, A. Tulumello and S. Wood, 'International Law and International Relations Theory: A New Generation of Interdisciplinary Scholarship', 92 *Am. J. Int'l L.* (1998) p. 367
[22] J. M. Beneyto and D. Kennedy (eds.), *New Approaches to International Law: The European and the American Experiences* (T.M.C Asser Press, The Hague, 2012).

literature[23] in the academic and trade fora supporting disciplinary pluralism, to the point of disciplinary resistance or anti-disciplinarity. There are many "law and" combinations'.[24] There are also the more pluri-, multi-, cross- and even pan-disciplinary approaches. In the following, we shall introduce some examples from the Nordic scene, without intentions to comprehensively present the whole field.

Modes of interdisciplinarity have established in several Nordic faculties of law through their professors, teachers, and syllabi. The socio-legal teaching may often be bi-disciplinary in the sense that the contents and the frameworks rise from the legal tradition, while the methods, such as interviews, participatory observations, or text analyses, are more commonly used in other disciplines from which influences are drawn. Particularly socio-legal approaches need methodological tools that are traditionally not taught to legal scholars, although one could argue that the "socio" in socio-legal would also necessitate theoretical interdisciplinarity.

Multidisciplinary research institutes, such as the Centre for Interdisciplinary Studies of Law at the University of Copenhagen, or the Institute of Criminology and Legal Policy at the University of Helsinki have established research communities among whom different aspects of law and institutions are studied from multiple scholarly perspectives. Also, to mention some examples, institutes, such as Swedish Law and Informatics Research Institute at the Stockholm University, or the Center for Climate Change, Energy and Environmental Law at the University of Eastern Finland contribute in analysing specific questions of "law and".

Interdisciplinary research projects bring together scholars from different disciplines to work together with a specific topic, such as pandemic or new digital organizational forms working for sustainable development (JuRe[25], CIDS[26], Faculty of Law, University of Turku). At the University of Bergen, the #LoVeSeSDG[27] has interdisciplinary regional focus on climate change in the Lofoten-Vesterålen-Senja (LoVeSe) region in Norway. The interdisciplinarity within a research group may encourage scholars to implement, methods, theories and

[23] See A. Orford and F. Hoffmann (eds.), *The Oxford Handbook of the Theory of International Law* (Oxford University Press, Oxford, 2016) 2
[24] Vick, (*supra* note 1), p. 188.
[25] Just Recovery from Covid-19? Fundamental Rights, Legitimate Governance and Lessons Learnt. See https://www.jure.fi/en/ (last visited November 12, 2023)
[26] Critical Inquiry into Decentralized Autonomous Organizations Supporting Sustainable Development, see https://sites.utu.fi/cids/ (last visited November 12, 2023)
[27] Localizing the 2030 Agenda for Sustainable Development for the Barents Sea-Lofoten ecosystem in a changing climate. See https://www.uib.no/en/svt/138593/lovesesdg (last visited November 13, 2023).

perspectives from other disciplinary fields – or the interdisciplinarity may remain a word for describing scientific co-existence.

In the Nordics, scholars have been increasingly inspired by the possibilities of teaching between faculties or across and beyond disciplinary fences. On one hand, understanding the law as a factor that creates the framework for policies and practices is useful for the students of other disciplines. On the other hand, offering multiple perspectives on certain concepts or phenomena open possibilities for the students to understand the law as an instrument that is deeply rooted in the history of the society in which the rule of law has been established or is currently implemented. To mention an example, in a recent course for graduate students, linguistic rights in Sweden and Finland at the University of Turku were taught by two teachers in a chronological form. The historical and societal backgrounds were presented before explaining the legal tools that were developed as a consequence – and the consequences of implementing the law were again explained as societal problem. In this teaching, political history, international law, legal comparison and sociological perspectives were brought together offering organic interdisciplinarity through the phenomenon-based learning.

3 The end of the container society

Social sciences often share interest in the same phenomena even when they come with different scholarly perspectives. For instance, the law and its execution are not only an interest for legal scholars. To mention some examples related to migration, Leinonen and Pellander[28] have analysed court decisions related to sham marriages to find out what characterize a "genuine marriage". Könönen[29] has focused on the disciplinary character of detentions and Lindberg[30] on deportations. The research on migrant irregularity as such is related rights, law and consequences of the control[31].

