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Shouldn't We Expect More From Case-Based Learning? The Transformative Potential of Multidisciplinary Frameworks in Sustainability Education

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Abstract:

The case study method is nothing new: cases in their real-world context have been used not only for research but also for teaching in different disciplines for many decades. Multidisciplinary collaborative teaching and learning frameworks, however, can contribute to the development of sustainability case-based education in rather innovative ways. To exemplify this, the present paper will particularly examine the transformative potential of the introduction of a “legal perspective” to promote students’ learning into a co-taught course based on a range of selected case studies about sustainability in industrial companies and whose main feature consists in involving instructors and students from various educational backgrounds and two different higher education institutions, namely Uppsala University in Sweden and the University of Tokyo in Japan.

Key Words:

Sustainability, Case-based education, Multidisciplinary pedagogical frameworks, Collaborative teaching and learning, Global industrial companies, Law.

Introductory remarks: The progressive building of a case-based collaborative teaching and learning framework

“Staying with the trouble requires making oddkin; that is, we require each other in unexpected collaborations and combinations (...). Alone, in our separate kinds of expertise and experience, we know both too much and too little, and so we succumb to despair or to hope, and neither is a sensible attitude.” (Haraway, 2016, p. 4)

The case study method is nothing new: cases in their real-world context have been used not only for research but also for teaching in different disciplines for many decades. Multidisciplinary collaborative teaching and learning frameworks, however, can contribute to the development of case-based education in rather innovative ways. To exemplify this, the present paper will particularly examine the transformative potential of the introduction of a “legal perspective” to promote students’ learning into a co-taught course based on a range of selected case studies about sustainability in industrial companies and whose main feature consists in involving instructors and students from various educational backgrounds and two different higher education institutions, namely Uppsala University in Sweden and The University of Tokyo in Japan (hereafter, respectively UU and UT).

Like many universities around the world, UU and UT are in the process of recognising the need for transforming established structures and teaching practices in order to meet the sustainability challenges of the 21st century. Taking part into the broader development of international educational frameworks in sustainability, the UU-UT course “Technology and Sustainable Development: Managing Sustainability in Global Industrial Companies” (hereafter *Sustainability in Global Industrial Companies*) builds on a cross-campus collaborative approach to sustainability education. Started in 2014, this teaching collaboration was formalised in the academic year 2015-2016 when Thomas T. Lennerfors, a former visiting professor at UT (2014-2015)¹ and an Associate Professor in Industrial Engineering and Management at UU (Department of Engineering Sciences, Industrial Engineering & Management), decided in agreement with his main collaborator at UT, Professor Jonathan R. Woodward (Graduate School of Arts and Science), to conduct a joint course on *Sustainability in Global Industrial Companies* involving one cohort of international undergraduate students from UT and one cohort of graduate students from UU. Building on this first, and successful, pedagogical experiment, it was decided to open the course to a larger number of students from both UU and UT in 2018. Isabelle J. Giraudou, currently an Associate Professor at UT (Graduate School of Arts and Science), joined this teaching and learning framework at that time and contributed in a complementary fashion to the course during the Spring Semester.

¹ As part of the Teaching Sabbatical program of STINT - The Swedish Foundation for International Cooperation in Research and Higher Education.

Limited in scope, the present paper focuses particularly on one of the main features of this collaborative case-based course, namely its multidisciplinary character. To start with, the course builds on the expertise of three instructors having different backgrounds: Thomas Lennerfors' research and teaching focuses on the one hand on industrial strategy and innovation, and on the other hand on ethics and sustainability, particularly in connection to technology and entrepreneurship. Jonathan Woodward is a chemist whose scientific research is in the field of photo- and spin-chemistry and biophysics; he is particularly interested in the mechanisms by which magnetic fields, as small as the geomagnetic field can influence biology. In addition he has a long-standing interest in pedagogy, particularly problem and enquiry based learning. Having a background in Law as well as a strong interest in the theory and practice of interdisciplinarity in the environmental field of knowledge, Isabelle Giraudou teaches Environmental Legal Studies; her research examines how environmental legal education in the context of post-Fukushima Japan is challenged by, and engage with the "Anthropocene" scientific proposal and thought experiment.² The multidisciplinary character of this course is also illustrated by the fact that the students involved have various educational backgrounds. The group from UU is composed of 50 graduate students specialising in industrial management and innovation ; the group from UT is composed of 13 undergraduate students enrolled in different programs with either a major in environmental sciences (ES) or in humanities & social sciences (HSS). Both groups include a majority of international students.

