

National Agency for the Evaluation of
Universities and Research Institutes



Agenzia Nazionale di Valutazione del
sistema Universitario e della Ricerca

Evaluation of Research Quality



Valutazione Qualità della Ricerca

Evaluation of Research Quality 2011-2014 (VQR 2011-2014)

Criteria for Evaluation of Research Output

Group of Evaluation Expert for Area 12 – Legal Sciences

GEV 12



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1. Introduction

This document describes the organisation of the Group of Evaluation Experts for the Legal Area (hereafter, GEV 12) and the criteria the Group will use in assessing research output. The document is divided into seven parts. Section 2 lists the *Scientific Sector* (SSD), the *Assessment Recruitment Field* (SC) and the ERC Sectors relevant to the GEV. Section 3 summarises the GEV's internal operating rules. Section 4 sets out the GEV's assessment methods and categories of eligible research output. Section 5 outlines the peer review assessment methods and the Guidelines for selecting external peer reviewers. Section 6 details the criteria used to assess research output and the final classes of merit for the legal area. Finally, section 7 explains how the GEV plans to address potential conflicts of interest between GEV members and authors of research output.

2. Delimitation of the GEV Area

The GEV 12 is responsible for assessing research output submitted by researchers belonging to the *Scientific Sector* (SSD), the *Academic Recruitment Field* (SC) and the ERC Sectors (ERC), as listed in Tables 1-3.

SSD	Classification
IUS/01	<i>Private law</i>
IUS/02	<i>Comparative private law</i>
IUS/03	<i>Agri-food law</i>
IUS/04	<i>Business law</i>
IUS/05	<i>Economics law</i>
IUS/06	<i>Navigation and air law</i>
IUS/07	<i>Labour law</i>
IUS/08	<i>Constitutional law</i>
IUS/09	<i>Public law</i>
IUS/10	<i>Administrative law</i>



IUS/11	<i>Ecclesiastical and canon law</i>
IUS/12	<i>Tax law</i>
IUS/13	<i>International law</i>
IUS/14	<i>European Union law</i>
IUS/15	<i>Civil procedural law</i>
IUS/16	<i>Criminal procedure</i>
IUS/17	<i>Criminal law</i>
IUS/18	<i>Roman and ancient law</i>
IUS/19	<i>History of medieval and modern law</i>
IUS/20	<i>Philosophy of law</i>
IUS/21	<i>Comparative public law</i>

Table 1. The relevant Scientific Sector (SSD) for Area 12

SC	Classification
12/A1	<i>Private law</i>
12/B1	<i>Business Law</i>
12/B2	<i>Labour Law</i>
12/C1	<i>Constitutional law</i>
12/C2	<i>Ecclesiastical and canon law</i>
12/D1	<i>Administrative law</i>
12/D2	<i>Tax law</i>
12/E1	<i>International</i>
12/E2	<i>Comparative law</i>
12/E3	<i>Economics, financial and agri-food markets law and regulation, navigation and air law</i>
12/E4	<i>European Union law</i>
12/F1	<i>Civil procedural law</i>
12/G1	<i>Criminal law</i>
12/G2	<i>Criminal procedure</i>
12/H1	<i>Roman and ancient law</i>
12/H2	<i>History of medieval and modern law</i>

12/H3	<i>Philosophy of law</i>
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Table 2. The relevant Academic Recruitment Field (SC) for Area 12

ERC	Classification
SH2_1	<i>Political systems, governance</i>
SH2_2	<i>Democratisation and social movements</i>
SH2_3	<i>Conflict resolution, war</i>
SH2_4	<i>Legal studies, constitutions, human rights, comparative law</i>
SH2_5	<i>International relations, global and transnational governance</i>
SH2_6	<i>Sustainability sciences, environment and resources</i>
SH2_7	<i>Environmental and climate change, societal impact and policy</i>
SH2_8	<i>Energy, transportation and mobility</i>
SH2_9	<i>Urban, regional and rural studies</i>
SH2_10	<i>Land use and regional planning</i>
SH2_11	<i>Human, economic and social geography</i>
SH2_12	<i>GIS, spatial analysis; big data in political, geographical and legal studies</i>

