UNIVERSITY OF AMSTERDAM

Research Impact at the Amsterdam Law School

A report on the definition, barriers and needs on creating impact at the Faculty of Law
October 2022

Contents

Background and methods

At the request of the Amsterdam Law School's Impact Committee, Robert Buning (Project Coordinator at the Amsterdam Law School) interviewed researchers within the faculty to enquire into their ideas, wishes and possible obstacles with regard to impact. He is the main author of this report. The Impact Committee provided him with a list of researchers known for their high level of activity in the field of impact. In addition, he approached the directors of the research centres. This resulted in 10 interviews based on a questionnaire that was also provided by the Impact Committee. He spoke to someone from each department/research centre except that of Health Law, of which no one was available. The people interviewed are Agnes Akkerman, Jacobine van den Brink, Yvonne Donders, Joris van Hoboken, Marieke de Hoon, Alessio Pacces, Kinanya Pijl, Benjamin van Rooij, Dennis Weber, and Maria Weimer.

In addition, he distributed the same questionnaire throughout the faculty to be answered anonymously online. This yielded another 17 responses, with an overrepresentation of the departments of Information Law and Private Law, but still no one from Health Law.

With 27 respondents out of hundreds of research staff in the faculty, this research is not representative. Moreover, some of the interviewees also filled in the online questionnaire. Furthermore, those researchers who do not (like to) engage in impact activities have not been selected for the interviews and may not have taken the trouble of filling in the questionnaire. The fact that Robin carried out these interviews on behalf of the faculty may have influenced the answers, e.g. many respondents seem to think that by impact the faculty has societal impact in mind or, with some exaggeration, wants researchers to be in the media more.

All the same, this research yielded a variety of responses that may provide a starting point for some concrete action and further enquiry.

Definition of 'research impact'

Some respondents have difficulty with the term 'impact' because it refers to an outcome, not the process. Disseminating research findings is not necessarily impact. Researchers engage in activities to disseminate their research findings that possibly have impact, but it is difficult to assess whether these activities actually have impact. The Impact Committee may reconsider their use of the term 'impact' or consider diversifying by using 'valorisation', 'outreach', 'knowledge utilization', etc.

Most respondents distinguish scientific impact, impact on legal practice, and impact on the general public ('societal impact'). Many add that teaching has the greatest impact, because students are the jurists of the future. Impact is contributing to academic discourse; teaching; contributing to the societal and political debate; having an effect on legal practice, legislation or policymaking; having an effect on the business sector; helping to solve societal problems in cooperation with civil society; or making legal knowledge accessible to a broader audience. The basis for (effective) impact is research that is academically and possibly also socially relevant and has gone through some form of quality control.

Some believe that more conceptual and theoretical research does not lend itself to impact creation, while others think that the questions and insights from more fundamental research are socially relevant as well and applicable in some form. And then there are those who believe that impact creation is an integral part of doing research, that all researchers inherently create impact when they have chosen a relevant topic, and that impact therefore should not be treated as a separate subject.

Motivation to engage in impact activities

All respondents are personally motivated to engage in activities aimed at impact, because they consider it part of their work as a scholar, want their research to make a difference, want to make a contribution to society, connect with an audience, and enjoy doing it (with the reservation that those researchers who do not (like to) engage in impact activities have not been interviewed and do not seem to have filled in the questionnaire). Discouraging factors are primarily a lack of time. This is followed by the (perceived) difficulty of communicating research to a broader audience (and, in an individual case, anxiety to reach out to that audience). Sometimes opportunities for collaboration or to reach out are rejected because researchers do not want to be associated with the platform or because the effort is not in proportion to the result. Some respondents regard popular outreach as a less significant form of impact.

Types of impact activities

In general, the respondents believe that all activities listed in the questionnaire[1] can have impact. The activity you choose and its success depend on the specific topic and how the activity was carried out. Most respondents engage in many of these activities, but they consider contacts with politicians and policymakers of national governments, European institutions, NGOs, international organisations such as the UN and the World Bank, and social enterprises in the form of advisory work, participating in round table discussions, and contributing to policy documents to be most impactful.

Advising commercial enterprises is rarely done, as they often employ their own researchers and consultants. NGOs, on the other hand, are very grateful for the exchange with academics, because civil society is underfunded and can use all the expertise they can get. Academics bring the added value of independence to debates and organisations. They can bring people together (convening power).

Outreach activities such as publishing blogs, media appearances, being active on social media, speaking at conferences, etc., are also considered to be very impactful. More entrepreneurial activities such as setting up businesses and developing products are seen as impactful but are not practised much. The ideas and expertise are there, but it is difficult to find parties willing to finance them.

