

Reply to the Research Review Amsterdam Research Institute for Legal Studies 2009-2015

9 June 2017

This reply to the Research Review of the Amsterdam Research Institute for Legal Studies (ARILS) 2009-2015 first provides a general reflection on the Committee's evaluation (1), then specifically address the assessments in terms of quality, social impact, validity, PhDs and integrity (2), and concludes by identifying action points that follow from the Research Review (3).

1. General reflections on the Research Review

I welcome the generally very positive assessment of the research in the Amsterdam Law School (ALS).

The Committee recognizes the quality of the research at the ALS as very good, and for some groups as world leading.

The Committee supports the decisions made since the previous research assessment, in particular by setting up the ARILS to counteract some of the drawbacks of fully decentralized research, and in terms of the introduction of a quality assurance system.

The Committee also supports the decisions taken in relation to the RPA policy: the identification of IViR as an RPA, the decision to merge two prior RPAs in the new RPA LJXBs, and the decision to treat ACLE and ACTL as groups that receive equal benefits as the RPAs.

Furthermore, the Committee supports the decision to reduce focus on programmatic research that characterised previous research cycles. It fully supports the long-term process that ALS has embarked on of shedding 'the traditional Dutch law faculty mould in favour of a more outward-looking, contemporary model', noting that that this is 'a courageous decision, inasmuch as there still are powerful incentives within the Netherlands to stick to the conventional approach. ALS is departing from the traditional ambition to be an all-purpose institution within a national setting, in order to focus more closely on its strengths as it steps onto a broader and more competitive stage both nationally and internationally.'

I draw the attention of the Board of the University to the fact that the Committee identifies the funding as a major concern that endangers the long-term viability of the ALS research. The Committee observes that senior researcher capacity went down from an average of 56.5 until 2014 to 49.21 in 2015, that junior (PhD) capacity went down by 14% in 2015, and that the ARILS first-stream funding (direct State grants) decreased by 31% between 2013 and 2015. I consider the Committee's concern that this ALS faces an adverse spiral of ever increasing pressure on output quality and valorisation, coupled with steadily shrinking institutional funding, and as unequivocal support for the need to arrive at an allocation of research funding in the UvA that secures a sufficient first-stream basis for fundamental research at the Amsterdam Law School.

The Committee articulates a number of useful recommendations that in part support initiatives already taken at the ALS, and that in other respects will be taken up in the near future (see section 3).

Despite these positive and constructive aspects, I note that the Research Review is limited in three respects.

First, in accordance with the agreement of the then Board of the University and Dean of the ALS, the Committee has only reviewed the research of ARILS at the aggregate level (that is: at the level of the Law School as a whole). Later efforts to persuade the Committee to also address expressly the quality of component groups did not lead to more than short evaluative sections per group that were included in the final report. While the focus on the aggregate level has yielded some relevant conclusions, in

particular regarding the ALS's RPA policy, the Research Review does not speak in any relevant degree of detail on the quality of research of the various research groups in which research actually is conducted. The Committee is implicit in its indication of what research performs above the level of very good, and which research performs below that level, so the review can only to a limited extent be used for determining which groups should be supported and which should be terminated. I consider this a missed opportunity that should be taken into account in future research assessments.

Second, a comparison of all research reviews of Dutch law schools indicates that all those that were subjected to the 2017-2017 research assessment were equally graded with a '2' for quality. As a result, the qualification of 'very good' does not allow differentiation. This does not necessarily undermine the assessment that was made of the ALS, but it does pose significant questions regarding the assessment of legal studies in the Netherlands as a whole. This conclusion too should be taken into account in future research assessments.

Third, the assessment of the viability of the research of the ALS is problematic, both in terms of substance and motivation. I will return to this point under 2(c).

2. Reflections on the Research Review's assessment of quality, social impact and validity

a. *Research quality*

I note with satisfaction that the Committee has assessed the ALS's research as *Very Good (2)*, with some parts performing above and some below that level (p. 9). The Committee was 'truly and thoroughly' impressed with the top publications; and noted that many of the research groups also excelled in obtaining large individual research grants, and that the top researchers at ARILS 'are able to lead their field in pushing the boundaries of knowledge.'

The Committee makes a number of useful points in relation to quality, that I will incorporate where needed in the further development of the ALS research policy:

First, the Committee observes that 'a considerable part of its limited research resources are dedicated to categories of publications of lesser scientific relevance.' I agree, and consider this to be an unjustifiable use of scarce resources. A stricter application of 'performance-criteria' should lead to reallocation and better strategic use of such resources.

Second, the Committee rightly notes that ALS should do more to ensure the continued presence of top-tier research talent and to support junior researchers on their way to reaching the top tier. HR policy should indeed be better connected to the development and implementation of individual performance criteria. Researchers need to be equipped with the skills and knowledge to achieve the performance criteria. Such training and coaching can already be provided at Ph.D. level. These issues will be taken up in the renewal of the 'aanstellingen- en loopbaanbeleid' that will be taken up once the HR agenda at the central UvA level is finalized.

