

ASSESSMENT OF LAW JOURNALS IN CROATIA, ITALY AND SPAIN

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Abstract:

Legal science is quite distinctive compared to other disciplines, also social sciences disciplines (variety of publications, interlink between practice and research, multiple audiences, etc.). In addition, the fact that legal science has always shied away from bibliometrics-based evaluation practices make the field a specific case study. The case study presented in this chapter is located precisely in this context and within a heated discussion that sees the law domain and its communities at the centre of the debate. An overview of the practices, policies, and criteria applied in law journal assessment in three countries (Croatia, Italy, and Spain) is provided. The panorama is varied, but it is constantly changing. Most of the qualitative criteria for journal assessment are common to all three countries, but significant differences are in place when it comes to mandating these criteria in practice. According to the survey on law journals across countries, an adequate definition of the appropriate criteria for assessing journal quality could significantly improve journals' editorial policies and therefore the quality of legal publications.

Keywords: Legal science; Law journals; Evaluation criteria; Journal assessment; Editorial policy

1. Introduction

Unconditional trust and support for the scientific system and the results of research are constantly being questioned. Today science, like other publicly funded activities, is required to become publicly responsible and prove its value and reliability in solving social and economic problems (Demeritt, 2000). There is a visible shift in the perception of science, which not only is a self-governing, self-regulating system, but also is responsible to the state, the economy, society, and funders. Science is no longer expected to be only a public asset but also a source of economic prosperity and profitability (Linková & Stockelová, 2012) where research excellence and quality are measurable. In this sense, research assessment has been increasingly used as a tool for holding science publicly accountable.

Although researchers play an essential role in research assessment processes, their interest is only in the most visible part of scientific communication, which is scholarly publishing. This simplified, partial approach to science assessment has resulted in a distortion of the research process in terms of scientific publication, distribution, and access (Steele et al., 2006). The metric indicators of publication are considered the essential measure of quality and impact at the expense of content. Thus, every researcher finds it crucial to carefully select the publication venue, striving for visibility, readership, and citations. Bearing in mind that academic institutions are, in the majority of cases, evaluated according to the number of papers they have published in prestigious journals, where prestige is measured by quantitative indicators, the journal as a communication channel has become the common type of publication in most scientific fields.

According to the *STM Report 2018*, about 33,100 active scholarly peer-reviewed English-language journals, plus 9,400 non-English-language journals, collectively published over three million articles a year (Johnson et al., 2018). Such a wealth of literature should be used by other researchers and society to be considered trusted, robust, rigorous, and complete (Moher et al., 2020). Since today's researchers are required to publish more, publish faster, and prove the robustness, quality, and significance of their research to their funders, institutions, and peers, journal quality assessment has become a very pointed topic.

Journal quality is assessed mainly by different quantitative indicators based on number of citations and number of published (or citable) articles (Mingers & Yang, 2017; Sogaray & Morelli, 2016; Zhang, 2012). Although often criticised (Campbell, 2008; Falagas & Alexiou, 2008; Pontille & Torny, 2010; Seglen, 1998, 1997), the Journal Impact Factor (JIF) has become the primary indicator in assessing journal quality using citation analysis (Sogaray & Morelli, 2016). The selection criteria for the Web of Science Core Collection (WoS CC) in principle support equity, but a strong bias favouring STEM disciplines, journals published in the English language, journals published in North America and Europe (Steele et al., 2006), and prestigious publishing houses' "core journals" have been reported (Aksnes & Sivertsen, 2019). Consequently, journals from the social sciences, including legal disciplines, are still underrepresented in the WoS CC (Archambault et al., 2006; Mongeon & Paul-Hus, 2016), although their presence in this bibliographic database is increasing in many countries (De Filippo et al., 2020; Petr et al., 2021; Sanz-Casado et al., 2017).

Moreover, the San Francisco Declaration on Research Assessment (DORA) calls the JIF "a deeply flawed measure of scientific value, which was disproportionately influencing where papers were submitted" (Schmid, 2017). DORA's assertion that "the scientific content of a paper is much more important than publication metrics or the identity of the journal in which it was published"¹ points to the need for greater use of qualitative assessment. Therefore, many countries have turned to more qualitative indicators, according to which they assess the quality of their journals (Eder & Frings, 2018; Racz & Marković, 2018). While many studies still rely on citation analysis, a mean number of citations per publication, journal impact factor, and h-index, different qualitative aspects such as the journal's acceptance/rejection rate, circulation, coverage in indexing/abstracting services, peer review, the journal's prestige and reputation, derived lists of most significant publications, and "expert opinion survey" are considered (Winarko et al., 2016). Also, the inclusion criteria of the most popular indexing databases, like Scopus, the WoSCC, and the DOAJ, not only set technical requirements and quantitative indicators, but also involve a number of qualitative indicators, such as a convincing editorial policy, clarity of abstracts, quality of and conformity to the journal's aim and scope, clarity of language, article readability, the validity of statements, editor standing,

¹ San Francisco Declaration on Research Assessment (DORA). <https://sfdora.org/>

quality and functionality of the journal's website, content relevance and academic contribution to the field, the peer review process for papers submitted to the journal, and adherence to community standards.