Other impactful activities added by the respondents include teaching students and supervising PhD candidates; academic publications; publications in professional journals, including case notes; being on the editorial board of journals and other platforms; syntheses of existing research; other forms of popular publications, including popular books and documentaries; working part-time in public service (ancillary positions); and connecting with other stakeholders by interviewing them or just listening to what their needs are, also in terms of the way in which research results are disseminated.

Projects with contract research funding have impact by definition because they are commissioned. With indirect government funding (more specifically research funded by NWO), a knowledge utilisation strategy is often one of the requirements.

---

[1] *See the annex.*

Examples of impact at the FdR

Below are a few of the many examples of successful impact the survey yielded whose best practices have not already been used elsewhere in the report or which clarify them, and which show the diversity of activities.

The so-called 'The Hague Process' which was set up and supported by the Netherlands Ministry of Foreign Affairs involved governmental representatives and experts from more than sixty countries as well as from certain international organisations such as NATO. This platform was used to disseminate the *Tallinn Manual on the International Law Applicable to Cyber Warfare*, to which several researchers from the department of Criminal Law contributed, and involve the participants in discussions and training sessions. The manual has also had a visible and ongoing impact on the cyber strategies of various countries, even when they disagree with specific points of view expressed in it.

The section of Constitutional and Administrative Law has its own PR committee. It keeps track of publications, thinks about possible impact creation, and posts messages on the section's LinkedIn account with 1400 followers from ministries, municipalities, provinces, and colleagues from other law faculties. They also have a blog, *Burger & Overheid*, with a newsletter, that showcases research to non-academics and links to current events. The blog has been specially designed to look attractive with an illustration made by a professional illustrator. There is a small budget to pay for blog posts. This also gives the section as a whole a face.

Agnes Akkerman won the development of a teaching package for primary schools as a prize awarded by the Science Education Hub Radboud University. It was published as the chapter 'protest' in *Wetenschappelijke doorbraken de klas in!,* No. 8. It also involved having contact with teachers, visiting schools and having pupils visit the university, which she believed lowers the threshold to university for children who would otherwise not come into contact with it. The hub offered support in the form of organising the school visits and publishing the book.

Dennis Weber has written an article on the per-element approach in cross-border fiscal unity situations, a particular interpretation of European law which had been rejected by the Supreme Court of the Netherlands and the European Court of Justice. As a result of his article, the European Court of Justice and then the Supreme Court revoked their earlier judgement, and the law was amended.

For the Netherlands Ministry of Justice and Security, Maarten den Heijer, together with Piet Hein Donner, wrote a report on the 1951 Refugee Convention with the question of whether it is still up to date. It was a politically sensitive subject and it was a difficult report to write. He gave a talk to the department of International and European Law on how the process went and how to deal with the pressure.

After the shoot-down of MH17 in 2014, Marieke de Hoon with her NGO Public International Law & Policy was asked to advise several members of the Dutch House of Representatives on their legal options to do their controlling task. This marked the start of her research on MH17. She wrote a report for the House of Representatives and participated in public hearings. Then she also started publishing academic articles, together with clinic students of the VU where

she worked at that moment, and teaching on the subject. Because she had appeared in parliament, surviving relatives of the MH17 victims approached her for legal explanations. This had a great impact because the process caused them a lot of stress.

Joris van Hoboken, together with several IViR colleagues, did research on the Digital Services Act proposal. They organised regular meetings with other stakeholders, such as experts and civil society organisations, to discuss specific aspects of the legislation. To reach non-academics they also published their findings in the form of blog posts. Their project was directly cited in the European Commission's impact assessment. This has enabled them to position IViR and the faculty as international leaders in the field. They are now often asked by policymakers and others to participate in discussions on how to implement the legislation.

Benjamin van Rooij and his team did research on people's own ideas about how to generate impact on behavioural change and to what extent they match academic knowledge on behavioural change. They synthesised existing knowledge on how legal rules lead to behavioural change into a handbook, *The Cambridge Companion to Compliance*. For a general audience, he has written *The Behavioral Code: The Hidden Ways the Law Makes Us Better or Worse*. On the basis of this popular book, he developed a number of activities, such as lectures, articles in newspapers, and a blog for *Psychology Today*. These activities succeeded thanks to the US publisher who explored the possibilities for impact. They had the most impact on governments and companies, but they have not (yet) succeeded to reach the broad audience they also aimed at. The insights from this research were also used in the first-year course *Recht en menselijk gedrag*.

Success factors of creating impact

It is difficult to measure the success of impact activities. To some extent, it is possible for publications by counting the number of citations or when they have been demonstrably used in, e.g., policy documents, court decisions, legislation, training courses, etc. Another indication is when researchers have served on a committee whose report has been influential. But even then it is difficult to determine to what extent exactly a specific publication or advice has contributed to the outcome. The difficulty of assessing how your research is processed and whether it had impact also makes developing an impact strategy difficult.

