

Radboud University



Research Centre for State and Law (SteR)

Research Review 2016–2021



Research Review according to the
Strategy Evaluation Protocol 2021–2027

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Preface

The report before you is the result of the evaluation of the Research Centre for State & Law (SteR), Radboud University Nijmegen, over the period 2016-2021. This evaluation is based on a self-assessment report including appendices and a two-day visit. During this visit, the review committee conducted interviews with, among others, the executive board, the faculty board, and members of staff. We thank the Faculty of Law and more specifically SteR's staff for their cooperation during the evaluation process. Thanks to their openness, we look back on a series of pleasant conversations that were very helpful in writing this report.

The committee noticed that the atmosphere in the institute is not determined by competition but by cooperation and being there for others. Furthermore, the space given to SteR researchers to pursue their own research paths radiates confidence in individual staff. This results in a vibrant and resilient research group where staff work with pleasure, commitment and dedication. Our findings on the quality, relevance and viability of the SteR are therefore positive. In our recommendations, we advise the SteR to examine whether the strategies to achieve its objectives should be more set out in policy, although the committee is well aware that this does not automatically lead to better results.

Finally, I would like to take this opportunity to thank the other members of the committee for their efforts in bringing this review to a successful conclusion. Special thanks go to Floor Meijer, the independent secretary of the committee. She guided us cheerfully and smoothly through all stages of the review.

Prof. Jacobine van den Brink
Chair of the committee

27 February 2023

I. Introduction

In 2022, the executive board of Radboud University (RU) commissioned a review of the Research Centre for State and Law (*Onderzoekcentrum voor Staat en Recht, SteR*) as part of the university's regular six-year quality assurance cycle. This review had the dual purpose of improving the quality and relevance of research, and providing accountability to the executive board, funding bodies, the government and society as a whole. The review covered the 2016-2021 period.

Composition of the committee

The executive board appointed a review committee (hereafter: 'committee') of seven external peers, including a PhD candidate. The committee consisted of:

- Prof. Jacobine van den Brink (chair), professor of administrative law at University of Amsterdam, the Netherlands;
- Prof. Ellen Desmet, associate professor of migration law at Ghent University, Belgium;
- Dr. Gert Jan Geertjes, assistant professor of constitutional law at Leiden University, the Netherlands;
- Jorieke Manenschijn LLM, PhD candidate in jurisprudence at Leiden University, the Netherlands;
- Prof. Patricia Popelier, professor and director of the research group of government and law at University of Antwerp, Belgium;
- Prof. Theo de Roos, emeritus professor of criminal law and criminal procedure at Tilburg University, the Netherlands;
- Prof. Marc de Werd, professor of court administration at University of Amsterdam and senior justice at the Amsterdam court of appeal. Member of the Consultative Council of European Judges of the Council of Europe, the Netherlands.

Dr. Floor Meijer was appointed independent secretary to the committee.

To ensure a transparent and unbiased assessment process, all members of the committee signed a

statement of impartiality and confidentiality. Prior to the site visit, existing professional relationships between committee members and research units under assessment were discussed. The committee concluded there was no risk in terms of bias or undue influence.

Assessment criteria

The research evaluation followed the aims and methods described in the Strategy Evaluation Protocol 2021-2027 ('SEP'). This protocol for the evaluation of publicly funded research in the Netherlands was drawn up and adopted by the Universities of the Netherlands (UNL), the Dutch Research Council (NWO), and the Royal Netherlands Academy of Arts and Sciences (KNAW).

Under the Terms of Reference issued by RU, the committee was required to evaluate the quality of research conducted by SteR as well as to offer recommendations in order to improve the quality of research and the strategy of SteR. Specifically, the committee was asked to judge the performance of the unit on SEP's three main assessment criteria (Quality, Relevance, Viability), and offer its written conclusions as well as recommendations based on considerations and arguments. Four additional aspects also listed in SEP (Open Science, PhD Policy and Training, Academic Culture and Human Resources Policy) were to be taken into consideration when evaluating the three main criteria.



Documentation

Prior to the site visit, the committee received the self-evaluation report of the institute, including the information and appendices required by the SEP. The committee also received the Strategy Evaluation Protocol 2021-2027 and Terms of Reference for the research review.

Working method

Leading up to the site visit, the committee members were asked to study the documentation and formulate preliminary findings and questions. During an online meeting two weeks prior to the site visit, the committee discussed its initial impressions. Moreover, it considered procedural matters and agreed upon a working method. The site visit took place on 21 and 22 November 2022. It started with a committee meeting during which the committee prepared for its subsequent conversations with staff. This was followed by a welcome reception in the presence of the rector magnificus, the faculty board and the executive board of SteR. Meetings with SteR representatives took place on 21 November 2022. Consecutively, the committee spoke with SteR's executive board,

the faculty board, junior and mid-career researchers, PhD candidates, programme leaders and representatives of the graduate school. The site visit concluded with a meeting in which the committee discussed its findings and conclusions, followed by a plenary presentation of findings and recommendations by the committee chair. The schedule for the site visit is included in appendix 2.

After the site visit, the secretary drafted a first version of the committee report, based on assessments drawn up by the committee members. This draft report was circulated to all committee members for comments. Subsequently, the draft report was presented to SteR for factual corrections and comments. After considering this feedback in close consultation with the chair, the secretary finalised the report. The final report was presented to the executive board of RU on 27 February 2023.

II. Review Research Centre for State and Law

Organisation, mission and strategy

The Research Centre for State and Law (*Onderzoekcentrum voor Staat en Recht*, Dutch acronym: SteR) is one of two research institutes at the Radboud University Faculty of Law. While its sister institute OO&R (*Onderzoekcentrum Onderneming & Recht*) focuses on business-oriented private law, SteR studies public law. In 2021, SteR's total research formation amounted to 37.4 fte's, with 112 staff members and 18 employed PhD candidates involved in its research efforts.

Over the review period, SteR's research was carried out within the overarching research theme 'Foundations of Public Law'. This theme is currently subdivided in four broad, yet clear programmes, which suitably reinforce and complement each other. These are:

1. Founding principles & fundamental rights;
2. Interaction between national & international law;
3. Conflict resolution institutions;
4. Migration & citizenship.

The current four-programme structure builds on a previous situation in which there were two main pillars (principles of public law and migration law). As the committee learned, the growing misalignment of these two pillars in terms of size was the main reason behind the 2019 revision of SteR's structure. With this revision, SteR aimed for four complementary programmes that could give long-term direction to its research, without putting up internal barriers. The four programmes were specifically designed to facilitate collaboration. Unlike the other programmes, the programme on conflict resolution does not have roots in the previous organisation but came about as a direct result of the government-sponsored sector plan for legal studies (*Sectorplan Rechtsgeleerdheid 2019-2024*).

Governance

The Faculty of Law has a teaching-based organisational model, with all seven public law and meta-juridical teaching departments feeding into SteR's (and OO&R's) research. By consequence, all staff members are employed within the departments, not within the research institutes. HR policies are designed at faculty level and hiring decisions are taken at department level. The training and supervision of PhD candidates takes place within the faculty-wide Graduate School (GS).

The committee notes that a great deal of attention is paid to maintaining a well-functioning organisation, with appropriate and well-thought-out governance structures. SteR's four research programmes are each managed by a duo or trio of programme supervisors ('trekkers') from different departments. These supervisors, who are either at full professor or associate professor level, are tasked with encouraging mutual cooperation within (and outside) the programme, organising joint meetings and bringing in new research themes. Thus far, SteR is pleased with how this is working out in practice. Should positions become vacant in the future, it would like to appoint more associate professors in the role of programme supervisor. This is an aim that the committee supports.

Daily management of SteR is in the hands of a three-member executive board, consisting of a chair, secretary (PhD candidate) and director. The committee particularly likes that management has a direct link to the PhD community via its secretary. It also saw evidence of a good working relationship between SteR's management and the faculty board. As was explained during the site visit, the director regularly attends meetings of the faculty board and maintains close contacts with the vice dean for research. The increased representation of research at faculty board level was described to the committee as a positive development of the past period.

Strategic decisions are taken by a nine-member general board at institute level, whose composition represents both the research

programmes and the departments. According to the committee, this set-up is a sensible choice. By deliberately including all seven department heads in its general board, SteR ensures broad support for, and commitment to, its chartered course – thus more closely aligning research and teaching interests. Furthermore, the committee was pleased to note that SteR has an advisory board (*curatorium*) composed of external members that is able to oversee the academic quality and societal relevance of its research with greater distance.

