

About completion of the degree and the public defence at the
Faculty of Law,
The University of Bergen

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Guidelines regarding the assessment and public defence of PhD theses at the Faculty of Law, the University of Bergen

The guidelines are based on the regulation for the degree of Philosophiae Doctor (PhD) at the University of Bergen and the national guidelines for doctoral degrees in law, as well as practice at the Faculty of Law.

1. Submission of the PhD thesis

1. The thesis may be written in Norwegian, Swedish, Danish or English, and possibly in another language approved by the Faculty in each case. An abstract of the thesis must be prepared in English (1–3 pages), with the aim of making the thesis and its results known to national and international research environments. The abstract should be printed in the public defence version of the thesis that adheres to the UiB template.
2. Three (3) copies of the thesis should be submitted when the Ph.D candidate applies for an assessment of the Ph.D thesis. The thesis may only be submitted for assessment if the compulsory training part (30 credits) has been completed and approved by the Vice-Dean for research.
3. The thesis must be an independent, academic work that meets international standards, and must be at an advanced academic level in respect of the formulation of the research topic, conceptual clarification and methodical, theoretical and empirical analysis, documentation and formal presentation.
4. The thesis can take the form of a monograph or be based on a number of articles (article-based thesis). It is a requirement that the articles contribute to a coherent whole. In addition to the individual parts, a summary must be prepared that documents the cohesiveness of the thesis. For joint work that is included in an article-based thesis, the PhD candidate's contribution must represent an independent effort that can be identified to the extent necessary for the assessment.
5. If the thesis includes work by co- authors, a signed declaration must be enclosed that describes the candidate's and the co-authors' contribution to the work.
6. The PhD candidate's admission period to the PhD programme is concluded upon submission of the thesis.

2. Appointment of assessment committee

Out of consideration for the deadlines set in the Regulations for the Degree of Philosophiae Doctor (PhD) at the University of Bergen, the PhD candidate should notify the faculty's management and the PhD coordinator of the submission well in advance of the anticipated time of submission. It can thus be arranged for the members of the assessment committee to be asked at the time of submission.

Members of the assessment committee must have a doctoral degree or equivalent academic competence. In general, two of the committee members should not be affiliated with the University of Bergen, and one of the members should come from a foreign academic institution. Both genders ought to be represented in the committee. The appointed

supervisor may not be a member of the committee.

1. The Vice-Dean for research requests the supervisor to propose members of the assessment committee upon notification of pending submission of the thesis.
2. The Vice-Dean may propose three members to the Dean, who appoints the assessment committee, cf. Section 11.2 of the Regulation for the Degree of Philosophiae Doctor (PhD) at the University of Bergen. The faculty makes the proposal known to the candidate, who has a deadline of five days to present written comments.
3. The PhD coordinator informs the candidate of the composition of the committee as soon as the appointment has been made.

3. Duties of the chair of the committee

The faculty appoints the chair of the committee, who is normally an academic employee at the faculty. The chair will participate in the academic assessment of the thesis on an equal basis as the other members.

The chair of the committee is responsible for determining possible dates for the trial lecture and public defence as soon as possible. The dates are set as soon as possible and in good time before the written recommendation is available.

The chair of the committee will also organise the work of the committee, ensure that the work gets underway quickly and that the time frame for the committee work is adhered to. The chair of the committee is responsible for writing the draft recommendation from the Committee and for summarizing the committee's assessment of the thesis. The chair of the committee also ensures that the division of work during the public defence is clarified between the committee members. The chair of the committee notifies the faculty in good time, and no later than three weeks prior to the public defence as to which of the members should act as 1st and 2nd opponent. The topic of the trial lecture is notified at the same time. If there is any doubt about the faculty's traditions for trial lecture topics, the Dean or the Vice-Dean may be contacted about this in advance.

4. The assessment committee's assessment of the PhD thesis

4.1 Deadline

The recommendation of the committee should normally be provided within 3 months from the time the thesis is submitted to the committee members. The recommendation is signed by all members of the committee. The PhD coordinator sends the recommendation to the candidate as soon as possible, and at the same time notifies of the 10 working-day deadline for comments

4.2 The contents of the committee's recommendation

4.2.1 Scope of the recommendation

The committee delivers a reasoned recommendation to the faculty. The grounds for any dissent should also be provided. Individual statements may be attached.

The recommendation should normally be on 5 -10 pages, but a more comprehensive

assessment may sometimes be needed, for example to account for fundamental criticism of the thesis' theoretical construction and method.

