

Memorandum on PhD dissertations consisting of articles

Leiden Law School
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This memorandum sets out the rules relating to PhD dissertations consisting of separate articles, indicating the conceivable advantages and disadvantages of this method of structuring a PhD research project and a PhD dissertation. It culminates in a flexible model for new PhD candidates.

This memorandum has been drawn up by the Graduate School of the Leiden Faculty of Law (see <http://law.leiden.edu/research/phdprogramme>). The memorandum was discussed and approved on 18 March 2010 by the Research Board, on 23 March 2010 by the Faculty Board and on 30 March 2010 by the Directors of the Institutes of Leiden Law School. Following these discussions, a number of minor amendments were made to the memorandum. The original version in Dutch of this memorandum (entitled '*Op Artt.- een notitie over promoveren op artikelen*') is online at <http://media.leidenuniv.nl/legacy/promoveren-op-artikelen-2010.pdf>.

The rules

Article 13 of the Leiden University PhD Regulations offers PhD candidates the opportunity to obtain a PhD based on 'a collection of separate scientific treatises'. The first four paragraphs of article 13 are as follows:

- “1. The dissertation is the description of the research conducted independently by the PhD candidate or of research to which the candidate has made an essential contribution. The PhD candidate is also responsible, or jointly responsible, for the dissertation as a scientific work.
2. The dissertation consists of either a scientific treatise on a specific subject in book form, or a collection of separate scientific treatises which have already been made public, or have been accepted by the editors of the relevant journal, or have been submitted to the editors. The dissertation may also consist of a combination of both options, provided that there is a connection as to content. In this case, the connection should be explained in an introductory chapter and/or a concluding summary.
3. If one or more articles have been written by more than one author, only those articles are accepted as part of the dissertation, which can primarily be ascribed to the PhD candidate.
4. If previously published articles have been incorporated into the dissertation, the time span between on the one hand the publication of these articles and on the other hand the start of the doctorate procedure as referred to in Article 6 should not be more than five years, unless the Doctorate Board grants an exemption from this requirement at the well-reasoned request of the PhD candidate.”

Therefore such a dissertation:

- a. should consist of two or more treatises submitted to the editors of a journal;
- b. may consist of treatises that have not yet been published;
- c. may consist of treatises that have not yet been accepted by the editors of a journal;
- d. may consist of a combination of articles and chapters;
- e. should demonstrate connection in terms of content between the different parts;
- f. should include an introductory chapter or a conclusion in which this connection is explained;

- g. may include articles by multiple authors (as is common in many other fields of academia), provided the articles can be primarily ascribed to the PhD candidate;
- h. may not contain articles – unless dispensation has been granted – published more than five years before the PhD candidate requested the relevant professor to act as supervisor.

In the absence of any mention in the PhD Regulation on a number of points, it may be deduced that such a dissertation:

- i. may include articles that have been submitted to a non-peer-reviewed journal;
- j. may include other types of scientific publications than articles (scientific reports, case notes, contributions to edited books);
- k. may include facsimiles of articles, or revised lay-outs;
- l. may include an updated or not-updated version on an article;
- m. may comprise treatises in different languages (Dutch, English, French, German, or even another language, in line with article 15 of the PhD Regulation).

Policy

Since a number of years it has been the policy of Leiden Law School to promote PhD dissertations consisting of articles as a fully valid method of obtaining a PhD degree. All new PhD candidates will be encouraged (in discussion with their supervisor and/or co-supervisor) to seriously consider opting for this dissertation format. Furthermore, the basic assumption is that new *external* PhD candidates will in principle do their PhD in this format. This (including the words ‘in principle’) still has to be set out in a binding rule, but the admission criteria for external PhD candidates already include the stipulation that before they are formally admitted, potential PhD candidates should have written at least one article or other type of text on the subject of the PhD dissertation. Simultaneously supervisors are recommended to let potential and new PhD candidates first write one or more articles that could become part of a PhD dissertation.

Possible advantages

There are a number of different reasons for this policy. Doing a PhD in the articles format has a number of important advantages:

- A. Writing a dissertation on the basis of articles makes it easier for the candidate to quickly make a start on writing, and thus provides some counterweight to the temptation to tinker endlessly with the structure of the research or first to gather even more material on all conceivable aspects of the subject. It is an all too common occurrence that at the first evaluation after one year a PhD candidate has little more to show than a research plan and lists of jurisprudence, literature, etc. that he or she has read. The likelihood of a new candidate becoming bogged down or even drowning in an initial article on one clear aspect of the chosen subject is far smaller. The limited size of an article will be more likely to force a candidate to focus on a more limited research question and a particular approach, and in so doing to analyse a clear selection of jurisprudence or literature.

