

Evaluating the Quality of Legal Scholarship in Italy: Two Investigations on Peer Review

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Outline

- Some key points on legal research
- The ITTIG survey on evaluation of legal monographs
 - Some results
- The ITTIG survey on the peer review process of legal periodicals
 - Some results
- Conclusions

Starting from some basic shared (?) assumptions

- There are no disciplines against which bibliometric indicators are not applicable; there are rather disciplines where at present bibliometric indicators are less reliable.
- The contrast between peer review and use of bibliometric indicators is misleading
- **The peer review process is the worst way to assess the quality of research; as a matter of fact there are no better ones.**

The role of legal scholarship

Essential role of legal literature in the global context

- Link to legal practice
- Influence and connection to other disciplines
- Methodological diversity and interdisciplinary nature
- Impact and implications on society, for the development of new policies and legislation

Typologies of legal scholarship

- Monograph
- Journal article
- Contribution in edited volumes
- Contribution in conference proceedings
- Case note
- Commentary
- Contribution on encyclopedias
- Critical edition
- Review

Some debating issues in Italy

- Many literary genres for legal studies
- Internationalization
- Value of citations
- Peer review
- Ranking of publishers, of journals and of editorial series
- Societal impact
- Lack of national citation databases in the field of legal research
- Publication language

1. The survey on evaluation of legal monographs

Funded by ANVUR - Agenzia per la Valutazione del Sistema Universitario e della Ricerca

Research question: Opportunity to identify specific indicators to support the evaluation of the quality of legal monographs (*informed peer review*)

Research methodology:

- **National survey**, via a questionnaire for legal scholars (4.700) + focus groups on specific topics.
- International Survey via LERU (quite difficult to reach the League)
- Comparative analysis (France, England, The Netherlands).

The national survey

4.645: Invitation sent

4.501: Invitation arrived

1.241: Answers received (26% of the target population)

Three sections:

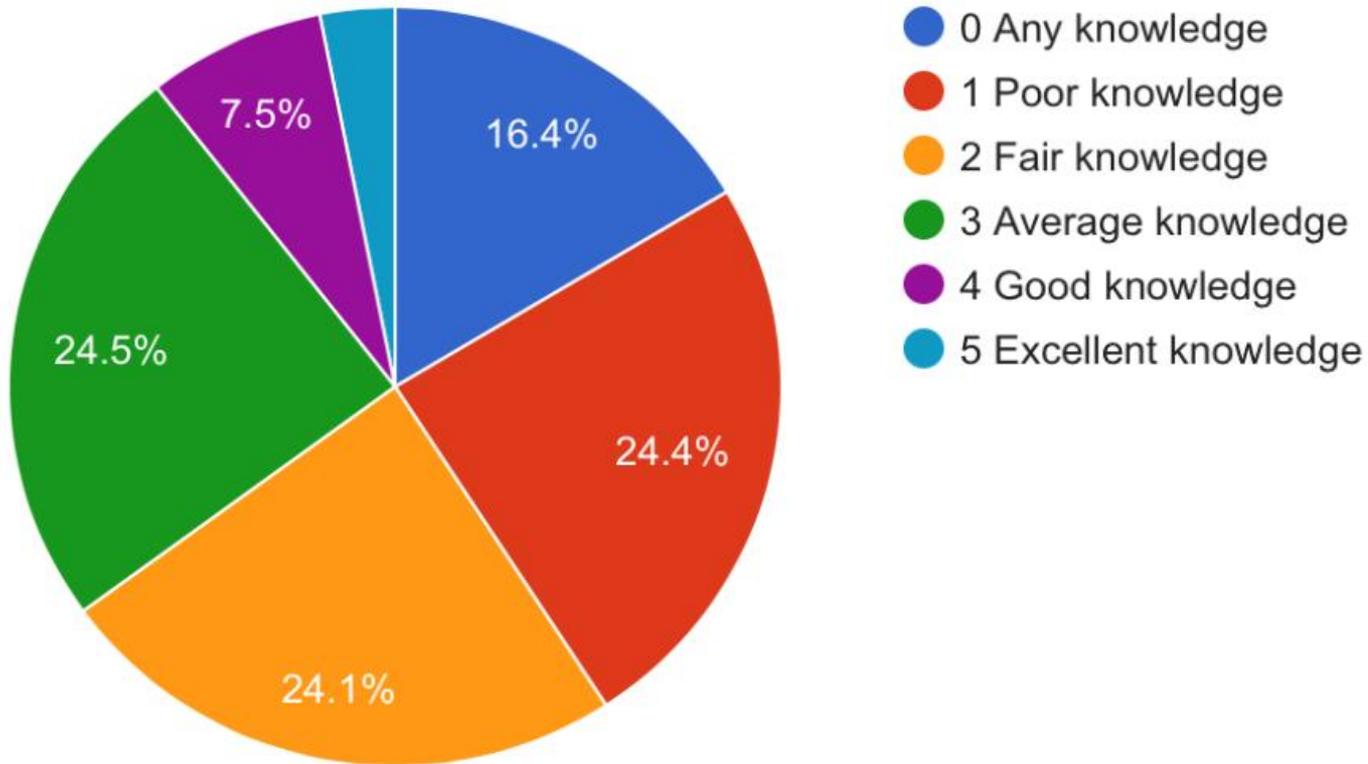
1. Experience and knowledge of respondents
2. Indicators of the assessment of legal monographs
 - Definition of legal monographs
 - **Quality and impact indicators for legal monographs**
 - Focus of specific aspects of indicators (ranking of publishers and series, usefulness of citation databases...
3. General information on respondents

