

RAE 2001: Law Panel

General overview

In addition to providing a limited form of feedback to individual heads of institutions, Panels have been invited to give their overall impressions of the research activity submitted in the 2001 exercise.

The Law Panel was most impressed by the range and depth of the publications submitted, which were the primary basis for the Panel's assessment. Work of internationally-recognised excellence was found in almost every field of scholarship. It was being produced by scholars with widely varying approaches to research, and individual outputs of international quality were to be found in a very wide range of submissions.

The Panel was particularly impressed to find that large numbers of the research outputs it ranked as of internationally-recognised excellence were produced by relatively junior staff. Many younger scholars had made good use of their postgraduate research and had written specialised work of very high quality. The Panel, in accordance with its criteria, took into account the length of time that new members of staff had been in post in assessing how much they could reasonably be expected to produce in that time.

Work of internationally-recognised excellence was found in a wide range of types of outputs and places, and in both sole and jointly authored works (the Panel adhered to its published criteria in allocating credit for joint pieces). First-rate articles were found in both well-known journals and relatively little-known ones. Conversely, not all the submitted pieces that had been published in 'prestigious' journals were judged to be of international excellence. These two points reinforced the Panel's view that it would not be safe to determine the quality of research outputs on the basis of the place in which they have been published or whether the journal was 'refereed'.

In many of the student and practitioner texts submitted the Panel was pleased to find a freshness and depth of rigorous analysis (for example, in reconciling or distinguishing cases, in interpreting or applying statutes or in examining areas in the light of relevant policies) that, in its view, amply justified a rating of international excellence. However it was in relation to textbooks, particularly practitioner books but sometimes also those aimed at students, that the Panel occasionally felt a sense of disappointment. In some cases it was clear that the author(s) had gone to enormous pains to set out the law in a very clear exposition, but essentially the exposition was one of the 'known world' rather than of new material, telling the reader little that was not already known, or its coverage of new material was merely descriptive. Almost always there was sufficient critical analysis to justify labelling the work as of at least national excellence; but the Panel did not always find sufficient depth of analysis, nor a sufficiently new approach, to be able to say that the work was moving our understanding forward to an extent that the work would become, or should become, a primary reference point. This is not to say that largely expository texts of the 'known legal world' are without value. Students and practitioners may find clear and detailed accounts even of well-worn material extremely helpful, but the Panel is of the firm and unanimous view that textbooks that comprise no more than this type of basic

exposition, plus a limited amount of critical analysis, are not of internationally-recognised excellence. Similarly, new editions of texts that were themselves of international excellence but that were published before the assessment period will not meet the standard of international excellence unless the new edition contains revisions or additions that themselves meet that standard (see paragraph 3.28.12 of the Panel's criteria). Colleagues contemplating writing or editing textbooks (or other works) may wish to consider carefully how much 'new' they have to say and to what extent they expect the finished book to count in any future research assessment exercise.

The average score of institutions has increased quite strikingly since the last RAE in 1996. Many institutions scored 5 and there was a very satisfying number of 5*'s. The Panel does not believe that there has been any 'grade inflation' in assessing whether outputs were of international excellence or national excellence. Four members of the Panel also served in 1996 and the Panel did its utmost to be consistent with the standards applied in 1996. The increased number of 5's may perhaps be explained in part by a change in the general RAE rating scale. Whereas in 1996 it was possible to get a 4 without work of international excellence, in 2001 a 4 required 'some' international excellence (and 'some' was defined as around 10%). No precise minimum was stated for a 5, which therefore may have been somewhat easier to attain than in 1996 when 25% of international excellence was required for a 5. This would not, however, explain the increased number of 5*'s. The fact that institutions could choose not to submit members of staff without affecting their rating (save that it may be recorded as *nA*, *nB*, etc.) had not altered since 1996. The rule that category A* staff counted (for the purposes of calculating the rating) in both the losing and the gaining institution may have made some slight difference (the Panel has not attempted to quantify this). But much more important were the facts that very little work of below national quality was submitted and that the submitted work was, overall, extremely impressive.

We have said that the Panel based its decision primarily on the outputs submitted in RA2. Each individual's work was looked at by at least two Panel members. In its criteria the Panel undertook to examine at least 25% of the work submitted – i.e. at least one piece per individual - and to examine sufficient outputs to be sure it had reached the correct assessment. In practice the only case in which just one of the four outputs was examined was when that output was so clearly of international excellence and sufficiently substantial (for example, a monograph) that it would determine the individual's assessment even had nothing else been submitted. The Panel did not keep an exact count, but in the vast majority of cases three and in most cases all four pieces were examined and taken into account.

We would add that, in accordance with its published criteria, the Panel determined the overall grade of nearly all submissions by its assessment of the published outputs. Nonetheless it was very impressed by the evidence of research culture found in almost all the RA3-RA6 returns. Research income obviously varies from institution to institution, presumably principally according to numbers of staff carrying out the types of research for which research funding is appropriate (and the Panel made no judgement in this respect). Nonetheless the overall level of research income was impressive. Similarly, the numbers of research students varied very much from institution to institution, but both the overall numbers and the spread were most encouraging. Many institutions should be congratulated on obtaining externally-

funded studentships. The widespread use of institutionally-funded studentships also struck the Panel as a positive development. These enable students who could not otherwise afford to do so to take research degrees and (in so far as the studentships involve limited amounts of teaching) represent a way of reducing the quantity of teaching required of other staff, who thus have more time for research and a better chance to inform their teaching by their research. Perhaps most impressive of all were the arrangements that most institutions had in place to foster and maintain a research culture – whether it be, for example, reduced teaching for newer staff, staff seminars, the linking of teaching and research interests or generous schemes for teaching relief or sabbatical leave. Further, the indicators of esteem of both institutions and individual members of staff suggest that, both nationally and internationally, legal research in the UK is widely respected and that, in their research and in their many other activities, most members of the Law Schools in the UK are playing an invaluable role.