But what are the exact implications of such multidisciplinary approach to case-based sustainability education? Could it be considered as having some transformative potential? The following two parts reflect on this quite broad question from a specific angle: knowing that the second edition of the course has involved the participation of a third instructor with a background in Law, we will scrutinise whether an examination of the case studies from various perspectives – i.e. *including from the legal perspective* – may help reshape our understanding not only of the relationship between law and sustainability in global industrial companies, but also ultimately of *what is* and *what makes a case*.

Cases, from one discipline to another: Are we talking about the same thing?

Case-based study of sustainability management in global industrial companies

The course *Sustainability in Global Industrial Companies* relies on the case study approach to sustainability learning: it addresses the principles of sustainable development, understood as an important reference point, through a selection of cases. The case studies have a core significance – only one session is devoted to the theoretical dimension of the subject, and consists in both a short introductory lecture and a classroom discussion based upon two pre-assigned readings on the notion of *creating shared value (CSV)* (Porter & Kramer, 2011; Crane et al., 2014).

² See the links indicated in authors' biography.

The cases studied in this course introduce students more specifically to the management of economic, social, and environmental sustainability issues in global industrial companies. The selected five cases are as follows: 1) *Governance and Sustainability at Nike (A)* (Paine et al., 2013); 2) *Royal Caribbean Cruises Ltd.: Safety, Environment, and Health* (Quelch & Rodriguez, 2014); 3) *Intel: Undermining the Conflict Mineral Industry* (España et al., 2015); 4) *Pfizer: Environmental and Business Benefits of Green Chemistry* (Veleva & Sarkar, 2015); 5) *Sustainability at IKEA Group* (Rangan et al., 2014, revised 2017).

The five cases address all the aspects of sustainability, although to varying degrees, and thus cover economic sustainability issues (such as strategy, technological innovation, current and future economic prospects, resource base, and market position), social sustainability issues (such as safety, health, community involvement, tax issues, and corruption) and environmental sustainability issues (i.e. global warming, pollution, local impact, biodiversity, energy use, water use, and waste).

Involving teamwork, weekly assignments consist in “Instructions”, i.e. a series of questions addressing, for each case, the economic, social and environmental sustainability of the concerned global companies. To prepare both their written reports and oral presentations on the cases, students are systematically provided with additional sources of information, not limited to companies’ annual and sustainability reports, but including also materials that offer critical perspectives (such as NGO reports and documentaries).

Upon completing the course, students are mainly expected to be able to: 1) describe how sustainability (economic, social, environmental) is manifested and portrayed in global industrial companies; 2) describe how sustainability work is managed in global industrial companies; 3) describe how core technologies in the company relate to sustainability; 4) describe in detail the management of sustainability work in companies in one particular technology-intensive industry over the past ten years; 5) discuss and reflect upon sustainability issues, and how they are managed, in a range of technology-intensive industries; 6) plan and execute a project aimed at collecting, systematising and analysing information about how sustainability work is managed in global industrial companies, by means of annual reports, sustainability reports, and other sources; 7) apply relevant theories from industrial engineering and management, as well as sustainability and environmental sciences to analyse the companies as above.

In that sense, the course *Sustainability in Global Industrial Companies* promotes a sustainability competency approach to higher education. But how and to what extent does the inclusion of a *legal perspective* in the analysis of the cases contribute to such sustainability competency approach?

Beyond the distinction between business cases and law cases as a tool for pedagogy

Case-based learning has a variety of meanings, and the specific use of case studies in various disciplines appears highly dependent on both the type of problems addressed and the nature of the scientific discipline itself. A comparative look at business cases and law cases shows that they are generally used in different academic contexts for distinct purposes.

