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Undertaking Peer Review

Professor Nigel Duncan

Meg's career is developing as she settles in to her new job with its major management responsibilities. She recognises, however that she needs to maintain her engagement and output in scholarly work and seeks advice as to how to develop a role undertaking peer review for academic publications.

One of the tricky aspects of editing an academic journal is finding a wide group of peers who are willing to undertake the demanding job of peer review in an objective, thoughtful and constructive way. So approaches from academic colleagues who express an interest in doing so will almost certainly be welcome. Likewise, should an editor invite you to carry out peer review, your agreement will be very welcome. However, to be sure that the process is mutually beneficial, you should establish some clear parameters and understand what is required to ensure that your engagement is effective.

The principle of peer review is to maintain and improve the quality of what is published in academic journals. Typically, articles submitted will be anonymised and sent out to two (or more) referees for their views. The process in legal and social science journals is generally double-blind and this mutual anonymity will be preserved carefully by the editor. Often, authors are self-referential, and their identity is clear. This should not deter you from acting as a referee, as anonymity is available for the author if they wish, and not a formal problem if they choose to abandon it.

What does the editor hope for from you?

Typically you will be sent a pro-forma along with the article to be reviewed. Increasingly, you are likely to be sent a link to the publisher's website where the articles and pro forma are available. This will ask for your view as to whether the article is publishable as it stands; with minor amendment; only with major amendment or revision; or not publishable. There may be other categories. It will generally ask if you are willing to look at a revised copy if you have recommended that this is necessary. Finally it will ask you for comments that can be sent to the author to assist them in their revision. In order to make this judgment, it should be clear that you should only agree to review articles in a field with which you have sufficient familiarity, both with the issues being raised and the related literature. Even if you do this you may find analyses that stretch you. For example, I have reviewed articles which included technical statistical argument designed to validate conclusions being drawn from quantitative data. My review addressed the article and the arguments, but I warned the editor that I was not a reliable referee on the statistical validity of the claims and that another referee should be sought in respect of that. This seems to me a perfectly correct approach to adopt.

The comments are even more useful than the overall evaluation. Please be polite, concise and constructive. Your approach should be a combination of how you would provide feedback to a student (particularly as a dissertation supervisor) and how you would act as an external examiner. In effect, you should be a critical friend. You should not pull your punches if there are serious errors in the draft article. But you should not criticise without explaining your criticism and suggesting ways of remedying the problem. It may be, for example, that

the author has ignored (or missed) a line of articles which would support their argument, or which challenges it and ought to be addressed. It may be that you have identified problems with a line of logic or over-confident conclusions drawn from limited methodology. You should state your concern with clarity, suggest what might be done about it, which might be to propose a line of reading, a different approach to analysing data or further research. Such is the pressure to publish that authors may be tempted to write articles at various stages of a research project. I have sometimes argued that an article based on a pilot project was, frankly, premature, and that the full research should be completed before it is worth publishing. There may, of course, be value in publishing the results of a pilot project, particularly if it is likely to stimulate others to research and test out the area or to assist the researcher in broadening their research population.

Many reviewers return an annotated copy of the draft article with their review, and this is very helpful. You can add comments in boxes at the side of the text where you are using a pdf or a Word document, or where you are interacting directly with a publisher's website. Note that, in order to ensure anonymity you should set your computer so that your name does not appear on the comments.

Please make sure that you always moderate your language. It is an irritating job for an editor to have to moderate the tone of a referee's comments and it is unnecessary if you recall your 'critical friend' role. You may wish to express a view which is not to go to the author. Some pro-formae provide for this. If they do not, you may include them in a covering email.

The request to act as a referee will give you a deadline. I generally give reviewers a month unless there is a need for greater speed. Please observe this and get your review back in time. If you are not going to be able to achieve that, contact the editor and either negotiate a later date or give her early notice of the need to find another referee.