Third, the Committee notes that the achievements of its leading researchers should translate better into a broader research culture 'that permeates all of ARILS and incentivises all of its researchers.' It notes that major steps have already been taken with the establishment of ARILS, but more can be done. This holds in particular for the attention to methodology. The Committee observes that the separate groups have not devoted enough attention to reflect on methodological challenges, add that 'more attention should be paid to research methodology at the overarching level of ARILS, in order to bring the research groups in contact with each other and generate debates on these issues. This is particularly true with regard to inter-disciplinary methodology, including law and economics and law and social sciences.'

While it is my opinion that the statement that ‘none of the separate groups has been focusing its research on methodology as such’ is too absolute (there are significant differences between groups), I do agree that overall attention to methodology should be improved. I will take up this recommendation shortly by launching a new initiative for interdisciplinary legal studies, that will function as a hub for interdisciplinary work between groups in the law school, and for cooperation with researchers from other law schools.

b. Societal relevance

On the criteria of societal relevance, the Committee evaluates the ALS’s research as *Very Good (2)*. The Committee was favourably impressed by the contribution by all research groups to societal debates.

While I appreciate the Committee’s recognition for the work done, I note that this conclusion is overgeneralizing. The differences between various research groups are significant. I also note that even though valorisation is now a key indicator in the SEP, the Research Review hardly does justice to the significance of valorisation. I will continue to pay attention to societal relevance strategies. The monitoring of activities in this field will be further improved.

c. Viability

Given that the Committee fully supports all of the strategic decisions taken since the previous research assessment, it comes as a surprise that the Committee nonetheless came to the conclusion that ‘when translating its opinion into the categories of the SEP 2015-2021’, the ALS ranked as *Good (3)* for viability.

The Committee fails to motivate this assessment properly. One partial explanation appears to be ‘[t]he fact that a number of strategic decisions are being taken now, the effect of which is yet unknown’. However, since the Committee in all relevant aspects support the decisions, it strains reason why the fact that effects are yet unknown would be a ground for a 3 rather than a 2. I note in this context that the Committee observes that ‘it is entirely conceivable that, if this assessment were to take place 12 to 18 months from now and if in the meantime ALS would have continued to make appropriate strategic decisions and succeeded in implementing those decisions, we would give ARILS a *Very Good (2)* for viability’. This is hard to understand. An assessment of viability is always made on a future prediction and it seems incorrect to base an assessment of viability on an assessment that decisions still have to be implemented.

For another part, the ranking appears to be based on the draft RPA programme LJXB. Again, the reasoning is difficult to understand, since the Committee expressly supports the decision to assign LJXB RPA status and even encourages the ALS to be more radical and have this RPA replace the pre-existing groups. It is unclear how the combination of the very positive assessment of various individual researchers and groups that have set up LJXB, and the fact that these researchers engage in a new RPA that delivers exactly what the Committee values, results in the conclusion that the result is only ‘good’ rather than ‘very good’.

As an aside, I note that I do not share the Committee’s call for fully integrating all research groups in one larger group. The ALS values the diversity of its research groups. A full integration of groups making up LJXB RPA (ACIL, ACELG and CSECL) would go at the cost of these internationally recognized groups and would not be in the interest of the law school. Research culture can be spread throughout the faculty, without full integration of the separate groups.

The one ground that I can recognize as a more relevant ground for grading a ‘good’ concerns the ALS’s current financial situation (p 18). The Committee sees the difficult financial situation of the ALS as a main challenge to the research at the ALS. It observes that ‘current level of funding is already sharply down from two years ago’. On this point I refer to the comments under 1 above, and

the need for a fundamental commitment to a sufficient share of first stream funding to the ALS as part of the UvA financial allocation model.

d. Ph.D.s

The Committee provides a positive assessment of the Ph.D. students, and notes that the Ph.D. students feel that they receive appropriate guidance and support from their supervisors, and are enthusiastic about the flexible, informal atmosphere at the ALS.

The committee identifies some areas for improvement, in particular the need for more cohesion between Ph.D. students of different groups and the quality of the teaching programme.

For the second problem, I have set up an internal committee that will advise me before the end of the year on a possibility to revise the teaching programme.

The Committee also pointed to the need to include external Ph.D. candidates fully in its programmes. I note that in practice they are also encouraged to participate, but will make this an integral part of the renewed teaching programme.

e. Integrity

The Committee is satisfied with the processes that are in place for ensuring research integrity. It does note that the pertinent rules 'are not necessarily up to best international practices yet'. I agree and will take further steps to secure alignment with the best international practices.

