



Evaluation Report

Name of the unit of assessment: Department of Criminal Law,
Juridical Procedure and General Jurisprudential Studies

Panel: Law

Per-Ole Träskman, Lund University, Faculty of Law, Sweden, *Chair*
Antonio Gambaro, University of Milan, Istituto di Diritto Civile, Italy
Maarit Jänterä-Jareborg, Uppsala University, Faculty of Law, Sweden
Matti Ilmari Niemi, Lappeenranta University of Technology, Department of Business
Administration, Finland
Matti Niemivuo, Ministry of Justice, Finland
Judith Resnik, Yale University, Yale Law School, USA

1 Scientific quality of the research

Rating (1–7): 5

Supporting Comments:

This Department is very heterogeneous. We must report at the outset that we do not understand the decision to group this assortment of topics in a single Department. Covered areas include Criminal Law, Procedural Law, European Law, the History of Law, Jurisprudence, Law and Economics, Sociology of Law, and what is often called in the materials "Women's Law." The idea of this group being understood as a research unit is problematic, and it appears that the only rationale is administrative. As we have noted, we have questions more generally about the wisdom of the administrative divisions within the Law Faculty.

In terms of the staff numbers reported in the self-Evaluation Report, we learned that the active research staff ranges from 42 to 50, with senior staff ranging from 19 to 22 during the evaluation period. Here, we are concerned about the small number of post-doctoral positions. In 2004, only one person is listed and, in 2003, none are listed. The Department has had many doctoral candidates who have defended their doctoral theses during the assessment period.

According to the materials provided to us, University funding has been reduced from about 1,431,000 euros (1999) to about 1,274,000 euros (2004). External funding has been an important part of support, and the Department has received between 966,000 to 814,000 euros annually. External funds have supported research, and the Department has been active in seeking and successful in receiving such support.



In terms of research, the Department has publications of widely varying quality. The work done in jurisprudence and in gender law is of a high international level. As regards jurisprudence, a leading senior scholar has recently joined this Department from another. The panel has taken into account that scholarship regardless of where it was listed. (We have tried consistently to count work of any individual who has moved during the evaluation period under both of the Departments in which such an individual worked.) We should also note that the field of Jurisprudence has maintained a high standard over many years and is to be commended for continuing to be a leading source of analysis associated with the "Helsinki School of Jurisprudence."

Turning to the discipline called "Women's Law" and which we believe would be more aptly described as "Gender and the Law" or as Jurisprudence, the scholars are writing in the context of a debate occurring at all levels, the domestic, the Nordic, the European, and beyond. Both the topics selected and the analyses provided show that the authors understand the many implications of contemporary theory from sources in and outside of Finland. These scholars are engaged in exchanges with colleagues around the world. We are, however, concerned that this field lacks sufficient resources and has only one (pending) permanent position allocated. At the moment, the strength in this field comes from a five-year appointment as Professor at the Finnish Academy. As far as we could see, during the assessment period, no resources were allocated from the Department for this genre of work.

We also note a problem in another area -- the discipline of Medicine, Science and the Law (sometimes termed "Medical-bio Law"). Doctoral theses in this field have been defended but no positions have been allocated to ensure future scholarship and teaching in this area. To summarize, in at least two disciplines -- Medicine, Science, and the Law, and Gender and the Law -- we recommend that post-doctoral positions and senior positions be supported.

Turning to the area of Legal History, some of the young researchers have international perspectives, writing in English, and are engaged in comparative and reflective work on a good or very good international level. In terms of Criminal Law, the strengths come from comparative European work that is interdisciplinary as well. A considerable segment of the publications, however, is of a descriptive and elementary character. Furthermore, a significant part of the production is not available in English. In national terms, however, the discipline is strong.

Similarly, Procedural Law is strong in terms of a national audience. In addition, work related to insolvency law is of a good or of a very good international quality. These materials relate to both domestic and international situations and trends. The work on international insolvency law mitigates, to a certain extent, the effects of the otherwise almost total neglect of research on International Civil Procedure. Further, the work of the Department related to Procedural Law has not taken on the topic of alternative dispute resolution in a thorough fashion -- demonstrating a lack of balance in light of the growing relevance these issues have in the international arena.

We did receive written materials related to Alternative Dispute Resolution, as well as especially thought-provoking work on access to justice. Those publications, however, came to us from the Department of Private Law. Given the attention paid to alternative dispute resolution in the global context, the absence of a focus in the area in Procedural Law is particularly problematic. The difficulty stems in part from the artificial divisions of the Departments themselves. For example, the topic of conflict management is located under Private Law. Further, the Department of Private Law has founded a Conflict Management Institute that does focus on alternative dispute resolution. The works published so far are in Finnish but we hope that this initiative can serve as a bridge to expand the work and include a focus on public law alternative dispute resolution issues. At the least, the Institute for Conflict Management could serve to bridge the divisions within the Law Faculty.

For the remaining topics within this Department's portfolio – Law and Economics and Sociology of Law – the publications provided to the panel suggest that significant weaknesses exist in these areas. The panel noticed that research was underway during the early part of the evaluation period, but declined thereafter.