Somewhat more detailed grounds should be provided in the event that the committee recommends that the thesis should not be approved.

4.2.2 Description of the thesis

The recommendation should include a description of the format of the thesis (monograph/article collection) and size, the position of the thesis topic in contemporary jurisprudence, the project's academic orientation and composition and the work's relationship with other recognised contributions in jurisprudence. The recommendation should further contain a description of the thesis' main statement and academic orientation, methods, material and findings.

4.2.3 Assessment of the thesis

The recommendation should include an assessment of the qualities of the thesis. In assessing the thesis, special emphasis is placed on whether the thesis is an independent and comprehensive academic work of a high academic standard in terms of problem formulation, use of legal sources, and its methodological, theoretical, and possibly empirical bases as well as the treatment of literature and presentation form. The committee should assess whether the thesis' analytical composition and theoretical framework relate to existing jurisprudence in the relevant field of study in a satisfactory manner. The assessment should state whether the material and methods used in the thesis are suitable for the questions raised, and whether the arguments and conclusions presented are tenable. The thesis must be able to develop new knowledge and must be of such quality as to qualify for publication as a part of the academic literature in the field.

If the thesis is composed of several individual works, it must be documented and assessed whether its content constitutes a whole. In such cases, the doctoral candidate should not only summarise, but also collate the statements and conclusions presented in the individual works with a holistic perspective, thereby documenting the coherence of the thesis. This part of the thesis is therefore very important both for the doctoral candidate and for the committee in its assessment. The Faculty of Law has prepared a separate recommendation for candidates who wish to write an article-based thesis, and this is available on the faculty's web site. (link).

For collaborative works, the committee should assess whether the doctoral candidate's efforts in the relevant work(s) can be identified, and whether the doctoral candidate is solely responsible for a sufficiently large part of the thesis. The summary part of the thesis should be formulated by the doctoral candidate alone. If the candidate's own documentation is insufficient, the committee may obtain additional information.

The committee may require presentation of the candidate's source material and additional information for the purpose of supplementation or clarification.

4.2.4 Information about the Dr. Philos. degree

A Norwegian doctoral degree is a certification of research competence at a specific level. This level of competence is assumed to be the same for a degree with a fixed term and organised research training, as for a degree without a fixed term (Dr. Philos. degree). The principle of equality refers to academic level and quality, not solely to the scope of the thesis. In the organized research training, competence can also be documented through tests and participation in various types of initiatives related to the training section. The absence of training requirements for the Dr. Philos. degree should be expected to be compensated by the fact that the thesis work itself is somewhat broader than what would be required for the organised research training programmes. Whatever the degree, the doctoral candidate must satisfy the same minimum requirements for research competence – expressed through requirements for problem formulation, precision and logical cogency, originality and analytical depth, as well as an overview of, understanding of and a reflective relationship to other research in the field.

4.2.5 Conclusion of the recommendation

The committee's recommendation may have three different recommendations.

A) Positive recommendation

If the thesis is found worthy, the public defence can take place and the recommendation is approved by the Faculty Board, alternatively by the Dean by proxy.

b) Minor reworking

On 11 April 2019, the University Board approved Section 11-5 of the Regulations for the Philosophiae Doctor (PhD) degree.
for the University of Bergen:

«§ 11-5 Minor reworking of a submitted doctoral thesis.

The assessment committee may, on the basis of the submitted doctoral thesis and any additional material, recommend that the faculty itself permit the candidate to make minor revisions to the thesis before the committee submits its final report. The committee must provide a written list of the specific items that the candidate must rework. If the faculty itself allows minor revisions to the thesis, a deadline up to but not exceeding three (s) months will be set for completing such revisions. A new deadline for submission of the committee's final report will also be set. The faculty's decision pursuant to this paragraph may not be appealed by the PhD candidate. "If the committee finds that extensive changes are needed in order to deem the thesis worthy of a public defence, the committee must reject the thesis."

The provision stipulates that the faculty may decide that the candidate is allowed to make minor revisions of the thesis within a deadline of up to three (3) months. This option should only be recommended by the committee when the thesis is very close to fulfilling the requirements for an approved thesis, and where the deficiencies that are recommended to be corrected can clearly be remedied within a deadline of three (3) months.

In its report/order, the committee must provide a specific written list of what the candidate must revise in order for the thesis to be approved.