According to a common understanding, business cases are “used for the development of professional business skills in somewhat realistic, though largely simulated, contexts”; in contrast, law cases are “used to demonstrate the nature and logic of judicial reasoning in the negotiation of justice” (Bhatia, 2004, p. 49). Interestingly, the origins of the business case genre has been identified as a development from the use of case studies in legal education (Esteban & Perez Cañado, 2004). This said, however, law cases and business cases exhibit key differences in both their rhetorical and functional objectives. While a law case, per definition, already contains a final judgment based on evidence from earlier judicial decisions, a business case relies in principle on the creative and pragmatic application of business theories.

More precisely defined, the business case genre consists of a narrative of authentic executive decision-making taken from a real situation, in which a decision needs to be made: following the reading of a business case, students are usually required to analyse the decision-making process or to recommend a course of action while applying the concepts and theories learned in their courses and drawing on any other available learning resources, including discussions with other students (Zhu, 2004). Business case responses generally consist of a solution to a contextualised problem, an evaluation of an action, and an appraisal of a situation: working on a business case implies from the involved students to take specific actions, namely to solve, evaluate, and appraise. Moreover, business cases are often understood as the primary tool by which programs in business and management socialise students into the business profession by encouraging them to apply a range of theoretical principles they have learned in their courses: students’ evaluation largely depends on the extent to which their response to a business case aligns with an expert/a professor.

For its part, the law case (or “case method”) remains the most prevalent genre encountered by law students. Law schools have traditionally displayed a strong predilection towards the doctrinal investigative mode (McConville & Chui, 2007, p. 3-7), and this pattern remains largely intact: in conformity with the “black-letter-law” method, law students learn how to construct legal arguments with reference to statute law and court judgements. Classically, their study is based on casebooks that sometimes include notes and questions about the cases. Regardless of law areas, students are systematically expected to have a comprehensive knowledge of both academic literature and the cases studied in their courses. Inside Law Schools, the case method has been criticised for many years, and increasingly during the past few decades, while both law and legal education are globalizing (Kennedy, 2004; Mertz, 2013).

Although explicitly case-based, the course *Sustainability in Global Industrial Companies* does not fall in any of these two genres. The instructors involved in this course have experienced themselves case-based learning as students. Moving into a faculty position, however, they started to reflect on the way they have been exposed respectively to business and law cases as a learning method, and sought to innovate.

As a student, Thomas Lennerfors was subjected to teaching using business cases: with other fellow students, he was often told to take the role of a business consultant and solve a particular problem that a company was having. As it now appears to him, there were obvious limitations, noticeably in both time and what kind of solutions that could be offered to the often quite narrow problem, which hindered students’

possibilities for thinking critically. For this reason, T. Lennerfors has not directly used conventional business case teaching throughout his teaching career. In effect, *Sustainability in Global Industrial Companies* does not consist of a typical business case genre course: although this course includes the use of existing case studies, students are encouraged to think critically and reflectively, beyond the way problems are described and framed in the case material.

One such example was a case which described a company as having superior performance regarding sustainability issues than its main competitor. The question assigned in the case study was whether this company should use this data about their superior sustainability performance in their marketing and customer relations efforts to promote themselves as a socially and environmentally responsible company. Rather than only answering this question, the students were asked to do an own assessment of the data from annual and sustainability reports in order to compare the “superior” company with their main competitor. Many students reached the conclusion that it was not possible to say that the allegedly superior company was de facto superior. This is a way in which this course used an existing business case as an entry point to studying sustainability performance of companies, going well beyond the given information in the case study. Furthermore, in the videolinked session there was a critical discussion about the framing of the case, and many students seemed to have realized that the case itself was already a piece of marketing and branding done by the allegedly superior company in collaboration with case writers. This also led us into a discussion about the potentially biased production of knowledge within the field of business studies.

