



Research Paper

Legal Research Methodology: Peer Review and Unethical Practices in Scholarly Writing

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Abstract

Peer review plays a fundamental role in scholarly writing. The manuscript written by the author will be subjected to scrutiny in order to ascertain the validity or correctness of the facts and evidences mentioned in the work; to assess the significance or contribution of the work to the existing body of knowledge; and to determine originality of the work. The rigorous peer review process and reviewers' comments provide unique opportunity for authors to significantly improve and enhance their manuscript with additional material and insight. However, peer review is not without criticisms. Amongst others, it is expensive, inconsistent and biased. The aim of this paper is to examine peer review and unethical practices in scholarly writing. In particular, it examines the process of peer review, the traditional types of peer review and developments in modern times. It also examines the ethical responsibilities of peer reviewers. It further examines unethical practices by authors and reviewers in scholarly writing. It adopts the doctrinal research methodology. It relies mainly on secondary sources of data. It suggests, amongst other things, that there should be conferences designed to train authors, editors and reviewers on their responsibilities in the peer review system.

Keywords: Blind Review; Open Review; Peer Review; Reviewer's Responsibilities; Unethical Practices

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I. Introduction

In scholarly writing, **peer review** can be considered as an evaluation by an expert on research of other experts. Simply put, it is the use of a professional person's peer or colleague to evaluate his or her research work. It also covers post-publication comments and criticisms by readers after publication of an article.

It is generally accepted that peer review is for quality control. It is the system used to assess the quality of scholarly research before it is published. Independent researchers in the same field scrutinize research manuscripts for validity, significance and originality to help editors to determine whether the manuscript is suitable for publication in their journal or not.

Peer review plays a fundamental role in scholarly publications. It enhances networking amongst academicians. The manuscript written by the author will be scrutinized in order to ascertain the validity or correctness of the facts and evidences mentioned in the work; to assess the significance or contribution of the work to the existing body of knowledge; and to determine originality of the work. However, peer review is not without criticisms. Amongst others, it is expensive, inconsistent and biased.

The aim of this paper is to examine the peer review system and unethical practices in scholarly writing. It examines the peer review process, the traditional types of peer review and developments in peer review. It also examines the ethical responsibilities of reviewers. It further examines unethical practices by authors and reviewers in scholarly writing. It adopts the doctrinal research methodology. It relies mainly on secondary sources of data. It suggests, amongst other things, that there should be conferences designed to train authors, editors and reviewers on their ethical responsibilities in the peer review system.

II. Contexts For Peer Review

There are at least four main contexts for peer review. The first is peer review of grant applications. Research funding organizations use peer review to select the best research proposals for funding. Thus, peer review helps to sift grant applications leaving the best research proposals to be funded.

The second is peer review for journal publication. It is beyond argument that peer review is the best method used by editors to select the best papers for publication in their journals. It helps to improve the quality of papers. It also helps to detect errors in papers submitted to a journal for publication.

The third is peer review of conference abstracts. Conference organizers use peer review to sift the papers for presentation at the conference. An editorial committee invites authors to submit abstracts of their papers for scrutiny by members of the committee who are professional peers of the authors. Alternatively, the editorial committee may remove the authors' details and send out the abstracts to reviewers to reduce bias and increase objectivity.

The fourth is peer review for academic promotions. Institutions of higher learning rely on a professional person's peers to evaluate his papers for promotion to the rank of professor or associate professor in their field. Thus, peer review is the method by which grants are allocated, papers are published and academics are promoted, and even noble prizes are won.

III. Publish Or Perish

Peer review enhances the prospects of academic staff all over the world. It is no secret that survival in academia depends on publication. Universities generally use a candidate's authorship of printed referred papers as part of their tenure and promotion criteria and standards. It is either you publish or you perish.

The peer review system performs a valuable screening function. It ensures that the authors have not overlooked anything substantial, that the material is correct and significant, and that the material is based on solidly established research. Thus, peer review performs gatekeeping function. The editors and reviewers are the gatekeepers. They determine whether a particular paper should be published or not. That is why peer review is also known as "scientific gatekeeping".

IV. The Peer Review Process

The peer review process varies slightly from one journal to another. In general, manuscripts are submitted to an editor. The editor carries out a "desk review" or "editorial review" of the manuscript to ascertain its suitability for publication in the journal. The editor then selects two or three recognized experts in the fields as reviewers to evaluate the manuscripts. These reviewers evaluate the manuscripts for completeness, accuracy, writing style and novelty or significance to the field.