Mission and strategic goals

Starting from the premise that today's society faces crucial challenges which public law has a responsibility to address, the mission of SteR is to conduct high-quality research into public law with a strong societal impact. The institute's research characterises itself by its strong foundation in legal-doctrinal research and its firm orientation towards Dutch legal practice. From conversations with management and staff, the committee was convinced that there is institute-wide belief in and support for this mission. SteR has a long and quite unique tradition in nationally oriented legal-doctrinal research, and staff are clearly convinced that it is precisely this type of research that will continue to give SteR a distinct profile and identity in the future. The committee appreciates SteR's long-standing focus on national doctrinal legal research, which could be seen as optimally supporting the desired connection between research, education and legal practice.

In its 2016-2021 strategy, SteR has laid out 17 strategic targets with respect to further promoting the quality and relevance of its research, stimulating open science, research integrity and a safe, open and inclusive academic culture, and improving the education and supervision of PhD candidates. Internationalisation and increased (multidisciplinary) collaboration within and outside of SteR are recurring themes in the strategy for the reporting period. Staff indicated that they are widely consulted on and involved in strategy-formation, which is positive. While the identified objectives are relevant and appropriate, the committee notes that little concrete policy has been formulated to ensure that SteR's ambitions

and objectives are actually achieved. The committee encourages SteR to investigate if and how increased policymaking could contribute to achieving SteR's overall ambitions and objectives – without compromising too much on the current flexibility and scope for customisation. It further recommends implementing clear monitoring mechanisms.

The committee further notes that SteR deliberately opts for a bottom-up strategy when outlining its research agenda: individual researchers are given a great deal of freedom to pursue their own research interests and thus shape the content of the four research programmes. The committee greatly appreciates this approach. Yet it also points out that there can be a tension between bottom-up initiative and the cohesive development of research lines/programmes.

Internationalisation

Part and parcel of SteR's mission and profile is an internationalisation strategy that is not aimed at internationalisation 'for the sake of internationalisation'. Rather, it embraces internationalisation as a tool for further strengthening national legal-doctrinal research, either by researching international and European developments from the perspective of the Dutch legal order, or by using European, international and foreign national public law to create a better understanding of how the Dutch system relates to other legal systems, and how it is influenced by regional and global legal developments. In its own words, SteR aims for 'a balance between national and international research, with a legitimate place for national legal research strengthened by comparative law'. Internationalisation, furthermore, is not just seen as publishing internationally, but also as being part of international networks and being mindful of international developments.

An ambition with respect to internationalisation is to be recognized as an excellent research institute in Europe in selected fields, including migration law, institutional EU law, human rights, competition law, legal philosophy, and criminology. Pragmatism was described as a driver in this choice, as these are the areas where SteR

can realistically have an international impact. An expected outcome of increased internationalisation is that it will give SteR better chances of obtaining competitive research grants and will thus help to diversify funding and safeguard the future viability of the research institute.

While the committee certainly finds SteR's approach to internationalisation refreshing and (as it seems) conducive to unity and a good mutual understanding within the research institute, it would also like to point out that certain aspects seem somewhat underdeveloped. The welcoming of international research foci and publications, and ultimately the ambition of being recognized as an excellent research institute in Europe in selected fields, does not seem to be backed up by clear policy choices. In the committee's opinion, it would be helpful for SteR to think more strategically about what its international ambition actually means in terms of its publication and funding strategy, as well as the faculty-wide HR policy. For the benefit of individual staff, it should be made more explicit which expectations do, or do not, exist with respect to internationalisation (see also under 'Quality').

People and community

Academic culture

SteR's self-evaluation report emphasises that the institute aims to offer its researchers an open, safe, inclusive and diverse academic environment and culture. Over the reporting period, SteR focused strongly on improving its internal communication (via monthly publication overviews and semi-annual newsletters) and on organising internal meetings for exchange and feedback. This was also facilitated by the new four-programme structure and the stimulating role of programme supervisors. Conversations with staff clearly demonstrated the success of SteR's efforts to foster a sense of community and group spirit. From what was said during the site visit, the committee concluded that there is a pleasant, collegial atmosphere, where cooperation is key, and staff are there for one another. The presence of many joint projects in which staff from all levels are involved seems to indicate that team

science is well developed. SteR invests in a non-competitive research culture and conveys that cooperation ultimately leads to the best research results.

The committee also appreciates that SteR offers a lot of space to researchers, which radiates confidence in individual staff. SteR researchers are not forced to carry out specific research – instead a bottom-up approach is assumed. The high degree of autonomy of individual staff is clearly appreciated and gratefully accepted, yet does not stand in the way of good cooperation within SteR. There is clearly a lot of collaboration within and between sub-programmes, with staff identifying not just with the sub-programme that they are part of but with SteR itself. The committee's overall feeling is that, largely for these reasons, staff truly enjoy working at SteR.

Diversity

While SteR has limited control over appointments made at the departments, the institute is committed to using its influence to achieve gender parity. Seven out of nine of the most recent appointments (since 2019) concern women. Women currently hold 35% of the full professorships associated with the institute and have taken up quite a few of the leadership roles within the institute. While further progress could and should be made, there is no lack of female role models. To counter implicit gender biases in selection procedures, pilot workshops were recently offered to senior researchers. This is an initiative that the committee applauds.

The committee generally notes that gender is only one aspect of a much wider range of diversity issues. Differences in (ethnic, cultural, religious, socio-economic, geographical) background, disability status etc. also deserve due attention. It has not become fully clear to the committee how SteR and the Faculty of Law consider other forms of diversity. Not only in the sense of how they could/should influence HR policy, but also in the way they influence the choice of research topics and the way they are studied.

Integrity

The committee was informed that the Faculty of Law is in the process of renewing its strategy for safeguarding research integrity. This is relevant for SteR, since the institute has a standing practice of involving so-called SteR fellows; mainly former PhD candidates who have since made the transition to legal practice. In addition, there is a part-time professor with a principal appointment in legal practice amongst its members. While the institute highly values its close ties to practice, it is also well aware that fellows and part-time professors bring along certain interests that may pose a risk to scientific integrity. For this reason, the faculty limits the number of staff with double appointments and explicitly states that the majority of professors should hold full-time appointment at the Faculty of Law.

Conversations with staff confirmed that scientific integrity is an important topic of discussion within SteR and the faculty. Following up on the proposals of the previous committee, various interesting initiatives to further enhance integrity were taken. Worth mentioning are a number of plenary meetings devoted to the theme since 2018. According to the faculty board, these have helped to raise awareness (e.g., on the presence of certain normative preferences which may cause one-sidedness in research). The committee further learned that staff are required to sign the scientific code of conduct, while ancillary positions are listed on (profile pages on) the SteR website and the place of employment is mentioned under publications. Importantly, the subject is also addressed in PhD training and annual appraisal interviews of staff.

Social safety

With respect to ensuring a safe climate, the committee notes that a university-wide structure is in place for reporting undesirable behaviour, such as sexual or other forms of harassment, aggression, bullying or discrimination. This structure includes an ombudsperson and confidential advisors at university level and two (more easily accessible) contact persons at faculty level who focus on PhD researchers and mostly have a referral function. The committee established that the presence of these contact

persons is well-known amongst interviewed staff. It also notes that SteR contributes to social safety with relevant research on non-discrimination.

Research support

The committee established that SteR and the faculty offer staff support with respect to research data management. SteR adheres to the 'FAIR' principles of making data findable, accessible, interoperable and reusable as much as possible and the faculty recently (2021) joined the Radboud Data Repository. Its use has since been promoted, e.g., through information sessions. Furthermore, a data steward was appointed at faculty level. If their research has a significant empirical component, SteR and the data steward encourage researchers to have an RDM plan approved by the Ethics Assessment Committee of the Faculty of Law and Nijmegen School of Management. PhD candidates are offered assistance in creating their RDM plan.

There is also support for staff members who would like to apply for external funding, e.g., grants from NWO's talent scheme. The scientific committee was described to play a role in scouting promising candidates, advising them on academic CV building and supporting them throughout the application process. Senior staff are furthermore provided with research-related training on topics like science communication and leadership development. For mid-career staff, leadership training is available on a voluntary basis at university level, but it was not clear to the committee whether SteR actively promotes participation in such training.

HR policy

As mentioned, SteR has no formal role in HR policy development or hiring decisions. Yet, the institute is able to exercise some influence with the faculty and departments. The executive board is, for example, invited to meetings about HR policy and consulted with respect to the profile and (re)appointment of professors. A SteR representative is involved in the appointment and selection of assistant and associate professors. As the committee understands, the institute has the ambition to become more involved in faculty HR policy, for example by adding institute-specific

elements to a faculty-wide talent management policy.

