

# 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, or in another language approved by the Faculty in the individual case. A summary of the thesis must be prepared in both Norwegian and English (1–3 pages), intended to make the thesis and its results known to academic communities both nationally and internationally. The summary must be printed in the defence edition of the thesis in accordance with the UiB template.
2. The thesis may be submitted for evaluation only once the mandatory training component (30 ECTS credits) has been completed and approved by the Vice Dean.
3. The thesis must be an independent scientific work of international standard, demonstrating a high academic level in terms of formulation of research questions, conceptual precision, methodological, research-ethical, theoretical and empirical foundation, documentation, and presentation.
4. The thesis may take the form of a monograph or be based on a collection of articles (an article-based thesis). Multiple works may be approved as parts of the thesis if they together form a coherent whole. In such cases, the candidate must also prepare a synopsis that explains the overall coherence of the thesis. In co-authored works included in an article-based thesis, the PhD candidate's contribution must represent an identifiable and independent effort to the extent necessary for assessment.
5. If the thesis contains co-authored works, a signed declaration must accompany the thesis outlining the contributions of both the candidate and each co-author to each individual work.
6. The thesis is submitted via *Avhandlingsportalen*, where three physical copies for the evaluation committee must also be ordered. The same PhD file uploaded in *Avhandlingsportalen* must also be sent by email to the PhD coordinator at the Faculty, together with the application for evaluation. The thesis is registered as submitted on the date the order is sent to Skipnes **and** the application is delivered to the PhD coordinator.
7. The PhD candidate's admission period to the PhD programme is concluded upon submission of the thesis.

## **2. Appointment of the Evaluation Committee and the Committee for the Trial Lecture**

In accordance with the deadlines set out in the *Regulations for the Degree of Philosophiae Doctor (PhD) at the University of Bergen*, the PhD candidate must notify the Faculty leadership and the PhD coordinator of the planned submission well in advance of the expected submission date. This allows the Faculty to ensure that potential committee members can be contacted before the thesis is submitted.

Two different committees will be appointed:

- **An evaluation committee** responsible for assessing the thesis, and
- **A trial lecture committee** responsible for assessing the trial lecture.

Members of the evaluation committee must hold a doctoral degree or possess equivalent academic competence. Normally, two of the committee members should have no affiliation with the University of Bergen, and one of the members should be from an institution abroad. Both genders should be represented on the committee. The academic supervisor cannot serve as a member of the committee.

1. When the Faculty has been notified of the forthcoming submission, the Vice Dean of Research requests proposals for committee members from the principal supervisor.
2. The Vice Dean then recommends three members to the Dean, who formally appoints the evaluation committee in accordance with Section 11.2 of the *Regulations for the Degree of Philosophiae Doctor (PhD) at the University of Bergen*. The Faculty informs the candidate of the proposed committee and gives the candidate five days to submit any written comments.
3. The PhD coordinator notifies the candidate of the final composition of the committee as soon as the appointment is confirmed.

Members of the trial lecture committee will consist of internal academic staff at the Faculty. The Vice Dean of Organisation and Innovation will serve as the permanent chair of this committee. The chair of the evaluation committee will also participate in the trial lecture committee. Additionally, the Vice Dean of Organisation and Innovation may appoint an extra member—either a relevant member of the academic staff (e.g., course coordinator, supervisor) or the Vice Dean of Research.

### **3. Responsibilities of the Committee Chair**

#### **Evaluation Committee**

The Faculty appoints the chair of the evaluation committee, who will normally be a member of the academic staff at the Faculty. The chair participates in the academic assessment of the thesis on an equal footing with the other committee members.

The committee chair is responsible for determining the date of the defence as early as possible. The date must be set promptly and well before the written recommendation has been finalised.

The chair must also organise the committee's work, ensuring that the work commences without delay and that all deadlines relating to the committee's mandate are met. The chair is responsible for drafting the initial version of the committee's recommendation and for summarising the committee's overall assessment of the thesis. The chair must also arrange the division of responsibilities between committee members during the defence.

The chair must notify the Faculty well in advance, and no later than three weeks before the defence, of which committee members will serve as first and second opponents.