This chapter is dedicated to a specific discipline, legal science, dominated by differences in language and legal cultures and by resistance to and mistrust of rankings, the JIF, and h-indexes (Stolker, 2014; Van Gestel, 2015; Van Gestel & Lienhard, 2019). It is divided into four sections. The introduction (Section 1) is followed by Section 2, which describes legal science and its peculiarities, scientific communication in legal science, law journals as an important communication channel, and assessment in the legal sciences. Section 3 is entirely focused on qualitative criteria for assessing law journals, supported by comparative analysis across three countries: Croatia, Italy and Spain. The practical implications and concluding remarks on the comparison are set out in Sections 4 and 5.

2. Legal science

Legal science has two personalities. On the one hand, it is required to be robust as scientific knowledge, and therefore it must pass the quality test of fellow legal scientists. On the other hand, it must also be pertinent to legal practice. These two dimensions overlap and intertwine, assuring a remarkable and singular legal science position (Gutwirth, 2009, p. 3).

Legal science is a scientific discipline in its own right with a methodology that, in its core characteristics, is quite comparable to the methods used in other disciplines (Van Hoecke, 2011). It lies somewhere between the humanities and the social sciences, sharing features with both. It shares many of the peculiarities of social sciences since it is a social phenomenon. Where normativity and legal certainty are concerned, legal science is probably closer to the humanities. At the same time, legal science is distinct from both (Van Hoecke, 2011). There is an interesting debate on the role of academic legal science in which consideration is given to "law as a practical discipline", "law as humanities", and "law as social sciences" (Siems & Mac Sithigh, 2012). Every description of legal science implies various interpretations, offering many hypotheses about the definition and scope of legal concepts and principles, which can be confirmed or rejected through the research process.

Even though legal science has become increasingly internationalised, the relevance of national legal discourse is mainly undisputed (Peruginelli & Faro, 2018); this is true in particular for the branches of positive law². Legal scholarship (e.g., journal articles, monographs, case notes, edited volumes) that has a decisive impact on national laws is rarely published abroad, due to its limited extranational relevance but also since legal scholars use a vast variety of languages. National legal systems are built on different foundations and governed by rules that foreign legal scholars cannot always understand. However, legal science is moving from a national focus towards an international and transnational focus in which "competition, diversity, and interdisciplinarity, internationalisation and methodological accountability are becoming increasingly important" (Van Gestel & Lienhard, 2019).

2.1 Communication in legal science

According to Diana Hicks (Hicks, 2004), there are essentially four kinds of literature through which research in social sciences, and therefore also in legal science, finds its manifestation: articles in

² Positive law (Latin: *ius positum*) includes the corpus of human-made laws that oblige or specify an action.

international journals, monographs, articles in national journals, and grey literature. All of them must be taken into consideration to gain a complete picture. In particular, the framework of literature does not have obvious boundaries in legal science (Peruginelli & Faro, 2018). In fact, there are numerous literary genres in which legal science manifests itself (the comments on case law, the review of jurisprudence or legislation, the scientific review, the encyclopaedia entry, the monograph, the handbook, the treatise). The genres most used to share legal science results are the monograph, which is home to the most complex and significant output of scientific production (Peruginelli, 2017), and the journal article. Law monographs are the principal 'coin of the realm', used as a paramount criterion for universities' promotion decisions (Di Raimo, 2015). In legal sciences and humanities, scholars' need to publish books to improve their academic position remains unchanged. Monographs have a high scientific value that is often conceived as - the result of several years of study on a specific topic, not necessarily innovative, but undoubtedly important as a reference point on the subject (Giménez-Toledo et al., 2021).

No discussion of literary genres can disregard comments on case law, which have their own identity as a literary genre, and whose scientific value can be comparable to that of the article. Younger scholars often use this literary genre as a training space for coming to grips with more demanding works. However, even while many journals today dedicate specific sections to case law and its interpretation, the most authoritative scholars are not directly committed to using this literary genre.

The treatise and the encyclopaedia entry have almost disappeared. The ever-changing nature of the regulatory framework and the existence of countless regulatory sources makes the treatise partly outdated, while encyclopaedia entries are no longer capable of expressing the dynamism of current legal science.

The rationale that information is only reliable if it comes from traditional channels is partly, albeit slowly, changing in legal science. Blogs in some legal areas are becoming important information sources for disseminating legal science, especially in developed common law legal systems. The speed and immediacy of blog posts allow commentary on the latest supreme court case law and European directives to appear online a few days –in some cases a few hours– after enactment. This speeds up the circulation of legal theories, with consequent immediate updating by legal professionals. However, the academic world does not generally consider blogging language sufficiently appropriate: due to the speed with which blogs are prepared and posted, they are often looked on as lacking in-depth analysis and clarification of the legal issues. A reflection favouring blogs has matured within American academia, which emphasises that “traditional” law journals are now inefficient for the development and evolution of legal science (Conti-Brown, 2012). With the advent of the Internet and therefore blogs and social media, legal science is moving rapidly: courts and many journal articles cite blogs by scholars and professionals. Over time some legal bloggers have become opinion makers and influencers, creating alternatives to traditional sources.

