

**Institution: London School of Economics and Political Science**

**Unit of Assessment: 20: Law**

**a. Context**

Engagement with the public, and with communities of policy makers and opinion formers, is central to the LSE's mission. Located at the heart of London, the School has developed an array of initiatives and resources – such as our external events programme, our press office and the LSE Experts directory – enabling us to connect scholars, policy-makers, alumni, international organisations and other individuals and groups across the world, and to facilitate broad, often genuinely global, debate on the implications of the research conducted by its staff. LSE legal academics have always been integral to this project, and have long been committed to producing legal research which makes an impact outside academic life.

The case studies selected by the Law Department for REF 2014 reflect this commitment. All of the studies concern research produced by the LSE Law Department between 1993 and 2013. The studies show how LSE legal research has impacted on a range non-academic user groups – parliament, UK and international courts, law reform agencies, NGOs and private organisations and regulatory agencies – so as to shape legislation, regulatory frameworks and strategies, reform proposals, and the development of legal principles and practices in national and international decision- and policy-making contexts. The case studies demonstrate not only our capacity for producing outstanding research which has verifiable impact, but also our ethos of supporting individual and collaborative, including cross-disciplinary, research ventures undertaken by colleagues at all career stages.

**b. Approach to impact**

The Law Department is widely recognised to have “pioneered the study ... of law in society” in the UK and we have long made a point of seeking to appoint academics who are committed to being public intellectuals and to producing legal research which is likely to make an impact outside academic life. What LSE teaches, John Griffith remarked in 1979, is not only that law is “one of the social sciences” – this is taken as a given – but that the academic who is serious about understanding law as social science “should embrace the whole range of legal regulation and provision”. At LSE, treating law as a social science has meant producing legal research which not only has scholarly integrity and meets with standards applicable to rigorous research in other social-scientific disciplines, but also has a bearing upon the environment which it examines and addresses. As a result, academics in the Department are engaged in public life at all stages of their careers. This engagement ranges from informal or formal advisory work to appointment to prestigious positions on public bodies on the basis of their research. Examples include Moloney's appointment to the European Securities and Markets Stakeholder Panel (May 2011) and the Financial Services Authority's advisory Consumer Panel (March 2012), as well as her evidence to the House of Lords' European Union Committee (July 2012), Salomon's contribution to the drafting of section V of the 2011 Maastricht Principles on the Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights, Scott's evidence to the Joint Committee on Defamation (May 2011) and the Parliamentary Joint Committee on Privacy and Injunctions (March 2012), Chinkin's fact-finding work on the Gaza conflict for the United Nations (2009) and her advisory work for the Buenos Aires Public Defenders' Office (March 2012), Murray's expert evidence before the Parliamentary Committee on Privacy and Injunctions (November 2011) and the High Court in *AMP v Persons Unknown* [2011] EWHC 3454, Paech's briefing to the European Parliament on cross-border securities law (June 2011), Beyani's and Marks' appointment to the Foreign Secretary's Advisory Group on Human Rights (November 2010), Peay's appointment to the Nuffield Council on Bioethics (October 2009), Humphreys' work as advisor to the UN and to the Maldives government regarding the human rights dimensions of climate change, and Thambisetty's report to the Strategic Advisory Board on Intellectual Property on patent litigation costs (September 2009).

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While many LSE legal academics disseminate their research so as to optimise the likelihood of its having impact, it would be a mistake to characterise the Department's approach to impact as wholly attributable to individual initiative. LSE's location at the country's legal and political centre means that most of the Department's research can be targeted at, and will often directly involve, judges, lawyers, parliamentarians, legal reform activists and journalists as well as academics. The Department has throughout its history sought to take full advantage of this by devising and orienting its initiatives so that we attract and engage those with the capacity to make LSE research have an impact on the development of the law. Typical examples of LSE legal initiatives in the REF period are: 1) the Legal Biography Project public interviews with Lord Hoffmann (May 2009), Baroness Hale (January 2010), Kenneth Clark (December 2010) and Lady Justice Arden (February 2012); 2) the Department's 2012-13 *Conversing with the Law* series, which featured conversations with (and the opportunity to feed questions via Twitter to) the former Director of Public Prosecutions, Keir Starmer, Mr Justice Singh, the ex-president of the ECtHR, Jean-Paul Costa, and the president of the Law Society, Lucy Scott-Moncrieff; 3) the Law & Financial Markets Project's conferences on *Lord Hoffmann's Contribution to the Common Law* (February 2010), attended by Lord Hoffmann; and 4) the Law & Financial Market Project's conference on *Lord Millett's Contribution to Equity and the Common Law* (November 2011), attended by (among others) Lord Millett, Mr Justice Briggs, Mr Justice Richards and Mr Justice Newey.