The order from the committee should normally limit itself to parts of the thesis work. The order from the committee should be limited to the requirements needed to satisfy the threshold level for legal doctoral theses. The revision should be able to be carried out within the deadline without the candidate having to include completely new core research questions in the project. The order must take into account that the aim of the project should be able to

be implemented, including with the supplements requested by the committee.

The University of Oslo and the University of Tromsø also have an arrangement whereby it is possible to revise submitted doctoral theses, within six (6) months and three (3) months respectively. When the University of Bergen has chosen a shorter deadline than the University of Oslo, it is to ensure that the general requirement for the level of approved doctoral theses is not lowered. The shorter deadline means that the type of error to be corrected cannot be comprehensive, fundamental to, and extensive in the thesis work. The errors to be corrected may not be significant to the quality of the thesis.

Although a recommendation for revision from an assessment committee will typically apply in cases where the academic craftsmanship is not satisfactory, there will still be room for proofreading errors in approved theses, and the possibility for the committee to criticise formal errors in the public defence.

If the committee recommends minor revision of the thesis, the recommendation shall be approved by the Dean by authority, and the Dean sets the deadline for submission of the revised thesis.

c) Rejection

If the thesis is not found to be worthy of a public defence of the PhD degree, the committee indicates whether it can still recommend that the work be submitted in a revised version for new assessment. The candidate is informed of the deadline of ten (10) working days to submit remarks. If the candidate's remarks can have an impact on whether or not the thesis can be approved, the remarks should be submitted to the assessment committee before the faculty makes a final decision in the case. On the basis of this, the Faculty Board reaches one of the following decisions:

1. that the public defence cannot take place
2. that the thesis may be resubmitted in revised form
3. that the thesis is submitted for assessment by a new committee

5. Preparation for the public defence of the PhD thesis

The committee must submit its recommendation as soon as possible, allowing sufficient time for administrative procedures and printing of the public defence version of the thesis. It is an advantage if the topic of the trial lecture, as well as details of who should be first and second opponent be submitted together with the recommendation in cases where the recommendation arrives before the deadline.

The PhD coordinator sends a copy of the approval letter for the thesis, the dates of the public defence and opponents, as well as the topic of the trial lecture topic to the candidate no later than ten (10) working days before the lecture is scheduled.

Announcement of the trial lecture and public defence will be published as soon as possible

on the faculty's home page and the University's main pages. The candidate writes a press release that is sent to the Communication Department for further dissemination to relevant newspaper editors. The thesis should be printed and available to the public no later than two weeks before the public defence.

6. Procedure for the public defence of the PhD thesis

Before the public defence, the committee shall specify the topic of the trial lecture. The trial lecture is usually held on Thursday afternoon at 14.15 and should last for 45 minutes. The public defence usually starts at 10.15 on the following day, and lasts about 4 hours, including a lunch break of 45 minutes. The first opponent usually has at their disposal the time until lunch, while any opponents *ex auditorio* and the second opponent start after lunch. All audience members may register as opponents *ex auditorio*, but in practice this opportunity is rarely used.

The public defence is conducted as follows:

1. Introduction by the moderator (Dean or a person authorised by the Dean) with the presentation of the doctoral candidate and the committee members. The moderator is the leader of the public defence.
2. The first opponent is then allowed speaking time and examines the doctoral candidate, usually until lunch (approx. 11.30/12.00).
3. After lunch, any opponents *ex auditorio* are called on to speak, or the second opponent is called on directly to examine the doctoral candidate for about one hour.
4. The moderator closes the public defence.

The trial lecture and public defence are usually conducted in the language in which the thesis is written. Following consent by the Dean, the doctoral candidate or committee may have a different language approved.

7. Conferment of the PhD degree

On the basis of the approved trial lecture and public defence, the faculty recommends that the doctoral candidate be awarded the PhD degree, which is awarded by the University Board. The trial lecture must be found satisfactory before the diploma can be awarded. If the public defence is not approved, a new public defence may be held once. A new public defence is assessed by the original assessment committee, if this is possible. The public defence must be found satisfactory before the diploma can be awarded. The faculty has never experienced that a trial lecture or public defence has not been approved. There may be instances where this may occur if it is revealed that major portions of the thesis are not the candidate's own work.

