

Rabels Zeitschrift Open Access



Since the beginning of this year, Rabels Zeitschrift is available in open access. For a long time, the journal has published articles in other languages than German in particular English. The new open access model should make it even more attractive for authors wishing to reach an international audience. And it enables readers from places without a subscription – not only, but also in the Global South – to have access to scholarship. What follows is a translation of the Editorial in Rabels Zeitschrift, Volume 88 (2024) / Issue 1, pp. 1-4: Open Access – was sich mit diesem Heft ändert by Holger Fleischer, Ralf Michaels, Anne Röthel, Christian Eckl, licensed under CC BY 4.0. Translation by Michael Friedman.

Editorial

Open Access - Changes Brought with this Issue

Abstract: Upon perusing this issue, several new features will likely stand out: a new, multi-colour cover, a new layout, which continues inside, and, lastly, the appearance of the logo of the Max Planck Institute for Comparative and International Private Law on the cover, alongside the publisher's emblem. Additionally, the imprint reflects the new Institute management constellation: Anne Röthel joined the Directorate at the beginning of 2024 and is now an editor of the journal. And above all, the presence of the Creative Commons logo makes clear that the Rabel Journal is now open access. With this and other measures, the publisher and the editors are taking important steps towards "open science".

"The findings of scientific research should be published open access." In 2022 the German Science and Humanities Council (Wissenschaftsrat) made this demand –having reference to guidelines of the German Research Foundation (Deutsche Forschungsgemeinschaft, DFG) – and identified open access publication as a component of good academic practice. Since that time, research funding has increasingly been linked to open access publication. As part of the Max Planck Society and as the publisher of the Rabel Journal, the Institute considers itself

especially committed to the notion of open access given that, consistent with its founding purpose, the Institute is focused on performing basic research. But the task is not limited to meeting the needs of the German-language publication market with its high degree of specialization and its unique, commercially influenced reputation mechanisms. Rather, the Institute, and thus the Rabel Journal, has to stay abreast of the entire world – both in terms of the topics of inquiry as well as the basic research being conducted and funded. This results in concrete expectations in terms of inclusivity: high-quality research should not be absent from global scholarly discourse due to financial limitations. The reception of ideas and findings should not be hemmed in by declining library budgets or continually higher prices on the book and journal market. Similarly, authors should not have to pay prohibitive article processing charges for the publication of articles, as can be the case with so-called hybrid open access. The concern about inequalities or mechanisms which may serve to restrict publication or reception opportunities is also expressed in the May 2023 DFG statement on the EU Council Conclusions on “High-quality, transparent, open, trustworthy and equitable scholarly publishing”. We share the view that open access should serve readers and authors alike.

For these reasons, we welcome the willingness of Mohr Siebeck to publish the Rabel Journal in the *subscribe to openmodel* (S2O) from now forward. This procedure is not without risk to the publisher. But it allows for a complete open access transformation of academic journals with relatively little additional effort. At the same time, the subscribe to open model enables fair and inclusive open access, as all authors can in principle publish in journals of their choice. However, the success of the model depends on existing subscribers remaining loyal to the journal, thereby not only securing their own access through their subscriptions – as has been the case to date – but also contributing to making the journal available open access to scientists and academics worldwide. We hope that many people will commit to this idea and this effort and make their own contribution to an inclusive academic culture. If our joint idea does not find enough support and over the long term the number of subscriptions falls, we will, however, have to return to closed access and the pertinent volumes would then only be accessible to paying subscribers, as was previously the case.

Since the start of 2024, volumes from 2001 onwards have been freely accessible in the publisher’s e-library, while the volumes from 1927 to 1960 (published

under the title “Zeitschrift für ausländisches und internationales Privatrecht”) and the volumes from 1961 to 2000 (published under the same title but affixed with the name of the founder, Ernst Rabel) can be freely accessed at JSTOR. At all these locations, the content of these volumes will remain open access and can be reproduced and redistributed in accord with the Creative Commons BY 4.0 licence. The same applies to all new articles published under the S2O model from 2024 forward.

We are convinced in our editorial capacity that the transition to open access is not only a timely and appropriate step that is consistent with the Institute’s ongoing academic mission, but also a measure that will strengthen the journal’s visibility by making its articles readily accessible to readers and researchers at any location, rather than only via libraries in Germany or abroad. We are convinced that this is wholly in the spirit of Ernst Rabel, who created the journal as a forum for international intellectual exchange with the aim of acquiring contributions from all over the world. As he once wrote: “domestic co-operation [cannot] suffice [...]; help from foreign countries themselves is indispensable and will always be received with appreciation [...] To examine legal material and ascertain the extent to which national legal barriers have become too constricted for it, and to transport scholarship beyond these barriers, this is indeed what commands academic inquiry of Germany’s own initiative, [...] but its fulfilment becomes more comprehensive through international cooperation” (Ernst Rabel, Zur Einführung, Zeitschrift für ausländisches und internationales Privatrecht 1 (1927) 1-4, 4).

But the transition to open access will not affect our quality standards. This also means that we have to keep assessing whether our quality measures remain up to date. Open access is an aspect of open science, and it is therefore committed to the guiding principle of disclosing all elements of the scientific process and making them verifiable, as stated in the UNESCO Recommendation on Open Science from 2022. “Open science” does not solely mean free access to publications; rather, it relates also to the responsible handling of research data, to an appropriate and inclusive procedure for the receipt and evaluation of submissions, and to proper efforts in terms of the editorial oversight, preparation and presentation of accepted contributions.

For quality assurance, the journal continues to rely on peer review by academics who are familiar with the subject matter of the submitted articles and who can judge their merit and originality. This procedure has for many years been in the

hands of the editorial board, which, together with other reviewers, works on a voluntary basis and with great commitment and a sense of responsibility. We are deeply grateful for the efforts of all the individuals involved. With regard to the thematic and geographical scope of the journal and its aim to follow and participate in worldwide developments, it has become increasingly important to be able to draw on an international network of experts. As an institutional publication, we are mindful of the potential need to adjust the journal's governance structure, and we wish to consider, for instance, whether and how the establishment of an additional committee could be beneficial. In terms of advisory input, the journal has traditionally been able to rely on the feedback of its co-editors, operating both in- and outside the Institute. They, as well, deserve our explicit gratitude for their co-operation, and we hope that they will continue to support the journal, contributing both valuable suggestions as well as constructive criticism.

Finally, the journal's layout and design have also been updated. After remaining unchanged for decades, the appearance is now being adapted to match evolving reading habits. Nowadays, articles are increasingly being read on computer screens or mobile reading devices, and the subsequent use and reproduction of texts is now largely carried out by means of electronic devices. Certain formats, fonts, and typographic designs are better suited to these practices than others. Much may still be in flux here and will need to be monitored further, for example in terms of searchability and machine readability or the availability of alternative download formats. These are all important issues that the Institute and the publisher will have to keep in mind in the coming years.

Quality assurance can easily be at odds with speedy publication. We are therefore pleased that an online-first process was agreed with the publisher already in 2023, thereby allowing individual articles to be published promptly – in advance of the entire issue – after peer review and after completion of editorial processing. Through the use of digital object identifiers (DOI), these articles can be cited without ambiguity from the outset.

With these measures, the journal's publisher and editors are taking significant steps in the direction of open science. We hope that many others will join us on this path and continue to breathe life into the journal, both as readers and as authors contributing from around the world.

Holger Fleischer / Ralf Michaels / Anne Röthel
and from the editorial desk **Christian Eckl**