

Assessing the Quality of Legal Scholarship in Italy: Two Investigations on Legal Monographs and Journals

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Outline

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

Legal scholarship

Law schools, law journals, and legal publishers
as the dinosaurs of today's academic

- 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
- No monolithic nature of legal disciplines

1. The survey on 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 + focus groups on specific topics.
 - International Survey via LERU (quite difficult to reach the League)
 - Comparative analysis (France, England, The Netherlands).

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 s. | 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 |

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.

Ind. for assessing the quality of legal monographs

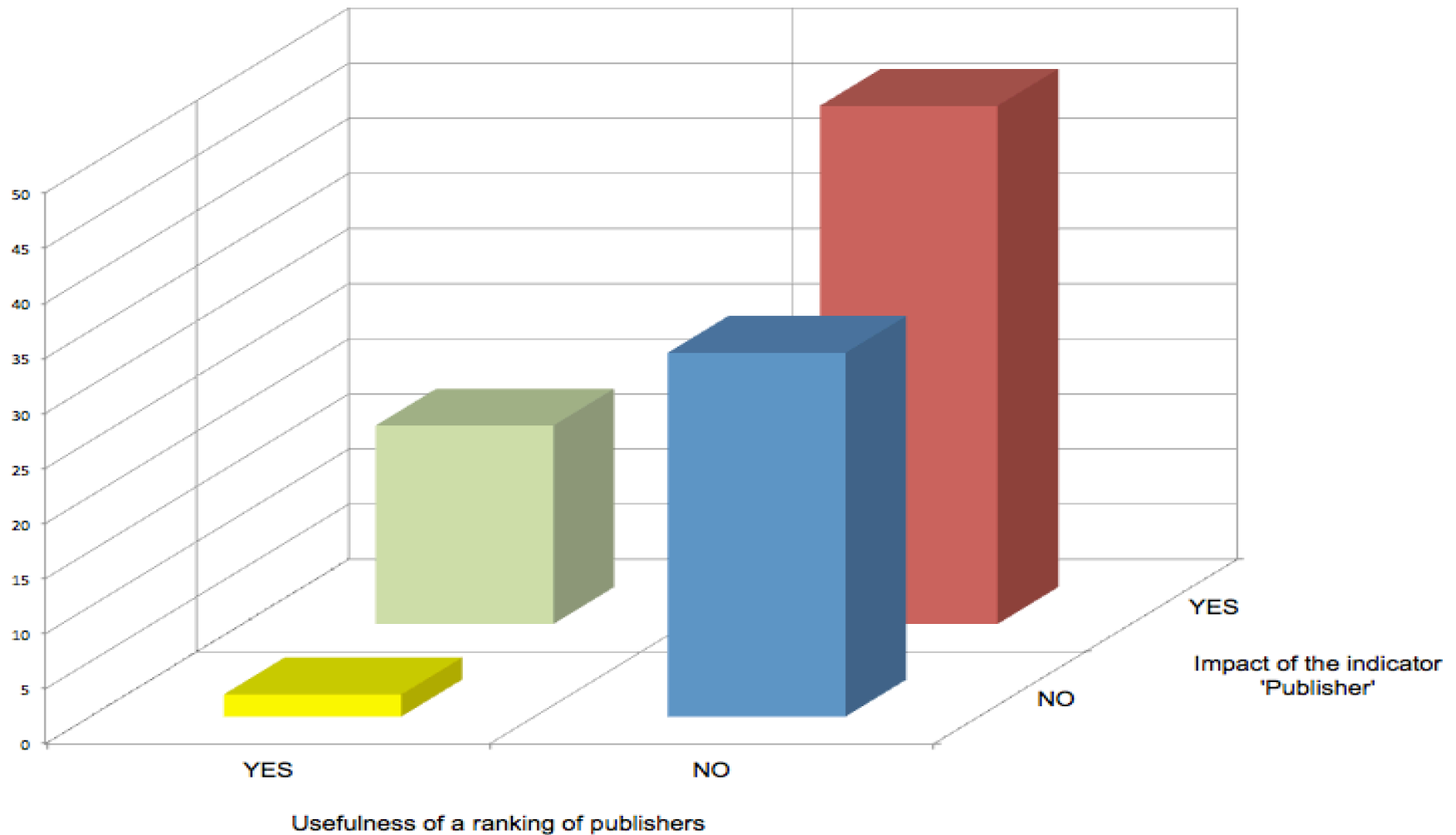
1. Publisher
2. Inclusion in a particular series with special characteristics (review process...)
3. Availability in the catalogs of national and international libraries
4. Indexing in existing citation databases (Web of Science, Scopus, SSRN ...)
5. Indexing in citation databases specifically created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