As elsewhere, workloads are high and the ratio of teaching to research as expressed in contracts is not necessarily realistic. Over the review period, staff appointments nominally consisted of 35% research, 55% teaching and 10% other tasks. Conversations with staff, however, highlighted that teaching duties are likely to spill over in staff's research time. Many assistant and associate professors have heavy teaching schedules and, with some bachelor's courses running non-stop for a full year, it is a challenge to focus on research for any considerable length of time. While additional funding has (as of 1 January 2022) allowed the faculty to rearrange its standard appointment model for staff (to a formula of 45% research, 45% teaching and 10% other tasks), it is not evident that this will solve the above-mentioned problem. In practice, staff still seem to experience heavy teaching duties eating away at their designated research time. In the committee's opinion it is therefore advisable to measure the actual education burden in order to determine whether staff indeed have 45% research time. Protecting research time should be high on SteR's agenda when it comes to influencing HR policy.

An important development with respect to HR policies is the 2019 launch of the national 'recognition and rewards' programme (*erkennen en waarderen*). This programme, that remains to be implemented at the Faculty of Law, paves the way for more broadly recognising and rewarding the work of academic staff, putting less emphasis on publication numbers and attaching increased value to other domains in which staff are active, i.e., teaching, outreach and management. This is believed to help diversify academic career paths. For the Faculty of Law, which sees itself primarily as a teaching faculty, but still focuses on research performance when it comes to promotion of staff, recognition and rewards seem to be a good opportunity to recalibrate its priorities. The committee therefore hopes that the associated principles will be implemented shortly. Meanwhile, SteR is advised to reflect on what recognition and rewards could mean in terms of research strategy.

Career development

The committee took a particular interest in HR policies aimed at junior to mid-career researchers given their more 'uncertain' position in academia compared to that of (tenured) professors. A first observation that the committee would like to offer is that the good working atmosphere mentioned above clearly extends to these groups. There is a strong sense of community among junior and mid-career staff, who experience the Faculty of Law and the departments affiliated with SteR, as a pleasant place to work. This seems attributable to the non-competitive research culture, which is expressed, for example, in the willingness of professors to provide extra education where necessary to give younger staff some breathing space.

Regarding career development, so-called development agreements have been made at faculty level to support the career development of assistant and associate professors to UD1 and UHD1, respectively. While the committee appreciates the idea behind these one- to two-year pathways, the committee noticed that the criteria employees have to meet to be considered for promotion are little specific. From discussions with staff, the committee got the impression that it is not entirely clear to staff what is expected of junior and mid-career researchers in terms of how they could/should develop further. This includes the fact that development could also be aimed at a career elsewhere (in science or beyond). The committee recommends paying more attention to this aspect, as disregarding it could lead to reduced cohesion within the group.

The lack of an explicit career policy may also cause some of the obvious problems that the faculty experiences with respect to the recruitment of assistant and associate professors and the retention of talented graduates from its PhD programme. Combined with high workloads, it could be a reason for assistant and associate professors to test their chances elsewhere, either at a different university or in legal practice. In conclusion, the committee recommends paying more attention to talent management.

With 'too few research fte's at middle management level' mentioned as a weakness in the SWOT analysis, SteR believes that it is essential for the viability of the institute to invest in senior research staff, also in light of upcoming retirements. The documentation highlights that at middle management level there was quite a bit of turnover during the evaluation period and that it proved difficult to attract new senior research talent, especially for some areas of law that experience competition from legal practice (e.g. criminal and administrative law). SteR's strategy for the future suggests a number of measures, all aimed at taking up a more active role in career tracks of talented senior staff, e.g., by preparing them for leadership positions and involving them in strategic policy making.

PhD policy and training

At the time of the site visit, there were 18 employed PhD candidates associated with SteR, largely working in the fields of Criminal Law and Criminology (6) and International and European Law (4). Furthermore, there were 7 lecturers working on PhD research and 19 external PhD candidates. Each year, the faculty funds one position intended for a graduate of the two-year research master's programme in Public Law, which is offered in collaboration with the University of Groningen and VU Amsterdam. In addition, the faculty recently made a one-off investment in nine extra positions at faculty level, in order to anticipate staff shortages at the level of assistant professor and associate professor. Four of these positions were allocated to SteR. The expectation is that some of these PhD candidates will stay at RU and will eventually strengthen the ranks of mid-career scholars. External PhD candidates set aside, PhD positions come in two main categories: 'regular' salaried PhD appointments (five-year contract with a 25% teaching load) and junior lecturer appointments (six-year contract with a 70% teaching load – prior to 2021 this was 80%).

The recently (2017) established faculty-level Graduate School is responsible for facilitating and monitoring PhD trajectories at the individual and institutional levels. This includes providing PhD candidates with a core curriculum of four compulsory methodology courses and training on

research integrity. In addition, some optional courses are available. The committee established that the GS actively collects input from PhD's to find out what they need and adjusts its offering accordingly. Approximately twice a year, the board of the GS meets with representatives of the Faculty's PhD Network, which aims to stimulate communication between the PhD candidates and the Graduate School. Access to training activities seems to vary somewhat: whereas regular PhD's indicated that they have ample opportunity to participate, junior lecturers often face time constraints and will likely have to prioritise their own teaching above taking part in training activities.

A topic that is not currently covered in the GS curriculum is career orientation. The committee learned from conversations with PhD candidates that this subject may come up in the context of individual supervision, but that apparently not all supervisors take a proactive approach to discussing career options with their PhD's. As a result, not all PhD candidates are sufficiently aware of the career paths available to them (inside and outside academia) and of the criteria they must meet to increase their chances of success. Some PhD candidates even seem to be under the impression that there are no real career opportunities inside the faculty unless they get lucky and a vacancy opens up at just the right time. According to the committee, a lack of standardized career preparation has important downsides. For example, it could disadvantage 'first generation researchers', who may not fully understand the requirements they need to meet to build a strong academic CV. Considering the above, the committee strongly recommends to add career orientation to the GS curriculum.

PhD's are usually supervised by a daily supervisor and a promoter. The committee commends SteR for its policy of thematically clustering PhD's and involving supervisors from different departments, or even faculties, which promotes cross-fertilization (and even interdisciplinarity). Nonetheless, it was not exactly clear to the committee how this practice relates to monodisciplinary research being the norm rather than the exception at SteR. The quality of

supervision is monitored by the GS and from its conversation with PhD's the committee learned that PhD candidates are proactively made aware of what to do in case of problems. A general sentiment amongst interviewed PhD's, however, seems to be that maintaining a good relationship with their supervisors is ultimately in their best interest. In view of this, it is important that both SteR and the GS remain sensitive to dependency relationships between PhD and supervisor, and continue to actively monitor the quality of the existing structures. Overall, the committee got the impression that SteR and the GS could aim for more uniform supervision practices. A recurring theme in its conversation with PhD candidates was that a lot seems to depend on whether PhD's themselves take the initiative. Since some candidates are more proactive than others, this might have consequences for the well-being of PhD candidates.

The committee particularly commends SteR and the GS for generally paying a lot of attention to the wellbeing of PhD candidates, especially at a time when many PhD candidates had a difficult time because of the Covid-19 pandemic. Recent initiatives mentioned in the documentation and interviews include the introduction of a buddy system for new PhD candidates, a dedicated *SteR avond* led by two external coaches, and an upcoming peer feedback session on the well-being and supervision of PhD candidates for all senior SteR researchers involved in PhD supervision. There is also ample opportunity for socialising amongst PhD's, with weekly drinks paid for by the faculty.

While institutional guarantees have been put in place to safeguard the progress and success of PhD candidates (e.g., go/no go decision after 1.5 years), most PhD candidates do not complete their research within the contract period. The average completion time calculated according to research fte's in the appointment is 52 months, which in practice means (much) longer than 5-6 years. Over the reporting period, measures to shorten completion times included offering training to PhD supervisors, implementing peer review feedback, and adopting faculty regulations on an article-based PhD. Strikingly, SteR's own recent

inquiries into completion times provided the insight that junior lecturers with a six-year appointment do better than regular PhD's with a five-year appointment, despite the fact that the latter (theoretically) spend significantly less time on teaching. The committee recommends that the GS investigates the root cause of such differences, in order to optimise the organisation of the PhD programme for all PhD categories and prevent delays or dropouts. Finally, the committee was pleased to note that delays caused by the Covid-19 pandemic (and additional teaching duties that have to be taken on as a direct result of the pandemic) are compensated by a specially created fund at the central RU-level.

Quality

Output

SteR's output reflects the institute's focus on positive law and the strong orientation on Dutch legal practice. Over the review period, it produced a varied range of publications (e.g., refereed and non-refereed articles, monographs, dissertations, handbooks, book chapters, conference proceedings and professional publications), with an emphasis on practice-oriented, Dutch-language publications. The volume of (academic) publications has increased since the previous period, despite the Covid-pandemic. The list of publications confirms that SteR carries out high-quality legal research with important societal value. The committee particularly commends SteR for its many publications in Dutch A-journals, the publication of edited volumes in SteR's own series and for the importance that it clearly attaches to case comments. The latter is evidenced by the establishment of a quality framework for case notes, which encourages researchers to cluster their annotations as building blocks for later academic articles. This appears to be a fruitful approach.