For her part, Isabelle Giraudou was exposed to teaching using law cases: she learned law including through the legal reading of cases, although to a lesser extent than a law school student enrolled in some Common Law jurisdiction. Typically, legal analysis as taught/learned through the legal reading of cases is rather insensitive to context and legal discourse tends to erase the whole story: as observed, “*much that lay people would consider crucial to an assessment of whether justice has been done*” (Austin, 2000, p. 207) remains left out; in other words, “*a lawyer’s world view acts as a perceptual screen for incoming sensory data. (...) The legal persona, with its particular world view, excludes a vast body of information from its awareness*” (Auerbach, 1976, p. 276). Reflecting critically on such “legal erasures of context through discourse structure” (Mertz, 2007, p. 211) as expressed in law cases and taught via the legal reading of cases, I. Giraudou later decided not to articulate her own teaching activities primarily around the examination of judicial decisions, and certainly not as usually studied in law faculties (i.e. following the so-called “socratic method”). As a Law instructor at UT, she is now seeking to develop case-based legal education beyond mono-disciplinary pedagogical frameworks in two ways, either by revisiting law cases dealing with environmental issues³ or by engaging students into the progressive elaboration of a case envisioned *including* from the legal perspective.

³ In an undergraduate course “Introduction to Earth Jurisprudence and Wild Law”, for example, students “revisit” judicial cases by learning to read them from two perspectives: as they have been adopted in a given jurisdiction, based upon precedents and existing laws, and as they can be rewritten from a critical perspective, significantly the

In the course *Sustainability in Global Industrial Companies*, the students were not asked to read judicial decisions in addition to the case studies used in the classroom. Occasionally, however, they have been exposed to the probability of a judicial decision: in one assignment, for example, the students were asked to reflect on climate change litigation as a corporate risk for global companies; more precisely, they had to elucidate whether the energy and air emissions initiatives taken by a given company in the cruise industrial sector were deriving from a clear understanding of the liability exposure of company directors for their company's contribution to anthropogenic climate change and a failure to adequately manage the risks associated with climate change. Necessarily, the students had to draw on a basic knowledge of climate change litigation and a preliminary understanding of a few related law cases. In so doing, however, they were not supposed to mimic any form of legal reasoning by drawing on the doctrinal investigative mode classically used in law schools; rather, they were encouraged to explore other modes of reasoning to reflect critically on both the perception of litigation risk by companies and the way liability for climate change is addressed in the courtroom.

Developed on a cross-campus, international, and multidisciplinary basis, the course *Sustainability in Global Industrial Companies* seeks to build further on a collaborative teaching and learning framework. In so doing, can it contribute, if not to the progressive emergence of a new *genre*, at least to the reshaping of case-based education in a specific field?

Multidisciplinary teaching and learning frameworks: Another way of seeing?

Including the legal perspective

The course *Sustainability in Global Industrial Companies* prioritises a learning strategy in particular, namely: the embedding of the cases. In “embedded case study”,⁴ as in holistic case studies, the starting and ending point remains the case as a whole in its real-world context; but, in contrast to holistic case studies, the case in embedded case studies is faceted for the analysis in different perspectives of inquiry. Precisely, the *legal perspective* is conceived as one of them, and its inclusion in the discussion contributes to operationalise education associated with sustainability in several regards.

The main components of the *legal perspective*

To start with, an introductory video lecture has been given by the Law instructor at the beginning of the semester.⁵ Entitled “Sustainability in Global Industrial Companies: Legal Aspects”, this lecture:

wild law perspective, which itself draws on fragmented pieces of domestic legislation and international instruments; see Giraudou, 2018; see also Rogers & Maloney, 2017.

⁴ The term “embedded case study” has been coined for the first time by R. Yin (2007).

⁵ Given at UT, this lecture – like the following ones – was video recorded and shared with UU students on YouTube (restricted access). One lecture, however, has been given by the Law instructor at UT, at the invitation of Thomas Lennerfors (STINT Sweden-Japan 150: Internationalizing university education through innovative co-teaching platforms); this lecture was also video recorded and shared back with UT students.