All respondents believe that the basis for effective impact is good research, which starts with a conscious choice of a relevant research topic that fills a gap in the current knowledge or for which is a societal need, a good methodology, and the right team of researchers.

To effectively disseminate the research results, it is important to have a relevant network and support from stakeholders. You need to think strategically about the people you want to have contact with at some point during your research project and you need to have something to offer them. This means many researchers who are or want to be impactful with their research, dedicate time to stay in touch with various non-academic contacts. It is also reciprocal: when formulating a research question, you can draw on the conversations and encounters you have with stakeholders. This can greatly contribute to your ability to formulate a research question that also has social relevance. Being part of a department/research centre with good connections helps, but networks are not transferable.

Other success factors are the timing of when research findings are presented, the way in which they are communicated (e.g., policymakers need input from academics, but it must be presented in a form that is useful for them), and strategic insight into the politics of the moment.

Challenges

For all respondents, the greatest challenge in trying to create impact is time.

The second greatest challenge for many respondents is communicating their research to the wider public: They find it difficult to translate theoretical research into more applicable formats; to translate complex research and nuanced scientific findings into a clear message for a professional or lay audience, without having the audience cherry-pick what is in their interest or using normative arguments; and create attention for your research amidst all the other things that demand attention from the public. People lack training in science communication and there is a need for practical support, more specifically communication support from the faculty (which is perceived to be mainly focused internally and on student recruitment). More time and/or money is needed for building public outreach, e.g., a budget to hire experts in social media campaigns. Some think the departments should get more autonomy on communications support since the generic support typically does not have the right expertise.

For some early career researchers, the lack of a relevant network, little experience in (strategically) communicating their research, and their low academic status are obstacles to creating impact. The lack of a relevant network in media also applies to some senior staff.

For non-Dutch-speaking researchers, the language barrier is an obstacle to participating in the Dutch public debate and to doing advisory work in the Netherlands. This raises the question of to what extent the faculty wants researchers to participate in the Dutch debate. On the other hand, much research is internationally oriented and many researchers do not publish in Dutch because of its low status in academia. The same applies, although to an increasingly lesser extent, to open-access publishing, which would make research available to the wider public.

Risks

Also in response to recent integrity issues within academia, many respondents mention the risk of externally funded research for their independence or impartiality when the funder wants to influence the selection of researchers or the outcomes. This also causes some researchers who are aware of this risk to be reluctant to apply for contract research funding. With ancillary positions, this risk of conflict of interest also exists. Furthermore, it is sometimes difficult to comprehend what kind of party you are dealing with when you are invited to speak, receive an interview request, etc. There is a need for practical support, such as media training and advisors to discuss such dilemmas. A written manual does not suffice. It would be helpful if experienced colleagues at the section/department level would be available for questions because short lines of communication are important.

Many respondents also mention the risk of communicating research findings that have not (yet) gone through quality control or outreach that is not based on research at all. Related to this is the risk that someone's academic work and personal opinions get mixed up, e.g., when pushing a political agenda. The low barrier of social media use is considered to increase this risk. It is potentially harmful to society (bad impact), the reputation of the researcher and the faculty, and the status of science as a whole.

Some respondents are concerned that too much emphasis is put on media appearances, which can be a wrong incentive.

Another concern is the vulnerability of researchers who appear in traditional media or are active on social media, especially when participating in the public debate on sensitive topics such as COVID-19, immigration, climate, human rights, etc. This can provoke strong reactions and even (online) threats. People who have not personally experienced this are also more careful about the debates they participate in and what they say. Positive attention, for that matter, can be very invasive to your private life too. Finally, making many media appearances can also provoke disapproval from colleagues. Junior researchers, who have less experience and may have little self-confidence, are also exposed to this. The UvA has a press officer you can refer to, but there is a need for more moral and practical support, such as how to deal with threats.

Recognition of impact at the FdR

How to recognise or reward impact is the subject on which the views differ most. Those who see impact creation as an integral part of research reject specific valuation of impact. Some see (successful) impact as a reward in itself or are happy with informal appreciation by colleagues. Others are content with the way impact activities are currently given attention, e.g. by being mentioned in the faculty newsletter. But most respondents think that the time spent on impact should be formally recognised in some form. Hours, the performance review, extra budget, and a faculty prize/recognition are mentioned almost equally, although they also meet with much criticism.