The first five positions of indicators

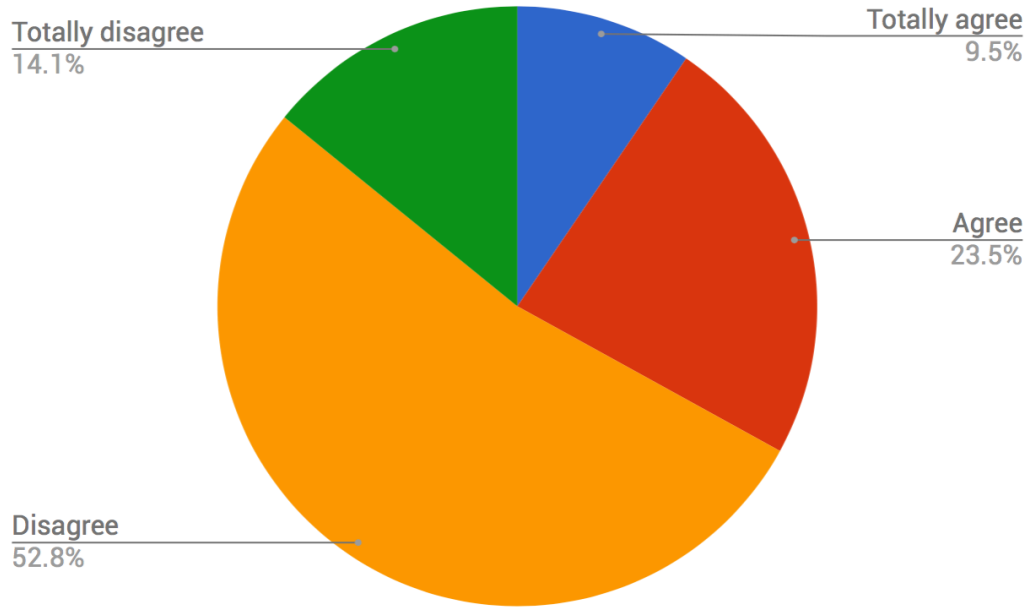
| | QUALITY | IMPACT ON SCIENTIFIC COMMUNITY | SOCIETAL IMPACT |
|----|---|---|---|
| ◦1 | Inclusion in a particular series with special characteristics (review process...) | Inclusion in a particular series with special characteristics (review process...) | Availability in the catalogs of national and 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 publisher

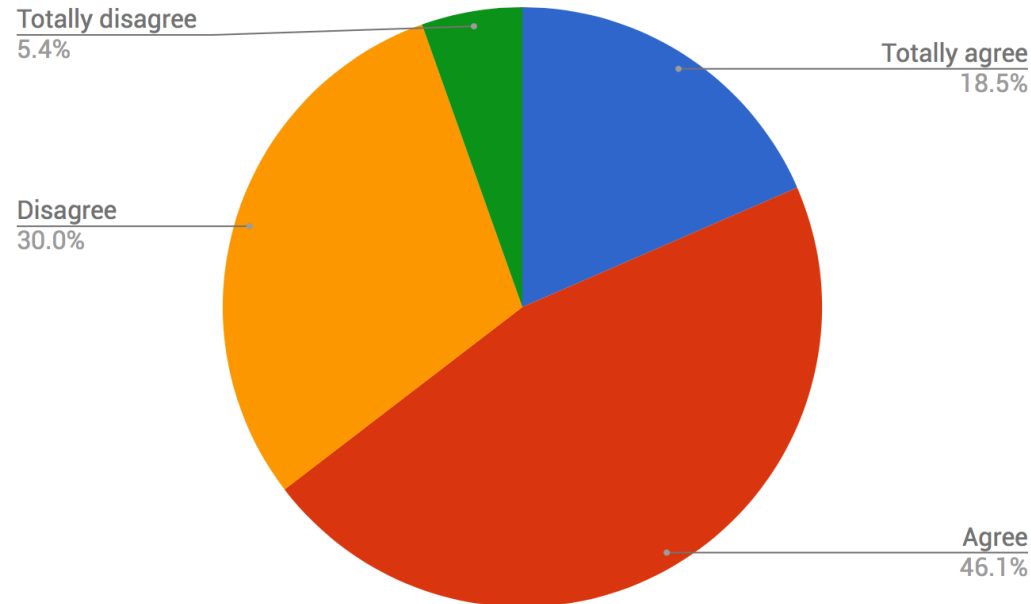
Comparison between the answers to questions about the usefulness of a ranking of publishers and answers on the impact of the indicator 'Publisher' with reference to quality



