

## **Research Assessment Exercise 2008**

### **Centro Studi Theorie e Critica della Regolazione Sociale, Facoltà di Giurisprudenza di Catania**

This report is written on request of the Dean of the Law Faculty at the University of Catania, prof. Luigi Arcidiacono, July 27<sup>th</sup>, 2007, to draw up a 'joint scientific assessment concerning the research activity, and above all the potentiality – of the working group in Philosophy of Law overseen by prof. Bruno Montanari.' The request was motivated by the fact that this group had recently founded the Centre mentioned in the heading of this report (TCRS) within the Law Faculty.

The members of the RAE committee were:

Prof. Jesus Ballesteros, professor of philosophy of law and political philosophy at the University of Valencia (Spain)

Prof. Jacques Lenoble, professor of legal philosophy and director of the Centre de Philosophie du Droit at the Université catholique de Louvain (Belgium)

Prof. Bert van Roermund, professor of philosophy and vice-dean research for the Humanities at Tilburg University (The Netherlands) – acting as *chair* person

#### 1. Terms of Reference

The committee received a brief summary of the facts and figures of TCRS, in particular lists of publications and other performance of all TCRS members over the period 2002-2006, a mission and policy statement in the form of a letter to the committee, plus a research programme 2008-2012 of TCRS, and three key publications of each member of the Centre. Some additional information was provided later on by e-mail in reaction to the draft report. The Committee was not asked to do a site visit at TCRS, as all committee members were supposed to be familiar with the conditions at TCRS. The Committee did not convene; all communications were by e-mail.

The Committee worked along the following lines:

- The performance of each research (senior and junior) was assessed by means of criteria as in Annex 1. We gave brief reasoned comments in support of grades on a 1 (unsatisfactory) - 5 (excellent) points scale, on parameters Q (Quality), P (Productivity), R (social Relevance) and V (Viability in future). Each assessment was drafted by one member and checked by the others, taking into account indicators as in Annex 2.
- However, we decided not to present these individual assessments in this report but rather to summarize them in an overall assessment of TCRS performance. On the Presidenza's further request we are of course prepared to communicate the individual assessments.
- These individual assessments were the basis for an overall assessment of the past performance TCRS as a whole, which we then used to evaluate the future directed policy of the Centre. We assessed the potentiality of TCRS in terms of a few necessary conditions and a set of advices for TCRS to flourish.
- The chairman made a draft for the general part of the assessment (matters of mission, policy, instruments, finances), on which the other members commented.
- The chairman made a draft of the whole report, which the director of TCRS could comment on as far as facts were concerned.
- The chairman wrote the final version, submitted it to the other members and sent it to the Dean of the Faculty with the approval of all members.

- We used international standards throughout, though this does not necessarily imply that the performance or the policy of TCRS is achieved in international collaboration or on an international platform. It means that performance and policy are compared to what is internationally considered to be good quality, productivity, etc.
- All of these criteria, terms of reference and procedural steps were communicated to and approved by the TCRS leadership and the Presidenza in advance of the RAE itself.

## 2. Past Performance

### 2.1. Performance 2002-2006 of senior staff

The three professors are all experienced and productive senior researchers who, without exception, have a firm basis in philosophy and take a creative and relevant angle on law and (received) legal theory. Moreover, they have a common basis in that they explore a 'third way' in the context of current Italian legal philosophy. On the one hand they want to go beyond the leading analytical tradition of legal positivism, on the other they want to escape from the classical iusnaturalistic Italian tradition. Theirs is an intuition that roots in epistemological reflection, where epistemology is understood in the sense of a Kantian theory of judgment rather than analytical theory of science. In the present debate it is increasingly acknowledged that such an epistemological enterprise is bound up with discussing specific socio-political problems, and therefore with collaboration between philosophers and experts in other fields: scholars, legislators, policy advisors, NGOs, and even business people. This is indeed a valuable project that ties in with developments in similar centres of study abroad.

The senior researchers are prolific writers and their main publications are highly valued by peers, students and the greater public. By all standards, their work is good to very good on average, although it is difficult to compare them as they are in different stages of their careers. It is also clear that they have different talents and interests when it comes to bringing philosophy to bear on socio-political issues, managing a research centre, organising their discipline, networking with colleagues abroad, etc. If work relationships are good, one can mutually profit from these differences and, as a team, provide a sound basis for an institute. There is one major drawback, which is that there is very little international visibility of the quality they represent. Their publications and contributions to conferences are almost exclusively in Italian and on Italian platforms. Even acknowledging that the dominance of English in the present academic world is unjustified, and that it unduly favours academics whose native language is English, this is a sub-optimal attitude towards the academic enterprise, for several reasons.

- 1) One always needs to find the most critical forum to present one's views in an academic discipline, and this has entailed the search for a *lingua franca* in the European university from its beginnings. The very non-English expression of 'lingua franca' proves the point.
- 2) Even if one would want to divert from English, there are other (roman) languages to which one could turn in order to expand the arena for critical discussion. In philosophy of law in particular, Spanish is one of the major languages in the IVR context.
- 3) Other Italian scholars in legal philosophy are able and willing to perform in non-Italian discussions, as do non-native English scholars in other countries.