Table 3. The relevant ERC sectors (ERC) for Area 12

3. Structure of the GEV

The GEV 12 is organised as follows:

Coordinator: Vincenzo Militello

Assistant: Valeria Villella

3.1 Sub-GEV composition

Sub-GEV name and relevant research areas (SSD)	Coordinator	Members
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<p style="text-align: center;">Privatistic Area</p> <p style="text-align: center;">(IUS/01; IUS/03; IUS/04; IUS/05; IUS/06; IUS/07; IUS/15)</p>	<p style="text-align: center;">Mario Libertini</p>	<p>Fabio Addis Laura Ammannati Remo Caponi Franco Carinci Luca Enriques Donata Maria Gottardi Peter Kindler Emanuela Navarretta Daniela Valentino</p>
<p style="text-align: center;">Publicistic Area</p> <p style="text-align: center;">(IUS/08; IUS/09; IUS/10; IUS/11; IUS/12; IUS/16; IUS/17)</p>	<p style="text-align: center;">Renzo Orlandi</p>	<p>Andrea Bettetini Francesco Bilancia Roberto Bin Patricia Faraldo Cabana Maria Cristina Cavallaro Stefano Civitarese Matteucci Diana Urania Galetta Raffaello Lupi Cesare Pinelli Andrea Simoncini</p>
<p style="text-align: center;">International-Comparative, Legal- Philosophical and Legal History Area</p> <p style="text-align: center;">(IUS/02; IUS/13; IUS/14; IUS/18; IUS/19; IUS/20; IUS/21)</p>	<p style="text-align: center;">Mauro Bussani</p>	<p>Agata Cecilia Amato Francisco Ansuategui Roig Cosimo Cascione Marco Cavina Emmanuelle Chevreau Pasquale De Sena Sonia Morano Foadi Otto Pfersmann Vincenzo Zeno Zencovich</p>

Table 4. Sub-GEVs, relevant *Scientific Sector (SSD)*, coordinators and members



3.2 Assignment of research output within the GEV

The allocation of research output to GEV 12 is based on the Scientific Sector (SSD) and is carried out by the research staff member's SSD. Note that GEV 12 may allocate output to another GEV where appropriate. Accordingly, assessment output would be based on the criteria of the new GEV of destination.

Allocation is generally based on the SSD as indicated by the author on their description form, as required. Should there be a lack of clarity and/or ambiguity (arising from, for instance, overlapping categories of classification), the GEV may assign the research output to a different SSD. The GEV classifies research output according to its nature of publication and research areas and assigns them to an appropriate Sub-GEV. The Sub-GEV Coordinator will allocate them to two competent Sub-GEV members, in the light of the competence criteria (GEV members assigned SSD or similar SSD).

If a research output is assigned to more than one GEV (e.g., co-authors have indicated different SSDs from different GEVs), the research output will be evaluated according to the VQR Guidelines for the Groups of Evaluation Experts (Sub-section 3.2). If necessary, the Coordinators of the GEVs involved will form specific Inter-Area Consensus Groups.

3.3 Operating rules of the GEV

The operating rules of the GEV are as follows:

- A GEV meeting is called with at least 15 days prior notice. The meeting is called by the Coordinator, who also sets the agenda;
- Decisions within the GEV are made by simple majority rule amongst members who attend the meeting. Physical presence is not required for the purpose of voting if the presence of a GEV member can be obtained via the Internet or telephone;
- The assistant assigned by ANVUR to the GEV, Dott. Valeria Vilella, attends the GEV meetings with secretariat responsibilities and does not have voting rights. Following each meeting, as well as the minutes in Italian, a synthetic report outlining the main decisions will be drafted in Italian and English, circulated among GEV members, approved by the Coordinator and the members, and then sent to ANVUR to be filed.