The Committee also noted that rules on scientific integrity do not extend to external Ph.D. students, who are neither trained nor controlled with regard to research integrity. I will review to what extent this gap exists and, where it does, ensure that all external Ph.D. candidates are integrated.

3. Action plan

The Research Reviews fundamentally supports the strategic decisions on the research policy, as outlined in the Faculty Strategic Plan 2015-2020. This holds in particular for:

- Continuation of the RPA policy in order to ensure that the groups that are best positioned to deliver in terms of scientific output, social impact and attracting talent receive the support to do so;
- Increasing of support for writing proposals for external grants in order to increase the amount of GS2 funding;
- Strengthening of the interdisciplinary of research, *inter alia* by sharing best practices in the ALS and the UvA as a whole;
- Increasing the focus on, and measuring of, the social impact of research.

The following table includes a comprehensive plan of action that incorporates all the suggestions made in the Research Review. Points relating to specific recommendations made in section 2.7 of the Research Review are marked with an *.

<i>Aims</i>	<i>Actions</i>
I. Continuation and further development of the RPA policy	<ol style="list-style-type: none"> 1. Articulation of the criteria for allocation of additional funding and for the review of the use of such funding; drawing up covenants for the RPAs. 2. Ensuring that transparent admission criteria apply to individual researchers; Communication of criteria for admission of individual researchers to RPAs to all researchers.*
II. Fostering an ‘ARILS culture’ by increasing the communication and exchange between the research groups on the substance of their research*	<ol style="list-style-type: none"> 3. Putting more emphasis on shared objectives in the faculty (commitment to the broader European and international context, methodology), in particular in the RPAs. 4. Ensuring comparability of quality-criteria across groups. 5. Improving communication on research initiatives and events.
III. Strengthening the awareness of the role of methodology and improving methodological skills in legal research*	<ol style="list-style-type: none"> 6. An initiative will be set up for interdisciplinary research. 7. Exchange of best practices.; 8. Organizing courses and seminars on methodology. 9. Improve course in methods of legal research in Ph.D. training
IV. Achieving a higher number of refereed articles, especially for RPA researchers*	<ol style="list-style-type: none"> 10. The quality criteria for individual researchers will be further developed, made more transparent and better monitored (also as part of annual interviews).
V. Further development of quality criteria in accordance with the SEP 2015-2021; to foster an ‘ARILS culture’, ensure that assessment of individual researchers is carried out fairly across the research groups*	<ol style="list-style-type: none"> 11. A set of general criteria for A-publications will be developed at the faculty level, while stricter criteria may be adopted in research groups / RPAs. 12. Individual performance criteria will be adjusted to provide criteria in the field of societal relevance that coincide with the faculty’s KPI on innovation & impact. 13. A monitoring system for the application of quality- criteria will be put in place.
VI. Further development of societal relevance policy	<ol style="list-style-type: none"> 14. Mapping activities in the field of societal relevance (see also point 11); (by using PURE and possible other ways of registration). 15. In cooperation with IXA, stimulate valorisation activities of research groups

<p>VII. Improve conditions for securing external funding for research</p>	<p>16. Improving the selection and support of researchers writing grant proposals.</p> <p>17. Consider establishing a committee charged with the pre-selection of researchers (a ‘gate-keeper’ committee).</p> <p>18. Set up mechanisms for incentives for selected researchers (<i>i.e.</i> seed-money, an exemption from teaching tasks in order to focus on the quality of the proposal, etc.).</p> <p>19. Appointment of a project & valorisation manager.</p> <p>20. Increase support in the proposal writing stage; defining clearer tasks (who does what?) and by developing standard and fast available documentation (official documents, track records for different funders).</p> <p>21. Improving opportunities for participation in research consortia</p>
<p>VIII. Ensure that human resources policy complement quality assurance by providing training and coaching to faculty as they progress in their career, so that quality assurance is integrated within a broader picture and is perceived as an incentive as opposed to a barrier</p>	<p>22. Quality assurance will be further developed as a central component in the ‘aanstellen- en loopbaanbeleid’ that will be implemented in the faculty after the HR agenda at the central level of the UvA is adopted.</p> <p>23. Providing training and coaching to faculty members as they progress in their career, so that quality assurance is integrated within a broader picture and is perceived as an incentive as opposed to a barrier.</p>
<p>IX. Improvement of the PhD programme*</p>	<p>24. A committee will make proposals for an improved Ph.D. training course in Methods of Legal Research. This will include improvements by a better coordination between the different stakeholders in the ALS (research groups – Ph.D. Dean’s office – Director Graduate School- Ph.D. course leaders).</p> <p>25. Making Ph.D. training compulsory for external PhD students*</p> <p>26. Training of external Ph.D. students in the research integrity rules of the ALS*</p>
<p>X. Further strengthening the links between research and teaching</p>	<p>27. Increasing the participation of RPA researchers in teaching in both the Bachelor Master programmes of the ALS.</p>