[28] J. Leinonen and S. Pellander, 'Court Decisions over Marriage Migration in Finland: A Problem with Transnational Family Ties', 40:9 *Journal of Ethnic and Migration Studies* (2014), pp. 1488-1506.
[29] e.g. J. Könönen, ',Foreigners' Crime and Punishment: Punitive Application of Immigration Law as a Substitute for Criminal Justice', *Theoretical Criminology* (2023)
[30] A. Lindberg, *Deportation Limbo: State Violence and Contestations in the Nordics*. (Manchester University Press, Manchester, 2023).
[31] E.g. C. M. Jacobsen, M-A. Karlsen, S. Khosravi (eds.), *Waiting and the Temporalities of Irregular Migration* (Routledge, London, 2020); T. Ahonen and M.A. Kallius, 'Paperittomuuden tuotanto ja hallinta Suomessa 2015–2017', in E. Lyytinen (ed.), *Turvapaikanhaku ja pakolaisuus Suomessa,* (Siirtolaisuusinstituutti, Turku, 2019) pp. 89-112.

The conflicting relation between the international law and state sovereignty seem to exist has been discussed among legal scholars less than by others.[32] In the other fields of social sciences, international agreements as well as mobility of people, capital and ideas are also a matter of interest and the former conflict between the sovereignity as *Grundnorm* and the discipline of international law is very apparent, although the nation-state as unquestioned unity remains a strong underlying pre-understanding (Vorverständnis). Globalization and international law have challenged the idea of the nation state as a hermetic unit and as a relevant basis for analysis. In his writings, Beck[33] challenges the "container theory of society"; the idea that the nation state would be such a hermetic unit. Overall, since the early 1990s, social scientists have sought ways to study transnational phenomena taking distance from the centrality of the nation-state and its sovereignty in their analyses[34]. One can also say that the Nordic international law canon has long also maintained that belonging to the international community – whether manifested in active participation in international organisations or the promotion of international dispute resolution – equals a relaxing from any absolutism about the sovereignty *Grundnorm*.

Franz von Benda-Beckmann could be seen as a forerunner among the legal scholars for distancing from methodological nationalism. His concept of legal pluralism captures the asymmetrical, yet complementary, nature of native and colonial law in Malawi[35]. Although legal pluralism might seem incapable of providing a uniform approach to international and global law, the approaches that are close to legal anthropology offer an analytical framework for understanding the (international) law as one of the normative elements among others.[36] Beck's critique on container society has been explored by many legal scholars[37]. Among others

[32] See eg. G. Distefano, *Fundamentals of Public International Law: A Sketch of International Legal Order* (Brill Nijhoff, Leiden, 2019); M. Koskenniemi, 'Introduction: International Law and Empire—Aspects and Approaches', in M. Koskenniemi, W. Rech, and M. Jiménez Fonseca (eds), *International Law and Empire: Historical Explorations* (Oxford Academic, Oxford, 2017); M. W. Reisman, 'Sovereignty and Human Rights in Contemporary International Law' 84:4 *The American journal of international law* (1990) pp. 866–876.
[33] U. Beck, *What Is Globalization?* (Polity Press, Cambridge, 2000).
[34] A. Sager, 'Methodological Nationalism, Migration and Political Theory', 64:1 *Political Studies* (2016) pp. 42–59.
[35] K. I. Schmidt, 'From Evolutionary Functionalism to Critical Transnationalism: Comparative Legal History, Aristotle to Present', in M. D. Dubber, and C. Tomlins (eds), *The Oxford Handbook of Legal History* (Oxford Academic, Oxford, 2018) pp. 263–290.
[36] A. Bianchi, *International Law Theories: An Inquiry into Different Ways of Thinking*, (Oxford University Press, Oxford, 2016) pp. 227–245; N. Krisch, 'Global Legal Pluralisms', in J. L. Dunoff, and M. A. Pollack (eds.), *International Legal Theory: Foundations and Frontiers*, (Cambridge University Press, Cambridge, 2022) pp. 240–258.
[37] See e.g. D. Nelken, 'Transnational Legal Processes and the (Re)construction of the 'Social': The Case of Human Trafficking', in D. Feenan. (ed) *Exploring the 'Socio' of Socio-Legal Studies* (Palgrave Macmillan, 2013, London) pp. 137–156.