4. Assessment of research output in the legal area

4.1 Assessment methods

GEV 12 will use the peer review assessment system for the legal area. Evaluation is *primarily* entrusted to external referees (usually two), each identified by a separate GEV member. *Residually* the evaluation will be carried out internally by GEV members, using the same procedure adopted for the external referees (infra, 5.1). The ultimate assessment responsibility rests with the GEV, which moderate judgments especially in cases of conflicting assessments (infra, 5.2)

4.2 Categories of eligible research output

Considering the VQR 2011-2014 Call (hereafter, VQR 2011-2014), GEV 12 shall accept the following as eligible categories of research output:

1. Scientific Monographs and related output:
 - a. Research monograph or scientific treatise;
 - b. Collection of essays of the author (excluding those published before 2011);
 - c. Critical editions;
 - d. Publication of unedited sources with introduction and comments;
 - e. Critical manuals (i.e. not purely educational or explanatory works);
 - f. Book translations, if considered as an hermeneutic work with a critical approach.

Regarding research output listed in this first category, the GEV specifies that the “double-value” recognised to monographs by the Call VQR 2011-2014, point 2.3, is admitted only for proper research monograph. The GEV considers all other categories of research output which are different from proper research monograph to be single-value contribution.

2. Journal contributions, limited to any of the following:
 - a. Scientific article;
 - b. Review essay;
 - c. Forum contribution on invitation by the journals’ editorial boards;
 - d. Comments on a court judgement;
 - e. Journal translation, if considered as hermeneutic work with a critical approach.



3. Book contributions, limited to any of the following:
 - a. Chapter or essay;
 - b. Scientific paper in peer reviewed conference proceedings;
 - c. Preface/postface essays;
 - d. Editing collection of essays ;
 - e. Critical entrance in dictionary or encyclopedia;
 - f. Book translations, if considered as hermeneutic work with a critical approach by the translator.

4. Other eligible categories of research output (only if accompanied by evidence in relation to the publication/production date)
 - a. Databases and software, if characterised by originality and legal significance.

GEV 12 decides to **exclude** the following categories of research output, and does not consider them to be sufficiently significant for research assessment in the legal area: concordance; scientific comments; research bibliography; critical edition of excavations; scientific Grammars and dictionaries; letters; catalogues with introduction essay; part of catalogues, repertoires, corpora; compositions; drawings and designs; architecture projects; performances; exhibitions; shows; manufactures and art operas; online cards and patents granted within the evaluation period (from 1/1/2011 to 31/12/2014).

GEV 12 shall also accept the following:

1. New editions and translations of works published before 2011, if they contain significant innovative contents;
2. Introductions and/or postfaces to new editions of publications appeared before 2011, if contain significant innovative contents.

GEV 12 considers as ineligible for the ongoing VQR in legal area also this kind of publications:

1. Educational manuals for didactic purpose;
2. Simple book reviews, without an analysis of the related literature;
3. Short encyclopedic entrances or dictionaries without an innovative content;
4. Short note to judgment without an innovative and original content.



5. Peer review assessment

Each category of research output will be *primarily* assessed by two external referees, each identified independently by two different GEV members who are in charge of the SSD to which the research output belongs. *Alternatively*, the evaluation will be carried out internally by GEV members, where there shall be no conflict of interest and following the same procedure adopted for external referees.

5.1 Selection of external peer reviewers

As a matter of public interest, the selection of external reviewers, both Italians and foreigners, will conform to the principle of sincere institutional cooperation and be governed by principles of fairness, objectivity and impartiality.

Due attention will be paid to reviewers' anonymity both in the preparation of reviewers list and the evaluation process. The evaluation results and their association with the expert reviewers will not be publicised. A list providing the names of the auditors will be published by the ANVUR within 30 days following publication of the Final Report of the VQR.