Free comments space available

Distribution according to areas of law

Areas of law	MIUR staff	Invited	Respondents	Response rate (%)
IUS01 - Private Law	688	677	143	21,12
IUS02 - Comparative Private Law	162	161	43	26,71
IUS03 – Agri-food Law	41	40	12	30,00
IUS04 - Business law	408	390	113	28,97
IUS05 - Economics Law	66	65	22	33,85
IUS06 - Navigation and Air Law	47	45	9	20,00
IUS07 - Labour Law	295	294	77	26,19
IUS08 - Constitutional Law	234	230	73	31,74
IUS09 - Public Law	285	277	39	14,08
IUS10 - Administrative law	422	410	90	21,95
IUS11 - Ecclesiastical and Canon Law	111	109	33	30,28
IUS12 - Tax Law	186	184	40	21,74
IUS13 - International Law	265	260	72	27,69
IUS14 - European Union Law	106	103	33	32,04
IUS15 – Civil Procedural Law	199	196	45	22,96
IUS16 – Criminal Procedure	185	181	35	19,34
IUS17 - Criminal Law	274	273	66	24,18
IUS18 - Roman and Ancient law	235	235	75	31,91
IUS19 - History of Medieval and Modern Law	159	157	58	36,94
IUS20 - Philosophy of Law	229	227	97	42,73
IUS21 - Comparative Public Law	132	131	41	31,30

Familiarity with bibliometrics



The 3 quality dimensions envisaged

Three different **dimensions of quality**:

1. the quality *tout court*
2. the impact and dissemination within the scientific community of a monograph ('impact on scientific community');
3. the societal impact of a monograph.