## **Trial Lecture Committee**

The Vice Dean of Organisation and Innovation serves as the permanent chair of the trial lecture committee.

The date for the trial lecture is determined by the trial lecture committee in consultation with the candidate. The lecture will normally take place before the evaluation committee's recommendation is available, but not earlier than three weeks after the thesis has been submitted and not later than three weeks before the tentative defence date. The Faculty may allow a closer interval between the trial lecture and the defence if special circumstances warrant it.

The topic of the trial lecture is determined by the trial lecture committee. The committee should consult the supervisor regarding the choice of topic and must consult relevant course coordinators if the trial lecture is intended to be linked to a course within the Faculty's master's programme. The topic must be formulated in a way that enables the candidate to make an independent, academically valuable contribution, preferably one that may lead to a subsequent publication.

## **4. The Evaluation Committee's Assessment of the PhD Thesis**

### **4.1 Deadline**

The committee's recommendation must normally be submitted no later than three months after the thesis has been sent to the committee members. The recommendation must be signed by all members of the committee. The PhD coordinator will send the recommendation to the candidate as soon as possible and will simultaneously inform the candidate of the *ten-working-day* deadline for submitting comments.

### **4.2 Content of the committee's Recommendation**

#### 4.2.1 Length of the recommendation

The committee submits a reasoned recommendation to the Faculty. Any dissenting opinions must also be substantiated. Individual statements may be attached to the recommendation.

As a general rule, the recommendation should be 5–10 pages long, although a more extensive assessment may be necessary in some cases—for example, when providing a thorough explanation of fundamental criticism concerning the thesis's theoretical framework or methodology.

Where the committee recommends *rejection* of the thesis, a more detailed justification will naturally be required.

#### 4.2.2 Description of the thesis

The recommendation must include a description of the format of the thesis (monograph/article-based), its length, the position of the thesis topic within contemporary legal

scholarship, the project's academic orientation and composition, and the thesis' relationship to other recognised contributions within the field. The recommendation must also describe the thesis' main research questions, academic focus, methods, materials, and findings.

#### 4.2.3 Assessment of the thesis

The recommendation must include an evaluation of the academic quality of the thesis. Particular emphasis is placed on determining whether the thesis constitutes an independent and coherent scholarly work of a high academic standard in terms of formulation of research questions, methodological, theoretical, doctrinal and, where relevant, empirical foundation, treatment of the existing literature, and quality of presentation. The committee must assess whether the thesis's analytical approach and theoretical framework relate appropriately to existing legal scholarship in the relevant field, whether the materials and methods used are suitable for addressing the research questions, and whether the arguments and conclusions are sound. The thesis must contribute new scholarly knowledge and must be of a standard suggesting that it could be published as part of the scientific literature in the discipline.

If the thesis consists of several separate works, the committee must determine whether these works *together* form a coherent whole. The candidate must demonstrate this coherence in a dedicated synthesising section. This section must summarise the individual works, connect their research questions and conclusions, and present the thesis as an integrated scholarly contribution. This synthesising section is therefore very important for both the candidate and the committee. The Faculty of Law has developed a specific set of recommendations for candidates writing an article-based thesis. These are available on the Faculty's website.

For co-authored works, the committee must assess whether the candidate's contribution to each relevant work is identifiable, and whether the candidate alone is responsible for a sufficiently substantial part of the thesis. The synthesising section must be written solely by the candidate. If the candidate's documentation of their contribution is insufficient, the committee may request additional information.

The committee may ask the candidate to present underlying data or materials, and supplementary or clarifying information.

#### 4.2.4 Special Considerations Concerning the Dr. Philos. Degree

A Norwegian doctoral degree certifies scholarly competence at a specific level. This standard is assumed to be the same for the organised PhD degree and the Dr. Philos. degree (a non-supervised, non-programme doctoral path). The principle of equivalence concerns academic quality, not necessarily the scope of the thesis. In organised PhD programmes, competence may also be documented through coursework and participation in training components. Since the Dr. Philos. degree does not include these requirements, the thesis itself is expected to be somewhat more extensive. Regardless of degree type, the candidate must meet the same minimum competence requirements, including clear formulation of research questions, precision and logical rigour, originality and analytical depth, and a well-informed, reflective engagement with relevant scholarship.