Reviewers will be chosen from amongst the most authoritative scholars and specialists in the field which the research output to be examined. Scholars have to be scientifically active during the VQR time.

Starting from the Ministry of Education's archive of the reviewers (REPRISE), the GEV will prepare an updated list of external reviewers who, in the judgment of the GEV, meet satisfactory standards of scientific quality and experience in the evaluation process, and if necessary, integrate it with new reviewers proposed by GEV itself.

Due to this, the GEV has publicly invited the candidature of Italian and foreign scholars, who have at least five publications in the past five years (among those evaluated in this VQR); and are holding a university post (full professors, associate professors, researchers, researchers on fixed term contract), are retired or already structured in the above university roles in the last decade, or who hold equivalent positions in foreign institutions or public research institutions. Note that any previous experience in evaluating legal research (reviewers of international journals or previous VQR) will be taken into account.

When submitting applications, authors can suggest a maximum of five keywords to define their areas of expertise.



In addition to reviewers selected on the basis submitted applications, the Coordinator will call upon GEV members, through the sub-GEV coordinators, to propose a significant number of experts who meet the set criteria and are available for evaluation. The GEV Coordinator will collect the suggestions accompanied by the information provided on a shared form and amend the initial list accordingly.

Integration of the list will continue for the entire period of the evaluation, on the basis of the needs which may arise following the submission of the output by the institutions.

Moreover, the GEV will use, where possible, reviewers working in universities and foreign institutions and scholars who are qualified and competent in the language of the output to be evaluated.

5.2 Peer assessment

Evaluation of external reviewers or GEV internal members is based on a special reviewer form, which identifies the call's evaluation criteria and relating indicators prepared by GEV 12 (below 6.1); this GEV has revised the guidance on ANVUR evaluation, provided by the research groups organised in the months preceding the launch of the VQR.

A reviewer description form has been constructed to enable the reviewer to give a score for each of the three evaluation criteria established by the Ministerial Decree (MD) and the Call, namely originality, methodological rigor and certain or potential impact, and a free field to insert a mandatory short summary statement of the reasons that determine the scores.

The GEV transcribes the information contained in the reviewer description form in one of the five final quality levels embodied into the VQR 2011-2014 Call, on the basis of a predetermined scale of scores and results that will be shown on the same reviewer description form.

In case of conflicting evaluations from peer reviewers, the output will be submitted to the competent consensus group internally created by the sub-GEV for each scientific field. The Consensus Group has the responsibility of proposing to the GEV the final score of the output covered by reviewers' conflicting views through the motivated consensus report's methodology.

The Consensus Group may also make use of a third expert peer evaluation in the event of significantly divergent reviews.



In case of conflicting opinion amongst members of the Consensus Group, the Consensus Group will liaise with the Coordinator of the sub-GEV or with the Coordinator of the GEV.

6. Assessment criteria and classes of merit in the legal area

6.1 Assessment criteria and its indicators

VQR 2011-2014 Call defines the following assessment criteria:

- a) *originality*, to be understood as the level at which the research output introduces a new way of thinking in relation to the scientific object of the research, and is thus distinguished from previous approaches the same topic;
- b) *methodological rigor*, to be understood as the level of clarity with which the research output presents the research goals and the state of the art in literature, adopts an appropriate methodology in respect to the object of research, and shows that the goal has been achieved;
- c) *attested or potential impact* upon the international scientific community of reference, to be understood as the level at which the research output has exerted, or is likely to exert in the future, a theoretical and/or applied influence on such a community also on the basis of its respect of international standards of research quality.