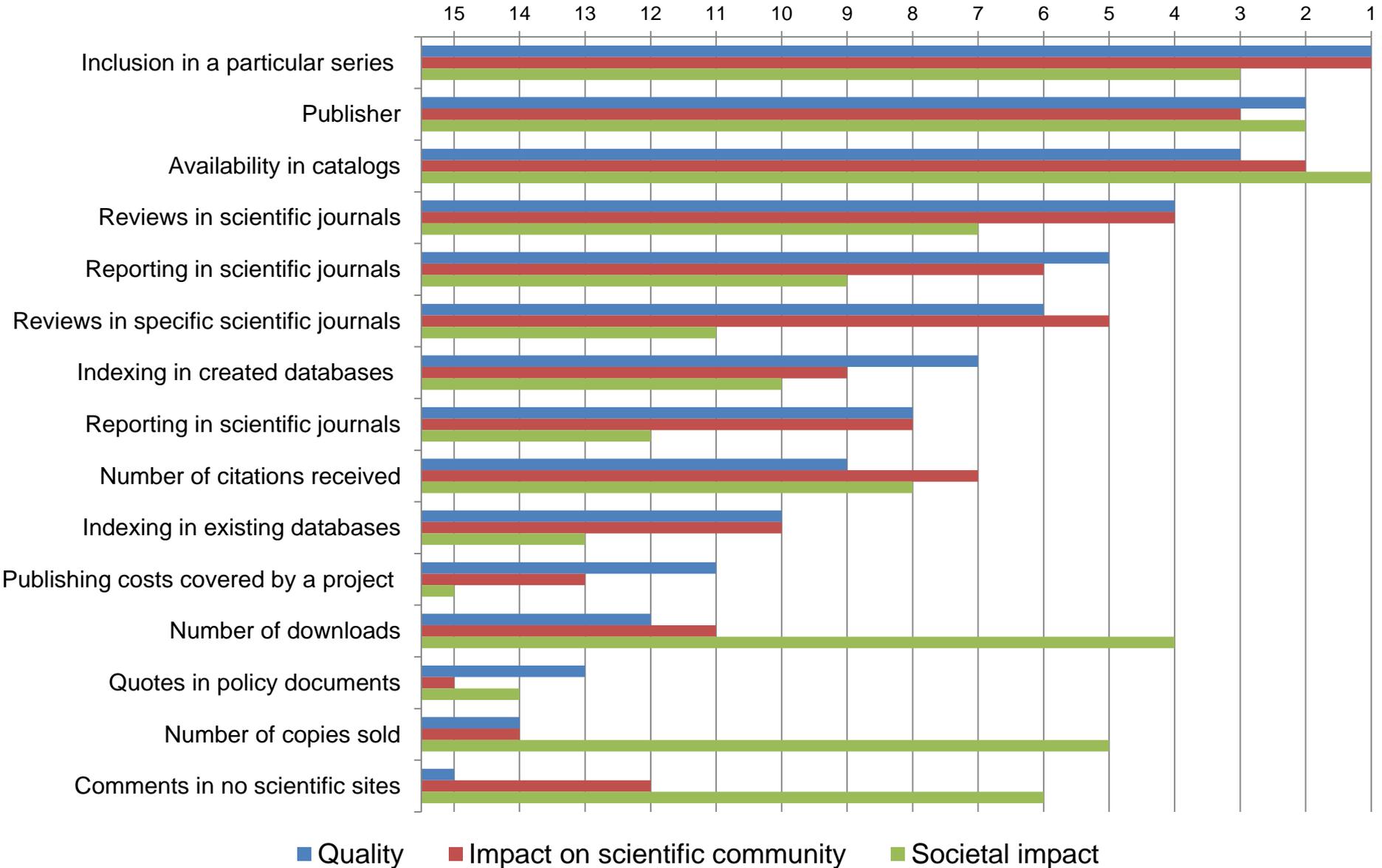
Indicators for assessing the quality of legal monographs

- Publisher
- Inclusion in a particular series with special characteristics (review process...)
- Availability in the catalogs of national and international libraries
- Indexing in existing citation databases (Web of Science, Scopus, SSRN ...)
- Indexing in citation databases specifically created for the legal domain
- Number of citations received
- Reviews in scientific journals
- Reviews in specific scientific journals (only highly ranked journals)
- Reporting in scientific journals
- Reporting in specific scientific journals (only highly ranked journals)
- Comments and citations in no scientific sites (e.g. Newspapers)
- Number of copies sold
- Number of downloads in case of monograph available online
- Publishing cost covered by a research project financed on the basis of an evaluation process
- Quotes in policy documents