Quite a vast panorama of literary genres occupies the stage, including extensive hybridisations that often intertwine. Like other SSH disciplines, legal science boasts a much wider diversity of publication forms than STEM subjects, where journal articles are the ruling format. It appears that literary genres should be considered as a means of categorising scholarly works based on not only their external form but also their internal form in terms of their approach, style, and purpose (Wellek & Warren, 1949).

2.2. Law journals

Still, law journals remain one of the main channels of legal science communication, and they play an important role in deepening the rule of law. Academic law journals, in particular, perform an essential role as a stage for the development of legal discourse and a source of the kinds of work that the legal profession relies on.

The academic and research community is generally highly conservative about what it reads and how it views journals. An interesting German report of 2012 drafted by the German Scientific Research Council and entitled “Prospects of legal scholarship in Germany: Current situation, analyses, recommendations” (Wissenschaftsrat, 2012), focuses on the education/training of jurists and the effective organization of legal research. What is interesting for our analysis is that the report proposes to classify academic law journals as training journals, professionals’ journals, specialised law journals, or archival journals. Training journals are aimed at a student readership. They host articles designed mainly to inform or to provide regulatory and jurisprudential updates. Professional journals are designed for the practical world and focus mainly on jurisprudential resources. Specialised journals concentrate on particular issues within a certain area of law, e.g., tax law, criminal law, or family law. Archival journals host contributions that deserve to be preserved for a long time. They are usually published once a year, and they contain the best articles in a particular area of legal science. Their goal is to maintain unity within different legal sub-disciplines and within the discipline itself.

Authors also vary according to the type of journal they write for. Writers for training journals are mostly young students (PhD students, early career researchers). In professional journals, the authors are lawyers, judges, and even academics. On the other hand, in archival journals, academics are the sole authors, as the type of work involved requires processing times and a level of theoretical sensitivity that is characteristic of the scholarly community.

Journal categories often differ slightly from country to country, and most of the time, law journals address all categories (academics, students, professionals). This diversity of classification makes law journals' study and their assessment methods even more exciting and challenging. Furthermore, in most countries, there is no clear demarcation among the different types of law journals. Therefore, practitioners and academics often publish in the same outlets.

2.3. A glance at assessing legal science

Consequently, legal science needs to be regarded as a peculiar case study in the context of research assessment (Amtenbrink & Castermans, 2015; Canick, 2009; Conte, 2015; Tanquerel & Flückiger, 2015; Van Gestel & Lienhard, 2019). The following specific features of legal science should be taken into account when dealing with its assessment (Peruginelli & Faro, 2018):

- 1) Sharp differences among the various areas of legal science. There are different branches and different schools of interpretation within these branches. As a result, legal scholars' communication tools in, for example, tax law are very different from those used by legal comparatists.

- 2) Interconnection between legal scholarship/legal publishing and legal practice. Many scientific journals host contributions written by practitioners (judges, professionals, public servants) or articles dedicated to

operational issues, perhaps receiving a different destination in other scientific disciplines. It is not uncommon for a journal to publish a judge's contribution, especially if the judge sits in one of the higher courts.

3) Existence of several "literary genres", each with its specific value. Search results can be published in forms other than monographs and journal articles, e.g., comments on case laws, comments on legislation, and reviews.

4) Societal impact of legal scholarship. Legal science substantially impacts society's core principles, such as justice, freedom, and human rights. One of the objectives of a legal scholar specialising in positive law³ is to affect the "outside" world with her/his research. The purpose of a contribution may be, for example, to convince a court to change direction on a given issue or to offer a specific reconstruction and interpretation of the rules imposed by legislation.

5) The system-bound nature of legal science. Although legal science has become increasingly internationalised, each nation's laws are situated within a complex social and political framework originating from a particular community's history, traditions, and habits.

6) The role of the author. A legal researcher usually works alone. Her/his focus is on the object of research, and she/he gives a personal, original interpretation of that object in the framework of an absolute pluralism of views, as the contributions of other scientists are often used to outline the context of reference.

Based on the discipline's peculiarities, the assessment of legal science is very context-dependent. Research performance is hard to assess using quantitative indicators: bibliometric methods cannot measure research performance and are not considered reliable for the legal community (Gutwirth, 2009). The reason is perhaps the bibliometric community's inability to create valid representative indicators for the legal community (Posner, 2002). However, legal researchers are somehow pushed to follow STEM disciplines' approach (Van Gestel & Vranken, 2011).