The Department also supports individuals and groups of researchers so that they can maximise the likelihood of their research having impact. We have close relations with the LSE Press Office, and funding for impact-oriented events can be obtained from the Department's Research Committee for activities for which it is not appropriate to use individual research allowances. Grants of up to £5,000 are available and have been used in the past to fund a number of events to which practitioners, policy makers and other stakeholders have been invited to attend and contribute (e.g. Baistrocchi's February 2013 LSE conference on tax treaty disputes and Kleinheisterkamp's April 2012 LSE conference on investment treaty law). In many instances the research produced as a result of these events has had significant impact, ranging from changing the terms of debates to concrete legislative provisions, as the case studies show. (The impact of Kleinheisterkamp's research on the European Commission's recent proposal – COM (2012) 335 – for the implementation of rules on financial responsibility linked to investor-state arbitration has already been drafted as a possible post 2014 LSE impact case study.)

The Department's approach to impact is fundamentally inclusive and egalitarian: we value the impact of everyone's research equally, whether it is attributable to someone in the early stages of their career or to someone whose reputation is well established. Our approach has been to encourage all colleagues to be publicly engaged, and the profile of those whose impact case studies have been selected for inclusion reflects this: seven of our case study authors/co-authors are professors, six are Senior Lecturers/Readers, and one of those was a lecturer at the time the case study was formulated.

**c. Strategy and plans**

The Department has long appreciated that if it is to maximise research impact, we cannot just rely upon the energy and goodwill of colleagues acting alone. Our strategy for ensuring that the work of the Department has impact starts with the selection process. Job descriptions commonly require that appointees are able to demonstrate evidence of a willingness to provide opinion and advice to external bodies and governments at both national and international level, and that they seek to forge networks with developing communities of scholars and practitioners. All members of staff are expected to engage with the wider community in order to support research teaching and LSE strategic objectives, and to contribute to the development of research based on an understanding of how law and society are intertwined.

The Committee structure within the Department facilitates impact in a number of ways. One of the terms of reference of our Strategic Planning Committee is to examine and review the Department's role and position within the wider academic and legal communities. The Department's Research Committee has used its budget to encourage interaction outside the academy by devising and

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orienting its initiatives so that they attract and engage those with the capacity to frame debate and instigate change. Law Department-funded initiatives which have this goal as their focus include the Transnational Law Project, Legal Biography Project and the Law and Financial Markets Project, all of which receive funding on a rolling three year basis from the Research Committee. (The April 2012 conference organised by Kleinheisterkamp and the February 2013 conference organised by Baistrocchi, both detailed in section b, are examples of how funding from the Research Committee has been used by these Projects to organise impact-oriented events.)

Our impact strategy is underpinned by the LSE's central resources and administration. All staff in the Law Department have access to and can take advantage of the opportunities and facilities provided by the Press and Information Office, LSE Research Online (dedicated to making LSE research open access), LSE Enterprise (which connects commercial, government and other outside bodies seeking expert advice to appropriate LSE departments and academics), the School's Knowledge Transfer Working Group (which distributes the LSE's Higher Education Innovation Fund to support knowledge transfer), the Institute of Public Affairs (which has a specific remit to promote impact-oriented research activity), the Conference and Events Office, the LSE Experts pages and the Office of Development and Alumni Relations. Each of these sectors of the School helps maximise the possibility of colleagues' research having impact. Recent examples of how Law Department staff have used these facilities include Rundle's LSE podcast on forced migration, McDonagh's "Causes and Things" lecture on song melodies and copyright (both of these are freely available on LSE's website), A. Roberts's securing of an award of £53,450 from the Knowledge Transfer Working Group to promote the activities of the Transnational Law Project, and Gearty's "crowdsourcing" project – eliciting citizens' views on the proposal for a UK written constitution – in collaboration with the Institute of Public Affairs.

The Department's Research Committee and Strategic Planning Committee have it within their remits to encourage impact-oriented research plans by providing funding from the Department's research development budget and to facilitate and support informal research clusters and formal research projects (since 2008, departmental funding has been available for subject groupings to organise events once each term to discuss research impact strategy; one result from this has been the initiation of a partly impact-oriented collaborative venture between public lawyers at LSE and Paris II). One of the purposes of these ventures is to increase the likelihood of colleagues with complementary research objectives pooling their talents and seeking to enhance their research impact. The Department's plan beyond 2014 is to develop opportunities and incentives for colleagues to become increasingly involved in team-based, impact-driven research projects, the thinking being a) that if impact is to become a core research objective, it is vital to ensure that as many colleagues as possible have the opportunity to pursue it, and b) that the Department should avoid relying heavily on the impact of individual researchers in the long-term, since doing so would risk over-dependence on those individuals delivering impact and remaining at the institution.