There is also a number of policy arguments why one should perform on an international platform every now and then, for instance to successfully apply for research funds in international contexts in collaboration with scholars abroad. To act as a (preferred) partner in these applications, communication in English is often a basic condition of fact. The committee has seen with approval that TCRS senior staff is aware of the problem and makes first attempts to improve on this.

## 2.2. Performance 2002-2006 of PhD researchers

The two PhDs mentioned as having a research position and being members of TCRS academic staff perform remarkably well. They are certainly well-read and productive, but in their publications they are not yet fully in the habit of rigorous analysis and methodological precision. Instead, there is a tendency to build 'grand syntheses' from rather divergent pieces of literature. The extent to which they partake in actual philosophical debate abroad varies considerably.

It is very much appreciated that the TCRS leadership steers away from the danger of PhDs becoming too dependent on local authority (under its most pernicious guise known as favouritism) and encourages them to freely experiencing a variety of good practices. Traineeships abroad seem indeed very advisable for virtually all PhD students in the programme. Systematic and planned supervision of the PhD research, whether internal or external, should reflect the mission and the methodological profile of TCRS, even if diversity in (philosophical) approaches is to be stimulated.

## 2.3. Management

The committee was unable to judge all the aspects of TCRS leadership (style of management), resources and support. Suffice it to say that the committee learned with appreciation about the initiative and plans of TCRS, of its awareness of international context and standards, and of the policy to send PhD abroad for training.

## 3. Potentialities, Conditions and Advices

The committee thinks that there is a solid basis for very good and productive senior and junior research, with international relevance and reach. Moreover, as said, the basic idea behind TCRS is a sound and feasible one, precisely because it can claim to represent a relatively 'new' approach between analytical and iusnaturalistic traditions in legal philosophy. So the potential of TCRS research for the future is high: it may grow to an internationally respected centre of research, which is an ambition still to be realised at this point in time.

There is a number of *conditions* necessary for achieving this aim.

1. The first condition for success is focus: the broader mission of TCRS (theory and critique of social regulation) may be served well by focusing on Law, Ethics and Technology. This is a good area for the more general topic 'democracy and knowledge', which seems to unite the various lines of research evolved in TCRS up to now. The present expertise caters already to various interesting rays converging in and diverging from that focus:
  - a. Democracy and (expert) knowledge
  - b. Impact of/in various technological fields: Information technology, Bio-technology, Nano-technology.
  - c. Regulation and reflexive governance theory
  - d. EU identity, reflexivity and regulation
  - e. Anthropology and regulation
2. The second condition is that protection of mission, academic staff ('faculty') and funds will be warranted for a period of, say, 6 years, linked to evaluation of measurable targets in terms of (i) PhDs delivered, (ii) funds acquired (preferably in competition), (iii) publications in high quality journals.
3. PhDs should receive tailor-made but intensive supervision and their performance should be assessed annually. Their research time should be protected by scholarships. The EU Framework Programmes offer excellent

opportunities to acquire these. The Committee did not detect a clear TCRS policy to get external funding, so it will not judge this policy, only observe that further strategic thinking is needed here. One cannot claim to do philosophy at the cutting edge of relevant socio-political problems and find that no money is available from the 'owners' of these problems.

4. The Committee understands that the Centre is in the process of integrating more PhD's from the existing PhD programme in Science, Technology and Law, in order to create a truly academic atmosphere to the Centre. This seems to be a good and necessary policy for various reasons, one of which is that the number of PhDs officially allocated to the Centre is now skewed compared to the number of senior researchers. The Committee had no occasion to see the PhD programme, but going by the title it is largely congruent with the TCRS research ambition. Obviously the two should be linked as closely as possible in order to train PhDs and acquire a good research profile. To avoid huge costs of running a programme, one may well profit from the distinction between a 'taught' programme and a 'research' programme for PhD training, as is common in the UK.
5. It will also be necessary to establish good collaboration with similar institutes abroad.
6. Participation of other scholars in TCRS will be a major issue in the immediate future. As it is now, the Centre is too much a centre for philosophy while its ambition clearly is to intertwine philosophy with other disciplines.

Apart from stating necessary conditions, we would also like to offer some *advices*.

1. Find a good angle on EU Framework Programmes and try to profit from, for instance, the Marie Curie instrument to get good reseachers from abroad on board for a limited period of time.
2. Go international (English, Spanish). Find the most critical journals and publishers. Find funding for (translating) and copy-editing the best publications.
3. Meet people abroad and network, because success requires both good deliverables and networks.
4. Act also local: Involve professionals in public governance, NGOs and business in TCRS, as its mission statement promises.
5. Establish a chair for a visiting professor, e.g. for 3 months a year. Salary is probably not the problem, accommodation costs and coverage of extra expenses will do.
6. See what you can do in making the PhD programme more accessible for students from abroad by making it multi-lingual, and/or organise language courses in Italian, or set up a master track in the same area as the PhD programme. Note that Sicily is an increasingly attractive environment for students and scholars to spend a semester.

Summarising: from an international quality viewpoint, the committee assesses performance and potential of TCRS as follows:

Quality: 3-4  
Productivity: 4  
Relevance: 5  
Viability: 4 (depending on conditions being fulfilled)