In order to apply to legal output the three aforementioned criteria, which altogether contribute to quality assessment, GEV 12 has outlined a set of indicators for each of them. Its function is to support individual reviewers' evaluation and without prejudice to their freedom of judgment. In recommending in a preliminary fashion, the importance of considering the characteristics of the input in accordance with its specific type, so as to respect the choice of method and merit of the author, the GEV 12 considers useful the following indicators, in particular to ensure whether and to what extent the contribution:

Sub a) originality:

- presents new acquisitions, for example in relation to sources of law, doctrine or jurisprudence; or to legal research topics, also interdisciplinary, previously unknown or less researched;
- or it develops critical arguments relating to theoretical frameworks or pre-existing historical-legal contexts, useful to the advancement and/or deepening of knowledge in the



field of reference and/or the discipline in general;

- or it adequately stands within the legal discipline and relevant literature on the subject matter, proposing new interpretative lines in relation also to materials already analysed;
- or it introduces developments or innovative methods of analysis, which lend themselves to being applied to other topics and/or issues, contributing to the evolution of concepts and existing theories;
- it lacks originality if the contribution is primarily descriptive and is merely a review of existing data and opinions already present in other publications.

Sub b) methodological rigor:

- it is characterised by the use of an appropriate methodology for the type and the object of the work in line with to the state of the art, which can also be used by other scholars who wish to deal with the same or analogous/similar theme;
- it applies this methodology in a rigorous manner, for example in relation:
 - o to the appropriate sources or documentation used;
 - o or consistency in the development of the arguments;
 - o or the ability to interrelate the analysed subject, its aims and its possible consequences theoretical and/or its application.

Sub c) attested or potential impact on the international scientific community of reference:

- it is the result of an explicit partnership with researchers and research groups in other countries (e.g., as part of international projects);
- or it has had, or may have, a circulation within the scientific community in other countries for linguistic reasons (publication or translation in another language) or editorial (presence in collections of international essays or in international journals) or has generated interest (e.g., because of reviews or references in other countries' literature);
- or for its structural characteristics – e.g., issues and/or questions dealt within, theoretical implications and /or methodological approaches, possibly interdisciplinary, and the capacity of dialogue with the international research community and scholars of other



legal systems - it should be considered a significant contribution to current and future research within the relevant scientific domain and has consequently been a primary reference, or at least important, or valuable to those who, even foreigners, were to deal with the issue.

As to the third criterion, the GEV 12 believes that, in light of the profound changes that have affected the law and its research even in areas traditionally characterised by strong national roots, this criterion permits the recognition of the impact even in those areas not open to an international dimension. Attention beyond the national context is also a relevant factor and an added value to evaluate the quality of a contribution to legal research, together with the other two criteria of originality and methodological rigor. To this end, indicators of the concrete or potential impact of a research output on the international scientific community of reference can be determinant of its relationship with international projects or its editorial position (e.g., its publication in collections of writings/essays or international journals) or its recognition within the international scientific community (e.g., for its translation, its review or reference to it in the literature of other countries).

In the light of the previous VQR experience, the GEV 12 has felt the need to prevent that the new formula of concrete or potential impact on the international scientific community of reference results inadequate to evaluate the work of national dimension only (either for its covered topic or for references to sources adopted) which are found in sectors traditionally anchored to Italian positive law. These areas can not *a priori* be precluded from the possibility to draw on high level's feedback. This is to avoid the creation of an evaluation system which would be irrational and as such deprived the necessary playing level condition - *par conditio* - between all areas evaluated within the scope of scientific reference areas (more or less anchored to national borders). An interpretation, which is also confirmed by the overall reading of the call, in relation to the description of evaluation's levels, relates to the impact of the output not only to the international dimension, but also to the national scientific community of reference. Then, this means, that the call interpreted in its entirety, confers the highest level of evaluation not only on the scope and boundaries of the relevant scientific community, but also on the degree of the impact of the contribution on that environment, and as mentioned, its originality and its methodological rigor. This will occur whenever the research output - even when having a sole national dimension, would be adequate for its themes and/or topics dealt with - for its quality can be recommended to a researcher even foreigners who was interested in learning the specific theme of the contribution. In particular, when the contribution is considered as a point of reference for the relevant scientific community, by considering whether it can be a first reference



point, even in relation to the category of output to which it belongs, or in any case an important reference, or at least an useful reference in relation to a new discussion on the topic addressed.