The first five positions of indicators

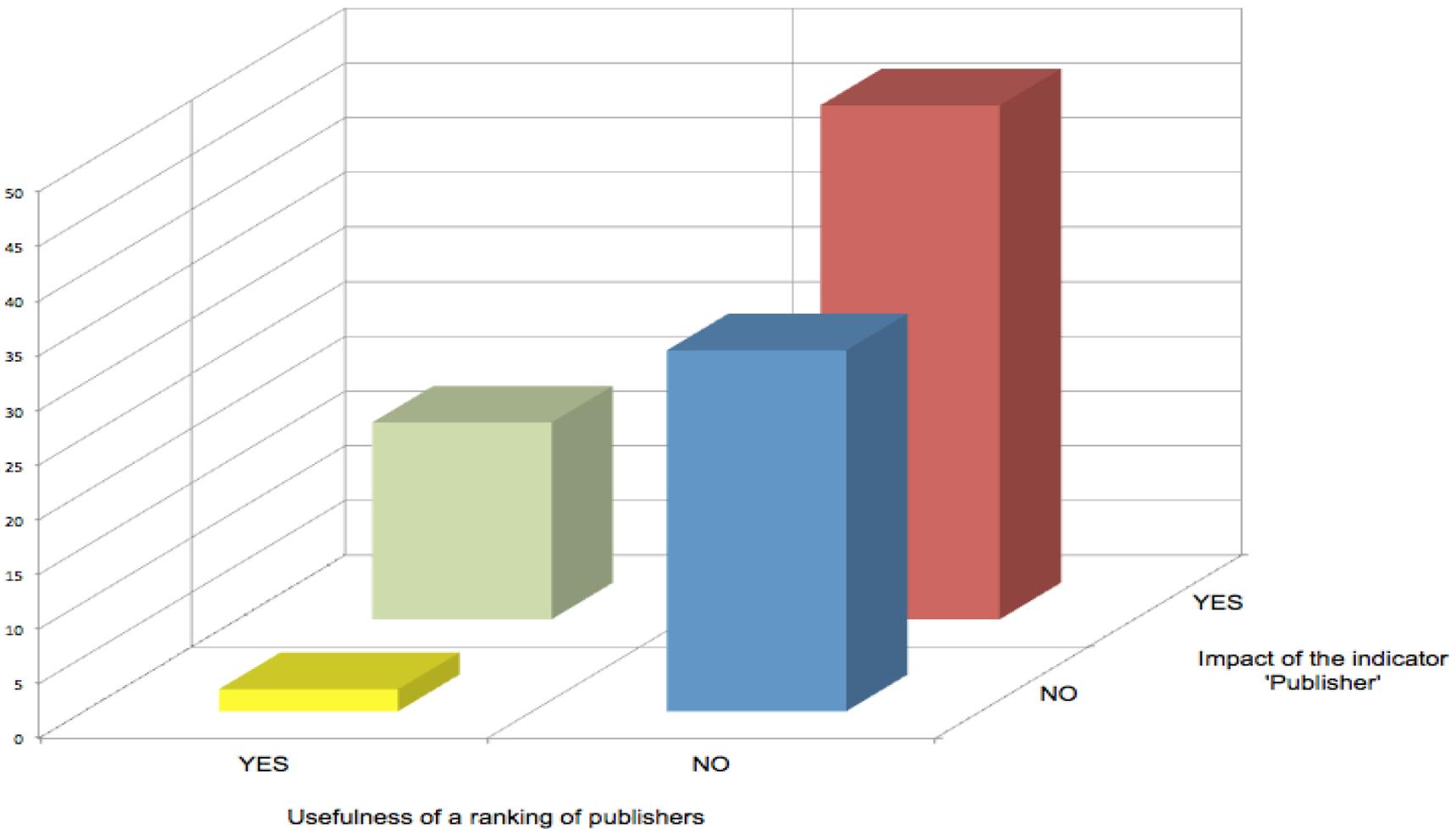
	QUALITY	IMPACT ON SCIENTIFIC COMMUNITY	SOCIETAL IMPACT
◦1	Inclusion in a particular series with special characteristics (review process...)	Inclusion in a particular series with special characteristics (review process...)	Availability in the catalogs of national and international libraries (except for the legal deposit)
◦2	Publisher	Availability in the catalogs of national and international libraries (except for the legal deposit)	Publisher
◦3	Availability in the catalogs of national and international libraries (except for the legal deposit)	Publisher	Inclusion in a particular series with special characteristics (review process...) ...
◦4	Reviews in scientific journals	Reviews in scientific journals	Download numbers in the case of monograph available online
◦5	Reporting in scientific journals	Comments and citations in no scientific sites	Number of copies sold

Ranking of indicators for the three dimensions



Ranking of publisher

Comparison between the answers to questions about the usefulness of a ranking of publishers and answers on the impact of the indicator 'Publisher' with reference to quality



Food for thought

- Monographs as the principal 'coin of the realm'
- Peer review (non-blind) as the standard for assessing the quality of legal monograph
- Implicit recognition of publisher relevance but no consensus to the formalization of ranking of publishers
- Internationalization: which value?
- Societal impact: hard to measure
- Lack of qualification of reviewers

... see more in G. Peruginelli, *Research Quality Evaluation: The Case of Legal Studies*, in A. Bonaccorsi (ed.), *The Evaluation of Research in Social Sciences and Humanities. Lessons from the Italian Experience*, Springer, 2018

2. The survey on peer review process of Italian legal journals

Research question:

Could peer review typologies be used to enrich the information basis and methodologies for evaluating journals?