Many respondents like to see recognition in the form of hours, but this entails a risk of bureaucracy. Others would rather have impact creation explicitly defined as a task to which hours are structurally allocated. One researcher suggests dividing the workload of 70% teaching and 30% research into three communicating vessels, with no fixed percentage for impact creation and letting researchers choose themselves whether the time they spend on impact is deducted from their research time or from their teaching time. The requirement for the number of publications would then have to be adjusted in individual cases. She thinks this would be the simplest solution within the current system. Another idea is to apply for 10% time from a faculty fund for impact creation, possibly after permission from your supervisor. Many respondents see the solution in securing a manageable workload and sufficient research time in which to engage in impact activities as well. They believe that this will also ensure good impact.

In some departments, impact is already part of the performance review, but many respondents are strongly opposed to formalising this. Their first argument is that it is difficult to measure impact. There is no criterion for the quality of (societal) impact like peer review for research output and quality assurance in education. Second, impact creation is by many respondents seen as a joint activity. This is twofold: Impact creation usually involves a number of people, which makes it difficult to attribute successes (or failures) to individual researchers. And many respondents believe that not all research lends itself equally well to impact creation or that not everyone needs to be equally good at it. Therefore, people should not be assessed on the basis of the impact they have created. Third, it can be a wrong incentive because the quality of the research should be the main concern, from which good impact follows; emphasising impact could even have the opposite effect. There is a risk that people will start creating impact that academia or society can do without or that is not based on research at all. Fourth, impact creation can take many different forms, which makes comparison

difficult. Suggestions to overcome the difficulty of measuring impact are assessing it in the form of a narrative, or having researchers submit a plan and regularly evaluate that. Here, too, there is a risk of bureaucracy. Producing narratives and evaluating standards cost a lot of time. Others feel that impact should only be part of the performance review in order to encourage researchers, not to assess them. With reference to the Recognition and Rewards programme, a criticism from respondents who favour a formal performance review is that it should then also be rewarded in the form of promotions. Career opportunities still depend too much on scientific output (peer-reviewed articles) and obtaining grants. This is demotivating for researchers who invest a lot of time in impact creation.

An extra (personal) budget would be used to hire experts, especially communication support, or fund outreach activities.

Many people reject the idea of a faculty prize or similar forms of outward recognition for the same reasons as with regard to the performance review, plus that it fosters (unwanted) competition and distinction. Some feel that there should be more attention to what ordinary staff do on a daily basis. If researchers have created successful impact, they already receive a lot of attention. An idea to meet these objections is to award the prize not to an individual but to a section or to not reward impact that has already been successful but the best idea for impact creation, which would serve as a kind of suggestion box. One researcher is in favour of a faculty prize, and proposes to award as a prize financial and/or practical (personnel) support, e.g. in the form of the development of a teaching package or an application prototype, to projects aimed at social groups that are otherwise not reached, also to increase their trust in the legal system and in science. She offers to further develop this idea if desired.

Support needed for impact activities
A widely felt need is support in the field of external communication, i.e., in reaching a broader audience (public relations, social media campaigns, assistance in translating scientific knowledge into an accessible format, training in writing op-eds) and how to deal with the media (media training, assistance from a press officer, e.g. to contact relevant mass media, advice on how to get an article in the newspaper). Some would like more tailored communication support than the faculty can provide. This could take the form of a (personal) budget, administered by the departments, to hire, e.g., an expert who thinks strategically about how to communicate your research and has a relevant network. Some researchers offer to provide guidance or explanation on how to work with the media.

Some of the respondents express a need for workshops on how to create impact and mentoring. More specifically, some could use help in building up a relevant (international) network of academics and policymakers and in exploring possibilities for collaboration. Others would like to have a budget to organise round-table conferences, expert meetings, meetings with policymakers, etc. One respondent would like to invite foreign researchers and policymakers to expose them to Dutch research.

Financial support is primarily needed for hiring experts and to fund outreach activities. Some respondents wish for more administrative support. One respondent would like the faculty to create more calm in the programme, e.g. by not scheduling meetings or teaching two days a week.

Conclusions
The subject of impact evokes strong reactions. Many people are concerned about yet another task on top of their workload. Some find the attention for impact downright nonsense. Others are happy it is on the agenda because they feel (morally) supported in their own impact activities, because they want

impact to be rewarded in the form of career opportunities, or because it takes the focus off English-language peer-reviewed publications.

Although there are widely differing views on impact, especially with regard to how impact should be recognised and rewarded, there are also some important similarities: All respondents are aware of their responsibility as a scholar to reach out and want their work to be of value and to contribute to society. Many regard teaching as their biggest impact. For all, the basis for creating (good) impact is the quality of the research and the biggest obstacle is a lack of time. Many find it difficult to communicate their research to a broader audience.

Much is already happening on impact within the departments, but there is often no programmatic approach. If impact is considered important, it should be done more strategically. The responses to the survey contain concrete ideas, wishes, obstacles and concerns that the Impact Committee may explore further.