

# **Research and teaching in a global law school: The case in favor of transnational legal research networks.**

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## **1. Introduction.**

My question is, what is the relation between the activities of research and teaching in the context of a global law school? I aim to explore some aspects in which research enhances teaching in ways which are critical given some minimal requirements a global law school must cover. (This is a very rough note to provoke discussion)

## **2. Research, teaching, caring about society: 3 competing aims?**

Most universities accept that their final goal is to produce knowledge, to offer high level teaching and to serve the public interest. All these three aims pose important challenges and require significant funds and efforts. The first temptation is to conceive of them as competing objectives. This temptation should be resisted.

Instead, we should aim at harmonizing these aims. For example, serving the public interest could be seen as risky, or ideologically sectarian, but in fact, it is a crucially defining factor for a university. Public interest activities strengthen the ethos of its community, adding value to, and increasing the loyalty and solidarity of to the whole organization.

Research could be seen as subtracting resources from effective teaching, but that is illusory. True teaching is backed by research. An ethical point could be made: A substantive part of what we teach is either outmoded, or inaccurate, or just wrong. Only an active pursuit of truth through rational scrutiny of all relevant legal material, can help us minimize obsolescence, falsity and mistakes. We owe that to our students because as part of the basic requirement of an honest effort to provide the best legal education. (I do not want to reduce research to just one conception of it. There are different ways of understanding research, and different disciplines are preferred by different professors as the more fruitful approach to a rational analysis of law (philosophy, sociology, economics, etc, etc). The sense in which I am referring to “research” is a minimal one, requiring just that significant time and talent is put to study legal phenomena in order to better understand them.

## **3. Research in a global law school**

I define a law school as global if it possesses one or more of these features:

- i. Its courses are (at least potentially) subject to accreditation in other jurisdictions.

- ii. Its professors are able to teach at schools or to students of different legal cultures.
- iii. It has some minimal technical capacities to interact and dialogue with other people and institutions at a global level.
- iv. Its members (academic and administrative staff, students, graduates) have the explicit will of acting globally.
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Given these components of a global law school, research becomes, for these institutions, even more important. The absence of research creates a “capiti diminutio” for non-research law schools, presenting an undesirable asymmetry in the relations between research and non research universities.

Besides, global students, an increasing population, will demand to be taught in a research environment throughout their entire course of studies. Research, with its welcomed externality of creating an enthusiastic environment of debate, experimentation and critique will be demanded by students as part of the basic of the educational services they enjoy.

The new technologies of information make it easier to organize transnational legal research networks. These networks could produce valuable scholarship, better informed by other cultural perspectives, and more focused on basic, universal values.

Global research should be linked to education in search of synergy. Two classrooms at different continents joined in a videoconference is an excellent starting point for a joint research project. I can mention two cases from my institution, Palermo University Law School, in Buenos Aires. Besides the different research projects at Palermo, some global programs have produced positive effects in terms of legal research. These benefits have accrued to all the universities involved in these programs. A joint legal clinics program on Human Rights with Harvard Law School, which takes place at Palermo every winter, is becoming the locus of discussion and improvement of excellent essays on transitional justice, enforcement of socio-economic rights, etcetera.

And the Yale Law School-Palermo Linkage Program, born in the early 90s, brings to Buenos Aires outstanding researchers, who are doing important work on freedom of expression, retroactive justice, legal theory, and constitutional law, while they enrich our academic life and interact with our scholars.

## **Conclusion**

There are reasons to think that fostering research improves teaching. This is even truer in regards to global law schools. Research fosters a high quality playing field for global institutions. Transnational research teams are an important part of the incoming legal education environment at a global level.