- 1) presented the relation between law and corporate social responsibility (CSR) in its various dimensions, by drawing more specifically on the distinction proposed by Doreen McBarnet et al., namely: CSR *beyond, against, through, and for* law (2009);
- 2) explained further how to bring law into CSR, with a focus on codes of conduct, contractual control, creative enforcement, and meta-regulation;
- 3) provided students with additional elements concerning the progressive expansion of legal accountabilities through, more particularly, disclosure law and shareholder activism;
- 4) suggested to reflect further, through the semester, on the way Porter & Kramer (2011) understand the role played by legal regulation in the possible creation of “shared value” (CSV). This introductory lecture was followed by weekly video recorded short lectures addressing successively the legal background of each case.

All the case studies selected for the course contain mention of the legal context in which the concerned global companies operate, and of some of the legal challenges they face in relation to sustainability management: although in a concise way, the text of the case and related documents (such as companies’ annual and sustainability reports) always refer either to existing statutes, international regulations, judicial decisions, or institutional mechanisms. In that sense, students were provided from the start with some basic information about the legal dimension of the cases, and were not expected to find such information by themselves, without any other indication.

For this second edition of the course *Sustainability in Global Industrial Companies*, it was decided to systematically assign students with additional questions addressing, for each case, some legal aspects. The formal inclusion of the *legal perspective* in these weekly “Instructions” has slightly changed through the semester: while assignment for case studies 1, 2 and 3 made a clear distinction between the rubric specifically entitled “legal aspects” and the list of questions addressing separately the environmental, economic, and social sustainability of the global companies under consideration, assignment for case studies 4 and 5 just listed the questions assigned, without identifying them as relating specifically or not to the “legal aspects”.

The legal perspective as a transformative pedagogy

In embedded cases studies, the purpose of an examination of the cases is not the accumulation of knowledge. In the course *Sustainability in Global Industrial Companies*, the *legal perspective* should provide students with an additional opportunity to learn *how to think* rather than *what to think*. In contrast to law schools’ students (who learn how to *think like a lawyer*), UU and UT students involved in this course learn how to think *including* from the legal perspective. What does this imply?

Basically, envisioning each case *including* from such perspective implies for the students to:

- 1) identify the legal instruments at stake (either international, national, or transnational) by drawing on a basic knowledge of the legal background,

- 2) examine both their applicability and application in context, and
- 3) examine how to characterise global companies' sustainability management, i.e. *beyond, against, through* or, possibly, *for* law (McBarnet, 2009).

In so doing, students learn progressively how to think about sustainability management by reflecting over and over, both through individual and team work-based assignments, on the various modalities through which law both shapes the structure and organisation of production globally, and is shaped through this process.

At the end of the semester, students are expected to be able to:

- 1) identify the legal and quasi-legal tools and processes that are relevant to CSR/CSV for global companies in different sectors, i.e. recognise how global firms or transnational corporations engage with a variety of normative orders, collectively described as "law" and consisting in: a) multiple, overlapping and often conflicting local, national, regional and transnational legal regimes, b) quasi-legal rules and "soft law", including guidelines on corporate social responsibility, technical standards, fair trade and other ethical certification standards, and customary rules of business practice, and c) private ordering mechanisms;
- 2) evaluate the extent to which "law" can be understood as a tool through which value is shared;
- 3) reflect on how, and the extent to which, law both shapes and is shaped by CSR.

By envisioning for each case the "dialectical" relation at play between CSR and such a variety of normative orders/spaces collectively described as "law", students progressively acquire a more nuanced understanding of both sustainability management in global industrial companies and the legal phenomena. Regarding the former, students obviously become more aware of its strengths but also its drawbacks, such as for example the limits of information disclosure as it derives from *ex ante* due diligence prevention; concerning the later, students gain a certain comprehension not only of law's applicability, but also of complex issues such as the progressive globalisation of law and its practical application by a wide range of stakeholders (including, for example, what has been described as "creative compliance"⁶). In that sense, it is possible to say that for UU and UT students involved in the course, learning how to think *including* from the legal perspective implies, and results in, *critical thinking*.

Looking towards...

Towards a different understanding of *what is* and *what makes a case*?