Research methodology:

The national case study on Italian legal periodicals: **107 top legal journals** classified by the National Evaluation Agency (ANVUR) in the top ranking list

Objective:

Overview of peer review process and of qualitative criteria adopted in the Italian legal periodicals

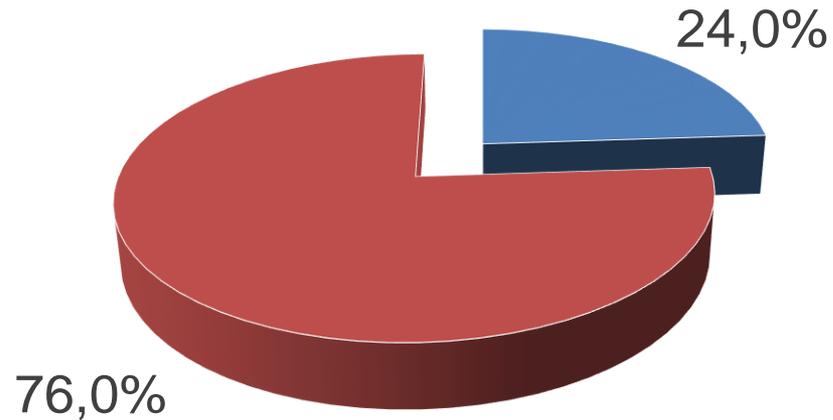
Some starting information

Information has been retrieved from the last two issues of the periodicals under investigation.

The identification of the info available has not always been immediate and simple.

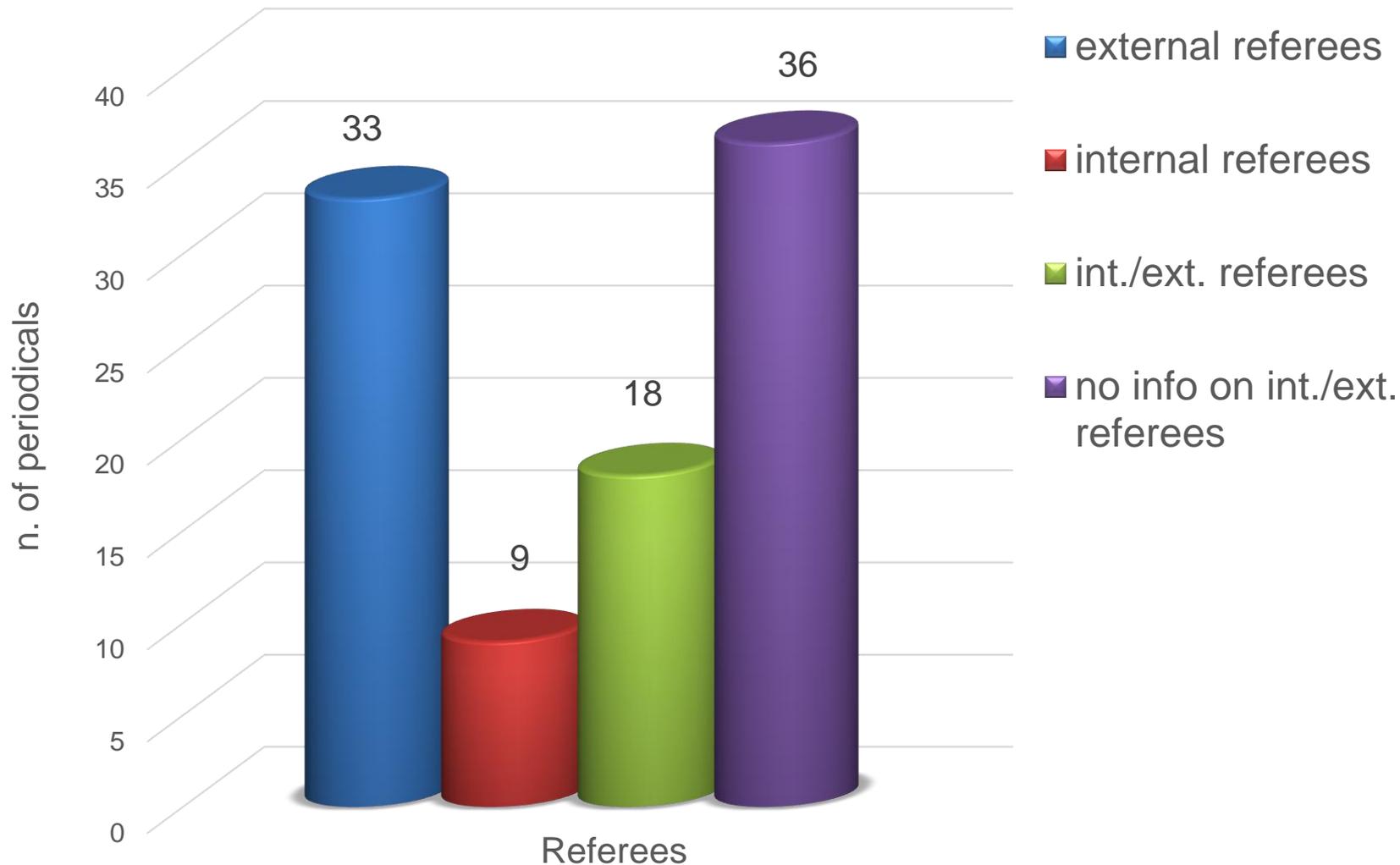
10,2% of the periodicals (11 periodicals) does not contain any reference to the peer review process, therefore the survey refers to 96 periodicals.

