

Institution: University of Oxford
Unit of Assessment: 20 - Law
a. Context

As one of the world's leading research centres in law, and the English-speaking world's largest training-ground for doctoral researchers in law, Oxford promises and delivers excellence across the full gamut of legal study, including socially beneficial research. This unique combination supports all leading methods of legal inquiry beyond the academy; and enables our researchers to engage with many problems and legal systems across the globe, mainly English, European, and International Law, but also the law of some Commonwealth, North American and Asian jurisdictions.

The principal users, audiences and beneficiaries of Oxford's research are:

- **Legal professionals:** Acting in an authoritative capacity (e.g. judges and adjudicators) or in an advisory capacity (e.g. barristers and solicitors), professionals rely on our research to correctly synthesize, restate, and improve legal argument. Our research and researchers also help with continuing legal education for lawyers and judges around the world.
- **Policy-makers and reformers:** Legislative bodies, appellate courts, and law reform and advocacy groups use our research to understand the state of existing law, the possibilities for improving it, and the prospects for success in doing so. We help them articulate and test views about what the law should be, by providing doctrinal, theoretical and empirical research that helps frame and substantiate those arguments.
- **The general public:** We help citizens and residents at home and abroad to understand and assess legal institutions, actors, and doctrines. We help educate the general public outside the higher education sector about law and society, and we make the highest quality legal research widely available to contribute to a democratic political culture.

Oxford has socio-economic impact through its legal research. However, the key **types of impact** are:

- **Interpretative impact:** We help interpret the social *meaning* of our broader legal and political culture, by contributing to lay and professional understandings of legal norms and institutions and their role in human life, and by improving the public capacity to imagine, and re-imagine, law and the moral and political standards to which it should be held accountable.
- **Policy impact:** We provide arguments and evidence that help orient public policy with respect to what our legal norms should be or how they should be changed or deployed. The reach of this work includes not only binding law, but also aspects of official practice, law in action, and other important non-official norms.
- **Doctrinal impact:** We help shape the way *existing* law is stated, understood, used, and changed by the character or content of legal argument amongst authoritative users, principally courts and tribunals. The methods involved here include traditional forms of legal analysis and argument, but also empirical, historical or theoretical inquiry.

b. Approach to impact

Fundamental to achieving our impact is the excellence, range and availability of the research we provide to professionals, policy makers, and to the general public. Since the time of Blackstone's original Commentaries on the Laws of England (1765), Oxford lawyers have produced work widely acknowledged to provide sound re-statements of the law as well as critical writings used by reformers seeking to transform the law. The following works, published in this REF period, are known to every practicing lawyer, and are regularly cited by courts: Ashworth, Principles of Criminal Law (5th ed, 2006); Brownlie, Principles of Public International Law (7th ed, 2008); Burrows, The Law of Restitution (3rd ed 2011); Craig, Administrative Law (7th ed 2012); Davies, Gower and Davies, Principles of Modern Company Law (7th ed 2003); Gullifer and Payne, Corporate Finance Law (2011); McKendrick, Goode on Commercial Law (4th ed 2010), Peel, Treitel: The Law of Contract (13th ed, 2011); Weatherill, Cases and Materials on EU Law (9th ed 2010); Zuckerman on Civil Procedure (3rd ed 2013).

We further maintain **active engagement with users and external audiences that enables further impact**. We engage at the **local** level, where we created the first Oxford Legal Assistance programme

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(2009), in cooperation with Turpin & Miller LLP, making use of our expertise in human rights and immigration law. (With our help that firm won the Law Society's 2012 Excellence in Client Service recognition.) We engage at the **national** level, providing research expertise to Parliamentary Committees, to the Ministry of Justice, to the Home Office, to the Law Commission, to the Sentencing Council, and to NGOs and charities, to leading barristers and solicitors via our joint seminars and, since 2000, to the Judicial College Civil Law Seminar Programme, improving judicial knowledge of developments in private law. We engage **transnationally and internationally**, working with UN and European organisations in policy-oriented studies on a range of issues, from the international use of the death penalty to UNIDROIT principles of commercial contract, and from consumer Alternative Dispute Resolution (ADR) in Europe and the Cape Town Convention Project to the Oxford Transitional Justice Research projects, which address practical questions of justice in post-conflict societies around the globe.