What the editor does not need from you

You do not need to undertake proof-reading or copy-editing. If the quality of the English language is poor you do not need to correct it, although you should say that it needs improvement (and perhaps give a couple of examples). This might include style issues, particularly where they impact upon legibility. Thus, identifying over-long sentences which would be better broken up can be very useful. You don't need to do the re-writing. Try to exercise a degree of self-restraint here. Many of us have our own personal style dogmas and a perfectly well-written article may not comply with them.

You do not need to correct the numbering of the footnotes. It is very common for this to go wrong. As authors add more footnotes early in the text the numbers of later footnotes change and references back to them become inaccurate. Draw attention to the fact, but do not correct it yourself.

You do not need to express simple disagreement with an argument. Academic discourse thrives on disagreement and opposing views should not be stifled. However, if you disagree with a view expressed it will probably be because you perceive a flaw in the premise, the argument or the evidence base. Your explanation of these concerns will be helpful.

The values of peer review

Mutual anonymity lies at the heart of conventional peer review and it is important in that it should enable a critical approach without fear of personalities skewing decision-making. However, the élite nature of many groups of 'peers' has been criticised for stifling innovation.¹ The process itself has been criticised for allowing rubbish to be published. The famous Sokal hoax involved submitting an article entitled *Transgressing the Boundaries: Towards a Transformative Hermeneutics of Quantum Gravity* to the journal *Social Text*. It was published in 1996. It was nonsense.² Sokal argues that he achieved this by writing in the sort of language that appealed to the journal's editors and by flattering their ideological preconceptions. This editor's view is that the more authors can use accessible language comprehensible to a wide educated audience the less likely it is that nonsense will slip through.

Other approaches to peer review have been developed to attempt to address some of these concerns. On several occasions the *Law Teacher* has used collective peer review, where the authors of a group of papers (typically initially presented at a conference and honed by the debate at that conference) act as peer reviewers for each other and debate (in a virtual environment) each article over a specific period of time. This can be challenging, as anonymity is lost, but the group will generally observe the principles of constructive critique with, in my experience, excellent results.³

What's in it for me?

You will learn a lot, both in terms of the analytical work of doctrinal research and the results of empirical and socio-legal work.⁴ The process will help you to improve your own academic writing. However, you should recognise that anonymity means that you will not receive much recognition other than amongst the editors of the journals concerned. Bear in mind, however, that it is perfectly legitimate to refer to your work as a reviewer in promotion and job applications. What is more, editorial boards may be looking for serious committed scholars who are willing to put in the necessary work when filling their vacancies. Membership of the editorial board of an academic journal with a good reputation is good for the career.

Another side of it is the satisfaction of a job well done when you read the finished article, improved by the author in the light of your review. Look down at the bottom of the first page. Just occasionally a thoughtful author will include thanks to the anonymous reviewers who commented on the draft article. A private pleasure, but a pleasure nonetheless.

¹ Higgs, Robert, 2007, 'Peer Review, Publication in Top Journals, Scientific Consensus, and So Forth', The Independent Institute, available at: <http://www.independent.org/newsroom/article.asp?id=1963> (accessed 16/07/2014).

² Sokal, Alan, 1996, 'A Physicist experiments with Cultural Studies', *Lingua Franca*, May/June 1996.

³ Maharg, Paul and Duncan, Nigel, 'Black box, Pandora's box or virtual toolbox? An experiment in a journal's transparent peer review on the web', 2007, 21, *Int Rev Law, Computers & Technology* 109

⁴ See Hutchinson, Terry and Duncan, Nigel, 'Defining and describing what we do: Doctrinal legal research', 2012, *Deakin Law Review*, 17(1), 83

Brief bio:

Nigel Duncan is Professor of Legal Education at The City Law School and a Principal Fellow of the Higher Education Academy. He was, for 20 years, Editor of the *Law Teacher* and is now Consultant Editor. He is a member of the Editorial Advisory Boards of the *International Journal of the Legal Profession* and the *Legal Education Review*. He publishes regularly on issues of legal education and legal ethics.