Pre- evaluation process

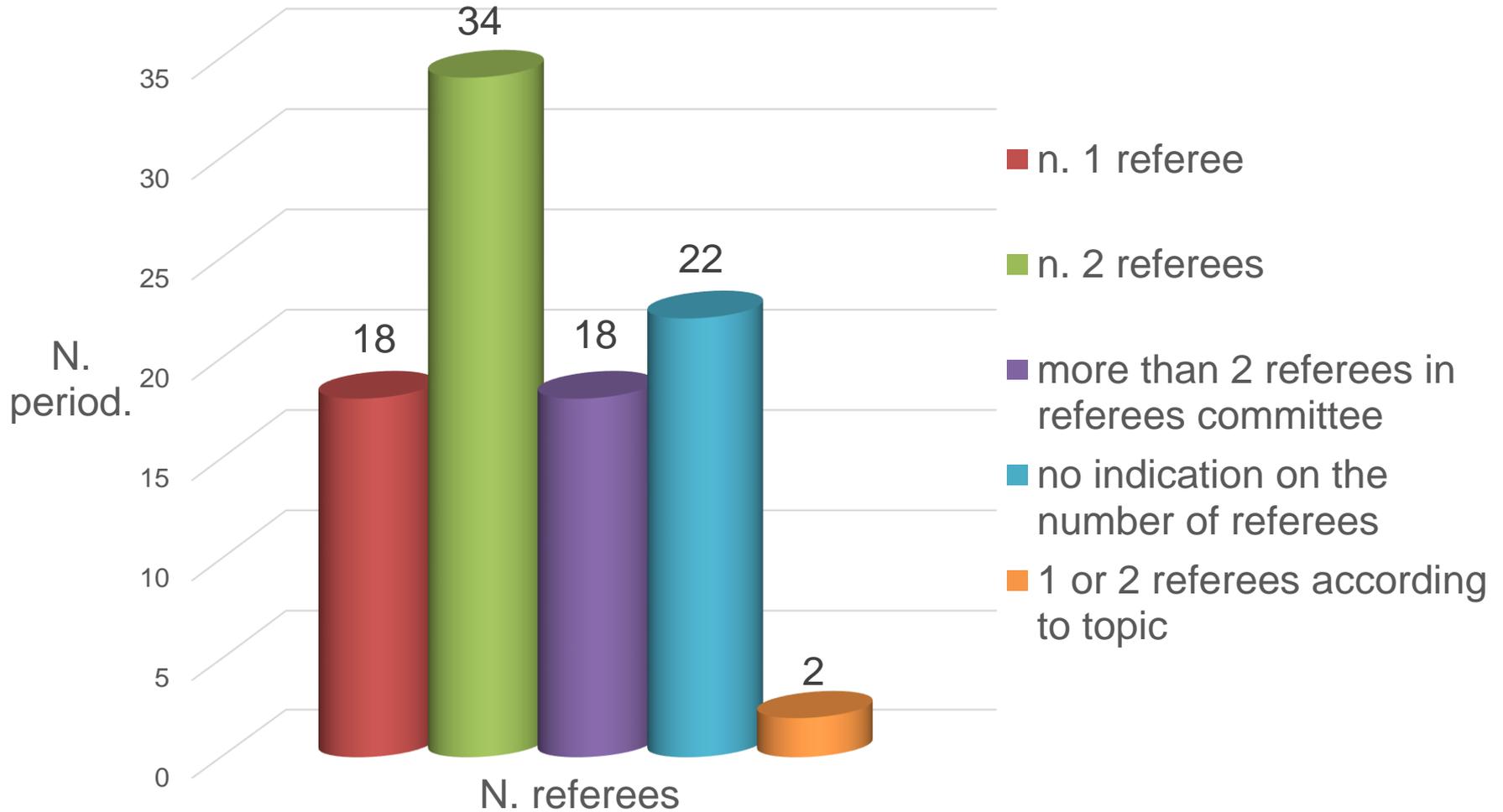


- Periodicals with the pre-evaluation process
- Periodicals without the pre-evaluation process