The case studies selected for the course *Sustainability in Global Industrial Companies* are pre-designed: a majority of them consist of Harvard business cases and have been written, generally in great details, by different authors necessarily with

⁶ "Creative compliance" has been identified by Doreen McBarnet (2009) as a specific mind-set consisting for some companies in seeing the application of law essentially as a game in which it is legitimate to come up with creative avoidance techniques (tax avoidance, for example), regardless of the intentions of the legislators in making the law. In that sense, "creative compliance" respects the black-letter of the law, is not illegal, but it violates the "spirit of the law".

specific learning outcomes in mind. Even if it is generally through one brief mention, the legal background and legal challenges faced by the global companies under consideration are already “there”. Moreover, the way assignments are designed nearly always ends up in suggesting a certain view of the puzzle and its various pieces: most of the time, “law” and the role played by the various actors are pre-identified. In that sense, what makes these case studies susceptible of an examination from the legal perspective is (almost) given. In terms of learning outcomes and critical thinking, shouldn’t we expect more from a case-based examination of sustainability management conducted *including* from the legal perspective? Significantly, would it be possible to develop further the case-based course *Sustainability in Global Industrial Companies* by building on a different understanding of *what is* and *what makes a case*?

Let us consider, for example, the implicit definition proposed by Scholz & Tietje (2002):

A case becomes a case as something specific: it is considered from a specified perspective and with a special interest. A case is unique, one among others, and always related to something general. Cases are empirical units, theoretical constructs, and subject to evaluation, as scientific and practical interests are tied to them (Scholz, 2002).

Drawing on such understanding could help us to design multidisciplinary case-based frameworks a bit differently: as a collaborative teaching and learning process consisting in (re)problematizing a factual situation independently from any prior given frame, expertise-based pre-identification or technical qualification. According to such an approach, the identification of issues to be addressed *including* from the legal perspective has to be a reflective, empirical, and bottom-up process. In contrast to mono-disciplinary educational frameworks—characterised by a “high degree of enclosure around self-defined concepts, methods and questions” (Gasper, 2010, p. 53) and generally focused on solving a case from such “enclosed” perspective—would it then be possible to conceive of the mixed classroom involved in the course *Sustainability in Global Industrial Companies* as an open learning space primarily focused on problem finding or “case-making” activities?

Students could engage in this process progressively, from a semi-guided to a more autonomous examination of the legal dimension of the case; for the analysis of the first cases, the instructors (i.e. not only the Law instructor) should suggest one or a few possible avenues (for example, how global industrial companies are dealing with climate litigation as a corporate risk), before letting the students, from the middle to the end of the semester, find by themselves the “legal issue” at stake or identify one “possibly legal” problem.⁷ In so doing, students would learn how to recover the

⁷ Suggested by T. Lennerfors for the examination of the last two cases during the Spring semester 2018, this way to proceed following a “progressive path” needs to be implemented further. The possibility to move from active to constructive and more interactive modes of learning, including regarding case-based pedagogical frameworks, has also been discussed by I. Giraudou and J. Woodward with Prof. Wendy C. Newstetter (Georgia Institute of Technology) during a workshop event organised by the University of Tokyo Global Faculty Development (GFD) Initiative, in June 2018 (<http://www.gfd.c.u-tokyo.ac.jp/event/20180614-00001274.html>).

“ownership” of both what becomes a case and what makes it possibly (and at least in part) “legal”.

What would this imply? First, the progressive development of such a “constructivist” approach to sustainability case-based education would certainly help us explore a wider range of understandings of the legal phenomena. From a pedagogical perspective, this would require us to deepen our examination of how law both shapes and is shaped by sustainability management in its social, economic, and environmental dimensions by envisioning the issues at stake through the lenses of so-called “new fields of law”: Global Law (Frydman, 2015; Restrepo Amariles, 2017), Law in the Anthropocene (Biber, 2017), or STS (for “Science, Technology and Society”) as it relates to Environmental Governance, for example.