Pressure to establish procedures and more-explicit criteria for assessing scientific quality in this area has increased over the last few years, but there is no consensus about how the quality of legal science is conceived (Nourse & Shaffer, 2009; Van Gestel et al., 2012).

3. Assessment of law journals

Europe has no lingua franca in legal science, no commonly recognised ranking of law journals or of legal publishers (Van Gestel, 2015), no uniform system of peer review, no practice of quantitative research evaluation, and no transnational system of research assessment that enables cross-border benchmarking of law schools, law journals, and other legal publication outputs (Stolker, 2014).

Academics publish their work in different languages for different media (e.g., national and international law journals and publishers), which makes assessing the quality of their work even more complicated than it already is due to differences in audience and, accordingly, differences in impact. Also, assessing law

³ "Positive law" here refers to statutory man-made law, as compared to "natural law," which is purportedly based on universally accepted moral principles.

journals based on international bibliometric evaluation techniques could give negative results because law journals are often not included in popular multidisciplinary databases like Scopus and the WoSCC (Gutwirth, 2009). Accordingly, some authors have shown the pros and cons of using peer review and bibliometric indicators to assess law journals (Van Gestel & Vranken, 2011).

The objective of this study lies in this complex context. The aim is to explore the commonalities and differences of the diverse methodologies for evaluating law journals in Croatia, Italy, and Spain. The three countries vary in terms of the number of law journals they publish, their specific assessment policy for legal science, legal publication structure in each country, and their journals' target audiences. These peculiarities among countries are at the core of the comparative analysis.

The first step of our comparative analysis of national law journal assessment criteria was to review national policy documents on law journal assessment to identify qualitative criteria for law journals. An overview and an in-depth analysis of the criteria identified in each of the three countries according to the documentation gathered is provided.

3.1. Qualitative criteria for law journal assessment in Croatia, Italy, and Spain

Italy, Spain, and Croatia apply different sets of quality-related criteria for journal assessment. Each country applies a given set of criteria to journals in all SSH disciplines, including law journals.

We performed an in-depth study of the journal assessment criteria policies issued by the Italian National Agency for the Evaluation of the University and Research Systems - ANVUR (<https://www.anvur.it/en/>), the Spanish Foundation for Science and Technology - FECYT (<https://calidadrevistas.fecyt.es>) and the Croatian Ministry of Science and Education – MSE (<https://mzo.gov.hr/en>).

The ANVUR rates Italian law journals for the National Scientific Habilitation and the accreditation of PhD programmes. The new Journal Classification Regulation approved by the ANVUR Board of Directors on 20 February 2019⁴ introduced some innovations in classification procedures for the purposes of the Italian Evaluation of Research Quality exercises (VQR, Valutazione della qualità della ricerca). Article 2 defines the characteristics that journals should have in order to be included among the “A-rated journals” (highly-rated law journals) and on lists of “scientific journals” so as to be admitted to the evaluation exercises. It says that only journals (print or online) having an ISSN code and serving scientific purposes are eligible for evaluation.

The FECYT is the agency of the Spanish Ministry of Science and Innovation that is in charge of setting the guidelines for evaluating the quality of Spanish academic and professional journals in all areas of knowledge. For this purpose, FECYT issues annual calls so that journals that want to accredit their scientific quality can be evaluated by a rigorous process in which 22 indicators are taken into account. The evaluation procedures consist of two phases. In the first phase, 20 indicators are considered; editorial quality, ethical aspects, good practices, and journal impact and visibility are evaluated. The second phase consists of a qualitative evaluation carried out by a panel of experts from the journal's discipline, who evaluate the journal's scientific quality on the basis of two indicators. Journals that successfully complete the evaluation process obtain a quality seal valid for three years. The purpose of journal assessment is not to distribute

⁴ The regulation was approved by the Board of Directors in Resolution No 42 of 20 February 2019. https://www.anvur.it/wp-content/uploads/2019/02/REGOLAMENTO-PER-LA-CLASSIFICAZIONE-DELLE-RIVISTE_20022019.pdf

funds but to select the journals with the highest scientific quality to be part of a national ranking considered by Spanish evaluation agencies.

As the subsidising of scholarly journals in Croatia is the responsibility of the Ministry of Science and Education (MSE), the ministry's Advisory Board for Scholarly Publishing opens an annual public tender for journals published by higher education organisations (HEOs), research-performing organisations (RPOs), professional associations, and learned societies. The criteria for journal assessment are publicly available (Ministry of Science and Education of the Republic of Croatia, 2020) and are slowly but continuously developed and improved. Based on a series of qualitative and quantitative indicators, which differ by fields, the assessment process is carried out by members of the Advisory Board who are also experts in specific disciplines.

For each country, we examined the policy documentation, extracted the specific criteria with their description, and marked the criteria as mandatory or optional. We categorised the elements for assessing journal quality into several main categories: basic requirements, transparency of journal committees, indexing/visibility, openness/availability, language, the peer review process, authorship, ethical issues, content, journal website, and quantitative bibliometric indicators.

