National principles concerning PhD thesis as a collection of articles

Working group on the duration of PhD trajectories

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27-08-2020

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In its earlier memorandum to the Board of Law Deans (Raad der Decanen Rechtsgeleerdheid, RDR) dated 2 April 2020, the 'Working group on the duration of PhD trajectories' announced an upcoming separate memorandum on the theme of the PhD thesis as a collection of articles. Hence this document[1].

The principle behind considering the theme of the PhD thesis as a collection of articles, is that the RDR wishes to a. stimulate the PhD thesis as a collection of articles as a fully-fledged and high-quality way of gaining a PhD within the field of law, and b. achieve as much unity as possible at national level, also with the aim of making this type of trajectory foreseeable (in advance), i.e. a legal PhD thesis as a collection of articles, looks, in principle, like 'this'. This reduction of uncertainty is required in order to introduce broader implementation of the PhD thesis as a collection of articles[2]. Furthermore, regulations on the PhD thesis as a collection of articles can facilitate inter and multi-disciplinary research within law faculties, in particular for disciplines in which the PhD thesis as a collection of articles is the norm. In this context, we have considered the formulation of a number of national principles for PhDs of this nature (for example covering the number of articles, coherence, authorship, reviews etc.). We are referring, in concrete terms, to a set of principles. The PhD regulations of the universities in question will (must) always take precedence; for the remainder, the principle of 'comply or explain' will apply.

The starting point for this document was the preliminary memorandum of June 2018, which was previously discussed within the RDR. We have also borrowed from the inventory of differences and similarities between the various regulations, as drawn up by EUR Policy Support. Of course, the requirements laid down at the start of the trajectory (as stated in the various PhD regulations) were also taken into account.

Paramount in this discussion – as we will continue to stress – is that writing a PhD thesis as a collection of articles does not imply that the effort required to obtain a PhD is less (or more). Considering and stimulating this type of PhD is also linked to expected general changes in legal PhD culture in the Netherlands (a congress on this subject will be organised in 2021), and its impact on the position of the PhD law thesis as we now know it[3].

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[1] This document was prepared by the Working group on the duration of PhD trajectories. It was thereafter discussed in the RDR meeting of 11 June 2020 and ratified, following the incorporation of faculty input, in the RDR meeting of 27 August 2020. With thanks to Wilma Puper, EUR, for the preparatory work.

[2] See C.E. de Jager, RM Themis 2017-5, p. 225. 3

[3] In this respect, the working group has also considered the requirements that are, and may be, set for a thesis (is it a life's work or a proof of competence?).The resulting principles are based on the clear decision that a thesis is a proof of competence. We hope that this memorandum, as a basic concept, will later permeate the whole pallet of theses within the field of law. The working group's first memorandum of April 2020, also, implicitly, embraced this concept.

With all this in mind, we have arrived at the following (general) principles (1 to 6):

1. **General principles**
   a. The manuscript, even if this is in the form of articles, must conform as a whole to the requirements that are set for a thesis. This to be initially judged by the thesis supervisor, and thereafter by the appointed committee.
   b. It is evident that there will be more overlap in a thesis that is a collection of articles, compared to a monograph thesis.
   c. In the manuscript, a statement must be included, for example per article or chapter, in which it is clearly stated that the PhD candidate's contributions form an essential part of the research in question and, in the case of co-authorship, which articles are the work of the PhD candidate and the co-author respectively.
   d. The articles that are included in the manuscript must:
      i. demonstrate sufficient cohesion, this being evident in the introduction and the conclusion (by cohesion we mean an overarching research question for which an answer is provided, and a clear explanation of the logical structuring of the work as a whole).
      ii. have been published, or accepted for publication, within the 6 years preceding the date on which the thesis is submitted to the thesis supervisor. A deviation from this time frame is permitted if this can be well substantiated.

2. **Number of publications**
   The (minimum) number of publications (articles) is specified as four or five in the various faculty regulations. Therefore, a principle of four publication would appear to be logical.

3. **Type and status of publications**
   a. **Size**
   No indication is given of the (maximum or minimum) size and/or the (maximum or minimum) number of words.
   b. **Articles already published/submitted for peer review/accepted**
   In this respect, varying requirements are set by the faculties. As a national principle, at least one or two of the articles included must be accepted for publication, depending on publication processing times within the (sub) discipline in question. Stricter requirements in this area are not compatible with publication culture within the field of law, in which the time required to have an article even accepted for publication can be extremely long.
   c. **Quality requirements and publication types**
   Also here, the requirements set by faculties vary. As a point of departure, all types of scientific publication that have been externally evaluated and published in any way (made public) may constitute part of a thesis as a collection of articles. By externally evaluated we mean that an external party who is not involved in the PhD candidate's project has evaluated the work for academic merit. This can include, for example, normal peer review procedures for journals (these need not be double blind, as many legal journals do not work in this way), or contributions to books that have been evaluated by persons who are not involved in the PhD trajectory. In cases of doubt, the final judgement on such matters lies with the committee.

4. **Updating earlier publications**

   Articles/papers that were written before the start of the PhD trajectory may be updated, although this is not compulsory. Any updates must be included in the introduction or conclusion, or in an addendum or amendment to the article in question. In the case of amendments, these must be explained in the manuscript.

5. **Co-authorship**

   Thesis supervisors may be co-authors, however members of the evaluating committee may not[4]. The PhD candidate must have undertaken the majority of the work, having done all the writing or acted as principle author[5].

6. **Choice between thesis as a monograph or as a collection of article**

   As previously stated, a thesis as a collection of articles must not be seen as an easier way of gaining a PhD. It is also not a plan B in case the writing of a monograph thesis does not work out. The writing of a number of sufficiently cohesive, substantial and high-level articles requires good planning and excellent problem-solving insight. This means that the decision to write a thesis as a collection of articles must be included and developed in the initial thesis proposal (or Education & Guidance plan, or whatever name is applied). It is the decision of the thesis supervisor/graduate school/research director whether a switch in thesis type may be permitted at a later stage in the process. The principle herein is that writing a PhD thesis as a collection of articles may not be an escape route if efforts to write a monograph thesis fail, and that the quality of the resulting thesis must be improved (or in any case, not worsened).

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[4] If this is permitted in the PhD regulations and this option is made use of, the co-author may not evaluate the article to which he/she has contributed.

[5] Also see 1.c.