The reviewers return their reports with **acceptance-revision-rejection** recommendations to the editor. The editor assembles the reports and informs the author of the publication decision. It is the editor that takes the final decision to accept or reject the paper for publication.

Thus, **the peer review process** may be summarized in the following stages:

- (1) The author of a research paper in his field submits the manuscript of his or her paper to the editor of a journal;
- (2) The editor carries out a "desk review" or "editorial review" of the paper by looking through it briefly to check the format and length, the clarity of the discussion, research methodology and overall suitability for the journal;
- (3) If the paper passes the desk review, the editor selects two or three recognized experts in the field as reviewers and sends the manuscript to them for evaluation;
- (4) The reviewers will scrutinize the paper for validity, significance and originality, and send their comments and acceptance-revision-rejection recommendation to the editor;
- (5) The editor will communicate the report of the reviewers to the author and inform him or her of the publication decision.

If the manuscript is accepted, the author may be required to pay a publication fee. If the manuscript is accepted subject to minor or major revision, the author has to make the required revision before the manuscript may be accepted for publication. If the manuscript is rejected, the author may revise it based on the reviewers' comments and submit the revised manuscript to another journal.

The **benefits of peer review** are multitudinous. The rigorous peer review process is essential for maintaining research integrity. It acts as a filter for manuscripts by preventing flawed manuscripts from getting to the public. It fosters collaboration amongst the authors, editors and reviewers and provides them the unique opportunity to make joint contribution to the dissemination of knowledge in their field. The reviewers' comments provide unique opportunity for authors to significantly improve and enhance their manuscript with additional material and insight.

V. Types Of Peer Review

Peer review can be categorized into two, namely, closed peer review and open peer review. Closed peer review, also known as traditional peer review or blind peer review, can also be categorized into two, namely, single-blind review and double-blind review.

5.1 Blind Review:

Blind review came into existence as a mechanism for reducing the potential bias or dishonesty of reviewers. Research has shown possible bias against authors with low status and less prestigious institutional affiliation. Thus, the concerns of female authors, junior colleagues and authors from less prestigious institutions led to increase in the practice of blind review.

Blinding in peer review is the process of masking or excluding the identities of authors and/or reviewers to reduce bias and ensure fairness in the evaluation of manuscripts. Thus, the authors can be blinded from knowing the identity of the reviewers. The reviewers can also be blinded from knowing the identity of the authors. Both reviewers and authors can be blinded from each other's identity. This has given rise to the practice of single-blind and double-blind reviews.

(a) Single blind review:

Single blind review, also known as single anonymous peer review, means that the authors are blinded from knowing the identity of the reviewers, but the reviewers know the identity of the authors. This allows the reviewers to provide honest and critical reviews without fear of reprisal from the authors. However, lack of accountability allows unscrupulous reviewers to submit unwarranted negative reports, delay the review process and even lift ideas from the manuscript after rejecting it.

(b) Double blind review:

Double blind review, also known as double anonymous peer review, means that both the authors and the reviewers are blinded or masked from knowing each other's identity. This means removing the details of the author from the manuscript and removing the details of the reviewer from thereport. Only the editors have access to the identities of both the authors and the reviewers. This form of review reduces possible bias resulting from knowing the identity of the authors. Thus, the manuscript is evaluated on its own merits. However, reviewers can often guess the identity of the authors from the authors' style of writing and citation of his own research works.

5.2 Open Peer Review:

Open peer review means that both reviewers' and the authors' identities are disclosed. In other words, the reviewers and the authors know each other's identity. It promotes greater accountability and transparency. It also reduces opportunity for bias or misconduct on the part of the reviewers. Reviewers are more constructive in giving feedback. However, revealing the identity of the reviewer may lead to animosity from authors, damaged relationships and repercussions for job prospects, promotions and research grants.

Comparison of blind peer review and open peer review shows that each type of peer review has its own advantages and disadvantages as shown in the following table:

Type	Description	Advantages	Disadvantages
Single-blind review	Authors are blinded from knowing the identity of reviewers but the reviewers know the identity of the authors.	Honest, critical and objective feedback without fear of reprisal from authors.	Knowing the identity of the author may lead to potential reviewer bias; concealing the reviewer may be a source of misconduct; reviewer may also be favourably biased for manuscripts by famous authors.
Double-blind review	Both authors and reviewers are blinded from knowing each other.	Anonymity reduces personal bias; and increases objectivity and honesty.	Significant efforts are required to ensure anonymity; reviewers can guess the authors' identity based on their style of writing.
Open review	Both authors and reviewers know each other.	Greater accountability on the part of reviewers; and lower chances of misconduct because identities are revealed.	Reviewers may be reluctant to be critical; and may decline due to fear of potential damage to relationships that could affect career prospects, promotion and grant funding.