#### 4.2.5 Conclusion of the Recommendation

The committee may make one of three different recommendations:

#### A) Positive Recommendation

If the thesis is deemed worthy of defence, the public defence can take place, and the recommendation is approved by the Faculty Board, alternatively by the Dean acting under delegated authority.

#### b) Minor Revisions

Section 11-4 of the Regulations for the Philosophiae Doctor (PhD) degree for the University of Bergen states that:

“The assessment committee may, on the basis of the submitted doctoral thesis and any additional material, recommend that the faculty itself permits the candidate to make minor revisions to the thesis before the committee submits its final report. The committee shall provide a written list of the specific items that the candidate must revise. The committee shall not make a recommendation for minor revision if it only concerns minor ambiguities in the thesis that can be clarified within the framework of the defence.

If the faculty itself allows minor revisions to the thesis, a deadline up to but not exceeding three (3) months will be set for completing such revisions. A new deadline for sending the committee's final recommendation must also be set, which must not be longer than two (2) months after the committee has received a revised version of the thesis.

The faculty's decision pursuant to this paragraph may not be appealed by the candidate.

If the candidate does not deliver the revised thesis within the deadline set by the faculty, the committee must recommend that the faculty itself reject the thesis.

If the committee finds that extensive changes are needed in order to deem the thesis worthy of a public defence, the committee must recommend that the faculty itself rejects 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 deemed worthy of a public defence of the PhD degree, the committee must state whether it could still be revised and resubmitted for re-evaluation. 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 advantageous if information about who will serve as first and second opponent is submitted together with the recommendation, particularly when the committee completes its assessment ahead of the deadline.

Announcements regarding the trial lecture and the defence are published as soon as possible on the Faculty's website, and the University's central webpages. The candidate must prepare a press release in Avhandlingsportalen, which will be published on UiB's webpages. The thesis must be made publicly available no later than two weeks prior to the defence.

## 6. Procedure for the Public Defence of the PhD Thesis

Before the defence takes place, the trial lecture must have been completed. The trial lecture is an independent part of the PhD examination and must last 45 minutes. The trial lecture must take place not earlier than three weeks after submission of the thesis, and not later than three weeks before the tentative date of the defence. The Faculty may permit a shorter interval between the trial lecture and the defence if there are special circumstances.

The defence normally begins at 13:15 and lasts approximately three hours.

The defence is conducted as follows:

1. Opening remarks by the *chair of proceedings* (the Dean or a representative authorised by the Dean), including a presentation of the doctoral candidate, and an introduction of the members of the committee. The chair leads the defence.
2. The candidate presents the thesis.
3. The first opponent begins the examination of the candidate (approximately 60 minutes).
4. After a short break, the second opponent continues the examination (approximately 45 minutes).
5. Opponents *ex auditorio* (from the audience) are invited to speak once the second opponent has finished.
6. The chair concludes the defence.
7. A reception is held by the Faculty in the staff canteen for the candidate and the audience.

The trial lecture and the defence are normally held in the same language as the thesis. With the approval of the Dean, the candidate or the committee may use another language.

## 7. Conferment of the PhD degree

On the basis of an approved trial lecture and an approved public defence, the faculty confers upon the candidate the degree of Philosophiae Doctor at the University of Bergen.

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. To date, the faculty has never experienced that a trial lecture or public defence has not been approved. However, 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

<b>What</b>	<b>When</b>	<b>Remarks</b>
Thesis submitted	(date)	Application and PDF sent to PhD coordinator.
The faculty appoints the assessment committee and sends the thesis and regulations/guidelines for the assessment work		
The chair of the committee sets a preliminary date for the public		
The trial lecture committee, in consultation with the candidate, sets the date for the trial lecture		
The candidate receives the assigned topic of the trial lecture	Ten working days before the trial lecture	Sent via email
Trial lecture		
The assessment committee submits its recommendation to the faculty (PhD coordinator, Dean and Vice-Dean)		
<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 Avhandlingsportalen. The faculty covers the cost of printing 45 copies.</p>		Sent via email.
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 delivers press release in Avhandlingsportalen.	Deadline 3 weeks before the public defence	
Public defence	Time: 13.15-	The committee, candidate, Dean and professors meet outside the Dean's office at 13.00
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 must be two ordinary opponents. If any *opponents ex auditorio* come forward, they are given the floor after the second ordinary opponent has spoken.