Following a recommendation made in the midterm review, SteR has set itself a (modest) target to publish at least 25 international publications per year, a number that it has comfortably met in 2021. In general, the committee is not highly in favour of expressing internationalisation in a quantitative target, since

this says little about the achieved quality. The institute could consider introducing parameters that express in which international journals impact is desired. International publications currently include articles in journals such as *European Journal of International Law*, *Common Market Law Review*, *Human Rights Law Review*, *European Law Review* and the *European Journal of Policing Studies*. The committee notes that the output list confirms that internationally oriented research within SteR is characterised by its focus on the interaction between international and national law. Publications do not concern international and EU law as such, but rather focus on its significance for Dutch law. In addition, a great deal of comparative law research is carried out, which fits in well with the institute's strong orientation towards Dutch legal practice.

Without detracting from the quality of these publications, the committee believes that it could be worthwhile to investigate whether more could be done to strengthen the interaction between national and international publications. The committee sees potential opportunities to further conceptualise practice-oriented and/or Dutch-language publications in international scientific publications. Furthermore, international publications could feed into national outreach strategies aimed at legal practice and policy making. A more deliberate approach to promoting interaction between national and international publications could have added value for every researcher, regardless of whether they themselves publish nationally or internationally, or both. However, it may not be desirable for every single researcher to internationalise. From its own experience, the committee knows that combining national and international publishing requires a substantial time investment. This might not be feasible for everyone, particularly when high teaching loads are at play.

A further observation is that it was not clear to the committee which parameters SteR uses to measure and monitor its research quality. While the self-evaluation report gives many (convincing) examples of research highlights, it is not easy to get an idea of the quality of the total output since qualitative or quantitative indicators (as prescribed

by SEP) seem to be largely missing. From the data available to the committee, it was, for example, difficult to determine which categories of publications had been peer-reviewed and which definition of peer-reviewed is used within SteR. The faculty list of A-journals compiled by the science committee (and provided to the committee as part of the documentation) was certainly helpful but is currently limited to Dutch journals. For internationalisation purposes, the list could perhaps be expanded with relevant international A-journals.

Publication strategy

As was mentioned above, SteR currently does not have a clear general publication strategy that gives individual staff clear guidance on what is (and is not) expected of them (other than: producing three publications per year), also with respect to internationalisation. The committee recommends exploring whether such a general strategy could help achieve the SteR's objectives. For example, a future publication strategy could address the intended relationship between academic and professional publications, peer-reviewed and non-peer-reviewed publications, and national and international publications. This could facilitate more explicit choices when selecting publication channels and could offer guidance.

In addition to staff who are happy to publish nationally, there are likely also SteR researchers who are eager to build an international research portfolio to enhance their own career opportunities but are not quite sure how to go about it. The committee believes that structural help should be offered to those researchers who would like to publish internationally but are not yet doing so or are not yet as successful as they would like to be. This could also help to tackle a weakness mentioned in the SWOT analysis, i.e., that international output currently depends on a relatively small number of researchers.

All in all, the committee believes that an institute-wide publication strategy with clear criteria could help individual staff to better grasp what is expected of them and subsequently develop successful personal publication strategies that match their intended career paths. To facilitate

staff in establishing personal publication strategies is an essential part of talent management policies.

Open access publication

Over the reporting period, SteR has become more proactive in encouraging Open Science, including Open Access (OA) publication. In this respect, the institute adheres to the university-wide strategy ('A Significant Impact'), which states that research financed with public funds should contribute to society and be as publicly accessible as possible. In practice, this means that – in accordance with the Taverne Amendment – all publications should be made available via the Radboud Repository after the reasonable period of six months has passed, regardless of any restrictive publisher's guidelines – unless researchers explicitly opt out.

The committee was not informed of a particular institute or faculty target with respect to OA publication. While the share of OA publications was reported to have grown over the reporting period, there is room to further improve the current percentage (40.7% of total publications in the reporting period). As the self-evaluation rightfully pointed out, changing existing publication cultures (that SteR researchers are bound to conform to) can only be a joint effort and therefore requires close cooperation with other Dutch law faculties. The committee recommends that SteR and the Faculty of Law strongly support the ambitions expressed by the National Platform Open Science (2022). At the institute level, staff should be encouraged to – where possible – always opt for OA publication.

Academic leadership

To underline its reputation and academic leadership, SteR calls attention to marks of esteem awarded to its researchers. These include positions on advisory and supervisory boards, as well as prizes, honours, and awards. The institute's research quality is further evidenced by editorships of (self-proclaimed Dutch-language) A-journals held by SteR researchers.

A significant marker of academic excellence is the twice consecutive selection of the Centre for Migration Law (CMR) as Jean Monnet Centre of Excellence. From its own experience, the

committee can testify to the leading role that this centre plays at the international level. It is quite clear that CMR is at the centre of a vast network of international and European collaborations.

Collaborations

From the documentation and interviews it was evident to the committee that SteR attaches great value to collaboration and has aimed at increasing the level of interaction, both within the institute and with outside partners. SteR's four research programmes provide individual researchers with the necessary space to develop their own research foci, while at the same time encouraging and facilitating cooperation within and across programmes. Within the research programmes, the supervisors play a pivotal role in identifying common themes and initiating joint projects across departmental borders.

At SteR-level, researchers meet six to eight times per year to discuss their work during well-attended lunch meetings. PhD candidates have their own similarly paced series of research meetings for presenting their research design, methodology and (initial) results to fellow PhDs. The committee appreciates that this creates a safe place for PhD's, but also wondered whether it would not be useful for them to also present in the presence of more senior staff. A notable example of cross-programme collaboration is the annual *SteR-middag*, an event organised around an overarching theme, which has previously led to joint publications. The institute also has a strong preference for thematically clustering PhD projects and organising supervision across multiple departments. Since the midterm review, digitalisation and (ecological) sustainability were chosen as themes for strengthening cooperation across legal disciplines, also involving the business law institute OO&R.

Following the government sponsored *sectorplan Rechtsgeleerdheid*, collaboration with other law faculties in the Netherlands was also increased, e.g., on the Conflict Resolution Institutions theme (Utrecht University, Leiden University) and Digital Legal Studies. Several new research positions relating to digitalisation and dispute resolution were funded through the sectorplan. Moreover,

RU joined the Netherlands Network of Human Rights, whose membership now includes over 40 SteR researchers.

Multidisciplinarity

In response to a recommendation made during the previous evaluation and the internal midterm-evaluation, SteR has aimed at reaching out to other disciplines, particularly in the second half of the evaluation period. The institute has strengthened its commitment to multi/interdisciplinary hubs at the university level where the legal perspective can add an important dimension. Examples of such interfaculty collaborations are EUROPAL (on European politics), Healthy Landscapes (on (ecological) sustainability), RUNOMI (on migrant inclusion) and iHub (on digitalisation and society).

In a parallel development, SteR has opened up to new methodologies, particularly empirical research. This was supported by the 2020 appointment of a professor in empirical legal studies (associated with the Migration & citizenship programme). Her presence, along with the organisation of additional training sessions and so-called *MeTheoriet* (Theory & Methodology) meetings, is believed to encourage other researchers to consider empirical research methods – without imposing obligations to staff who would prefer to continue what they were already doing. Conversations with management and staff indicated that, in the context of SteR, empirical research is mainly understood as conducting interviews. Experiences from CMR, where all researchers were said to use both legal-doctrinal and empirical research methods, seem to indicate that this has been conducive to research quality.

The committee appreciates the efforts being made to promote multidisciplinarity and the use of complementary methods. There is no doubt that these aspects could contribute to strengthening SteR's research. As it stands, however, the strategy with respect to multidisciplinarity has not yet seemed to come to full fruition, and little evidence was presented of concrete results (other than that mention was made of more frequent use of qualitative interviews). In the committee's

opinion, further efforts could be made to explore how input from other disciplines may strengthen doctrinal-legal research on a methodological and conceptual level. Other researchers could benefit from the expertise developed within the CMR. Furthermore, other methods than interviews may also be considered. SteR is therefore encouraged to further elaborate what it aims for with respect to a more multidisciplinary approach and how it intends to monitor results.

Societal relevance

SteR attaches great value to conducting research that is not just scientifically but also societally relevant. Consequently, the centre's mission duly emphasises the importance of cross-fertilisation between research, education and legal practice. SteR members were said to consciously seek dialogue with members of the legislature and legal practice. Moreover, the institute links its research ambition to the social task of educating a new generation of lawyers. The structural nature of SteR's interaction with professional practice is evidenced by the composition of its advisory board, which includes legal professionals. Furthermore, the creation of the SteR fellowship programme to strengthen cooperation with legal practice is interesting and should in the committee's view be evaluated positively.