Difficulties in the evaluation activity (1)

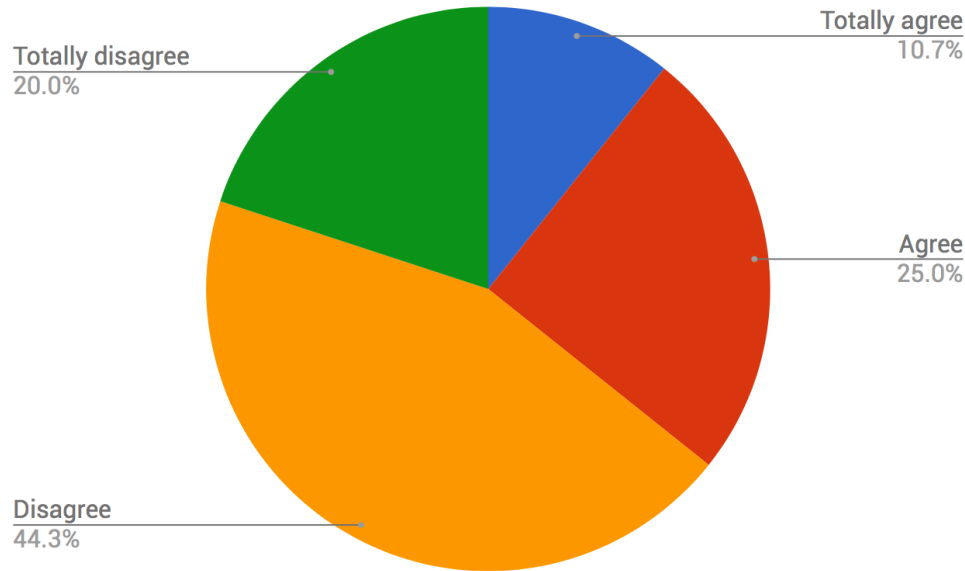


Insufficient number of expert reviewers

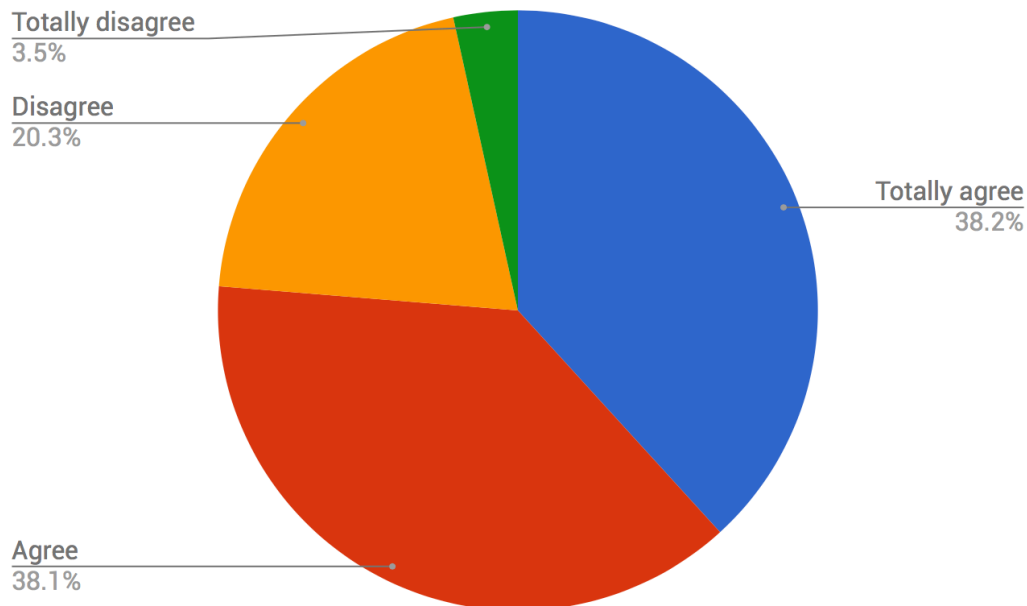


Scarce time for evaluation activities

Difficulties in the evaluation activity (2)