Our approach to achieving this broad and deep impact is characterized by three dimensions: by **clustering** research in ways that speak to each other intellectually and make it possible for user groups to know where in the Faculty they might turn for help; **collaborating** with user groups and audiences (for example, by inviting them to joint seminars (as in the annual Oxford - Norton Rose Colloquia) and undertaking with them joint research projects (as in the Human Rights in Parliament Project)); and actively **supporting** researchers with resources to enable them to optimize their impact. Further explanation is given below:

(i) Research Clustering

The collegiate structure of Oxford Law nourishes interdisciplinary work and we capitalise upon this fully (see REF5). Balancing this devolved structure are research groups clustered around objects of study or particular methods. We have several impact-sensitive centres and institutes, detailed in REF5, and new online research communities are emerging. Examples of the impacts delivered by these centres in this period include:

- **The Centre for Criminology** carried out an impressive range of projects for, and with, professional users, including the Home Office, the Youth Justice Board, the Legal Services Commission, and for the general public via work with charitable foundations including the Howard League. Members of these groups participated in the Centre's work and seminars.
- **The Institute for European and Comparative Law** provided a focus for investigating pan-European legal problems. Its researchers were closely involved in helping professional and policy users formulate and assess the UNIDROIT Principles of International Commercial Contracts, as well as other projects of harmonization in European law.
- **The Centre for Socio-Legal Studies** housed the Programmes in Comparative Media Law and the Policy and the Civil Justice Programme, each of which is intensively focused on impact through cooperation with public stakeholders and policy makers concerned with freedom of speech around the world, and EU and UK institutions interested in access to justice, including ADR and ombudsman schemes.
- **Oxford University Centre for Business Taxation** produced research assisting tax professionals and legislators to develop anti-avoidance policies, which is now creating ramifications for off-shore banking and finance centres. Professor Judith Freedman, programme director, is a member of the Tax Law Review Committee of the Institute for Fiscal Studies, and is on consultative committees of the Office of Tax Simplification.

We have also integrated early career researchers (ECRs) into the impact environment by employing them as Research Officers on cluster-centred projects and through the successful **Oxford Pro Bono Publico** programme, which produces free, high quality, volunteer research on comparative human rights law, led by Faculty members and delivered by research students, to support lawyers acting pro bono in human rights litigation, advice, and public debate around the world. The programme won the award for 'Best Contribution by a Team of Students' in the 2013 Attorney General's Pro Bono Awards.

(ii) User Collaboration

We maintain active research collaboration with professional, policy and public groups on many fronts and formats. We design colloquia in areas where we know our research will be of special use to those

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groups; invite target groups to colloquia and talks; and mount dedicated programmes that function as a conduit of research between the Faculty and a variety of users, for example:

- **The Cape Town Convention Project:** The 2001 Convention sets international standards for registration of contracts of sale, security interests, leases and conditional sales contracts for mobile equipment (in particular, aircraft), and provides legal remedies. The Project, a collaboration with the Aviation Working Group and the University of Washington, advanced professional understanding of the Convention through: (1) a comprehensive digitized database of primary and secondary materials, (2) the *Capetown Convention Journal* (Hart Publishing), (3) conferences, and (4) economic assessments. The database and journal are undertaken under the joint auspices of the Project and UNIDROIT. Professor Louise Gullifer and Emeritus Professor Sir Roy Goode represent the Faculty.
- **The Human Rights and Parliament Project:** Murray Hunt, Legal Advisor to the UK Parliament's Joint Committee on Human Rights and a founding member of Matrix Chambers, ran an AHRC-funded research project on Human Rights and Parliament, which was housed in our Faculty and provided research to the Joint Committee and impact experience for two junior post-doctoral researchers, Paul Yowell and Hayley Hooper, then both College Lecturers.

In the current period there were too many other impact-driven collaborations to describe in detail; the following give a flavour of their range:

- A dedicated **Diploma Programme in Intellectual Property, which takes our research to some of the most senior IP practitioners**, and to new practitioners, who pursue the qualification, while building further contact and connection with the Oxford IP Research Centre.
- A specialist **Law and Finance Programme involving leading solicitors**, and senior practitioners in related areas, which produces high-quality research on the regulatory environment and engages directly with key regulators.
- A much-expanded **Visiting Professors Programme, which brings senior members of the bar and judiciary into the Faculty**. Lord Bingham's work on the rule of law was developed in our programme in this period; Lord Hoffmann's expertise in Intellectual Property enriches, and is enriched by, our team in IP law; Justice Kate O'Reagan, retired from the South African Constitutional Court is part of our Human Rights Hub and a regular discussant of our research; Justice Robert Sharpe of the Ontario Court of Appeal works with our researchers in civil procedure.
- **The Human Rights Hub** <http://www.law.ox.ac.uk/themes/humanrightshub/> is our first major online research cluster. It **brings together human rights researchers, practitioners and policy-makers from around the globe**. Through online resources, live seminars, and information-push, it now reaches new users, free of charge, unbounded by regional and jurisdictional obstacles.