Basic requirements

From the criteria collection in the three countries, we selected a specific set: usage of persistent identifiers, publishing continuity, publishing periodicity and regularity, issue characteristics (standard structure and layout), categorisation of content according to article type, abstract and keywords, journal scope with scientific discipline stated, language(s), journal website URL, and scientific nature of the content.

The basic requirements include the mandatory presence of an ISSN (print, online, and/or linking) and the recommended usage of DOI and ORCID for author identification (Croatia). Continuity in publishing is mandatory in Croatia (at least one year) and Spain (at least five years). Declaration and compliance with periodicity is a mandatory criterion for all three countries. Italy has specific requirements for online journals addressing issue numbering, dating and closure (no updates are permitted), and the number of articles (at least three articles per issue). In Croatia, the journal's content should be categorized according to paper type, and the scientific content must be distinct from professional articles and other published content.

All articles in the journal must have an abstract and keywords in the original language as a mandatory criterion in all three countries. Furthermore, in Italy, an "accessible abstract in one of the relevant languages" must be available, and in Spain, abstracts in English and Spanish are mandatory to enhance the visibility and readability of Spanish journals. Croatian criteria support multilingualism in general, without specific language requirements. In Italy and Spain, the content volume relates to the articles published, while in Croatia, the number of submitted manuscripts is considered too, reflecting the extensiveness of publishing work. In Spain, more than half of a journal's published content must be original scientific articles. Journal scope, a mandatory criterion in all three countries, must clearly state the discipline(s) covered.

Basic requirements in all three countries are aligned with the inclusion criteria of the Scopus, WoSCC, and Directory of Open Access Journals (DOAJ) indexing services: ISSN, article titles and article abstracts in English, timeliness and/or publication volume (WoSCC), no delays or interruptions in the publication schedule (Scopus), the number of research and review articles that the journal published in the last calendar

year, the article identifiers the journal uses (e.g., DOI, Handles), up to six keyword(s) that best describe the subject area of the journal, URL for the journal, aims, and scope (DOAJ).

Transparency of the editorial board, advisory board, and scientific board

According to the “Principles of Transparency and Best Practice in Scholarly Publishing”⁵, journals should have editorial boards or other governing bodies whose members are recognised experts in the subject areas included within the journal’s scope⁶. Information on the editorial board, advisory board, and other journal bodies, together with board members’ names, titles, and affiliations, must be publicly available at the journal’s website (Stojanovski & Marušić, 2017). Three criteria were extracted from the documents: board members listed, board members’ affiliation, and editorial policy transparency.

All members of the journal boards must be listed as being identifiable; this is a mandatory criterion in Italy and Spain and optional in Croatia. Furthermore, for A-rated Italian law journals, not more than one-third of the editorial board/advisory board/scientific committee members can have the same affiliation, and foreign experts of international relevance should be included⁷. A similar condition exists for Spanish journals: at least one-third of the editorial board members must belong to institutions other than the publishing body, and at least 10% of the advisory board members must belong to foreign institutions.

Journals in all three countries should have transparent editorial policies. According to the Leiden Declaration on More Transparent Editorial Journal Policies⁸, it is still “hard to learn the details of research journals’ peer review procedures and editorial policies from their websites and editorial instructions”. Furthermore, instructions for authors often contain detailed information on document formatting and citation styles yet lack key information on the characteristics of the peer review process, policies for detecting text similarities, or paper retraction procedures. Policy documents for all three countries set optional criteria on the existence of instructions for authors, instructions for reviewers, and codes of ethics but give no further explanation about such editorial instructions’ structure and content.

Indexing/visibility

The journal should be indexed in the major disciplinary databases to ensure published articles’ findability, visibility, readability, and impact. Getting indexed in popular law databases like LexisNexis, WestLaw, HeinOnline, and JustisOne could be a problem for national journals because of language and differences in law practices. Croatia requires journals to be indexed in at least one disciplinary and one multidisciplinary bibliographic database (like Scopus or the WoSCC), while indexing in the DOAJ is optional. Spanish journals must also be indexed, but there is no specific requirement for the type or name of the indexing service. Indexing is optional for Italian journals.

Openness/availability

All Croatian journals must be in open access if they want to be assessed and given public funding, and all articles must be uploaded to the national portal of Croatian scholarly and professional journals, HRČAK (<https://hrcak.srce.hr>). Launched in 2006, HRČAK soon became very popular among Croatian journal

⁵ <https://publicationethics.org/resources/guidelines-new/principles-transparency-and-best-practice-scholarly-publishing>

⁶ <https://doaj.org/bestpractice>

⁷ Article 15 of the ANVUR Regulation for the classification of journals in non-bibliometric areas

⁸ <https://www.universiteitleiden.nl/en/news/2019/02/radboud-and-leiden-transparency-declaration>

editors. It requires immediate open access as a mandatory condition for inclusion, and nowadays, almost all Croatian scholarly journals, including law journals, are in open access regardless of funding sources.