Lack of bibliometric databases dedicated to law



Influence of schools of interpretation in the organization and management of evaluation processes

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?

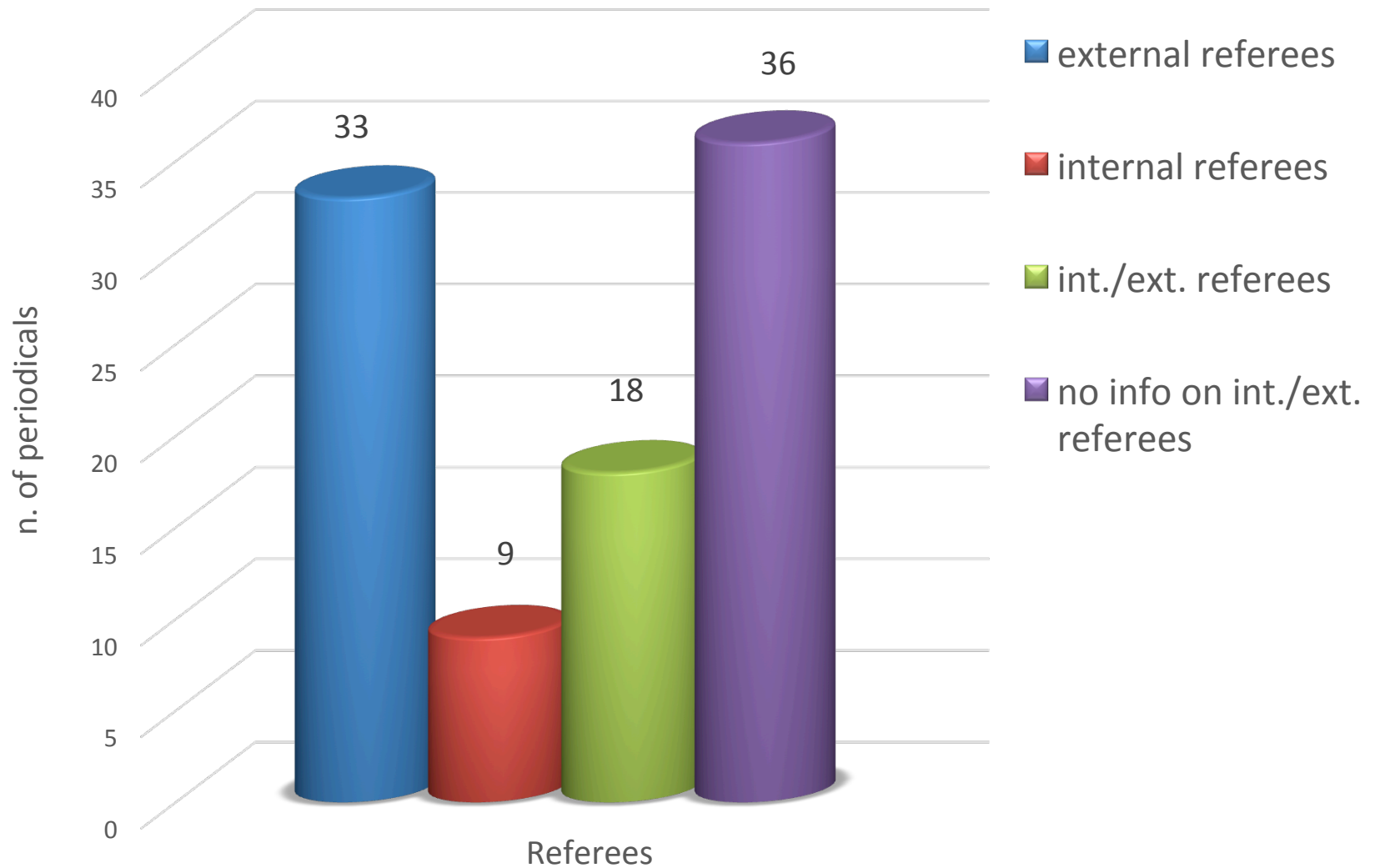
Research methodology:

The national case study on Italian legal periodicals: **96 top legal journals** classified by the National Evaluation Agency (ANVUR) in the top ranking list

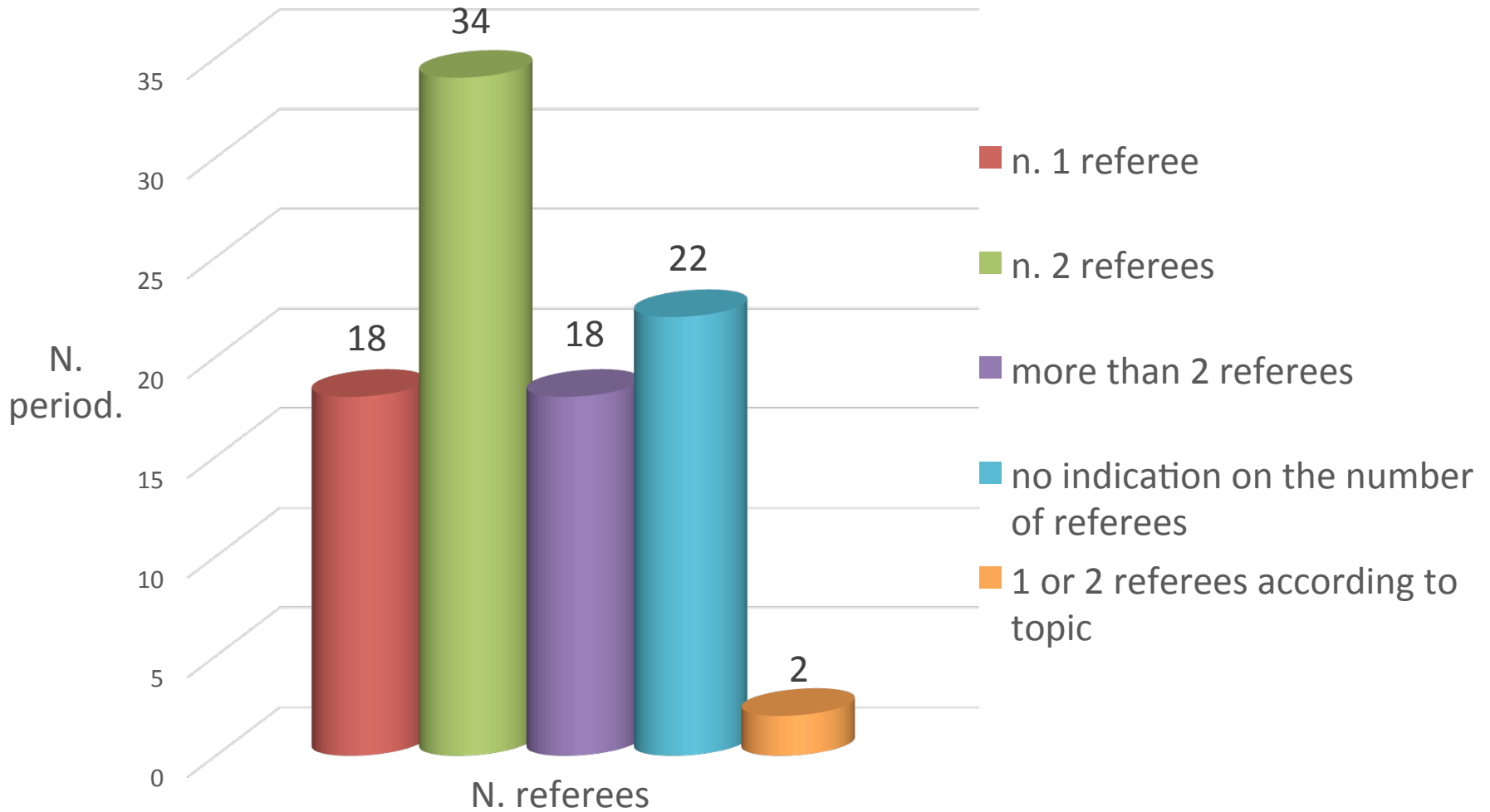
Objective:

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

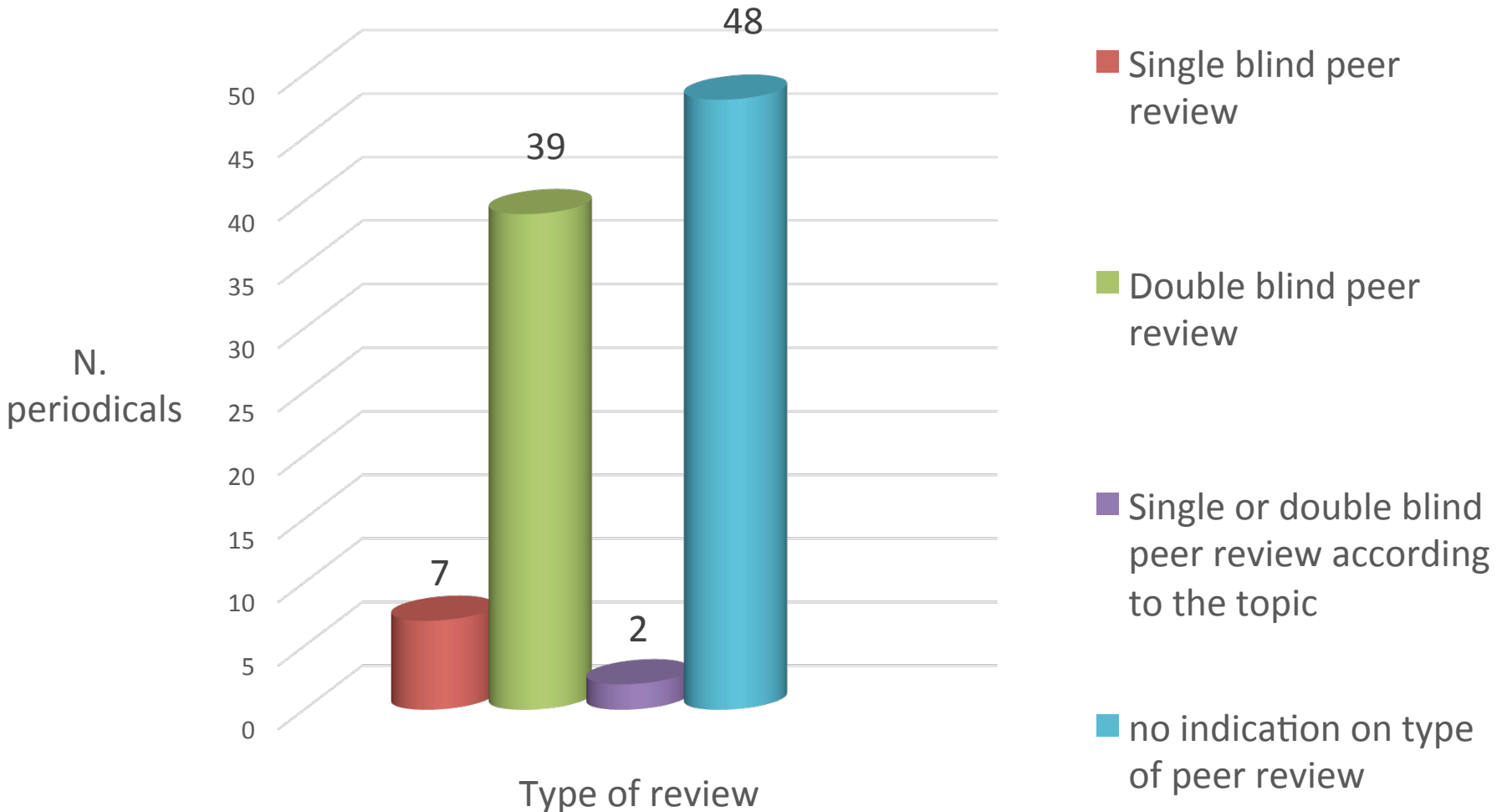
External / Internal referees



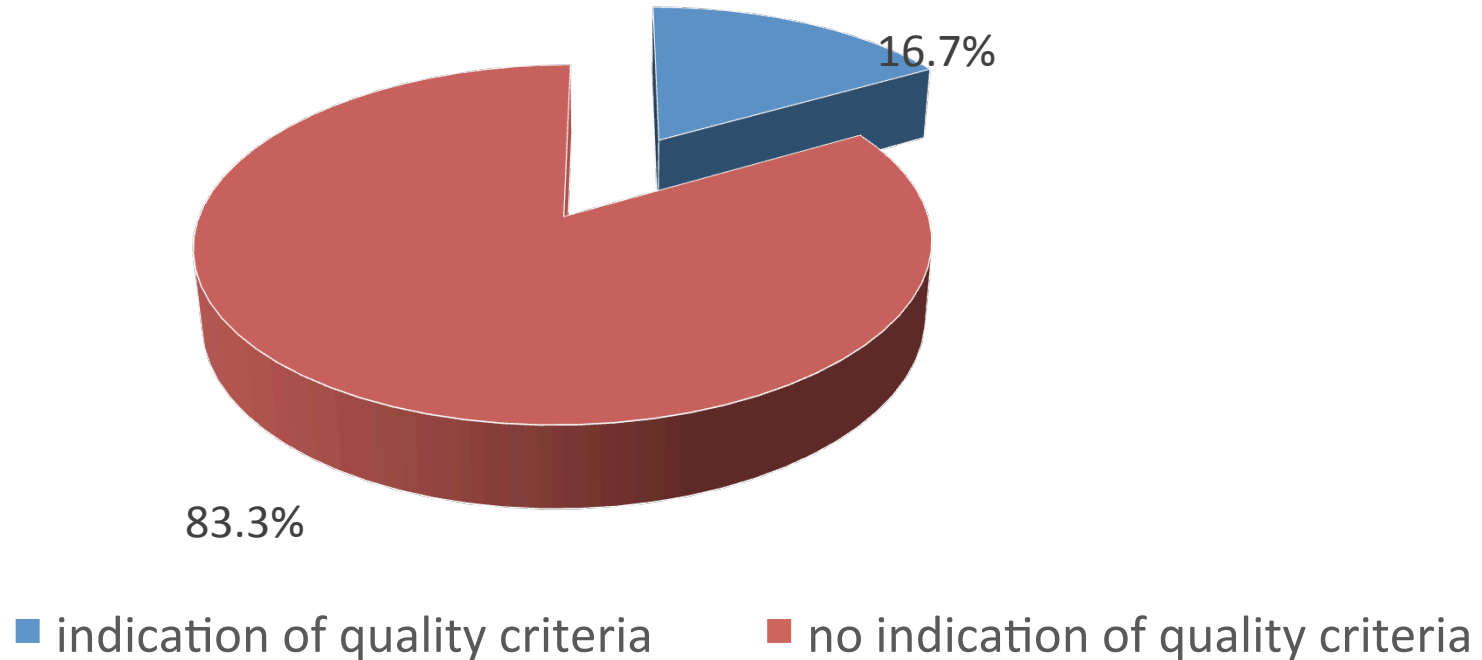
Number of referees



Type of review



Evaluation criteria



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

Some open issues

- Certain consensus within the scholarly forum regarding the criteria
- Process of selection of referees
- No established peer review practice
- No indication of management of conflicts in evaluation

Conclusions

There is no lingua franca in legal research, no commonly recognized ranking of law schools, law journals, or legal publishers, no uniform system of peer review, no practice of quantitative research evaluation and no transnational system of research assessment

HOWEVER

- 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

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*)

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*)

THANK YOU!

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