(iii) Active Institutional Support

The third element of our approach is that we actively reach out to, and encourage, those whose research may be useful, to help them make and sustain relevant contacts. This begins with Oxford's **contractual arrangements**, which guarantee to those on the standard College-University contract unrestricted opportunities to work in, and with, the legal profession and other user groups and, for all others, up to thirty days a year. This enables our researchers to sustain continuing relations with the bar, to be part-time members or associates of chambers, to work with organisations such as the American Law Institute, with Parliamentary Committees and Commissions, and to sit part-time in judicial and quasi-judicial capacities.

Our contractual arrangements are complemented by Oxford's **impact infrastructure**. At the Faculty level, key to our strategy is the direct involvement of the Research Coordinator and the Research Facilitator in identifying and supporting opportunities for impact. Both officers work closely with researchers and directors of research groups, and provide a pathway for individuals to access resources at the central university level, via the University's Research Facilitators' Network and the Knowledge Exchange Network. Advised by the Coordinator, the Research Facilitator targets those researchers and groups who are most likely to be involved in research with impact, and then works with researchers to develop and improve the impact plans for their research projects. These are

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reviewed by the Research Coordinator and Facilitator, and follow-up records are kept. Faculty officers also draw on Oxford's central Knowledge Exchange (KE) and Impact Sub-Committee, who advise on the University's approach to KE and impact and help units and researchers to develop strategies to support KE. Through this committee, all Oxford researchers have access to HEIF funding, which helps to incentivize further KE activity.

In 2011, the University created a central Knowledge Exchange and Impact team (KEIT), which in 2012-13 grew from three members to six, and helps build strategic relationships with external organisations interested in our research. It also supports cross-divisional activity and helps to provide support for KE across the University, encouraging ECRs. Among our early career faculty, Dr Nicola Palmer was awarded an ESRC Knowledge Exchange award in June 2012 for the project, "Ways of knowing after atrocity: a knowledge exchange on methods used to formulate, implement and assess transitional justice processes." The post-doctoral researcher for this project is based in our Centre for Criminology.

c. Strategy and plans

Beginning in 2013-14, we will extend and deepen our contacts while preserving our capacity to do world-leading research, and to make that research available to the general public and any users, who might benefit from it, free of charge, wherever possible. There are three leading strategies:

Broader Connections:

Oxford Law has significant and long-established professional connections among senior lawyers, beginning with our graduates, who include six Justices of the UK Supreme Court, two Justices of the US Supreme Court, four Justices of the Australian High Court, and thousands of leading lawyers and policy makers in every area of law, industry and public life. However, we want to develop **more horizontal connections**, reducing dependence of access to research on the contingencies of personal and institutional contacts, and bringing researchers and a wider range of public users into closer connection within the Faculty. First, *we will augment our existing joint seminars* with practitioners (notably, the highly successful Norton Rose Colloquia), holding similar joint meetings with less well-served groups and users, including charitable and law reform organisations. Second, the Research Coordinator and Publicity Officer will *develop information 'push' strategies*, so that civil-society groups, who could use our research, are more readily aware of what we are doing, for example, by expanding the Law Faculty's participation in the Oxford Experts media outreach programme, and by exploring the Oxford Human Rights Hub as a model for other fields. In criminology, a new Career Development Fellow with a KE focus will complement this work. Third, we will continue and broaden our experiment of *housing in the faculty outside research programmes* such as Mr Murray Hunt's Human Rights project. Finally, we will *expand support for involvement of ECRs*, by considering impact possibilities in the colleges for those holding Junior Research Fellowships and further develop the Oxford Pro Bono Programme. In all this we will draw on the new KE facilitator and KE support assistant in the Division of Social Sciences.

Regular Review:

New **reviews of our impact ambitions and achievements**, we will add to our regular internal reviews of research. These have begun in 2013, with the first of our quinquennial assessments of the research centres, in the Centre for Socio-Legal Studies. We now explicitly assess impact results and prospects in each of the centres and in the Faculty as a whole, reporting on opportunities for impact and impact achievements over the review period. The Research Coordinator will report to Law Board on these matters, the first such Report will be delivered in Spring 2014. We will also begin **individual-level reviews with researchers**, taking advantage of resources in the KE team in the Division of Social Sciences.

