

FOREWORD

I wrote this Foreword (relatively) fresh from serving on the Law Sub-Panel of the Research Excellence Framework, known colloquially as REF2021. This five-yearly exercise in judging research excellence across all academic disciplines absorbs huge amounts of time and energy on the part of those academics and professional support staff submitting ‘outputs’ (articles, books, reports), as well as impact case studies and statements about the research environment of each ‘unit of assessment’. REF2021 performs many functions, including instrumental – measuring, comparing, and providing a means by which increasingly scarce resources are distributed. The good news is that this exercise also provides a useful snapshot of the legal academy. When contrasted with previous exercises we can develop a picture of which subjects are thriving and/or ‘fashionable’, which sub-disciplines are combining, decoupling, enlarging, or becoming intellectually or empirically impoverished, and in need of support and sustenance.

I am revisiting this experience because the criteria which panel members across all disciplines were required to apply in assessing the approximately 500 outputs that we each read were no doubt also applied in the process of selecting the articles for this volume: originality, significance, and rigour. When read together, these criteria offer an academic baseline, as well as help us navigate choices in the research process. So, with originality, significance and rigour providing a basic and determinative formula for assessment, as Sub-Panel members we wrote reports on each output without reference to whether the work was fascinating, stimulating, or thought-provoking. Of course, intriguing, and creative articles and books frequently also scored highly for originality, significance, and rigor, but not always.

Correspondingly, this set of assessment criteria (originality, significance, and rigour) captures only aspects of legal research. This became particularly clear when reviewing the articles for this volume of the *Journal of Law and Jurisprudence* which clearly fulfil these criteria but also represent more about the academic research process. Three things come to mind:

First, borrowing the wise words of Michael Morpurgo, ‘we write about what we care about’. The articles in this volume duly demonstrate a care to explain and analyse the law, including here the nature of European Union obligations, and the recognition and reliance upon fundamental rights.

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Second, according to Professor Eloise Scotford (Dean of the Faculty of Laws, UCL), as well as originality, significance, and rigour, there also ‘needs to be a bit of magic’ in doctoral, and other, research. This ‘magic’ may take many forms, lifting a piece of research and writing out of the ordinary: forging a previously unseen connection; the new application of thought or theory in a way which makes a phenomenon ‘fall into place’; an intellectual spark; a crystal-clear portrayal of a movement or legal development, and register of its significance, and so on. There are many such flashes of magic in this volume, making this a joy to read and a sound source of insight and analysis.

Third, although notoriously difficult to assess, good research is rooted in a community of scholars, including, importantly, editors, publishers, supervisors, and reviewers. The senior editors of this volume, Ioannis Bazinas and James Milton make clear that the process of bringing this volume to fruition has been a team effort, and that underpinning this is a great deal of good hearted and generous collaboration and cooperation.

Finally, did I mention that the UCL Faculty of Laws was assessed to be the very best Law School in REF2021? This is recognition that UCL Laws is an outstanding academic home to scholars, doing the very best legal research in the UK. Importantly, that accolade is also recognition of the excellence of the research conducted by the postgraduate research community, with very good examples of this work showcased so effectively in this volume.

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November 2022