

# Quality in legal science: the case of evaluating legal monographs

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## 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 with other disciplines
- Methodological diversity and interdisciplinary nature
- Impact and implications on society, for the development of new policies and legislation.

# Typologies of legal scholarship

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

# The assessment of legal literature

- The research evaluation in legal science is a **delicate and complex process**.
- Strong distinction between “proper monographs” (research books) and texts dedicated to legal professionals.
- Legal science is not monolithic: different areas
- Leading role of legal scholars in order to avoid negative effects (restrictions on academic freedom, approval ...).

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*)

# The project

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

**Case study** on methods of evaluation of the **monograph** in the area of legal sciences

**Working hypothesis to be tested:** define uniform criteria to support 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).

## Legal monographs in Italy

The most complex and significant scientific publication outputs in the legal field.

### **Definition of GEV area 12 (Law) , April 2011**

*«Studio approfondito e organico, caratterizzato da ampio respiro culturale e sistematico e da approccio critico costruttivo, finalizzato alla prospettazione di soluzioni originali e innovative»*

Formal requirement: minimum 240.000/280.000 characters except for index and attachments.



## Evaluation of legal monographs in Italy

Higher appreciation for monographs than the other two genres (articles in journals and contributions in volumes).

<i>Typologies</i>	<i>Excellent (%)</i>	<i>Good (%)</i>	<i>Acceptable (%)</i>	<i>Limited (%)</i>
Monographs	15,0	48,8	19,7	16,3
Journal articles	11,3	44,6	23,7	20,3
Contributions to edited volumes	8,5	42,7	22,3	22,3

Bibliometric evaluation of legal scholarship has been used only to check the degree of correlation between peer review and bibliometrics and its robustness.

**Need for a grid of criteria allowing the accreditation in classes for book series**

## Expected results of the project

Report organized in:

Recognition of the state of the art of some significant experiences in Europe (FR, UK, NL).

Recommendations on:

- transparent and comparable quality criteria guiding the peer review
- possible harmonization among national criteria (consensus on criteria and indicators);
- quantitative criteria to create algorithms for a “deterministic” assessment.

## Some critical issues raised from the focus groups (1)

### Definition of legal monograph

Depth and organic study, characterized by a broad cultural, systematic and critical constructive approach, aimed at original and innovative theories.

### Concerns about:

- Originality:
  - Not at all costs
  - Its verifiability
- Multiple authors?...but overall consistency
- ISBN as standard criteria, but not exclusive
- Indication to the targeted audience

## Some critical issues raised from the focus groups (2)

### Evaluation criteria:

Originality, rigor, critical approach and/or innovative, importance of research on the society, impact on the community, internationality...

### Concerns about:

- Originality and relevance refer to method and coherence of the argument
- Internationality and its various meanings: content or impact?
- Distinction between impact and quality
- Impact on the scientific community: national or international impact?
- Doubts about the “societal impact”
- Connection with other disciplines. Open debate

## Some critical issues raised from the focus groups (3)

### Agreed indicators

Presence in book series

Reviews

### Not accepted indicators

Ranking of publishers

Presence in library catalogs

### Discussion

- Possible new indexing systems (inadequacy of national existing databases).
- Testing on a specific legal scholarship database that requires transparency and participation of the whole scientific community.

## Conclusion

- Quality indicators should not be imposed upon legal scholars in a top down way
- Academic freedom is priceless and hence scholars themselves should be the ones who decide what quality entails
- Determining the quality of legal scholarship is not a goal that needs to be reached but a journey that needs to continue
- Transparency and accountability of legal evaluation process
- Strong evaluation culture

**Merci!**

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