- B. With a dissertation consisting of articles, there is less likelihood that the maximum of 100,000 words will be exceeded.
- C. Publishing an article at an early stage on the subject of the PhD can be very useful for the candidate, generating often detailed and erudite comments from journal editors, reactions from readers, as well as possible invitations to speak on the subject at conferences etc. It may also offer access to other publication channels (special issues of journal, edited books, scientific reports) and to research funding. Moreover, the insights of the young PhD candidate can as a result often play a role in the development of jurisprudence, politics or practice (in the case of a monograph, people sometimes have to wait more than six years). All these aspects also contribute to the reputation of a department. And it provides an added impetus to the candidate, taking him or her out of the anonymity of a researcher sitting in silence writing his or her book. This quiet anonymity is one of the factors that can lead to candidates giving up their research during the early stages. Some PhD candidates counter this silence by accepting all kinds of exciting invitations that may not actually contribute to the PhD research. The external dynamics of publishing early on the subject of the research can help prevent both dropping out and major delay in completion of the dissertation.
- D. A dissertation consisting of articles allows for the PhD process to be divided into manageable units. This in itself reduces the likelihood of a candidate losing control over the research and perhaps giving up the research. But even if a candidate does decide to stop, there are already a number of articles available that have been completed, submitted or published. If a candidate does decide to stop, the consequences are less dramatic both for the candidate, and for the supervisor, the faculty and the funding body.
- E. Dissertations in this format also offer greater flexibility. In the case of dissertations planned as monographs, it happens all too often that unexpected developments in jurisprudence or, legislation, or dead-ends or new insights consign large (already written) sections of the dissertation to the bin: an unfortunate waste of paper and time. With dissertations consisting of articles there is less risk of this happening. In the course of the process it is easier to decide not to write a particular article, for example, or to add a different article. Also, if the first articles have been successful, or if the first articles prove to take more time than expected, the decision can be taken to base the dissertation only on the initial articles. Whereas this would appear strange in the case of a monograph, it would be barely noticeable in the case of articles, provided the articles are of good enough quality.
- F. Another important factor that may extend the period of completing the PhD is the need to constantly revise each earlier written chapter of a monograph. This is not necessary in case of published articles. The candidate can decide – depending on the time available – to opt for one of several different possibilities: (a) to leave the articles in their original published form and to refer to the most important recent developments in the concluding chapter (or in the footnotes to this chapter), (b) to add an appendix with a brief discussion of some recent developments, (c) to supplement the text of an article on a number of points (for example with extra footnotes), (d) to revise the text of one or more articles, or (e) to postpone any revision until a commercial edition of the dissertation is published sometime after the PhD defence.
- G. If a number of articles have already been accepted by editors of reputable journals, it will be easier for the PhD candidate, the supervisor and the examining committee to conclude that the dissertation meets the relevant criteria. And if several articles have been accepted by eminent peer-reviewed journals, it will also become easier to award a Distinction.

Possible disadvantages

- H. New PhD candidates, irrespective of their clear abilities, will not always be able to find journals to take their first academic article. This seems to be a problem particularly for articles written in Dutch. The possibility of publishing in English-language journals, including electronic journals, appears much greater. On the other hand, in the Dutch legal environment more frequently edited books are published in which articles by PhD researchers can often be included. Some treatises can be published as research reports. But there is another alternative: the first (and second) article can be put to one side and completed a year or two later when the candidate has more experience with the material. He or she can then submit a series of articles more or less at the same time to different journals, shortly before the PhD defence. It is not a requirement for the articles to already be published before the defence.
- I. A number of law professors, other legal scholars and practising lawyers may still be sceptical about dissertations that are not in the format of monograph, which might in some cases make it more difficult to bring together an examining committee that is able to make an unbiased evaluation of the dissertation. This calls for extra attention on the part of the supervisor and the PhD candidate. During the PhD process they can already try to interest potential committee members in this PhD format by sending them individual articles and draft articles. It is unlikely that there will be any negative consequences for the further career of a candidate who has obtained his or her PhD on the basis of articles. Quality will be recognized. Especially in public law, professors are regularly appointed who have obtained their doctorates on the basis of articles. Moreover, PhD candidates who decide to do a doctorate on the basis of articles are taking two separate approaches to creating a name for themselves within the field: by publication of the separate articles, and by bringing them together in a dissertation that will in any event be published online (in the *Institutional Repository Leiden University*) and often also – possibly after further editing – as a commercial edition.
- J. It may be the case that dissertations consisting of articles develop less often into a standard work on a particular topic than monograph dissertations. This is one of the reasons why monograph dissertations should also remain an option. It should, however, be considered that by no means all topics, and by no means all PhD candidates, are able to yield such a standard work. Moreover, after the PhD degree has been awarded, a PhD based on articles can be turned into a handbook. And, finally, an excellent PhD candidate who is quickly able to write a number of good articles, can perhaps still during his or her PhD track find time to re-work those articles into a monograph dissertation that can serve as a standard work.