Efforts that, according to the self-assessment report, are central to SteR's strategy for social relevance include the development of contract research with scientific as well as societal relevance and the production of professional publications, several of which have received political and media attention or have affected legal practice. Some of this output is the result of deliberate co-creation with legal practice, for example through SteR's fellowship programme. SteR has a particular commitment to producing case notes, which are deemed especially suitable for encouraging dialogue with professional practice. The academic quality of such publications is ensured by a recently established quality framework. In the coming period, SteR aims to further increase its visibility to external stakeholders and society as a whole through its

website, newsletter and social media presence. Another key element of the institute's societal relevance is that many of its researchers hold secondary positions, including on various boards and committees and in expert groups. Acting as deputy judge was also mentioned as a frequent activity in the documentation and conversations.

A further activity with clear societal relevance is SteR's contribution to postgraduate training provided to lawyers, judges and legal advisors through the Centre for Postgraduate Legal Education, as well as the role that its researchers play in the education of BA and MA students, through contributions to university textbooks as well as their own teaching efforts. While the so-called teaching-research nexus received rather little emphasis in the self-evaluation report, the committee was pleased with the range of examples highlighted in conversations with management and staff. It is convinced that the interaction with education is well safeguarded. A particularly good example of research and legal practice directly feeding into education is that SteR's chair was involved as an external expert in the self-evaluation of administrative judges after the so-called '*Toeslagenaffaire*'. She then used these highly topical experiences in her teaching – reportedly to great satisfaction of students. Another example mentioned is that SteR's edited volume *Naar een weerbare rechtsstaat* has given rise to a new course for students that was designed partly on the basis of SteR's research results. Furthermore, the master's course *Rechtspleging* uses results from SteR's research into conflict resolution. In general, it was emphasised that having heads of departments on the general board of SteR promotes the cross-fertilisation of research and education. In the committee's opinion this is a good outcome that underlines the functionality of SteR's governance.

The committee was also pleased to hear that PhD candidates are encouraged to think about (and act on) the social relevance of their research topics. PhD's that the committee spoke with saw numerous opportunities for testing research results in relation to practice, for example with regard to the advisory process Modernization of Criminal Procedure (*adviestraject Moderniserend*

Strafvordering). Researchers furthermore seized the opportunity of the *Toeslagenaffaire* with a publication that drew specific attention to its impact on migration law.

Viability

To assess SteR's viability, the committee has studied its SWOT analysis and strategy for the future in relation to the results that were achieved in the previous period. It observed that many positive initiatives were taken, especially after the 2019 midterm review. The committee particularly commends SteR for successfully renewing its governance structure and stimulating internal and external collaboration. This seems to have been done in a highly considerate and thoughtful way, whilst listening to the needs and ideas of staff and paying much attention to fostering a positive research climate. As a result, SteR is a vital research institute that characterises itself by the considerable commitment and motivation of staff at various levels. The committee also identified some challenges that SteR will need to continue to address. These mostly have to do with resources, both in terms of research funding and in terms of staff.

Resources

A first conclusion is that SteR's heavy dependence on direct government funding entails a risk with regard to the viability of the research institute. Direct funding provided by the university and the Faculty of Law ('first stream funding') accounted for 82% of SteR's annual budget in 2021. Over the review period, the share of external funding from research grants and contract research ('second' and 'third stream funding') fluctuated between 12% and 21%. Most of the 11 research grants awarded to SteR in the review period (including an ERC consolidator grant, a NWO veni and vidi grant and two KNAW/Thorbecke grants) were in the fields selected for internationalisation. As is duly acknowledged in the SWOT analysis, SteR's focus on Dutch-oriented legal-doctrinal research limits its chances of success in attracting grants from e.g., the Dutch Research Council (NWO) and the European Research Council (ERC). Branching out into multidisciplinary and more internationally

oriented research seems to be part of SteR's response to this limitation.

Nonetheless, the committee noticed that a clear funding strategy is missing. Furthermore, the interviews highlighted that the need to diversify funding streams seems to be felt to varying degrees within the SteR executive board and the faculty board. The committee concludes that diversification is a theme that needs to be discussed further between the faculty board and SteR's executive board. Preferably this should result in an explicit funding strategy that would help SteR to become less dependent on internal funding, without having to compromise on its distinct profile. Such a funding strategy could also explicitly address cross-faculty and cross-university partnerships/collaborations as a means of creating new opportunities for applying for consortia-style funding.

The committee appreciates that SteR supports researchers who wish to attract external funding. Conversations with staff confirmed that – throughout the application process – guidance is given through the scientific committee and via other forms of feedback. This is clearly appreciated by staff. However, the committee did have the impression that SteR mainly focuses on researchers who from their own intrinsic motivation choose to apply for external funding. Perhaps the institute could do more to inspire, stimulate and support other staff, thereby creating equal opportunities for all.

In addition to financial challenges, the committee also identified some HR-challenges that could ultimately affect SteR's ability to attract and retain researchers – and thus its viability. As mentioned, the committee welcomes the fact that mid-career researchers do not, in principle, have to spend more than 45% of their appointment on education. However, it is still questionable to what extent this guideline corresponds to reality and this situation will require close monitoring.

The committee also noticed that there is no clear career policy for PhD candidates, assistant professors and associate professors. In view of the tight labour market, particularly for assistant and

associate professors, the committee deems it advisable to pursue a more explicit policy so that the Faculty of Law at RU remains an attractive place to work. The committee is aware that career opportunities within the Faculty of Law will by definition be subject to limitations. Preferably, a career policy would therefore also positively reinforce staff's career opportunities beyond SteR and the Faculty of Law.

Conclusion and recommendations

The image of SteR that emerged from the documentation and discussions with staff members is predominantly positive. The committee came to know SteR as a suitably reflective institute that has diligently incorporated feedback from previous assessments. Over the review period, SteR managed to significantly strengthen its governance and leadership structures, whilst being mindful of the needs of its researchers and the necessity of fostering a sense of community and group spirit.

A clear conclusion is that SteR's distinct profile and mission continue to give direction and unite staff. Conversations during the site visit underlined that SteR researchers firmly believe that the longstanding focus on (national) legal-doctrinal research has not lost its relevance for today's society. New developments such as internationalisation and multidisciplinary collaboration are embraced as ways to enhance this focus rather than dilute it. The fact that everyone is on the same page when it comes to SteR's focus contributes a lot to collaboration between researchers within and across the various sub-programmes. This results in a broadly supported overall research programme.

A main strength of SteR is its mutually supportive academic culture, in which collaboration and team science abound. Staff unanimously emphasised that SteR is a very attractive place to work, due to the fact that it invests in a non-competitive research culture and conveys that cooperation ultimately leads to the best research results.

To help SteR overcome a number of challenges that could impact long-term viability, the committee makes the following suggestions:

- While SteR clearly opts for a focus on legal-doctrinal research, it indicates that it is also open to input from other disciplines and methods, which was made concrete, for example, by the appointment of a professor of Empirical Legal Studies. According to the committee, further efforts can be made to explore how input from other disciplines could strengthen doctrinal-legal research on a methodological and conceptual/theoretical level. Other methods than qualitative interviews may also be considered. The good embedding of the Center for Migration Law offers great opportunities for this that can be used even better.
- SteR's focus on (national) legal-doctrinal research appears to cause some difficulties in obtaining external funding, particularly from second stream sources. By consequence, the institute depends rather heavily on direct, internal funding, which poses some risk in terms of the viability of the research institute in the wider national and international context. The committee recommends further discussing scenarios for diversifying funding at the level of the executive board and faculty board and laying down a clear funding strategy. A part of such a strategy could be that researchers within SteR who are interested in developing an international profile are stimulated even more to engage in international debates and publish their research results in (international) peer-reviewed journals. Furthermore, a funding strategy could also explore the financial possibilities of promoting cross-disciplinary collaboration. and output.
- There seems to be no explicit vision on the desired relationship between national and international, scientific and professional and peer-reviewed and non-peer-reviewed publications. In order to get a better grip on its own quality, the committee recommends that SteR develops the sort of quality indicators that are described in SEP. In a parallel development, SteR could consider to develop a general publication strategy that includes concrete parameters for measuring success.
- With respect to internationalisation, the committee concludes that this provides a welcome opportunity to strengthen and give new impetus to SteR research, while at the same time helping to diversify funding streams and increase the career opportunities of individual researchers. It would be helpful for SteR to think more strategically about what its international ambition means in terms of its publication and funding strategy and the faculty-wide HR policy
- The committee came to the conclusion that SteR currently does not explicitly and unambiguously state what is expected of individual staff in terms of publications and funding applications. This means that staff do not necessarily have an idea of the criteria they must meet in order to be eligible for promotion, or a position outside the faculty. The committee recommends paying more attention to this issue as it could lead to reduced cohesion.
- On a similar note, the committee observed that there is no clear career policy for PhD candidates, assistant professors and associate professors. In view of the tight labour market, the committee believes that it is advisable to pursue a more explicit policy so that the RU law faculty will remain an attractive place to work. Such a policy should help staff members at different levels to form a realistic picture of career opportunities and the associated expectations not just within but also outside of the Faculty of Law at RU.
- While the reduction of the teaching load to 45% of staff's appointment is a welcome development, the committee concludes that it is still questionable to

what extent this guideline corresponds to reality. The committee therefore recommends monitoring the teaching load of assistant professors and associate professors, so that this objective is actually achieved.