8. Example of timetable for conclusion of the organized research training

What	When	Remarks
Thesis submitted	(date)	Application and PDF sent to PhD coordinator.
The faculty appoints the assessment committee and submits the thesis and regulations/guidelines for the assessment work		
The chair of the committee sets a preliminary date for the public		
The committee submits its recommendation to the faculty for the attention of the PhD coordinator, Dean and Vice-Dean, as well as the topic of the trial lecture		
<p>The candidate is sent the recommendation with a deadline of ten (10) working days for any written remarks.</p> <p>The faculty management is also informed of this as soon as possible.</p> <p>In the event of a positive recommendation, the candidate should deliver the thesis for printing via the Thesis Portal. The faculty covers the cost of printing 70 copies.</p>		<p>Sent via email. The faculty cannot order the printing of the thesis until the formal decision on approval is made by the Faculty Board/or by authority. However, we recommend that the candidate starts the printing process as soon as a positive recommendation is made</p>
The faculty writes to the committee regarding approval of the thesis for public defence, appointment of opponents and the timetable for carrying out the trial lecture and public	No later than two weeks before the trial lecture	Sent via email to the committee.
The candidate is informed in writing of the decision and is given the topic of the trial lecture	Ten working days before the trial lecture	Sent via email
The candidate delivers press release with photo attached as a separate file	Deadline 3 weeks before the public defence	This is the final deadline. The faculty must send a final proposal to the Communications Department two weeks before the public defence.
Trial lecture	Thursday dd. mm. yy Time: 14:15 Place: Aud. 2	Committee, candidate and Dean meet at the Dean's office at 14:00. If the Dean has a substitute, the relevant people meet in meeting room 546

Public defence	Friday dd. mm. yy Time: 10.15 Place: Aud. 2	The committee, candidate, Dean and professors meet outside the Dean's office at 10.00
Lunch for the candidate, committee, management and supervisor (s)	Usually after the first opponent, approx 12 a.m.	The candidate gives feedback on the number of the immediate family who are participating, no later than 2
Doctoral degree awards ceremony/The University Aula	January/May/August	The doctoral degree awards ceremony is arranged by the University Director's office. The doctoral candidate will receive the invitation and information

Information about doctoral public defences at the Faculty of Law

According to the regulations, there should be two ordinary opponents. If opponents *ex auditorio* are registered, they should take the floor *before* the second ordinary opponent is permitted to do so. The second ordinary opponent is always the last opponent.

The language of the public defence is usually the same as that in which the thesis is written.

The public defence usually starts at 10.15. There are no formal rules as to how long it can or should last. However, it is usual for the first opponent to use approx. 1 ½ hours, and preferably no more than 1 ¾ hours. Furthermore, it is usual for the second opponent to use approx. 1 hour. After the first opponent there is usually a break of approx. 30 minutes. After the break the floor is given to any *ex auditorio* opponents.

The public defence takes the form of an academic discussion between opponents and the PhD candidate regarding the formulation of the research topic, methodological, empirical and theoretical approaches, documentation of sources, and formal presentation. Special emphasis should be placed on the testing of the tenability of important conclusions that the doctoral candidate has reached in his work. The research topic that the opponents choose to pursue need not be limited to those discussed in the committee's recommendation. The opponents should endeavour – as far as possible – to give the discussion a form that also allows those who have not read the thesis, or know the area of study in depth, to follow the discussion.

It is usual for the first opponent to start by presenting a brief summary of the content, general findings, etc. of the thesis. This review is primarily aimed at enabling the audience to keep up with the subsequent discussion. This should be done purely narratively. Since the discussion between the opponent and the doctoral candidate is the main issue, this introduction should be made short and should not take more than 15-20 minutes. It may be appropriate to end the review by asking the doctoral candidate if he/she has any remarks. This can give the doctoral candidate the opportunity to correct any misunderstandings, correct errors that he/she may have become aware of, and supplement with later developments, etc.

Then the critical scrutiny by the opponent takes place. This should apply as much to the preparation of the thesis in general (disposition, scope, construction, selection of material) as to methodology and the treatment of individual questions. The opponent decides which questions should be addressed. The examination takes place in the form of a dialogue between the opponent and the doctoral candidate. In the interests of both the doctoral candidate and the audience, it is important that too much time does not elapse before the doctoral candidate takes the floor. It is usual for the first opponent to conclude their opposition with a general characterization of the work, but it is also sometimes the case that the opponent finds it natural to do so at an earlier stage.