Wider Communications:

A Faculty Publications Officer was hired in 2012. Beginning in 2013-14, she takes on an additional role, assisting us to make public users more aware of our research. She has already begun work on a series of in-faculty '**Law Impacts**' studies to complement the University's central ones. These will include print and online video material to showcase some of our most significant research impacts and explain how to contact the investigators and access their research. We are also expanding our

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media availability by encouraging greater faculty participation in the 'Oxford Experts' group and undertaking a comprehensive review of our web presence, including social media outlets and, with the Law Librarian, promoting a sustainable system of **open access** for much of our research, and encouraging wider participation in our Social Science Research Network series of Research Papers, which has already proven itself capable of producing very significant impact. (See Case Study 20-10: 'British Overseas Territories').

d. Relationship to case studies
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Our 12 case studies, referenced below by study number and researcher's name, illustrate the range of users of Oxford's legal research; the results of our approach to impact; and the types of impact we have been able to achieve. They demonstrate:

(1) Utility to diverse users and audiences:

- **Legal professionals:** to *UK Supreme Court* (20-07 Birks & Burrows, 20-03 Davies & Bogg); *England & Wales Court of Appeal* (20-01 Roberts, 20-05 Zuckerman, 20-08 Herring); *Quebec Court of Appeal* (20-01 Roberts); *Supreme People's Court, Beijing* (20-06 Hood & Hoyle); *Senior Counsel* (20-07 Birks & Burrows); and to those providing *judicial education* (20-06 Hood & Hoyle; 20-12 Lazarus)
- **Policy-makers and reformers:** to *UK Parliament* (20-04 Gardner, 20-06 Hood & Hoyle, 20-12 Lazarus); *Law Commission for England and Wales* (20-04 Gardner); *UN Secretary General* (20-06 Hood & Hoyle); *Sentencing Council England and Wales* (20-01 Roberts); *Civil Procedure Rules Committee* (20-05 Zuckerman); *Ministry of Justice* (20-12 Lazarus); *UK Commission for Equality and Human Rights* (20-09 Fredman, 20-12 Lazarus); *Home Office Select Committee* (20-02 Loader); and to a range of law reform and advocacy groups, including *Reprieve* (20-06 Hood & Hoyle); *Howard League* (20-02 Loader), and *Make Justice Work* (20-02 Loader)
- **General public:** from *local and national* levels (see studies 20-07 Birks & Burrows, 20-03 Davies & Bogg, 20-10 Finnis, 20-09 Fredman, 20-11 Freedman, 20-04 Gardner, 20-08 Herring, 20-02 Loader, 20-05 Zuckerman) to the *international* (*Canada media professionals and educators*: 20-01 Roberts; *China*: 20-06 Hood and Hoyle); through engagement with: *Financial Times* (20-011 Freedman); and through the social media (20-08 Herring).

(2) Impact achieved through:

- **Clustering research:** by drawing on the interdisciplinary framework in *colleagues' work* (20-04 Gardner, 20-08 Herring, 20-11 Freedman), and on the support of specialisation in *research centres* (20-06 Hood & Hoyle, 20-02 Loader, 20-01 Roberts, 20-11 Freedman)
- **Collaborating with users:** including the *Commission for Equality and Human Rights* (20-09 Fredman); *Ministry of Justice* (20-12 Lazarus); and the *Howard League* (20-02 Loader)
- **Providing active support for impact:** through our *contractual arrangements* (20-07 Burrows; 20-09 Fredman; 20-05 Zuckerman); and as supported by the faculty and university *impact infrastructure* (20-12 Lazarus, 20-02 Loader).

Finally, the case studies are selected to illustrate:

(3) A broad depth and reach of types of Impact, including:

- **Impact on doctrinal development:** in shaping the law of restitution (20-07 Birks & Burrows); employment law (20-03 Davies & Bogg); criminal Law (20-04 Gardner, 20-01 Roberts); family Law (20-08 Herring); civil procedure (20-05 Zuckerman); and constitutional law (20-10 Finnis)
- **Impact on policy:** on how best to secure human rights (20-12 Lazarus); how to enforce a duty to promote equality (20-09 Fredman); when to make available a defence of provocation (20-04 Gardner); whether and how to consider victim impact in sentencing (20-01 Roberts); and what sorts of punishment are appropriate (20-06 Hood & Hoyle, 20-02 Loader)
- **Impact on the interpretation of legal culture:** in promoting a better social and theoretical understanding of 'security' (20-12 Lazarus); of 'welfare' (20-08 Herring); of legal 'principles' (20-11 Freedman); of 'excuses' (20-04 Gardner) and of 'moderation' in penal policy (20-02 Loader).