

Open-access research about open-access law

I applaud the launch of the *Journal of Open Access to Law*. There has already been significant research, discussion, and practical activity in this sphere, and there is much more still to do. But until now, no peer-reviewed journal has focused on it. We need JOAL to identify best practices, foster them, and bring open-access law projects to the attention of everyone who could benefit from them, from scholars, lawyers, judges, and legislators, to journalists, businesses, non-profits, and citizens.

All law is arguably in the public domain, and most law is unquestionably in the public domain. This way of putting it highlights the regrettable fact that there are still some skirmishes at the borders. For scholars, these skirmishes are worth understanding, and for everyone who uses law, they are worth resolving. JOAL will help in both causes.

By helping, JOAL will serve the public. The reason is simply that access to law is a necessity of civic life. It's necessary for everything from planning to justice. It's necessary even when we have to pay to read it or travel to a distant library. One of the most urgent jobs in civic life is to remove access barriers to law, and to understand the obstacles in the way, which function as obstacles to everything from planning to justice.

The public-domain status of (all or most) law is a standing opportunity to digitize law, make it freely available online, make it free for use and reuse, and open it to powerful tools for searching, sorting, filtering, mining, cross-referencing, linking, annotating, translating, and alerting.

Seizing this opportunity creates new ones. Making law open access opens up a market in which developers can compete to provide the most powerful tools for discovery and analysis. It supports services that compete to provide the most seamless interoperability with other tools, other bodies of law, and other digital content, including copyrighted secondary sources commenting on the uncopyrighted primary sources. It creates competition among smart and motivated people to make something already indispensable as useful and user-friendly as it can possibly be.

JOAL stands at the intersection of two beneficial trends, one to make law open access, and the other to make peer-reviewed research open access. JOAL will study one public good and exemplify another. By design, it will accelerate the progress it studies, and study the progress it accelerates.

Peter Suber

Director, Office for Scholarly Communication
Harvard University