The same is true for the second opponent as for the first opponent, except for the introduction regarding the content of the thesis. It is practical for both opponents to agree on their role distribution in advance. This may, for example, be done so that they address different parts of the thesis, that one of them (typically the first opponent) primarily

concentrates on general issues relating to construction and method, while the other deals with more specific questions, or in other ways . Previously, it was usual for the second opponent to have a particular responsibility for technical aspects such as language, use of notes, printing errors, etc. Such a rule no longer applies, but it is natural that one of the opponents briefly touches on such questions.

It is a tradition that the doctoral candidate and opponent address each other in the third person ("the opponent", "the doctoral candidate"), but this is not always fully exercised in practice.

Once the second opponent has finished, the Dean declares that the ceremony is finished and notifies that the case will be reported to the University Board.

Example of timetable/script for the trial lecture and public defence:

Trial lecture

Procession:

The Dean (without cape), the doctoral candidate, committee members, in that order.

The doctoral candidate and committee members sit down on the first row of seats, having entered from the right viewed towards the lectern.

The public defence leader to the rostrum:

«On 1. January 2010 Master of Law Peder Ås submitted his thesis

“[Title of thesis]”

On [date] the Faculty of Law appointed the following committee to evaluate the thesis:

- Professor Lars Holm, University of Bergen (chair)
- Professor Marte Kirkerud, University of Oslo
- Professor Pelle Svensen, Malmö University

In accordance with the Evaluation Committee’s report, the Faculty has found the thesis worthy of being defended for the degree of PhD.

Master of Law Peder Ås will today give his lecture on the topic:

“[Title of trial lecture]”

I kindly ask you to switch off your mobile phones.»

(The doctoral candidate starts: "Honourable Dean, honourable committee, ladies and gentlemen..." (or something similar.)

*

The public defence leader after the conclusion:

«Tomorrow, at 10:15 in this Auditorium, Peder Ås will publically defend his thesis. »

Then the doctoral candidate, the committee and the public defence leader go out.

The public defence

At the start of the public defence, the procession starts in the following order: Dean/public defence leader (in cape), the doctoral candidate, committee members with the first and second opponents first, the faculty's professors (seniority) in the aforementioned order.

On the first row of seats and so that the doctoral candidate is seated to the left viewed towards the lectern, then the first opponent, the second opponent, etc.

The audience stands during the procession. They sit down when the public defence leader starts its introduction.

The doctoral candidate and committee members (and professors in addition) sit on the first row of seats. The public defence leader goes directly to his table.

*

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Yesterday Master of Law Peder Ås gave his lecture on the topic:

“Transboundary Water Cooperation in light of the Sustainable Development Goals”

The committee has approved the lecture, and now the candidate will defend his thesis.

Acting as opponents are:

1. Opponent: Marte Kirkerud, University of Oslo
2. Opponent: Pelle Svensen, Malmö University

After the first opponent has finished, there will be a 45 minute break.

Others may be granted permission to appear as opponents ex auditorio. Should anyone so desire, it must be made known to the Dean before the second opponent takes the floor.

I will now ask the candidate to take his place at this rostrum, and the first opponent to take his place at the other rostrum. I ask the first opponent to commence.»

*

The public defence leader sits down. The opponent starts, and continues for a while, and then turns to the doctoral candidate with questions. The doctoral candidate replies and takes care to address the opponent in the third person, the first time and depending on the circumstances also otherwise: "Honourable opponent" and otherwise "the opponent" or similar. When the first opponent has finished, the public defence leader stands up and says:

*

«We will now break for 45 minutes. The defence will recommence at XX o'clock»

*

This break may otherwise be informal, without a procession. The faculty arranges for the committee, the doctoral candidate with immediate family, and the Dean to be provided with a light lunch. From the faculty, in addition to the Dean and the Faculty Director and the Vice-Deans,

*the doctoral candidate participates with immediate family + the committee: **Meeting Room***
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After the break, the committee and the doctoral candidate return without formalities to their seats on the first row of seats, and the public defence leader returns to his table. The public defence leader then stands up:

(Option 1:)

«N.N. is announced as opponent ex auditorio.

I ask the candidate to take her place at this rostrum, and the opponent to take his place at the other rostrum. I ask the opponent to commence.»

(Option 2:)

«As no opponent has requested to speak ex auditorio, I ask the candidate to take his place at this rostrum, and the second opponent to take her place at the other rostrum. I ask the second opponent to commence. »

The disputation is concluded. The University Board will be informed of the committee's decision concerning the public lecture and disputation.

Congratulates the doctoral candidate and presents him/her with flowers (placed under the table of the public defence leader). The procession returns in the same order as it entered at the beginning.