Cotterell has argued for rethinking law as regulatory continuum[38]. Although legal scholars have referred to Beck and others to question the methodological nationalism, the further interdisciplinary possibilities of social scientific theories have remained underdeveloped, particularly considering human mobility, although some legal scholars such as Kmak[39] include the problematics of methodological nationalism in their analysis.

Among the researchers who focus on migration and mobility, Wimmer and Glick Schiller[40] established the concept of methodological nationalism in migration studies. The criticism on taking the nation-state and its categories for granted, had been criticized previously in this context, too. Malkki[41] criticized refugee studies for adopting the "national order of things" as a baseline. Questioning the taken-as-granted categories of analysis have led to a theoretical development, where the characters of human mobility have been analysed from perspectives, which intend to go beyond the ethical, racial, national and administrative categories, which have been led from the national legislations and administrative practices. This does not mean, though, that the importance of the state, its institutions, or legislation would have become overlooked.

The critique on methodological nationalism has resulted in the emergence of new theoretical approaches, among those new transnationalism and the mobilities approach. These new strands have become some of the most discussed topics in migration research[42], also in the Nordics[43]. It has been argued that the epistemological and conceptual reflections, which we will discuss next, have contributed to a paradigm shift[44]. In migration research this has been called

[38] R. Cotterell, 'Spectres of Transnationalism: Changing Terrains of Sociology of Law'. 36:4 *Journal of Law and Society* (2009), p. 490.
[39] M. Kmak, *Law, Migration and Human Mobility: Mobile Law*. (Routledge, Oxon, 2023).
[40] A. Wimmer and N. Glick Schiller. 'Methodological Nationalism, the Social Sciences, and the Study of Migration: An Essay in Historical Epistemology', 37:3 *The International Migration Review* (2003), pp. 576–610.
[41] L. Malkki, 'From 'Refugee Studies' to the 'National Order of Things'' 24 *Annual Review of Anthropology* (1995), pp. 495–523.
[42] A. Pisarevskaya, N. Levy, P. Scholten and J. Jansen, 'Mapping migration studies: An empirical analysis of the coming of age of a research field', 8:3 *Migration Studies* (2020) pp. 455–481.
[43] See e.g. P. Ahponen, P. Harinen, V, Haverinen, V-S. (eds.), *Dislocations of Civic Cultural Borderlines: Methodological Nationalism, Transnational Reality and Cosmopolitan Dreams* (Springer, Cham, 2016); K.A. Drangsland, 'Mo's Challenge: Waiting and the Temporalities of Irregular Migration.' In C. M. Jacobsen, M-A. Karlsen, S. Khosravi (eds.), *Waiting and the Temporalities of Irregular Migration* (Routledge, London, 2021) pp. 75–95.
[44] E.g. J. Dahinden, 'A plea for the 'de-migranticization' of research on migration and integration', 39:13 *Ethnic and Racial Studies* (2016), pp. 2207–2225; B. Nieswand and H. Drotbohm (eds.), *Kultur, Gesellschaft, Migration: Die reflexive Wende in der Migrationsforschung*. (Springer VS, Wiesbaden, 2014).

"reflexive turn". These approaches have been broadly used among the Nordic criminologists, sociologists, anthropologists and generally scholars working on migration.

This scholarly theory could have more to offer for international and other legal studies, particularly legal pluralism. The debate on methodological nationalism does not need to challenge the concept that rises in legal studies as adopted from legal anthropology. It could rather offer ideas for broadening the critique on dogmatic research that is based on taken as granted categories rising from nation-states and their legislative and administrative categories. Next, some theoretical strands that have gained importance in social scientific research on migration will be discussed. And it is questioned why they have remained distant in international and other legal studies.

