

The Utrecht legal research master: the first five years

Ewoud Hondius*

Five years ago, Utrecht University set up a two-year legal research master's degree.¹ In this brief introduction at the occasion of the first *lustrum* of this master's programme I would like to make some observations as to its background, its current standing and its future.

The Netherlands was one of the first European countries to adopt the Bologna Declaration, which advocates a Euro-wide bachelor/master model for all faculties. The introduction of this model should promote the international exchange of students and staff.

In the Netherlands, the model has been introduced without any great problems in all university curricula. All Dutch bachelor's programmes are now of three years' duration. Master's programmes differ. For sciences, the curriculum is usually two years in length; for law one year only. But most universities do allow law faculties to set up at least one two-year programme with a limited enrolment. Utrecht first considered introducing a two-year master's programme for legal practice, but then changed its mind. Why not introduce a legal research master's degree? It was already obvious that PhD researchers in law were at a disadvantage as compared to other PhD candidates. In their bachelor's programme, they had had few courses on research, if any. It was therefore difficult for them to set up a good research project and to compete with graduates from those faculties which have a long experience with research. Legal practice, on the other hand, is perfectly capable of providing top-level students with introductory courses in specialised domains.

Before introducing the legal research master, the Faculty carried out some empirical research concerning the labour market. The outcome at first instance looked bleak. Especially if other law faculties would also introduce legal research master's degrees – which indeed was to happen² – the number of graduates would far exceed the number of PhD positions available. However, the research showed that not only would PhD vacancies be of interest: there would be an equal

* Professor of European Private Law, Utrecht University School of Law, Utrecht (the Netherlands), email: E.H.Hondius.uu.nl.

1 Actually, the first two students already enrolled in 2004, but the first real group of fifteen students began in 2005-2006.

2 There are at present legal research master's programmes in Amsterdam, Groningen, Maastricht, Rotterdam and Tilburg. The latter most resembles the Utrecht programme.

number of research positions with the government, at big law firms, non-governmental organisations, etc. So the green light to go ahead was given and the first applicants signed up – well only those who had graduated with honours in their bachelor's degree.

The faculty need not have worried. All legal research graduates have so far found excellent jobs, by far the most going on to study as PhD candidates. Slightly less brilliant is the drop-out rate, which is considerable. This is probably due to the fact that it is difficult to select students for a skill – legal research – in which they have had little previous training. One need not worry too much about the 'drop-outs', however, because they easily integrate into the regular one-year master's programme. Because the legal research master consists for 50% of courses in this regular curriculum, these expats can easily convert into practising lawyers, judges, etc.

The legal research curriculum is slightly rigid in that the small number of participants – never more than 50 (*25 per annum*) – have to attend a number of compulsory classes. The rigidity is compensated by extracurricular activities such as organising a conference. Learning to do so is of course quite important for any future legal academic. One needs to devise a programme, invite speakers, locate finances, find participants, arrange for the publication of the proceedings, and all these other small matters that accompany this exercise. It is therefore of the utmost pedagogical importance that legal conferences are organised. It is even better if such conferences have added value for the participants and the speakers. As of 2008, three such conferences have so far been organised in Utrecht. The second one, held on 7 December 2009, had the enticing theme of 'Eurocepticism and multiculturalism'. The readers of the Utrecht Law Review may recall the theme, because it was the subject of a special issue of this Review. Three sessions dealt with three different areas of the law and three different kinds of culture. In the first session, freedom of religion and multiculturalism. The second session discussed national identity, constitutional values and Eurocepticism. The third session was devoted to cultural identity and private law regulation. A considerable number of participants had registered for the conference.

Organising a conference is only one of a number of practical skills. There are other extracurricular events as well, such as in this academic year a master class with a former Justice of the South African Constitutional Court, Albie Sachs, a wonderful occasion to meet one of the great judges of our era, as was the master class with the Australian High Court Justice – as he then was – Michael Kirby, a year before. More in general, the programme tries to bring students into close contact with senior researchers in one or more of the five research programmes of the faculty: the prospects of European private law, human rights in a world of conflict and diversity, criminal law and fundamental values in a changing world, European public law, and the law concerning the physical environment.

It is perhaps not fair to start this description with all the nice aspects. What about ordinary classes? Well, let me just divulge their topics: there are courses on the Methodology of Legal Research, including Comparative Law, and Law as an Academic Discipline. Similar courses are also offered in the research master's programmes of other universities. Specific for Utrecht is the class on the Dynamics of Law in an European and International Context.

How are students selected? Here their past performance plays a role – in the Netherlands an average grade of 7.5 on the scale 1-10 is required – as well as proficiency in English (a 7 in the International English Language Testing System or 93 in the Test of English as a Foreign Language or B for the Cambridge Certificate in Advanced English). Interviews – sometimes by

video – must convince the Faculty of a student's motivation. Although the number of applicants has been limited, more than 20% have been denied registration for failing the set requirements.

Has the introduction of the legal research master been successful? It certainly has in the sense that in the view of the lecturers the programme produces good researchers. This positive view is shared by the students who in last year's Elsevier ranking gave this master's programme the highest ranking of all research master's programmes in the Netherlands, shared with only one other programme (not in law). But perhaps the most important aspect is that prospective employers also share this view, witness the almost 100% success rate in the research programme graduates finding suitable employment.

Are there no weaknesses? Well yes, there are, to be honest. What teachers and students would like to see is the greater participation of law students with a bachelor's degree from other universities, both in the Netherlands and abroad. Unfortunately, the tuition fee for non-EU applicants has been set so high that it makes it prohibitive for students from most nations to apply. Also the number of scholarships is very limited. Somewhat easier to attain should be greater mobility among Dutch students who at present prefer to remain where they have gained their bachelor's degree rather than moving elsewhere.

The two-year Master's in Legal Research of Utrecht University has added a valuable tool to legal research. No longer should PhD candidates struggle with methodological questions when working on their application for a scholarship. Within a number of years, the development of this and other legal research master's programmes should be reflected in the higher quality of legal research.