6.2 Final classes of merit

Considering the specification of the assessment indicators' criteria for the legal area, GEV 12 believes that it is necessary to adapt the assessment levels in the following terms:

a) *Excellent* (weight 1): the publication reaches the highest levels in terms of originality and methodological rigor achieving, in the scientific community of reference at the international and/or national level, a concrete or potential impact that makes the publication a **primary** reference point for the topic studied. Ideally, the research output is in the highest 10% of the distribution of the international scientific research production of the Area.

b) *Good* (weight 0.7): the publication reaches good levels in terms of originality and methodological rigor achieving, in the scientific community of reference at the international and/or national level, a concrete or potential impact that makes the publication an **important** reference point for the topic studied. Ideally, the research output is in the 10-30% segment of the distribution of the international scientific research production of the Area.

c) *Fair* (weight 0.4): the publication reaches fair levels in terms of originality and methodological rigor achieving, in the scientific community of reference at the international and/or national level, a concrete or potential impact that makes the publication a **valuable** reference point for the topic studied. Ideally, the research output is in the 30-50% segment of the distribution of the international scientific research production of the Area.

d) *Acceptable* (weight 0.1): the publication reaches sufficient levels in terms of originality and methodological rigor and its impact is considered restricted to the scientific community of reference. Ideally, the research output is in the 50-80% segment of the distribution of the international scientific research production of the Area.

e) *Limited* (weight 0): the publication does not reaches levels in terms of originality and methodological rigor such as to make it relevant to the scientific community of reference. Ideally, the research output is in the 80-100% segment of the distribution of the international scientific research production of the Area.

f) *Not eligible for evaluation* (weight 0): the publication belongs to types excluded from this assessment exercise, or has attachments and/or documentation inadequate for evaluation or was



published in the years before or after the four-year period of reference for evaluation or if it is not attributable, in whole or in part, to its author. Missing, non-submitted research output are also included in this category.

7. Conflicts of interest

GEV members will not assess or assign to external reviewers or other GEV members:

- output they have authored or co-authored;
- output which have been authored or co-authored by spouses and relatives up to the fourth degree of kinship;
- output submitted by universities of which they are or have been employees or official associated, including those who are employed via research centres, since 1/1/2011;
- output submitted by research centres controlled by MIUR or other public and private entities that are voluntarily subjected to the VQR of which they are or have been employed or officially associated, including those who are employed via research centres, since 1/1/2011;

There shall be conflict of interest in any of the following situations:

- when the institution in question has a permanent internal sub-division of territorial or disciplinary nature (e.g. a local section of a research centre, institute, department), a conflict of interest exists only with respect to the output presented by the same internal unit;
- when the institution in question does not have a permanent internal sub-division of territorial or disciplinary nature (e.g., a local section of a research centre, institute, department), a conflict of interest exists with respect to the output presented by the institution;
- when the internal organisation is based on several hierarchical levels (e.g., several institutes within a single department) a conflict of interest emerges at the lowest level (e.g. GEV members who are affiliated with different institutes belonging to the same department have a conflict of interest only with respect to the output presented by authors belonging to the same institution).

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Valutazione Qualità della Ricerca

In case of conflicts of interest, the GEV Coordinator will assign the output to be evaluated to another GEV member who shows no conflict of interest.

In case of conflicts of interest involving the GEV Coordinator, the corresponding output will be assigned by the VQR Coordinator or by a person designated by the VQR Coordinator.

In addition to the VQR and ANVUR general rules about conflict of interest, a GEV Group can establish specific rules for its specific scientific area. In particular, GEV 12 considers appropriate to extend - since 1.1.2009 - the period of interruption of employment with the University where GEV members have had an employment relationship or with whom they have carried out assignments or official collaborations.