- The committee commends SteR and the Graduate School for paying a lot of attention to the wellbeing of PhD candidates. Nonetheless, the experiences of PhD's with regard to topics addressed within individual supervision seem to differ somewhat. The committee feels

that policies could be put in place to ensure more uniform supervision practices, especially since most projects are not completed in time.

- With respect to Open Science, the committee recommends that SteR and the Faculty of Law strongly support the ambitions expressed by the National Platform Open Science (2022). At the institute level, staff should be encouraged to – where possible – always opt for OA publication.

Appendices

1. Schedule of the site visit

Tuesday 21 November 2022

8.30 – 9.10	Conversation with executive board SteR (incl. 10' presentation)
9.10 – 9.20	Deliberations committee
9.20 – 9.50	Conversation with faculty board
9.50 – 10.00	Deliberations committee
10.00 – 10.15	Break
10.15 – 11.00	Conversation with assistant and associate professors
11.00 – 11.15	Deliberations committee
11.15 – 12.00	Conversation with PhD candidates
12.00 – 13.00	Lunch
13.00 – 13.45	Conversation with programme supervisors
13.45 – 14.00	Deliberations committee
14.00 – 14.30	Conversation with board and coordinator graduate school
14.30 – 14.40	Deliberations committee
14.40 – 15.00	Final conversation with executive board SteR
15.00 – 16.30	Committee meeting
16.30 – 17.00	Presentation of findings and recommendations

2. Summary of self-evaluation report SteR

Radboud University's Research Centre for State & Law (SteR) is one of the two research institutes of the Faculty of Law, on a mission to be among the leading research institutes in public law in the Netherlands and to be recognised as an excellent research institute in Europe in selected fields. SteR strives to conduct high-quality research into public law with a strong societal impact. Its research is distinguished by its foundation in positive law and its strong orientation towards legal practice. SteR values societal impact highly and aims to apply scientific insights to domestic and international legal practice, policy and legislation. SteR believes firmly in the cross-fertilisation of research, education and legal practice.

In its 2017 evaluation, the assessment committee commended the research quality, relevance and viability of the institute. In the period 2016-2021, the institute built on this solid foundation and further improved. In order to so, SteR pursued the following strategic aims:

- A. Continuing the strong commitment to doctrinal research while reaching out to other disciplines and deepening the empirical components of parts of its research. This enhances both the societal and practical relevance of the research. SteR will, nonetheless, remain vigilant and consolidate its strength and maintain its unique reputation for solid high quality legal doctrinal research that distinguishes it from other institutes.
- B. Strengthening collaboration across legal disciplines and clustering research within SteR. This has been facilitated by the new four-pillar programme structure with programme supervisors as well as the thematic clustering of PhD research.
- C. Strengthening cooperation with academic partners at the university, especially via interdisciplinary hubs and hotspots such as iHub, EUROPAL and RUNOMI. Intra-university cooperation has been extended in relation to digitalisation and (ecological) sustainability, which have been strategic themes for SteR since 2021.
- D. Stimulating the internationalisation of SteR by, amongst other things, establishing an international publishing sounding board and an internationalization prize.
- E. Strengthening SteR's internal and external visibility and cooperation with societal stakeholders via biyearly newsletters, Radboud Reflects public lectures, and especially its dedicated LinkedIn account. In addition, SteR has participated in Legal Valley since 2017 and established a fellowship programme for former PhDs now working in legal practice.,
- F. Improving the education and supervision of PhD candidates via the Graduate School and separate SteR activities, including PhD presentations, peer feedback and informal drinks and evenings.
- G. Promoting research integrity and Open Science. This has led to a growth of the number of open access (OA) publications.
- H. Creating an open, safe, inclusive and more diverse academic environment and culture by, for instance, encouraging talented senior researchers to take up leadership roles within SteR. SteR has paid considerable attention to the well-being of PhD candidates. PhD candidates and young talented researchers are new generation of practicing lawyers and legal scholars.

These strategies have resulted in a growth of the research output. The quality has also remained solid and stable, in line with the conclusions of the assessment committee (2017) and the midterm committee (2019) who both praised the quality and quantity of research. SteR's research also has a high societal value, with a view to and in close cooperation with legal practice. Impact on policy, legislation and jurisprudence has been key. This explains the continuous importance of national publications such as annotations.

SteR has formulated seven strategies for the upcoming six years that are primarily incremental improvements that build on a solid foundation and the strategy of the past six years. Cooperation on two strategic aims, digitalization and (ecological) sustainability will be strengthened further, while the resilience of the rule of law

(*weerbare rechtsstaat*) is the 'core theme' of SteR's biggest research programme Foundational Principles & Fundamental Rights (2022-2027). SteR will especially invest in new senior research talent, especially considering that it remains difficult to attract and retain research talent (PhDs and assistant/associate professors) for some disciplines (especially administrative and criminal law).

3. Case studies SteR

3.1 A unique doctrinal focus from various public law perspectives

The intensity of judicial review is a much-debated topic that goes to the heart of the foundations of public law including the trias politica, rule of law and fundamental rights. The relevance is illustrated by the toeslagenaffaire, during which most courts were reticent to adopt a high standard of judicial review in Dutch childcare benefits cases. Several SteR researchers have published high-profile articles on judicial review. They have also been active in the media¹ and have been consulted by legal practitioners.¹¹² As part of a more collaborative effort combining public law perspectives, a multidisciplinary team convened a project following the SteR-middag in 2018 (Prof. Roel Schutgens, Prof. Raymond Schlössels, Dr Jasper Krommendijk, Dr Hans Peters, Prof. Claartje Bulten, Prof. Ashley Terlouw and PhD candidate Edsard van der Werf). They invited a broad group of experienced SteR researchers – including several PhD candidates, research fellows and assistant professors – to reflect on the subject from their specialisation covering both public and private law.¹² To strengthen the collaboration with the sister faculties in Leiden and Utrecht as partners in the sectorplan, researchers from those faculties were also involved in the project. The volume was presented to a renowned expert audience in March 2022. The first edition was presented to the President of the Administrative Division of the Council of State, Bart-Jan van Ettehoven.

1. Schlössels, R.J.N. (2021). Evenredigheid als limiet. De langverwachte conclusie over toetsing aan het evenredigheidsbeginsel. *Jurisprudentie Bestuursrecht Plus*, 21 (3), 126-140.
2. Bazuin, A., Boesman, T., Catsburg, J., Geertsema, K.E., Ginneken, L. van, Ham-Kolk, M. van, Koenis, M., Terlouw, A.B. & Schelfhout, T. (2021). Recht vinden bij de rechtbank. Zelfreflectie op de kinderopvangtoeslagzaken door de bestuursrechters bij de rechtbanken. *Nederlands Juristenblad*, 96 (37), 3100-3103.
3. Boogaard, G. & Schutgens, R.J.B. (2019). Na ons de zondvloed? Over de Urgenda-zaak en het beginsel van constitutionele hoffelijkheid bij de oplegging van dwangsommen aan de Staat. *Overheid en Aansprakelijkheid*, 2019 (2), 52-61.
4. Hulle, R. van der (2020, October 30). Naar een Nederlandse political question-doctrine? Een beschouwing over de rol van de rechter in politieke geschillen. *Radboud University (XV, 380 pag.)* (Deventer: Wolters Kluwer) Prom./coprom.: Prof. R.J.B. Schutgens & J.J.J. Sillen.