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

The public defence usually starts at 13.15. There are no formal rules as to how long it can or should last. However, it is customary for the first opponent to use approx. 1 hour, and the second opponent to use approx. 45 minutes. Any *opponents ex auditorio* are given the floor afterwards.

The defence is an academic discussion between the opponents and the candidate concerning the formulation of the research questions, the methodological, empirical and theoretical basis of the thesis, documentation practices, and the presentation of the work. Particular emphasis should be placed on examining the soundness of the main conclusions drawn in the thesis. Opponents are not limited to the issues raised in the committee's recommendation; they may address any relevant aspect of the thesis. Opponents should aim to give the discussion a form that is intellectually rigorous, yet accessible enough that attendees who have not read the thesis, or who are not specialists, can still follow the discussion.

The candidate begins by giving a brief summary of the content of the thesis, its general findings, its contributions, and any other aspects essential for the subsequent discussion.

The opponent's examination follows. The critical assessment should address both the overall structure of the thesis (layout, scope, thematic focus, selection of materials), and methodological questions and the treatment of specific issues. It is the opponent who decides which questions to pursue. The examination is conducted as a dialogue, and it is important that the candidate is allowed to speak regularly, the opponent does not hold excessively long monologues, and the audience is able to follow the structure of the debate. The first opponent typically ends their examination with a general characterisation of the thesis, although this may also occur earlier in the dialogue.

It is advisable for the two opponents to agree beforehand on how to divide the examination between them. Possible strategies include focusing on different parts of the thesis, allowing the first opponent to address general and methodological issues, while the second opponent focuses on more concrete or technical matters, or another agreed distribution. Historically, the second opponent often had a special responsibility for technical matters such as use of language, use of footnotes, and typographical errors. Although this is no longer a formal requirement, it is still natural for one of the opponents to briefly comment on such issues.

It is 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.



## 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.*

*The public defence leader to the rostrum:*

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

“[Title of thesis]”

Master of Law Peder Ås will today give his trial lecture. The Faculty of Law appointed the following committee to evaluate the trial lecture:

- Professor Anne Gran, University of Bergen (chair)
- Professor Jan Johansen, UiB
- Professor Janne Sivertsen, UiB

The committee has chosen the topic:

“[Title of trial lecture]”

I kindly ask you to mute the sound on your mobile phones.»

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

\*

*The public defence leader after the conclusion:*

«The xx, Peder Ås will publically defend his thesis. »

## 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).*

*The doctoral candidate and committee members take their seats on the first row of seats. The public defence leader goes directly to the rostrum.*

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

\*

«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.

15. January, Master of Law Peder Ås gave his lecture on the topic:

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

The lecture has been approved, 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 short break. Anyone wishing to register as an opponent ex auditorio must notify me during the break.

I kindly ask you all to mute the sound on your mobile phones.

I will now ask the candidate to take his place at this rostrum and present his thesis.

*The candidate presents the thesis (approximately 15–20 minutes).*

Thank you. I will now ask the first opponent to take his place at the other rostrum. I ask the first opponent to commence.»

\*

*The opponent begins the academic discussion. The opponent and candidate addresses each other in the third person (“Honourable Opponent”, “the Candidate”, etc.), the first time, and, depending on the circumstances, also otherwise. When the first opponent has finished, the public defence leader stands up and says:*

\*

«We will now break for 10 minutes. The defence will recommence at XX o'clock»

\*

*This break may otherwise be informal, without a procession. 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:*

“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.”

*When the second opponent has concluded:*

*(Option 1:)*

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

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

*(Option 2:)*

«No opponent has requested to speak ex auditorio. The defence is now concluded.

The committee will submit its written recommendation to the Faculty concerning the defence of the thesis. The Faculty will thereafter confer upon the candidate the degree of Philosophiae Doctor at the University of Bergen.”

*Congratulates the doctoral candidate and presents him/her with flowers (placed under the table of the public defence leader).*

*After the Defence, a reception for the candidate and the audience is held in the staff canteen.*