3.1 Transnational movement and communities

One of the most important approaches rising from the critique on methodological nationalism, even in the Nordic migration and mobility research, has been the new transnationalism approach, which has its origins in anthropologic and ethnographic research[45]. These transnational approaches certainly do not form a coherent theory or set of theories[46]. They should be rather described as perspectives that facilitate studying cross-border phenomena in their various forms. Transnationalism is used differently among the (migration) scholars: Transnationalization or transnational relations imply cross-border ties of individual and collective agents. Transnational social spaces refer to sustained concatenation of crossborder ties and social practices. Transnationality denotes a continuum of trans-state ties and practices.[47]

Also, the new mobilities paradigm understands the subject of the law as mobile and with international ties that do not obey the logic of the law. Mobilities paradigm includes in the analysis for example circular/temporary/internal migrants, and internal movements, and normalise mobility as an ongoing condition of human life[48]. In the early phases,

[45] see for instance N. Pyrhönen, J. Leinonen and T. Martikainen, 'Nordic Migration and Integration Research: Overview and Future Prospects'. *NordForsk*, Policy paper 3/2017, pp. 27–31.
[46] T. Faist, 'Transnationalism', in S. J. Gold and S. J. Nawyn *Routledge International Handbook of Migration Studies.* (Routledge, New York, 2012) pp. 449 – 459; M. Tedeschi, E. Vorobeva and J. S. Jauhiainen, 'Transnationalism: Current Debates and New Perspectives', 87:2 *GeoJournal* (2022) pp. 603–619.
[47] T. Faist and R. Brandhorst, ‚Transnationalismus: Transnationalisierung, Transnationale Soziale Räume, Transnationalität', in: A. Röder and D. Zifonun, (eds.), *Handbuch Migrationssoziologie*. (Springer VS, Wiesbaden, 2023) pp. 1–29; Wimmer and Glick Schiller (*supra* note 35).
[48] M. Sheller and J. Urry, 'The New Mobilities Paradigm', 38:2 *Environment and Planning A: Economy and Space* (2006), pp 207–226.

transnationalism, as well as mobility approaches have been criticized for ignoring the nation-state and its power in transnational movements, as well as inattentiveness of unevenness of mobilities[49]. Scholars have developed these approaches to include power relations in the research.

In the field of law, the "transnationalism" is often related to legal pluralism. Benda Beckmann and others have actively brought together scholars to discuss the transnationalism and law[50], but the scholarly debate related to the theoretical openings rising from the research on migration has remained marginal among the legal scholars. Currently, Transnational Legal Theory journal is a platform for research on domestic fields of law in their evolving transnational contexts, as well as for scholarship that studies the impact of international law on local settings. The legal pluralism could, indeed find more inspiration in further development of the transnationalism approach. Tedeschi and others[51] have suggested further research on transnationalism, body and the law, including absent mothers of transnational families and use of health care across the borders.

The intersectionality in developing transnational approaches remain weak. Scholars, who have been most cited in other disciplines[52], have limited amount of citations in journals, which focus on (transnational) legal pluralism or (im)migration law. Particularly among the legal scholars, whose focus is on migration and mobility, the theoretical development in other social sciences could offer more tools for theorizing the legal practices.

3.2 Theorizing control

Several strands of critical migration research that have followed the transnationalism approach, focus on different forms of control on migration. These do not only focus on law or institutions that implement the national legislation. Glick Schiller and Salazar[53] introduced the concept of "regimes of mobility" to discuss the influence of the state and international regulation on mobility. Mobility regimes define the conditions for the mobility as well as immobility and

[49] A. McNevin, 'Beyond territoriality: Rethinking Human Mobility, Border Security and Geopolitical Space from the Indonesian Island of Bintan', 45:3 *Security Dialogue* (2014), pp. 295–310.
[50] see e.g. F von Benda-Beckmann, K. von Benda-Beckmann and A. Griffths (eds.), *Mobile People, Mobile Law: Expanding Legal Relations in a Contracting World* (Ashgate, Hants, 2005).
[51] M. Kmak, (*supra* note 39).
[52] ibid.
[53] N. Glick Schiller and N. B. Salazar, 'Regimes of Mobility Across the Globe', 39:2 *Journal of Ethnic and Migration Studies*, pp. 183–200.

maintain inequalities. Regimes are simultaneously sites of governance and struggle[54]. Regimes consist of multiple power relations, which simultaneously affect groups and individuals[55]. To understand the interconnectedness of local and global structural conditions, regimes should be analysed on micro and macro levels[56]. The focus of the regime analysis is ideally combining international policies, law as text, administrative practices in different public institutions, law as experienced by those whom it affects. Mobility regimes approach, particularly, could link strongly to legal pluralism, particularly in international settings and contexts, where non-state-powers take a role in decision making[57].