In Italy and Spain, there are initiatives to provide open access to law journals. In Italy, there is an optional criterion envisioning English-language abstracts and full text in open access, and an open access policy is suggested to Spanish journals.

Language

All articles published in Spanish law journals need to have an abstract in English and Spanish. Some Croatian and Spanish journals publish bilingual articles (in Croatian and English and Spanish and English, respectively). There is an optional criterion concerning the availability of English abstracts and/or an English table of contents in Italy.

Peer review process

The peer review process as “the process that requires experts in a (generally narrow) field to evaluate an author’s work and ideas in that same field, usually for the purpose of publishing a paper or awarding a grant” (McCormack, 2009) had in legal sciences a different history than in other disciplines. As a result, even some most prestigious legal journals do not employ the standard peer review procedure by default, but the journals are rather edited and "reviewed" by law students, with faculty help. The debates in the legal community about whether students, who are not experts and have just entered the law field, can act as gatekeepers of published content are still ongoing. Keeping in mind that the published content is the basis of scholarly and professional communication in law, opinions prevail that it is necessary to make changes and leave the peer review procedure to experts specializing in the area in which the submission is to be contributed. According to Horbach and Halffman (2018), peer review contributes to the selection and accreditation of “good” science, improvement of submitted research quality and accuracy, providing fair and equal opportunities to all actors and active filtering of problematic research. The legal community "while coming to it later than other disciplines, seems at last to understand that peer review is central to reliable scholarship, including its own." (McCormack, 2009).

Although often criticised as unreliable, ineffective, expensive, biased, open to abuse, and slow, peer review still has “a fundamental role to play in maintaining the integrity of the published literature and advancing discovery”⁹.

Our analysis shows that legal communities and policymakers have embraced the peer review process as a global editorial standard in all three countries. Several criteria were extracted from the collected documents regarding the peer review practices and review report criteria. The peer review process could be assessed by the blindness or preferable openness of the process and reviews, the extent of peer-reviewed content, the scope of peer review, the reviewer’s affiliation, the reviewer’s competencies, the number of reviewers per article, the rewards for reviewers, the structure and the content of reviews, and addressed ethical issues. It is crucial for the peer review process to be transparent and well described in the journal’s instructions for

⁹ <https://www.biomedcentral.com/about/advancing-peer-review#:~:text=Peer%20review%20is%20central%20to,published%20literature%20and%20advancing%20discovery>.

authors, instructions for peer reviewers, ethical documents, and/or specific documents describing the peer review process in detail.

Under Spanish criteria it is mandatory to have structured review forms and provide detailed instructions about manuscript evaluation criteria (originality, relevance, methodological rigour, and formal presentation of the manuscripts). Structured review forms are also heavily used by Croatian law journals, although they are not an MSE requirement. On the other hand, the MSE does require Croatian journals seeking financial support to provide insight into all reviews, and it assesses the thoroughness of reviews, detailed arguments and explanations, constructive and critical feedback, rejection rates, number of reviewers per article, and share of negative reviews. The review team's volume and structure are also evaluated, and reviewers from other institutions and/or abroad are required. In Italy, blind peer review is a mandatory requirement for all law journals to be included in the scientific and A-rated lists. For inclusion in the list of A-rated journals, at least a single blind peer review process should be guaranteed.

Ethical issues

Ethical issues are becoming increasingly relevant in scholarly publishing, pushed to the forefront by the rapid development of science, the still-closed, tradition-bound publishing system, the “publish or perish” mantra, the large number of published papers (three million in 2018 according to Johnson et al. [2018]), and the emergence of journals with suspicious editorial policies.

Nowadays, the main ethical concerns have to do with data fabrication and falsification, conflicts of interest, authorship (ghost, guest, gift), unavailability of research data, plagiarism (including self-plagiarism), multiple, redundant, or concurrent publication, duplicate submissions, and citation manipulation. Hence, it is necessary for a journal to recognise possibly endangered editorial work segments and define procedures for cases where ethical standards are infringed. For example, declarations of competing interests must be present at all levels: editorial board, author, and reviewer; plagiarism detection tools should be in place; and reviewer autonomy and independence must be protected. There is a mandatory criterion in Spain requiring that more than 80% of published papers must be signed by authors outside the editorial board and the journal-publishing entity.

Although very topical in science and scholarly publishing, ethical issues have not been addressed and are not well represented in the documents we analysed. Italy and Spain have mandatory criteria on reviewers' disclosures of potential conflicts of interest. Moreover, assessment criteria in these two countries require reviewer autonomy and independence. The only optional criterion addressed in the MSE document is the Committee on Publication Ethics' (COPE) recommendation.

Other, less well-harmonised criteria for journal assessment are present, too. In Croatia, additional technical requirements are optional, like the usage of an online editorial system (e.g., OJS) and different formats for published articles (XML). In Italy and Spain, requirements are stating that the published content must be original, accompanied by a well-defined literature review and a structured bibliography. Some of the criteria are related to the journal website; the journal website's information architecture and navigation system must ensure easy access to the published content and all other vital elements, such as guidelines/instructions, boards, information on access, rights, and licences.