Quality criteria

A dissertation consisting of articles will as a whole be required to meet the general quality criteria stipulated in article 10(2) of the Leiden University PhD Regulations:

“Before approving the manuscript as a dissertation, the supervisor assesses the text submitted with particular regard to the requirements stated under Articles 13 to 17, paying particular attention to the following points:

- a. the importance of the subject;
- b. the importance of the research question and preciseness with which it is defined;

- c. the academic standard of the structure, the analysis and the treatment of the material;
- d. the derivation of new insights and views from this analysis;
- e. the soundness of the methodology used for this analysis;
- f. evidence of a critical confrontation of the author's own conclusions with existing theories or views;
- g. evidence of a creative approach to the academic field treated in the manuscript;
- h. demonstrated restraint, with regard to the scope of the text;
- i. balanced structure in the manuscript and clarity of style."

A dissertation consisting of articles will also be required to meet the final achievement standards as formulated in, for example, item A5 of the "Rules and policies for salaried PhD candidates (except PhD fellows)":

"The **final achievement standards** for the training as independent researcher are those contained in the VSNU report [Hora Est](#) of October 2004:

- the successful candidate has made an original contribution to academic research of a quality which can stand up to peer review at the level usual in the Netherlands;
- the successful candidate has demonstrated his or her ability to apply the academic methods used in the discipline for developing, interpreting and implementing new knowledge;
- the successful candidate has acquired and worked with a substantial body of knowledge which, at the very least, embraces the principles and methods of international academic practice and theorisation, methodology and study in the discipline concerned;
- the successful candidate possesses the ability to design and implement a substantial project for the purpose of developing new knowledge;
- the successful candidate is able to communicate knowledge and methods pertaining to his or her discipline or specialism in an effective way;
- the successful candidate is able to exercise social responsibility in conducting, applying and making use of his or her own research."

Additional criteria?

It is questionable whether Leiden Law School or any of its institutes can impose additional criteria on a particular PhD format permitted by the Leiden University PhD Regulations. Furthermore, it does not as yet appear necessary for Leiden Law School to set further requirements with regard to dissertations consisting of articles, apart from the obvious requirement that the dissertation should state that partly or wholly it comprises articles previously published (of submitted for publication).

Of course, a supervisor may impose further requirements in terms of quantity and quality of the texts that will constitute a dissertation. However, it should not be the case that more stringent criteria will be placed on such a dissertation than on dissertations in the monograph format. It should be borne in mind that monograph dissertations in many instances only find a publisher if the PhD candidate is prepared to pay thousands of euro for this. It also seems realistic to assume that monograph dissertations generally comprise substantial parts that only with considerable difficulty would be accepted by the editors of a journal, let alone by a peer-reviewed journal.

A possible model: *Start with Artt.*

Given the advantages and disadvantages discussed above, a good model would appear to be to have all appointed PhD candidates start by writing an article that could become part of the dissertation. This article should be available when the candidate has his or her first evaluation in the first or

second year of employment (acceptance or publication is then not yet required). The salaried PhD candidate could then be required to write three more articles, for example, before the start of the teaching-free penultimate year of employment (at Leiden Law School that is the fifth year for PhD fellows, the third year for a four-year PhD candidate). By the time the teaching-free period starts, one of the following decisions would have to be taken:

1. the PhD candidate continues to prepare a dissertation in the articles format, and will write one or more new articles;
2. the dissertation will consist of the articles written plus a small number of chapters (still to be written);
3. the PhD candidate can obtain his or her doctorate on the basis of the four articles that are already available and of enough quality and substance, and now only has to write an introduction and a conclusion before the dissertation can be defended well ahead of time;
4. the teaching-free year will be spent integrating the articles that have already been written and expanding these into a monograph.

If a PhD candidate does not manage to write four articles before the teaching-free year, the last two options in principle lapse.

A comparable model for external (non-salaried) PhD candidates would mean that they would in principle, like salaried PhD candidate, first write for example four articles (including articles written or published before admission), and then choose one of the four options in consultation with the supervisor.