Adopting a “constructivist” approach to sustainability case-based education would also contribute to open the discussion to competing narratives, i.e. to a greater variety of “legal” perspectives (including the most critical ones) and, ultimately, to diverse ways of problematising a wider range of issues from the regulatory viewpoint. Regarding, for example, global challenges such as climate change and biological diversity loss, what would this imply? Adopting from the outset the perspective of a wider range of stakeholders and examining how they experiment, understand and reflect on climate change and biodiversity loss in a given context (including in relation to complex issues of group representation, identification of community concerns, and public interest litigation) should allow students to broaden the discussion on how environmental sustainability management can potentially be affected by emerging notions and new approaches (such as ecosystem services and the so-called “ecosystem approach”), or even radical thinking (“Earth Jurisprudence”, “Wild Law”, and so forth) (De Lucia, 2015, 2018; Waage et al., 2008).

Collaboratively engaged in the making of a case, the *Sustainability in Global Industrial Companies* mixed classroom (i.e. composed of students and instructors with various backgrounds) would, ultimately, contribute to a broader reflection on what renders issues legible/eligible for governance and regulatory interventions, beyond the scope of technical definitions, legal qualifications and existing regulatory instruments.

Towards a different understanding of what makes a community of inquiry?

If we understand academic disciplines as communities of practice into which students are socialised through increasing participation, then what would a multidisciplinary teaching and learning framework such as the UU-UT course imply, intend and produce?

The course *Sustainability in Global Industrial Companies* promotes a specific inquiry-based mode of learning, i.e. distinct from both the classical business case and the law case as described above. As such, this course does not seek so much to reflect the value system of different disciplines (including Law) understood separately. Rather, it corresponds to “*an intentional structuring of the students’ time, credit, and learning experiences to build community and foster more explicit connections among students, faculty, and disciplines*” (Smith, 2001; Smith & McCann, 2001; Gabelnick et al, 1990). From one edition to another, this course may contribute further to the development of

intentional learning communities involving participants in shared production of meaning and knowledge-creating practices.

Blurring the lines between courses and disciplines, communities of inquiry are generally understood as a possible response to some higher education problems, such as the fragmented nature of the curriculum or the growing complexity and interdisciplinary nature of contemporary issues (Knauer, 2015; Dumitru, 2012). It is of course too early to reflect on the possible impact of such a course on the overall curriculum design in the two institutions involved. However, by clustering courses across borders, this first purposeful restructuring of at least a tiny part of the curriculum has already started to blur the lines between courses and might have further implications on the way a growing number of faculty approach academic disciplines.

At this stage, one thing is sure: this collaborative case-based educational framework has been designed because *thinking with* came to matter; and, as it already appears, it is indeed through “oddkin” and by finding itself embedded in innovative pedagogical frameworks, that Law may both offer a new perspective and be offered a chance to transform.

References

- Bhatia, V. K. (2004). *Worlds of Written Discourse: A Genre-based View*. London: Continuum.
- Biber, E. (2017). Law in the Anthropocene Epoch. *The Georgetown Law Journal*, 106: 1, 1-68 (in particular: II. Management and Legal Options to Respond to the Anthropocene, 25-40).
- Crane, A., Palazzo, G., Spence, L. J., & Matten, D. (2014). Contesting the Value of ‘Creating Shared Value’. *California Management Review*, 56: 2, 30-54.
- De Lucia, V. (2015). Competing Narratives and Complex Genealogies: The Ecosystem Approach in International Environmental Law. *Journal of Environmental Law*, 27, 91-117.
- De Lucia, V. (2018). A Critical Interrogation of the Relation between the Ecosystem Approach and Ecosystem Services. *RECIEL Review of European, Comparative & International Environmental Law*, 27, 104-114.
- Dumitru, D. (2012). Communities of Inquiry: A Method to Teach. *Procedia - Social and Behavioral Sciences*, 33, 238-242.
- España, C., Robinson, I., Bukhari, H., & Hodge, D. (2015). *Intel: Undermining the Conflict Mineral Industry*. Merb Institute, University of Michigan, Ann Arbor, MI: WDI Publishing (20 pages).
- Esteban, A. A., & Perez Cañado, M. L. (2004). Making the case method work in teaching Business English: A case study. *English for Specific Purposes*, 23: 2, 137-161.
- Frydman, B. (2015). A Pragmatic Approach to Global Law. *Private International Law and Global Governance*. Series Law and Governance, Oxford Scholarship. Retrieved from <http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780198727620.001.0001/acprof-9780198727620-chapter-10>
- Gabelnick, F., MacGregor, J., Matthews, R., & Leigh Smith, B. (1990). *Learning Communities*. San Francisco: Jossey Bass.
- Gasper, D. (2010). Interdisciplinarity and Transdisciplinarity. Diverse purposes of research: Theory-oriented, situation-oriented, policy-oriented. In P. Thomson & M. Walker (Eds.). *The Routledge Doctoral Student's Companion*. London and New York: Routledge.

