

Opinio Juris in Comparatione

Studies in Comparative and National Law

Op. J. Special Issue

**Legal Culture and Open Access
Continuing to Expand Legal Knowledge**

by
Giovanni Comandé

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Almost 5 years ago we started working on a cultural project: the building of a platform to expand access to legal knowledge across borders and cultures. We were aware of the difficulties scholars and practitioners encounter in accessing legal analysis and information on countries, especially when the reader is not proficient in the language the information is imparted. In addition, we were aware of the difficulties encountered by scientists in accessing databases and reviews due to the high and increasing costs of publication and consequent inability of libraries to acquire the broadest range of material.

In the spirit of helping to overcome these difficulties a publication series was established: *Opinio Juris in Comparatione*. *Opinio Juris* was distributed both via SSRN and directly on its dedicated page on the LIDER-Lab website and has witnessed an enormous success. The success of *Opinio Juris* as a generalist electronic platform accessible through the [LIDER-Lab website](#) and the [SSRN e-library](#) over the past three years has been really encouraging: download data from the LIDER-Lab website stand at 28,360 and we have 3,905 subscribers in total. In addition, from SSRN we can add a further 7,032 downloads and 1,930 subscribers.

These numbers confirm the demand for a journal based on our innovative concept – no limitation to specific themes and the dissemination of legal knowledge by encouraging our authors to write in a language different from that of the national system which the contribution deals with.

Furthermore, since 2010, *Opinio Juris* has been included in the list of Italian scientific reviews in the area of Private Comparative Law, created by the National Agency for the Evaluation of University and Research (ANVUR). This highlights the appreciation it quickly gained in the scientific community largely owing to its distinctive characteristics.

The success of *Opinio Juris in Comparatione* has focused our attention of the future. From the outset, we envisaged that our International peer-reviewed publication series should, in due time, evolve into a proper Law Journal. We now feel that the time is ripe to take the next step in our venture.

We are thankful to the SSRN and the LIDER-Lab of the [Scuola Superiore Sant'Anna](#) for the visibility it has offered to *Opinio Juris in Comparatione* and hope to be able to cooperate in the future as

well. Both these platforms, since the beginning of this cultural initiative in 2009, have assisted us in adhering to the main features of open access journals:

- completely free access to all published contributions (via the Lider-Lab website and the [SSRN e-Library](#));
- free submissions for authors who retain copyright;
- a quality control system structured in two stages: an initial examination by our Editorial Staff followed by an anonymous peer review process carried out by selected international reviewers.

The success of our venture has prompted us to strengthen these features and commit to developing a proper Open Access project with a view to supporting a more extensive global exchange of knowledge. Our revised aim is to be part of that new generation of peer-reviewed journal literature as conceived in the [Budapest Open Access Initiative Declaration](#) ten years ago.

As a matter of fact, the Open Access movement has triggered a profound and lasting change in the way knowledge is circulated and diffused.

In taking advantage of digital technology evolution and the Internet, the aim is to create a new framework where research results can be more easily accessible to a wider audience at a lower cost.

This goal can be achieved in two different but complementary ways: making scholarly, peer-reviewed articles freely available to anyone through open institutional repositories (self-archiving articles published in non-OA journals) and, at the same time, promoting new Open Journals in which academic work can be published and immediately available, free of charge, online.

In the last ten years the Open Access movement has gained worldwide support in the scholarly debate leading to a number of important initiatives that have outlined the main features allowing us to improve access to and the impact of scholarly publications. The vigor of the movement can be highlighted by simply mentioning just some of the most important initiatives: the [Budapest Open Access Initiative](#), 2002; the [Bethesda Statement on Open Access Publishing](#), 2003; the [Berlin Declaration on Open Access to knowledge in the Science and Humanities](#), 2003, endorsed in Italy by the [Messina Declaration](#) in 2004.

Furthermore the European Commission has made open access to scientific publications a general principle of Horizon 2020 “[The EU Framework Programme for Research and Innovation](#)” for 2014-2020.

Willing to follow what has been called the “Golden Road” to Open Access we are ready to launch a **new website**, entirely dedicated to the management of the journal, that can be previewed following this link: <http://www.opiniojurisincomparatione.org>.

From the new website, readers will be able to freely browse, read and download all the papers published in each of the different sections (Articles, Essays, Conference Proceedings and Case notes) that are usually included in *Opinio Juris* issues. All the contributions will be licensed under a Creative Commons Attribution 3.0 License. A free submission for readers will be required only so that readers can be notified by email on the publication of new issues of the journal.

As for authors willing to propose their contribution for publication in *Opinio Juris*, the website will allow them to use the new submission procedure following the registration procedure and subsequent step-by-step on-line submission process. Moreover, in order to facilitate manuscript submissions, we have also decided to welcome submissions made through [ExpressO™](#).

As was previously the case, the three preferred languages accepted for submission include English, French and Spanish. In addition, it remains the case that when dealing with purely national law, authors must write in a language other than that of the national system at issue. Copyright remains with the authors who are only requested to mention in further publication(s) of the article, essay or case note that it has previously belonged to the *Opinio Juris* collection.

The anonymous peer review process entrusted to selected international reviewers together with the initial review conducted by the Editorial Staff will continue to ensure the high-quality level of the published contributions.

All the papers published from 2009 to 2012 with the ISSN number 2036-4423 will be available in the archive section.

In the new Open Access framework, with a view to expanding the scope and the subjects explored in the review, we envisage the introduction of an **Editorial Board of National Correspondents** to be gradually expand to encompass all countries. Indeed, the prominent scholars that make up the founding **International Advisory Board** has instigated enrollment of new enthusiastic colleagues in the editorial board.

The **Editorial Board of National Correspondents** will function in a flexible way enlisting scholars from individual countries (larger countries would require more than one) who will contribute in various ways to the life of the Journal. Among other things, National Correspondents will be asked to suggest peer reviewers, solicit scientific contributions, contribute to the direction of the Journal and its expansion and promote special issues on dedicated topics.

The Journal will remain generalist in nature devoted to “Studies in Comparative and National Law”. It will continue to aim at enhancing the dialogue among all legal traditions in a broad sense e.g.: a) in a pure cultural sense in order to increase legal knowledge and/or to promote circulation of (and competition between) models and legal transplants; b) in a more political aim, in order to harmonise,

when possible, substantive (or procedural) civil law or private international law rules having regard to the different 'legal formants'.

As mentioned, *Opinio Juris* also envisages the diffusion of contributions on national law, even though they are not methodologically comparative in nature. The aim here is to expand access to foreign national legal materials and ideas making material available to those who do not have access to the traditional avenues (e.g. journals in original language).

For this reason, in principle, any contributor willing to illustrate/update the scientific and practitioner communities about a given legal system should do so in a language different to that of the country at issue. For example, if a contributor wishes to write her/his contribution on an English law subject, s/he should not do so in English since those able to read articles in English on the subject already have access to existing materials in the legal literature.

Opinio Juris in Comparatione aims not only to be an open access journal but also an innovative project in evolution. It will welcome both scientific contributions and new ideas focused on ameliorating its content and expanding its scope. In short, it aspires to be open access and increasingly open to new contributions.

For more details concerning the journal policies and online submissions we invite you to explore our new website at <http://www.opiniojurisincomparatione.org>.

Sincerely

Giovanni Comandé

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