Quantitative bibliometric indicators are not mandatory in the three countries, but they are considered if provided. To obtain the quality seal, Spanish law journals must demonstrate their impact on the international

scientific community, measured by the number of citations received. In all three countries, journals should ensure high visibility, preferably achieved through a presence in the leading international databases.

3.2 Comparison of law journals in Croatia, Italy, and Spain

A comparative analysis was performed to determine how some of the quality criteria identified above are implemented in national law journals. Data were collected in July 2020. The analysis covered Italian A-rated law journals (154), Spanish Quality Seal journals (36), and Croatian journals in the HRČAK Portal of Croatian Open Access Journals that gave the law as their primary discipline and whose published content is predominantly in the field of legal science (32). About twenty periodicals (journals, magazines, bulletins, and yearbooks) published in Croatia, mostly printed by commercial publishers for legal professionals, were omitted due to lack of transparency in their editorial policies and an absence of other evaluation instruments. The study focused on specific dimensions related to journals' internationalisation, publication landscape, open access, and peer review practices, and the main results are shown in Table 1 and Table 2.

Law journals		Italy 154	Spain 36	Croatia 32
Publisher	HEI	7%	39%	56%
	RPO/government	0%	31%	18%
	Learned society	7%	14%	15%
	Commercial publisher	84%	16%	0%
	Other	2%	0%	11%
Open access		3%	50%	100%
Journals accepting contributions in English (not exclusively)		82%	53%	91%

Table 1. Law journals in Italy, Spain, and Croatia by publisher type, OA status, and language

An aspect of the analysis was to determine the types of publishers responsible for publishing law journals in the three countries. While in the case of Italy most law journals are published by commercial publishers, in the case of Croatia the sample contains no law journals published by this type of publisher, and in Spain only 16% are published by commercial publishers. The publishers responsible for the greatest number of journals in Croatia and Spain are HEIs, with 56% and 39% respectively. This result might be taken to imply that Italian law journals are mainly addressed to a readership of professionals, yet, on the contrary, the most prestigious Italian law journals were established by academics and are written for the academic community and published by commercial publishers. Moreover, in Italy, RPOs and governments are not traditionally engaged in publishing scientific law journals, while in Croatia and Spain governmental bodies are more involved in scientific dissemination.

Another interesting aspect is the openness of journal contents in each of the countries. Table 1 shows how open access percentages differ greatly in the three countries: while in Croatia, all journals included in the analysis are open access, in Spain, the percentage is reduced by half, and in Italy, it is only 3%. From our point of view, the high percentage in Croatia and, to a lesser extent, in Spain may be favoured by the type of publishing entity involved, since in these two countries the percentage of commercial journal publishers is very low. Besides, the long history of journal publishing in Croatia has never created a commercial environment. Croatia also has its national infrastructure for open access journals, HRČAK, which is adopted

by almost all Croatian scholarly journals in all disciplines (almost 500 scholarly, professional, and popular open access journals).

Internationalisation may be expressed in terms of the percentage of journals that accept manuscripts for publication in English (chosen as the lingua franca of academic publishing). Croatia and Italy have the highest percentage, over 80%, while Spanish journals barely exceed 50%. These results suggest that in Italy and Croatia, publishing in English is rapidly gaining ground: there is a trend towards the internationalisation of journal contributions. However, for journals that actually publish a significant part (greater than 20%) of their articles in English, Croatia and Italy percentages drop to 22% and 7%, respectively.

Types of peer review processes are given in Table 2. Although all the journals from the three countries are required to adopt the peer review procedure, only 6% of the Croatian journals employ a non-blind peer review process. There are also some differences between the three countries regarding whether the single-blind or double-blind procedure is chosen. While Italian journals show equal numbers, Croatian and Spanish journals prefer the double-blind procedure (82% and 100%, respectively). Law journals in Croatia, Italy, and Spain have not yet adopted recent open science initiatives involving an open peer review in which reviews are publicly available.

Law journals		Italy 154	Spain 36	Croatia 32
Type of peer review process	single-blind	51%	0%	12%
	double-blind	49%	100%	82%
	non-blind	0%	0%	6%
	open peer review	0%	0%	0%
Number of referees	one	19%	0%	9%
	two	36%	64%	88%
	more than two	4%	3%	3%
	not specified	41%	33%	0%

Table 2. Peer review in law journals in Italy, Spain, and Croatia

The number of referees who evaluate each of the manuscripts also differs from country to country. Italian journals feature the greatest variety, although the majority option is two referees (36% of the journals). The percentage of journals that do not specify the number of referees involved in the process is quite high in Italy and Spain (41% and 33%, respectively). Croatian and Spanish journals employ mostly two referees per manuscript (88% and 64%, respectively).