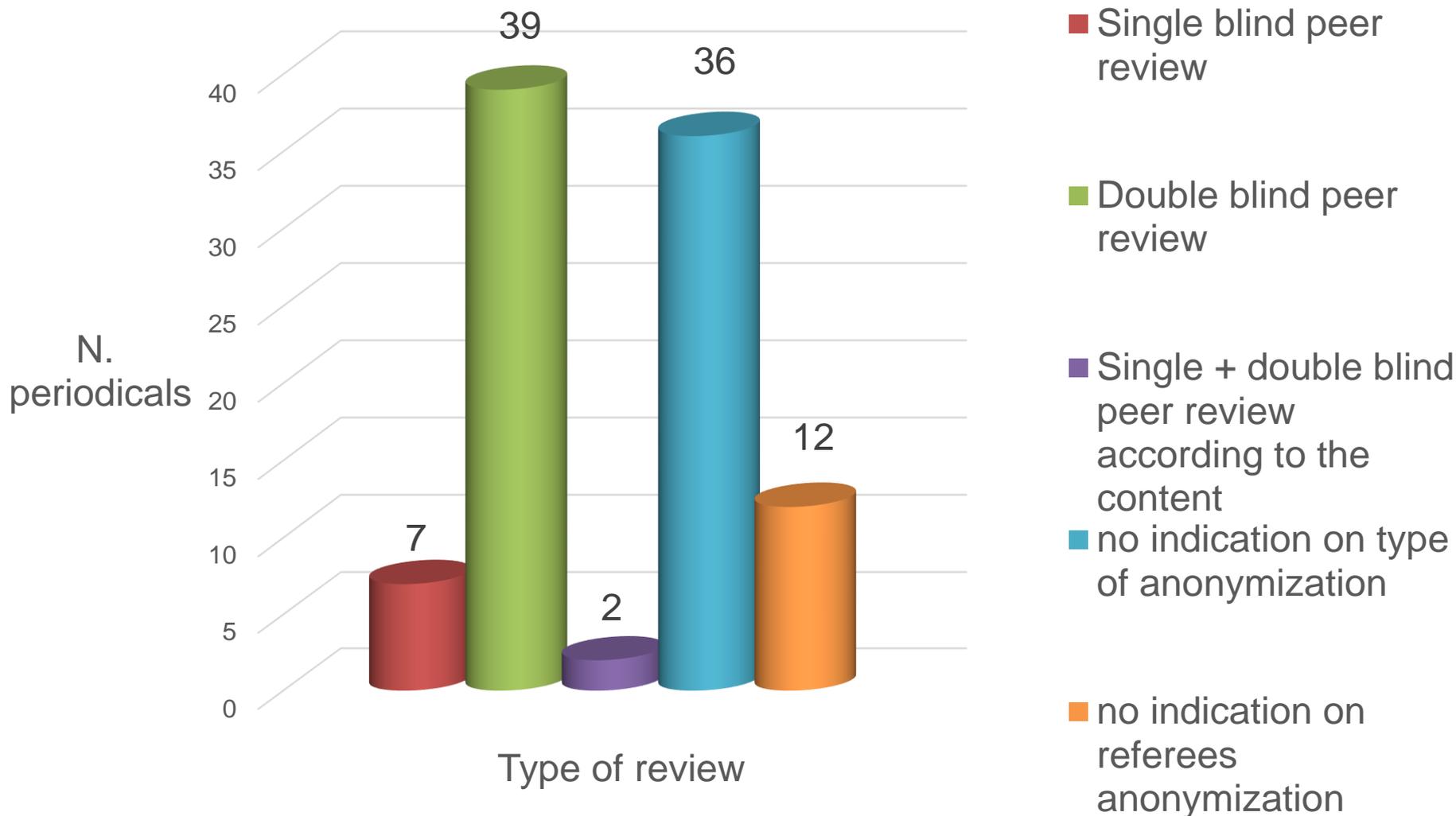
External / Internal referees



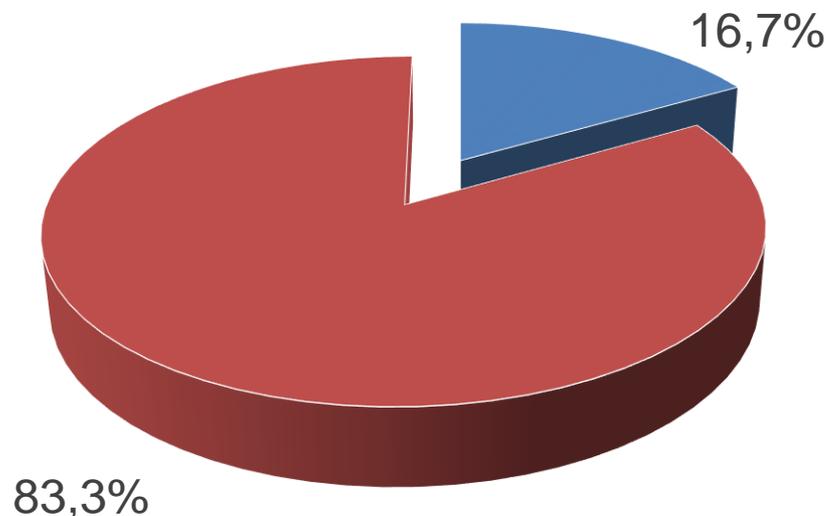
Number of referees



Single blind, double blind, open peer review



Evaluation criteria



■ indication of quality criteria ■ no indication of quality criteria

- Originality and relevance of the discussion
- Coherence of arguments
- Critical consideration of legal literature on the topic
- Practical utility of expressed ideas
- ...

Some results

- 10.2% does not refer to the evaluation methods;
- 37.5% does not specify whether the assignment of the peer review process concerns internal or external referees;
- 22.9% does not show any indication of the number of referees;
- 12.5% does not provide any information about the anonymity of the referees;
- 37.5% even mentioning the anonymity of the referees, does not specify the type of peer review;
- 10.4% expressly declares the existence and conservation of the evaluation report of the article under evaluation, by the editorial staff or by the publisher;
- ONLY 16% refers to qualitative criteria.

Conclusions

- Quality indicators should not be imposed upon legal scholars in a top down way
- Need for transparency and accountability of legal evaluation process
- Desirable harmonisation of legal research assessment exercises at European level
- Leading role of legal scholars in order to avoid negative effects (restrictions on academic freedom, approval ...).
- Registry of Open Access Repositories specifically dedicated to law

Sooner or later, however, law as a discipline will no longer be able to avoid some sort of ranking of law journals and/or publishers and making a choice between peer review, metrics or other methods to assess the quality of scholarly legal publications (R. van Gestel, H. Micklitz & M. Poiares Maduro, *Methodology in the New Legal World*, Florence, EUI Working Papers Law 2012/13)

We believe it is necessary to think about such alternatives as more attention for methodological justification in legal research, more clarity from editorial boards about the quality criteria being used to approve or reject submissions, and more emphasis on standards for different forms of legal scholarship. Last but not least, **we call for a Europe-wide debate on the pros and cons of different systems of research assessment, rather than let every country reinvent the wheel** (R. van Gestel, J. Vranken, *Assessing Legal Research: Sense and Nonsense of Peer Review versus Bibliometrics and the Need for a European Approach*, Vol. 12 *German Law Journal* 2012)

PUNO HVALA!
Thank you

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