VI. Developments In peer Review

The delay and bias in the traditional peer review system have led to the development of newer models of peer review. They include triple-blind peer review, transparent peer review, interactive peer review, post-publication peer review and cascading peer review.

(a) **Triple-blind peer review:**

Triple-blind peer review is a process that keeps the identities of the author, reviewers and handling editor anonymous until after acceptance. In this model, the author does not know the reviewer; the reviewer does not know the author; and the editor handling the manuscript does not know the author. It is designed to eliminate bias based on the author's status, gender, geography and institutional affiliation. Proponents of this model argue that aside peer reviews, editorial review is also subject to bias and is likely to negatively affect female authors, less well-known authors and authors from outside industrialized and developed countries.

(b) **Interactive peer review:**

Interactive peer review is a transparent, collaborative and public scholarly evaluation process where the reviewers, authors and sometimes the public interact online to discuss a manuscript submitted for publication. It is also known as interactive public peer review. It is often facilitated through online platforms. The manuscript is published online as a discussion paper along with the reviewers' comments. In addition to the reviewers, the professional community is invited to participate in the discussion and to post their short comments on the platform. The author makes changes in the manuscript in line with the comments by the reviewers and professional community. The final revised manuscript is published. This model of peer review encourages constructive and multiparty interaction to refine the manuscript. It is a very thorough, very fair and very collaborative peer review.

(c) **Post-publication peer review:**

Post-publication peer review takes place after the manuscript has been published. Unlike the traditional peer review system by two or three reviewers selected by the editor, anyone can participate in the assessment of the article and suggest changes for improvement. It takes the form of letters to the editor and comments on the published article. It is either primary or secondary. It is primary when the whole peer review activity takes place after the publication of the article and thereby replaces the traditional peer review process. It is secondary when it merely complements the traditional peer review process. In other words, the review takes place both before and after publication. This model facilitates ongoing dynamic discussion amongst researchers and thus constitutes review by multiple peers on social networks.

(d) **Transparent peer review:**

Transparent peer review allows the identities and reports of the reviewers to be available to all the stakeholders in the peer review system. Like the open peer review, the identities of the authors and reviewers are made known to each other. In addition, the identities and reports of the reviewers are put in the public domain for the readers to scrutinize.

(e) **Cascading peer review:**

Cascading peer review, also known as portable peer review, allows rejected articles with one journal to be re-directed to another suitable journal usually by the same publisher. The new journal publishes the article after the suggested corrections without further review. This model of peer review reduces the time and cost of reappraisal of the article and promotes the growth of spin-off journals within the publisher's portfolio.

VII. Ethical Responsibilities Of Reviewers

Scholarly journals that publish peer-reviewed articles depend heavily on professional peers who volunteer their time and expertise to serve as reviewers. However, the peer review process has raised a lot of ethical concerns stemming from the responsibilities of reviewers. The following are some of the ethical responsibilities of reviewers:

(1) **Confidentiality:**

Information contained in a manuscript submitted for peer review is privileged communication and should be treated in confidence and should be shared with only those involved in the review and publication processes. Reviewers should not use the information for their personal gain.

(2) **Constructive critique:**

Reviewer's comments should acknowledge positive aspects of the manuscript under review, identify negative aspects constructively, and indicate the improvements needed. Reviewer's comments should be courteous and capable of withstanding public scrutiny.

(3) Competence:

A reviewer with limited expertise should make his or her degree of competence in the subject clear to the editor. A reviewer without the requisite expertise is at risk of recommending acceptance of a deficient manuscript or rejection of a meritorious paper. In such cases, the reviewer should decline the review.

(4) Impartiality and integrity:

All comments by reviewers should be based on an objective and impartial consideration of the merit, originality and quality of the manuscript, excluding their personal or professional bias. Reviewers at all times must display professional integrity and lack of bias.

(5) Disclosure of conflict of interest:

If a reviewer has any interest that might interfere with his responsibilities, he should decline the role of reviewer. Alternatively, he should disclose the conflict of interest to the editor and ask how best it could be handled.