4. Implications for research assessment

Law journals are the regional, national, European, or global space where scholars from various law fields have their own debates. These spaces need to be regulated by common rules or by minimum standards of quality indicators to place legal science in an interdisciplinary global arena and guarantee that legal scholars across Europe have equal international recognition and publication opportunities. To achieve this result, law journals' editors and legal publishers should work together to make quality criteria and evaluation methods more explicit, transparent and less subject to interpretation.

The aim of the survey was to offer a comparative overview of the methods applied in the evaluation of law journals, finding out the current practices that may affect legal science. The study led to the following main implications:

- The first is to fuel a debate across Europe on evaluating law journals, one of the main communication channels in this domain. Learning how scholarly communities in different European countries deal with law journals' evaluation is a first step towards harmonising assessment criteria and methods
- It is important to rethink legal research evaluation and not hide behind local practices and traditions. Academics (authors and readers) should play an active role in setting up assessment schemes and evaluation practices. Legal science, dominated by differences in languages and legal cultures, needs the scholarly legal community to take the floor for more accountability.
- By adopting global editorial standards and best practices, law journals also meet the requirements for indexing in popular thematic and multidisciplinary databases and provide greater visibility, readability, and impact.

Although this study dealt exclusively with journal quality indicators and not with the assessment of individual scholars and institutions themselves, there is no doubt that the quality of journals does have an indirect but significant impact on career promotions, evaluation of law schools and performance-based funding.

Furthermore, the survey acts as a starting point for improving the scientific relevance of legal science published in law journals and for reminding evaluation agencies and policymakers to adapt national journals' quality criteria following international best practices. The results of this study can support further investigations on the effects that journals that follow complete, rigorous evaluation criteria might have on the scientific quality of the research they publish.

5. Conclusion

Legal science characteristics are pretty distinctive compared to other SSH disciplines (publication types, interlink between practice and research, multiple audiences, etc.), and this feature was the primary

motivation for our study on the topic. Legal science has a strong impact on justice, freedom, human dignity, and legal academia has improved its service to society by embracing interdisciplinary approaches to studying the law¹⁰. Furthermore, the law is a “discipline in transition” and moves from a national focus towards an international or supranational focus (Van Gestel & Micklitz, 2011). Still, to understand the law, it is of paramount importance to have an awareness of the national societal context in which it applies (Van Gestel & Lienhard, 2019). In this sense, the assessment of legal science is context-dependent.

In this chapter, we offered a broad overview of the practices, policies, methods, and criteria applied in evaluating law journals in three different countries. The panorama is varied, but it is constantly changing. There are no rankings of law journals in Europe, and there is no agreement on how to distinguish between professional and academic journals. No uniform system of peer review exists that could work across countries, and, lastly, national law journals rely on their internal quality management systems and assessment procedures.

Although our study shows that most of the qualitative criteria for journal evaluation are common in all three countries, we noted significant differences in mandating these criteria in practice. We also noted that the peer review process occupies a significant place among the qualitative criteria, although implementation itself is somewhat different. Hence, the peer review process as a mandatory part of editorial practices is present in all three countries. Italian journals request a formal review procedure and provide a blind review procedure for all published content. In addition to these conditions, Spanish journals must ensure the review process’s objectivity by recruiting reviewers outside the editorial board and other committees associated with the journal. In Croatian journals, the mandatory peer review process primarily ensures the scientific nature of published contents.

Croatian law journals' greater strength lies in their accessibility and openness, which contribute to their visibility and readability. Although open access is a mandatory requirement for all journals that receive financial support from the Croatian Ministry of Science and Education, this concept is widely accepted among the editors and publishers of almost all Croatian scientific and professional journals and has become standard practice. In addition to the present mandates for basic requirements, the peer review process, and indexing in international bibliographic databases, most qualitative criteria are optional for Croatian journals. Future funding policies and assessment criteria should be developed and adapted continuously to changes in scientific publishing.

In Italy, the legal science publication landscape is highly fragmented into many journals mainly focused on national research. These are in the vast majority founded within the academic setting, in strict collaboration with commercial publishers. These characteristics, rooted in the Italian tradition of disseminating legal science, are probably a slowdown factor for the broader diffusion of best practices for open, transparent research and uniform quality criteria. In this respect, the quality requirements introduced by national research assessment policies are acting as a stimulus to the internationalisation of journal quality towards higher standards.

The main characteristic of Spanish journals is a quality seal for the journals adhering to the prescribed qualitative criteria. The seal needs to be renewed every three years. The present criteria significantly

¹⁰ Legal scholarship aims to influence judges, lawyers, legislators, or regulators to reform, interpret, or preserve existing law.

promote the independent external review process, reviewer autonomy, the scientific nature of published content, and indexation in international bibliographic databases.

We believe that journals' editorial policies and the quality of legal scholarship would be significantly improved by defining accountable criteria for journal quality assessment, by following publishing best practices and respecting specificities of different disciplines.

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