One of the cross-disciplinary questions have been the location of the borders, when the border control is ever more externalized, virtual and less at the physical border of the territory of the nation state. As one concept for contesting methodological nationalism, Yuval-Davis, Wemyss, and Cassidy[58] conceptualize the micro-practices of control within the borders of the nation-state as everyday bordering. The discussion about the border making should be understood as an active process, that takes place in everyday interactions with actors, that do not relate to border controls at the physical borders. Border control occurs within institutions that have no part in immigration control as such[59] . Fellow citizens become part of the border control institutions through obligations as sponsors or, for example, controlling the status of a tenant.[60] Thus, they pit individuals against each other in the competition for social goods as critique of rights approaches have long complained.

The micro practices derive from the legislation, in case of work place controls, ever more based on international agreements that target migrant illegality, trafficking and abusive relations on the labour market[61]. In case of the control at social and health care practitioners' offices, they

[54] See also V. Tsianos and S. Karakayali, 'Transnational Migration and the Emergence of the European Border Regime: An Ethnographic Analysis', 13:3 *European Journal of Social Theory* (2010), pp. 378–387.
[55] S. Costa, 'Researching Entangled Inequalities in Latin America: The Role of Historical, Social, and Transregional Interdependencies', *desiguALdades.net*, Working Paper Series 9 (2011).
[56] see also B. A. Hayden, 'Only Mexicans there: The Nation as Inequality Regime and Methodological Nationalism in Migration Studies', 7:1 *Migration Studies*, (2019), pp. 100–116.
[57] U. Beck, (*supra* note 33).
[58] N. Yuval-Davis, G. Wemyss and K. Cassidy, 'Everyday Bordering, Belonging and the Reorientation of British Immigration Legislation', 52:2 *Sociology* (2018): 228–244.
[59] See also M. Tervonen and A. Enache, 'Coping with everyday bordering: Roma Migrants and Gatekeepers in Helsinki', 40:7 *Ethnic and Racial Studies* (2017), pp. 1114-1131.
[60] See also B. Anderson, 'New Directions in Migration Studies: Towards Methodological De-nationalism' 7: 36 Comparative Migration Studies (2019), pp. 1-13.
[61] See e.g. J. Könönen, 'Becoming a 'Labour Migrant': Immigration Regulations as a Frame of Reference for Migrant Employment', 33:5 *Work, Employment and Society*, (2019):777–793; M. Sager, 'Precarity at Work: Asylum Rights and Paradoxes of Labour in Sweden.' In: L. Waite, G. Craig, H. Lewis, and K. Skrivankova

relate to local social and health security – also controlled by the local and EU legislation. The active border making could be more intensively studied also from the perspective of legislation and legal practices.

Lately, Dahinden[62] called scholars, who are focused on migration and integration to (de-)migranticize the migration research. This includes observing factors that affect migrants' life from broader perspective and distance from the "migrant" as the other, a derivation from the norm. Anderson[63] suggests, we should migrantize the citizen, in other words, see how the control on migrants and migration also affects the (formal) citizens: while the state, based on the sovereignty, intends to control the "other" on its territory, it ends up "othering" its own citizens through different controls on them, or mechanisms, where the landlords, sponsors, etc, need to control migration.

These strands of research that have focused on control, could offer more theoretical tools for legal scholars to discuss the international law as a practice, that reach people beyond the national, but also to understand the migrant – citizen nexus as more pluralistic concept than the strict division between those who are and those who are not.