- Giraudou, I. (2018). Environmental Law Education and the Emergence of New Communities of Inquiry (Report on the second *Teaching and Learning in Law Conference* organized by the Chinese University of Hong Kong (CUHK), June 1-2, 2018). Retrieved from the UT University GFD Initiative website [<http://www.gfd.c.u-tokyo.ac.jp/news/20180719-02.html>]
- Haraway, D. J. (2016). *Staying with the Trouble*. Durham: Duke University Press.
- Knauer N. J. (2015). Learning Communities: A New Model for Legal Education. *Elon Law Review*, 7, 193-224.
- McBarnet, D. (2009). Corporate Social Responsibility Beyond Law, Through Law, For Law: The New Corporate Accountability. In D. McBarnet, A. Voiculescu, & T. Campbell (Eds.). *The New Corporate Accountability: Corporate Social Responsibility and the Law*. Cambridge: Cambridge University Press, 9-57.
- McConville, M., & Chui, W. H. (2007). *Research Methods for Law*. Edinburgh: Edinburgh University Press.
- Paine, L. S., Hsieh, N.-H., & Adamsons, L. (2013). Governance and Sustainability at Nike (A). *Harvard Business School Case 9-313-146* (31 pages).
- Porter, M. E., & Kramer, M. R. (2011). Creating Shared Value. *Harvard Business Review*, 89: 1/2, 1-17.
- Quelch, J. A., & Rodriguez, M. L. (2014). Royal Caribbean Cruises Ltd.: Safety, Environment, and Health. *Harvard Business School Case 514-069* (33 pages).
- Rangan, V. Kasturi, Toffel, M. W., Dessain, V., & Lenhardt, J. (2014, revised 2017). Sustainability at IKEA Group. *Harvard Business School Case 515-033* (21 pages).
- Restrepo Amariles, D., & Van Waeyenberge, A. (2017). *CSR and Legal Liability: How to Foster global Standards and Enforcement?* Retrieved from <http://www.hec.edu/Knowledge/Point-of-View/CSR-and-Legal-Liability-How-to-Foster-global-Standards-and-Enforcement>
- Rogers, N., & Maloney, M. (2017). *Law As If Earth Really Mattered, The Wild Law Judgment Project*. Oxon: Routledge.
- Scholz, R. W., & Tietje, O. (2002). *Embedded Case Study Methods, Integrating Quantitative and Qualitative Knowledge*. Thousand Oaks, CA: Sage.
- Smith, B. L. (2001). The Challenge of Learning Communities as a Growing National Movement. *Peer Review*, 4: 1. Retrieved from <https://www.aacu.org/publications-research/periodicals/challenge-learning-communities-growing-national-movement>
- Smith, B. L., & McCann, J. (2001). *Re-Inventing Ourselves: Interdisciplinary Education, Collaborative Learning and Experimentation in Higher Education*. Bolton, Mass.: Anker Press.
- Veleva, V., & Sarkar, M. (2015). *Pfizer: Environmental and Business Benefits of Green Chemistry*. Richard Ivey School of Business Foundation, London, ON: Ivey Publishing (19 pages).
- Waage, S., Stewart, E., & Armstrong, K. (2008). *Measuring Corporate Impact on Ecosystems: A Comprehensive Review of New Tools – Synthesis Report*. New York: Business for Social Responsibility (BSR).
- Yin, R. (2007). *Case Study Research: Design and Methods*. Thousand Oaks, CA: Sage.
- Zhu, W. (2004). Writing in business courses: An analysis of assignment types, their characteristics, and required skills. *English for Specific Purposes*, 23: 2, 111-135.