(6) Timeliness and responsiveness:

Reviewers should act promptly, adhering to the deadline for completing a review and submitting it. They should make every effort to complete the review within the deadline set by the editor. If it will not be possible to meet the deadline, then they should decline to perform the review or request for extension of time where possible. Failure to do so undermines the peer review process.

Ethical Responsibilities of Reviewers

1. Provide honest and critical assessment of the research;
2. Maintain confidentiality in the peer review process;
3. Avoid or disclose conflict of interest that might interfere with his responsibilities;
4. Accept to review only manuscripts in his/her area of expertise;
5. Agree to review only those manuscripts that can be completed within the deadline;
6. Report suspected duplicate publication, plagiarism, fraud or ethical concern;
7. Write the comments in a collegial and constructive manner based on an objective and impartial consideration of the facts.

VIII. Criticisms Of Peer Review

Peer review has come under severe criticism. Peer review contributes to undue delay in publication. In a competitive academic environment, undue delay in the publication of a good and innovative paper may be harmful to the author, as other papers on the same topic may be first published by other authors.

Peer review is expensive. A good peer-reviewed journal charges between 35,000 Naira and 50,000 Naira as publication fee. Some journals charge additional 15,000 Naira as processing fee. Some international journals charge as high as \$150. Some journals make authors to pay for the peer review and the cost of posting their articles on a website, which puts the cost of publication between \$500 and \$2500 per article.

Peer review is not altogether objective as it is meant to be. Some reviewers have been found to be subjective and inconsistent. The same paper sent to two experts in the same field may have inconsistent responses. One editor gave the example of inconsistent responses from two reviewers on the same paper. The first reviewer said, 'I found this paper an extremely muddled paper with a large number of defects.' The second reviewer said, 'It is written in a clear style and would be understood by any reader.'

There may be reviewer bias. Some reviewers may be unduly biased against female authors, junior colleagues, upcoming authors and professional rivalries. Even in double blind reviews, experienced reviewers may identify female authors, junior colleagues, upcoming authors and professional rivalries from their style of writing and unduly criticize and reject their papers.

IX. Unethical Practices In Scholarly Writing

Many unethical practices by authors and reviewers have been identified in scholarly writing especially in journal publications and should be avoided at all cost. Such unethical practices include the following:

1. It is unethical for an author to include in his manuscript instances of plagiarism and inappropriate citation of authorities.
2. It is unethical for an author to deliberately falsify, fabricate or misinterpret data in his research report.
3. It is unethical for an author to make multiple submissions of identical manuscripts without informing the editors.
4. It is unethical for an author of a paper to include a co-author who did not make any contribution to the paper.
5. It is unethical for a reviewer to make use of the contents of reviewed manuscripts for his own work before the manuscript is published.

6. It is unethical for a reviewer to unreasonably delay the publication of a paper by spending a longer time than necessary in the review process.
7. It is unethical for a reviewer to unfairly criticize a competitor's work or propose changes that appear merely to support the reviewer's own work.
8. It is unethical for a reviewer to fail to disclose a conflict of interest that would have excluded him from the peer review process.

X. Conclusion And Suggestions

Journal article publication is a major avenue for the dissemination of ideas, recognition of scholarly research, career success and promotion in institutions of higher learning. Peer review is the most acceptable method to ensure the quality, validity and significance of published papers. It creates a common platform for authors, editors and reviewers to collaborate in the development and dissemination of knowledge in their field.

However, the peer review system has come under severe criticisms. It is expensive, inconsistent and biased. In addition, there are many unethical practices by both authors and reviewers in the peer review process. Many reviewers may breach the confidentiality of the process and make use of the contents of reviewed manuscripts for their own work before the manuscript is published. Others may unreasonably delay the publication of a paper by spending a longer time than necessary in the review process. Some reviewers fail to disclose a conflict of interest that would have excluded them from the peer review process.

It is against the foregoing backdrop that this paper suggests that reviewers should be trained on their role in the peer review process. The inconsistencies and unethical practices in peer review can be attributed to lack of formal training of reviewers. In this regard, editors, institutions of higher learning and research funding organizations should collaborate to organize conferences and workshops for authors and reviewers with emphasis on appropriate citations and ethical responsibilities of authors and reviewers.

It is also suggested that reviewers should be given conflict of interest form to fill before accepting to review manuscripts especially those from authors in the authors' region. It is further suggested that reviewers should be given time limit to conclude their responsibilities to reduce unreasonable delay in the peer review process. Any professional peer who could not meet the deadline and could not get extension of time to review a particular manuscript should reject the offer to function as a reviewer.

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