3.2 SteR's study of international and European law from a Dutch perspective

One of SteR's main internationalisation strategies is researching international and European developments from the perspective of the Dutch legal order, as also reflected by the Interaction (WW) programme. There are several good examples of high-quality research investigating the interaction (or dialogue) between international and European courts and quasi-judicial bodies with Dutch courts and authorities. Dr Jasper Krommendijk led a VENI project (2017-2021) on national courts and preliminary references to the EU Court of Justice. It resulted in one open access monograph with a renowned international publisher (Elgar). The prominent international scholar Prof. Gráinne de Búrca (New York University Law School, USA) praised the monograph: 'This book is a very welcome addition to the small but growing literature providing qualitative empirical insight into the practice of a range of national courts in relation to the preliminary reference procedure of EU law, and how those judges perceive the procedure and the role of the Court of Justice. Thoughtfully and carefully written, and based on case-law analysis and primary interviews with judges from three national jurisdictions, the book offers a rich and nuanced picture.'⁴

¹ Prof. Roel Schutgens in Nieuwsuur on 9 October 2018; Schutgens, R.J.B. (2015). Urgenda en de trias. *Nederlands Juristenblad*, 90 (33), 1675-1682.

² Prof. Raymond Schlössels participated in an internal expert meeting of the Central Appeals Tribunal (CBb) on 15 November 2021.

³ Laura Davies, Rob van der Hulle, Mikhel Timmerman, Geert Pesselse, Karen Geertsema, Dirk Sanderink.

⁴ Also see the book review in *Common Market Law Review*.

Additional output includes seven articles in international peer-reviewed journals, a special issue in an international open access journal, eight Dutch refereed articles and one book in Dutch accessible to the wider public (co-authored with former Supreme Court judge Prof. Marc Loth). Dr Krommendijk gave seven presentations at international conferences, university guest lectures, and over 20 presentations and training sessions for societal stakeholders, including judges, NGOs and lawyers. Particularly noteworthy was the presentation of the book written with Loth during a conference for the Dutch judges of the highest courts in De Efteling in 2018. The project resulted in cooperation with Dr Jos Hoevenaars (EUR) Prof. Jurian Langer (RUG) and international researchers in the context of a seminar in 2019). A parallel PhD project (Jesse Claassen; 2017-2022) ensured that scientific insights are more widely generalisable. One indication of a teaching-research nexus is that insights from this project were used in courses such as Introduction to European Law (B1) or EU Institutional Law (B2) and found their way into a co-authored EU law textbook.⁵

Other examples of related research into the interaction between national and international courts

1. Glas, L.R. (2016, January 25). The theory, potential and practice of procedural dialogue in the European Convention on human rights system. Radboud University.
2. Claassen, J. (2019). 'Attitude or aptitude? Explaining the lack of preliminary references in Dutch competition law cases', in Rauchegger, C.; Wallerman, A. (ed.), *The Eurosceptic Challenge. National Interpretation and Implementation of EU Law* (Hart 2019), pp. 175-189.
3. Rieter, E.R. & Zwaan, K.M. (Ed.). (2021). *Urgency and human rights. The protective potential and legitimacy of interim measures*. Den Haag: Asser Press.
4. Glas, L.R. and Krommendijk, J. (2022) 'A Strasbourg story of swords and shields: National courts' motives to request an advisory opinion from the ECtHR under Protocol 16', *European Convention on Human Rights Law Review*.

3.3 Research with a high societal value

In 2019-2020, Prof. Paul Bovend'Eert (constitutional law) conducted research into the role of the King in a modern parliamentary democracy. The research led to the October 2020 publication of a book titled *De Koning en de monarchie. Toekomstbestendig?* (Wolters Kluwer, 2020, 275 pp.) In it, Bovend'Eert uses constitutional law and historical research to analyse the positions of the King in the Dutch constitutional system. He discusses the development of the monarchy in the government and the formation of the cabinet and as head of state, and in terms of royal immunity and ministerial responsibility, the expenditure on the monarchy, the royal family and monarchies elsewhere in Europe. The central question is to what extent the regulations about kingship require adjustment to make kingship future-proof in a modern parliamentary democracy.

At the time of its publication, which coincided with the criticised Greece trip taken by King Willem-Alexander and his family, the book received a great deal of media attention.⁶ Thereafter, the book and its themes have continued to attract a great deal of public interest. In 2021, Bovend'Eert received the Radboud Science Award 2021 for his research on the King and the monarchy. He also developed a teaching programme for primary schools with Assistant Professor Toni van Gennip. His research on the King and the monarchy also provided an opportunity for Bovend'Eert to participate in a multi-day international congress on European Monarchies in London in 2019 which was organised by the Constitution Unit of University College London. As a result of that conference, Bloomsbury/Hart published a book, *The Role of Monarchy in Modern Democracy. European Monarchies Compared* (eds. Robert Hazell and Bob Morris), in 2020 to which Bovend'Eert contributed. He is currently involved in preparations for an international publication (OUP) on the financing of monarchies.

⁵ Gronden, J.W. van de, Krommendijk, J., Looijestijn-Clearie, A., Tans, S.J. & Waele, H.C.F.J.A. de (2021). *Kern van het Europees*

⁶ E.g. NOS Nieuwsuur on 18 October 2020 ('Wat betekent vakantie Griekenland Willem-Alexander voor Rutte?'); see also Titia Ketelaar, 'Bij de Oranjes gaat het altijd om geld', *NRC Handelsblad*, 30 October 2020.

3.4 Impacts on legal practice

Prof. Piet Hein van Kempen and Prof. Masha Fedorova have conducted extensive research into the topical and greatly debated – nationally and internationally – question of what leeway international law leaves to states for regulated legalisation of cannabis cultivation and trade for recreational use. In 2016, they published a second study⁷ on that question that particularly focused on the interaction of positive human rights obligations with the UN drug control conventions.⁸ This research was commissioned by the municipalities of Heerlen, Eindhoven and Utrecht and conducted under the supervision of an independent commission of experts. Updated versions of both studies were published in English in 2019.⁹

The studies have generated attention and debate in academic and political circles on national and international levels. In the Netherlands, the innovative research has strengthened the reasoning on which basis several Dutch municipalities have urged the national government to take steps to resolve the impasse of the achterdeurproblematiek ('back door' problem) in Dutch drugs policy. In addition, the research was picked up by and discussed with parliament representatives and has formed an important stepping stone towards a proposal for a new bill. This in turn led to the new law on controlled cannabis supply chain experiment that entered into force in 2021.

At the international level, it is relevant that the research was presented during the 60th session of the UN Commission on Narcotic Drugs (CND) in 2017. In addition, the research was presented during the invitation-only expert seminar organised by the Transnational Institute and the Washington Office on Latin America. Cooperation with experts from these NGOs has resulted in an open access publication in an international peer-reviewed journal and a research paper on the regulation of cannabis and EU law. The cooperation is ongoing. A further brainstorm is taking place now, and Van Kempen and Fedorova's research is being used in the debate about designing a legal approach to smart and health-oriented regulation of cannabis in the EU.

⁷ The first study was published in 2014, commissioned by WODC: P.H.P.H.M.C. van Kempen, *Internationaal recht en cannabis II. Een beoordeling op basis van VN-drugsverdragen en EU-drugsregelgeving van gemeentelijke en buitenlandse opvattingen pro regulering van cannabisteelt voor recreatief gebruik*, Deventer: Wolters Kluwer, 2014.

⁸ P.H.P.H.M.C. van Kempen & M.I. Fedorova, *Internationaal recht en cannabis II. Regulering van cannabisteelt en – handel voor recreatief gebruik: positieve mensenrechtenverplichtingen versus VN-drugsverdragen*, Deventer: Wolters Kluwer, 2016.

⁹ P.H.P.H.M.C. van Kempen & M.I. Fedorova, *Internationaal recht en cannabis II. Regulering van cannabisteelt en – handel voor recreatief gebruik: positieve mensenrechtenverplichtingen versus VN-drugsverdragen*, Deventer: Wolters Kluwer, 2016.

4. Response of the institute 2023

1. Introduction

SteR highly appreciates the Committee's thorough and constructive assessment of our Institute. SteR is pleased with the positive assessment of the research quality, societal relevance and viability of its four research programmes. The Committee praised SteR for the atmosphere, sense of community and the group spirit among the members of the vibrant and resilient research group. It notes that a main strength of SteR is its mutually supportive academic culture, in which collaboration and team science abound. We also welcome the Committee's recognition of SteR's distinct profile and mission, giving direction and uniting staff. The same holds true for the conclusion that everyone is on the same page when it comes to the longstanding focus on legal doctrinal research. We are happy that the Committee concludes that SteR has diligently incorporated feedback from previous assessments and managed to significantly strengthen its governance and leadership structures. The constructive recommendations in the current report are useful and will enable us to further improve and strengthen our research in the upcoming years, also in line with our own strategic aims for the upcoming six years as identified in the self-evaluation report (p. 33-37). In this response we will shortly reflect on the Committee's specific recommendations.