Conclusion / Discussion

In this article, we had set the task to find the "inter" and the "discipline" in the interdisciplinarity in the Nordic international law scholarship. In the first part of the article, we draw a disciplinary map on which to place some of the different legal approaches. The map was there to show that, in the middle, in which international legal approaches are more clearly connected to the larger family tree of social sciences and its various sub-disciplines, interdisciplinarity in its many guises was more prominent than in the isolationist fringes in which dogmatism tried to make distance to common discussions on social phenomena.

We have identified many different interdisciplinary practices at the faculties of law and given some examples of interdisciplinary study lines among the researchers in the Nordics. The institutionally established forms of interdisciplinarity provide possibilities for the younger scholars to learn their discipline in an environment, where (at least) bi-disciplinarity can be seen as a valid form of research. Through these examples, we aim to demonstrate that bi-, multi- and other inter-disciplinarity variations need a consciousness and explicit discussions

(eds.), *Vulnerability, Exploitation and Migrants: Migration, Diasporas and Citizenship.* (Palgrave Macmillan, London, 2015) pp. 115–128.

[62] Dahinden, (*supra* note 44).

[63] Anderson, (*supra* note 60).

on where they are and on what basis. It is essential for the Science Question (above) to reflect on one's approach and location on the map – which determine the relationship to the criteria of science including methodology however critical of the existing wisdom one chooses to be. Yet, discussion needs to continue or interdisciplinarity vanishes in an elusiveness for which it is often criticised.

To further organic and learned interdisciplinarity, we suggest that the methodological dialogue be taken as central in research practices. Descriptions of the foundations of any research projects promotes transparency and increases the possibilities for the emerging and established scholars from different fields to co-contribute across fields and administrative barriers. Methodological opacity operates to mystify, exclude and, at the very least, dissuade cross-disciplinary co-operation. It is one way of maintaining border control, entry-examination, gate-keeping and exclusivity; international law is, after all, not a private club. We exemplified the contemporary interdisciplinary practices using projects that have called our attention. While social sciences are in their essence oriented towards theoretical traditions that are implemented into research through specific epistemological and method. Although legal and other social scientists have occasionally begun to discuss globalization, international law, sovereignty and, as a particular subject, migration together, the many theoretical approaches have not affected the fields sufficiently to produce a strong and explicitly understood interdisciplinarity.

In the particular case of the reflexive turn in researching migration and mobility, it remains relevant to ask if the last 25 years of theorizing borders and mobility would have more to offer for international legal scholars. The theoretical strands that have been developed to shift the focus of analysis from the state-based categories to others that would open more possibilities for critical work beyond methodological nationalism.

It seems that terminological overlapping in interdisciplinarity often confuses the adaptation of theories. We exemplify this through transnationalism. The legal debate on methodological nationalism relates to the legal pluralism, capturing the norms beyond the formal legislation, that rule and regulate communities.[64] Thus, "transnational" often has rather more descriptive than analytical meaning. The frequent, descriptive use of the terminology may hinder the adoption of the analytical tools beyond the original or established use. Terminological

[64] K. I. Schmidt, 'From Evolutionary Functionalism to Critical Transnationalism: Comparative Legal History, Aristotle to Present', in M. D. Dubber, and C. Tomlins (eds), *The Oxford Handbook of Legal History, Oxford Handbooks* (2018; online edn, Oxford Academic, 10 Sept. 2018), https://doi-org.ezproxy.utu.fi/10.1093/oxfordhb/9780198794356.013.14, accessed 2 June 2023

pluralism, importing and adopting new approaches still seems surprisingly challenging. For instance, transnationalism may refer to research on two states and their practices in given matter; or it may refer to processes of legal concern that take place in several countries, such as human trafficking. It may also refer to jurisdiction, that rules over the sovereign state, such as binding international treaties. Another aspect is the influence of the globalizing world, where economic, political, and cultural processes form beyond the national contexts, but put pressure on the national legislations[65]. No wonder, interdisciplinarity – carrying such terminological pluralism – gets criticised or abandoned for ambiguity and meaninglessness. This, however, is most unfortunate in disciplines that strive to increase global understanding. Common meaning can be striven for through continuous dialogue that is motivated by shared knowledge-bases rather than disciplinary isolationism and exclusiveness.

[65] R. Cotterell, *supra* note 38.