Other initiatives conducive to facilitating impact are: 1) the Department's external events programme (these events, since they attract a diverse range of speakers and attendees, provide regular opportunities for LSE academics to network with lawyers and policy-makers); 2) LLM specialist seminar series devised as forums for professional-academic exchange; 3) the Department's strongly policy-driven financial markets, human rights, and transnational law projects; 4) our extensive library of freely-downloadable podcasts and videos of Departmental lectures and discussion panels; 5) our Regulatory Reform Forum (which brings together policy makers, regulators, lawyers, trade bodies, and academics to review the design, implementation, and post-implementation of new regulatory frameworks); 6) our Policy Briefings series (at [www.lse.ac.uk/collections/law/projects/lfm.htm](http://www.lse.ac.uk/collections/law/projects/lfm.htm)), which is composed of short (3-4 page) papers summarising for non-academic audiences the research outputs and findings of Law Department staff; 7) our widely distributed e-ratio and Ratio newsletters (sent to over 10,000 recipients); 8) our outreach work in liaison with the LSE Lawyers' Alumni Group; and 9) our popular blogs and websites such as MediaPal@lse and the now-completed [therightsfuture.com](http://therightsfuture.com) project, which was run by Gearty (who, in March 2012, was named by *The Times* as one of the UK's most influential 100 lawyers). Near the end of the REF period (and with the next REF period in mind), the Department established a new Research Infrastructure Investment Fund – detailed in REF5 – one

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of the purposes of which is to provide financial support for impact-oriented research projects, conferences, policy proposals, public events and other impact-related initiatives.

This infrastructure is already bearing fruit. The Department has, besides the impact case studies presented here, a number of team-based projects which are not yet sufficiently advanced to be presented as case studies in their own right but which have the potential to feature in future research excellence frameworks. The three farthest-developed of these are 1) research by Murray & Scott, who, as part of the ICT, Media & Communications Regulation research cluster, have produced work which has impacted on high-profile media regulation decisions concerning privacy rights under art. 8 ECHR, 2) research led by Kleinheisterkamp under the auspices of the Transnational Law Project proposing that international investment agreements should be interpreted in accordance with standards of protection available in the traditionally capital-exporting countries; and 3) research in progress by Peay, who, in collaboration with psychiatrists and clinical health researchers, has devised a psychometric test for trial process decision-making capacity which has been endorsed by the Law Commission in its 2010 proposals for reform of the law with respect to fitness to plead.

**d. Relationship to case studies**

The case studies which the Department has submitted for REF 2014 are intended to demonstrate our core commitment to producing research which improves legislative proposals and law-making, governmental and institutional policy-making, regulative frameworks, accountability mechanisms, democratic participation, legal debate, social welfare, access to justice, environmental sustainability and corporate social responsibility. Some of the studies fit squarely within the LSE's interdisciplinary tradition: see, e.g. Baldwin & Black, who, developing research begun in conjunction with the LSE's Centre for the Analysis of Risk and Regulation, have constructed a framework for the regulation of low-risk agricultural, industrial and waste sites which has been adopted by the Irish Environmental Protection Agency and is due to be implemented by the UK and Scottish EPAs. This study illustrates the Department's capacity for team-based impact-oriented research.

The majority of the case studies submitted exemplify the Department's commitment to producing research which is intended to form the basis for socio-political change. For example, Beyani's research underpins his initiatives, and in some instances was written specifically to help him clarify problems he faced, as the principal drafter of the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons. Similarly, Chinkin's study makes specific links between her research developing feminist analyses of the processes and institutions of public international law and intergovernmental human rights initiatives aimed at combating marginalisation of and violence against women.

Some of the case studies evoke Griffith's notion of addressing "legal regulation and provision" by demonstrating the impact of LSE research on specific laws and reform proposals. Gearty's study, supported by external funding (and a paradigmatic illustration of project-based research), draws a direct connection between his work on terrorism and human rights and the wording of some of the provisions in the Counter-terrorism Act 2008. Scott's study shows how his research on libel reform – which has resulted in his being appointed to various expert consultative bodies – has shaped proposals for new defamation legislation: in December 2012, the Parliamentary Joint Committee on Human Rights stated that it was "persuaded by the reasoning" set out in that research and accordingly recommended the adoption of a new public interest defence for publishers (JCHR report, paras 27-8). Collins's study demonstrates how his research explaining the inadequacies of current private law rules for the purpose of protecting consumers has been used by Consumer Focus and the Law Commission in the campaign to introduce a personal remedy of civil redress for unfair commercial practices. Finally, Jackson's study shows how her research on reproductive autonomy led to alterations to the pre-conception welfare principle so that infertile people seeking to be parents are no longer assessed for parental aptitude and instead are presumed to be fit parents.