2. Multidisciplinarity strategy

The Committee recommends to explore how input from other disciplines could strengthen doctrinal-legal research. We agree with the Committee that to date empirical research has been primarily qualitative in nature with an emphasis on interviews. Most of our empirical and/ or multidisciplinary research is also embedded in and almost always used in combination with legal doctrinal research. This complementary role also fits with our future strategic goal to maintain the unique reputation for high-quality legal doctrinal research. We will explore the further use of other (qualitative) methods, especially from the perspective of how it could strengthen legal doctrinal research, also considering the Institute's relatively limited staff and expertise. We will also remain vigilant not to promote 'superficial' empirical research whereby researchers employ empirical research methods without fully knowing what these methods entail and what the limitations are. As a follow-up to this recommendation, the organisers of MeTheoriet (Ter Voert, Fleuren and van Gennip) and CMR Theory and Methodology meetings (Sportel and Mantu) as well as professor of criminology van Meeteren will be asked to reflect on *when* and *how* other research methods and disciplines are especially beneficial and what potential advantages are in terms of quality, impact, network and/or the possibility to obtain grants. This exploration could be the steppingstone towards a more explicit multidisciplinary policy or strategy.

3. Clear funding strategy

We agree with the Committee that SteR should explore how it could reap the benefits of external funding. We acknowledge that SteR has so far focused on researchers with an intrinsic motivation in relation to personal grants. We see room for encouraging other staff to apply for funding, especially in relation to collaborative grants (e.g. Horizon, NWA, Thorbecke), contract-research or specific grants such as NWO SGW XS. We do, however, note that encouraging staff to apply for highly competitive personal grants (e.g. Veni, Vidi, Vici; ERC) should not be taken lightly, especially because of the difficulty for national legal doctrinal research and the considerable investment of time. We would also like to caution against a competitive environment leading to a 'best and the rest' culture. In addition, we do not entirely share the appraisal of the Committee as to the institute's dependency on internal direct government funding. Such funding is a relatively safe way for a Law Faculty with continuous student interest. Being more dependent on external funding also has its downsides from the perspective of continuity, also because (temporary) funding does not allow for permanent staff. The Director will explore whether a separate funding strategy is necessary, together with the faculty's policy officer for research and grant support, as well as a policy offer from Radboud Research & Impact. Researchers who have been successful with various research funds will be consulted, including professor of European migration law De Lange.

4. Quality of publications and publication strategy

SteR agrees with the Committee that it is important to keep track of the quality of its (international) research output. We will examine how we can explicate our (international) publication culture and possible publication strategies. The *klankbord* (sounding board) international publishing will be asked to identify best practices and quality indicators in relation to publishing also on the basis of input from colleagues such as Snel¹⁰, Fleuren and van Boom, in line with the *Kwaliteitskader annotaties*. In such a framework, a difference could for example be made between (double/triple) blind peer review and other forms of review in relation to international publications. A (rebuttable) presumption could be that articles in blind peer review in top international journals are per se a guarantee for quality. This framework could also reflect on the suitable use of case comments in a broader publication strategy, i.e. as stepping stones for an (international) article (see also the mid-term report for several examples). This framework could be especially helpful for young and mid-career researchers. The Institute is not sure whether a (separate) list of international A-journals is necessary and useful. There are already several overviews listing the top international journals in particular areas of law.¹¹

The general board and supervisors will also discuss how they could monitor more closely the quality of research within the Institute. One option is a yearly discussion between the programme supervisors and the executive board on the basis of the publications of the preceding year. Note that the quality of publications is discussed in *jaargesprekken* of researchers with the head of the department.

5. Criteria for promotion

Attracting and retaining research talent remains an important priority for the Institute. Some caution is, however, warranted with respect to promotion. This Faculty has, in comparison with other Dutch Faculties of Law, quite a stratified personnel system instead of a pyramid model. Not everyone can (and should) be promoted when meeting particular criteria, while transfers to another university can be beneficial for the person concerned as well. The *formatiemodel* implies that promotions are only possible in case of a vacancy within a particular department. Promotion on an individual basis is not possible save for three exceptions, also dependent on the available financial means: 1) the person should be an evident and exceptional talent; 2) there is not only a departmental interest, but also an interest of the faculty and/or research institute; 3) there is an acute reason for such a promotion. These exceptions will be communicated more openly even though the impression of automaticity when meeting the criteria should be avoided. Aside from promotion, the Faculty acknowledges that the so-called *ontwikkelaafspraken* could be employed better to stimulate personal growth. The HR department will reflect on these agreements and formulate, if necessary, (other) concrete measures.

6. Career policy for PhD candidates

Career development of PhD candidates during their final stages of the PhD trajectory has SteR's attention, albeit perhaps not in a sufficiently structured way. Career development was the theme of a *SteR-avond* for PhD candidates in 2021. A separate course ('career orientation') within the GS could ensure continuous attention. The Board of the GS will, together with the PhD Network and HR, examine the wish for a separate course and/or other ways to ensure continuous attention to the PhD's career policy.

7. Monitoring teaching load

The protection of research time is essential for SteR. The institute considers the monitoring of actual teaching load crucial. At the moment, the monitoring mechanism is being amended together with the Worker's Council so that it better reflects actual work and addresses the problem that the load is not registered uniformly across departments leading to (perceived) differences between departments. The need to better monitor the teaching load is relevant for not only assistant and associate professors, but also (some) junior lecturers with a 70% teaching appointment. It is thus essential that a proper system for monitoring is put in place and

¹⁰ E.g. M. Snel, 'Making the implicit quality standards and performance expectations for traditional legal scholarship explicit', *German Law Journal* 20(1) (2019).

¹¹ See for example [European Law - Google Scholar Metrics](#)

implemented as soon as possible. Note that the (new) GS coordinator will study closely the root causes underlying the differences in completion time between PhD researchers and junior lecturers.

8. PhD supervision

The Committee points to the dependency relationships between PhD candidates and supervisors. Even though these relationships are inherent in any PhD trajectory, structures can (and are) be put in place to address this. This includes the policy of having at least two *promotores* and in many cases also a daily supervisor as well as courses for staff on PhD supervision. At the moment of appointment, the Faculty Board consistently monitors potential undesirable relationships between the supervisor(s) and PhD candidate in (work) contexts other than the faculty. The role of contact persons for social safety has been professionalised and communicated clearly. A new course on how to deal with your supervisor will be added to the GS curriculum. A new GS coordinator is expected to take up work shortly. This is a separate function, reflecting the wish to invest more in monitoring and improving PhD supervision and the GS curriculum as well as the well-being of PhD candidates. What is more, SteR organised *intervisie* (peer feedback) among PhD supervisors in the Fall of 2022. Another meeting will be held in Spring 2023 for supervisors who could not attend the initial meeting. Regular *intervisie* meetings will subsequently be organised for interested and PhD supervisors. PhD supervisors will also receive a letter via the GS in which they are informed about best practices in relation to PhD supervision (based on the golden rules developed by Leiden).

9. Open Access

The institute wholeheartedly supports the recommendation to encourage staff to always opt for Open Access. The Institute is, nonetheless, confronted with practical limitations here. Currently, an opt-in system applies whereby the relevant researcher must consent to the release of each publication. In December 2022 and January 2023, researchers have been encouraged to apply. The institute welcomes a university-wide explicit opt-out system whereby all publications are made automatically available in the repository after six months (on the basis of the so-called amendment Taverne), unless the individual research explicitly decides that particular publications do not lend themselves for Open Access. In addition, another option is the creation of a university fund to finance Open Access fees for publications, such as book chapters. The institute will bring these two points to the attention of the central university level.

10. Cohesive development of research lines

We agree with the Committee that there also is a tension between bottom-up initiatives and the cohesive development of research programmes. Within the evaluation period, there has been a notable shift from more programmatic approach towards research whereby particular focal points were identified within the four programmes. However, the freedom of individual researchers and bottom-up initiatives are important elements as well. The institute will remain vigilant and closely monitor in the upcoming years that there is a proper balance between cohesion and individual freedom. We acknowledge that the programme supervisors could (and have increasingly) use(d) more opportunities for steering research output within the programmes. One option is the earlier mentioned yearly discussion between the programme supervisors and the executive board (see under 4). Nonetheless, too much steering could demotivate researchers or lead to bureaucracy.

11. Diversity and 'Erkennen & Waarderen'

The Committee rightly points to the wide range of diversity issues. We especially consider that investing in young and diverse talent is important, especially via talent programmes and the research master. A talent committee will be established in the short run. In addition, the Faculty established a diversity committee that will formulate concrete measures, also in the light of the [strategy](#) of the university. The principles of *Erkennen & Waarderen* are embedded in the recent Faculty's strategy 2022. SteR will examine how it can contribute to the implementation of the *Erkennen & Waarderen* principles.