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RESPONSE

From the open road to the high seas? Piracy, damnation and resistance in academic consumption of publishing

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Armin Beverungen conducts research on how universities retain their charitable status in a market environment, and on the teaching of ethics in business schools. Steffen Böhm has a particular interest in the economics and management of sustainability. He has also founded an open access journal and an open access press, MayFlyBooks. Christopher Land works on artists and the management of their creativity.

In their Proposition, David Harvie and colleagues develop their earlier work on the political economy of academic publishing (Harvie *et al.*, 2012) to suggest a new avenue of resistance to what is characterized as the highly damaging profiteering of academic commercial publishers. Following Lenin's classic revolutionary question, 'What is to be done?', Harvie and colleagues explore the options for editors to wrest control of their journals from publishers, taking them to new publishing houses; for example, working with university presses or publishing through a learned society. Harvie and his colleagues discovered that escaping from the grasp of their own journal publisher was harder than they had expected.

... journals are a bit like Premiership footballers in terms of their transferability. The publisher who we had interested in taking the journal on reported that they could not 'legally' make an approach to the current publisher to begin negotiations on this because such was only acceptable if and when the current publisher had clearly communicated a desire to sell in the absence of prior approach. (Harvie *et al.*, 2012, p.911)

With their loyalty already lost, and their exit seemingly blocked, there was just one option remaining to resist the publishers – voice (see Hirschman, 1970). One purpose of exercising voice is, of course, to effectuate a change and not merely vent

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spleen. By contributing to the clamour of dissenting voices calling for a change in the system of academic publishing (e.g. Bergstrom, 2001; Wellcome Trust, 2004; House of Commons Science and Technology Committee, 2004, Willinsky, 2006, 2009; Houghton and Oppenheim, 2010; Beverungen *et al.*, 2012), Harvie and colleagues are concerned with identifying effective strategies for changing the system that is the object of their critique, as well as with mobilizing academics and other constituencies to join the resistance and bring about this change. Given the potential economic benefits to the UK economy from opening up access to academic journals (Houghton and Oppenheim, 2010) and the direct interest of research funders and such organizations as the Joint Information Systems Committee (JISC) in the dissemination of research findings, it is unsurprising that these voices have reached the ears of governmental and regulatory bodies. But how have these bodies responded, and what have the results been?

The gold standard for business sustainability

The outcome of the most significant report in the field to date – the Finch Report (2012) – is the focus of the second part of Harvie *et al.*'s Proposition. The Report is significant not only in its own right, but because its recommendation of a gold open access standard was adopted by the UK government shortly after its publication. Interrogating the details of the Report, Harvie and colleagues take issue with its lack of political economic analysis and depiction of for-profit academic publishers as benign, well-intentioned service providers. Giving us a clear analysis of the publishers' profits and their origins in the tax-subsidized 'free labour' of academics, Harvie *et al.* clearly point to the ethical and political unacceptability of this system of production. To this we would add the importance of student fees (Beverungen *et al.*, 2012). Given that the 'free labour' of academics in publishing includes reviewing and editing (which is not paid at the market value of the labour involved, if it is paid at all), as well as writing, proof-reading, copy-editing and even marketing their own research outputs, a significant part of this work is funded by their employers, even if the primary research activities have been externally funded. A major source of academic wages is student fees, often debt financed. In the case of UK home students, student loan books have been sold off to private investors, underwritten with Treasury-backed guarantees against default. Even their rates of return are guaranteed. Given the projected numbers who will never repay their loans, the overall cost to the Treasury is predicted to be significantly higher than if fees had simply been paid directly (McGettigan, 2013). Whether the students or the taxpayer ultimately bears the cost of this 'free labour' in universities, it is the publishers who profit from it – a classic case of privatized profit and socialized cost. Despite this, Harvie *et al.* note, the publishers appear to be reluctant to pay anything back into the system from which they so clearly benefit, locating themselves in low rate tax havens, often far from their main markets. Of course, such practices should not be surprising; they are structured into the basic institutional logic of the capitalist corporation (Fleming and Jones, 2013).

Surprising or not, the Finch Report offers a benign account of the commercial publishers; the term 'sustainability' in the Report's title is, in our view, intended to include the sustainability of publishers' profits. The Report recommended the gold route to open access, in which the final versions of research publications are

distributed free of charge, at least electronically. Although this will save a significant amount on university library budgets, publishers' revenues from subscriptions will be replaced with a hefty author processing charge or article publishing charge (APC). Although the Finch Report places this at around £600 per paper, the current charges of for-profit publishers that Harvie *et al.* identify are close to three times this figure, meaning that universities will be landed with a massive bill if their academic staff continue to publish, more than off-setting any savings in library budgets and ensuring that publishers are able to continue their profligate appropriation of public monies.

Impact on academics and research

As Harvie *et al.* note, this is 'a model which will paradoxically intensify financial pressures on British universities – and thus is likely to make the environment for researchers even harsher'. Pressures on academic staff in UK universities are already intense and likely to increase as metrics around 'impact' (itself skewed in favour of state and capital) are added to established measures of research quality in the Research Excellence Framework (REF; formerly Research Assessment Exercise). Preparations for the 2014 REF have already seen research deans and vice chancellors gaming their submissions by moving academic staff from research to 'teaching only' contracts if they do not meet the short-term requirements of submission targets. The targets themselves are set in anticipation of league table positions, with most universities focusing on the 'brand equity' that a high league table position will contribute to the institution and its ability to attract fee paying students. While the negative impacts on academic careers, including the focus on publishing in journals rather than books, and on relatively short-term research projects, are well documented (Willmott, 2011), this system at least has some degree of peer review by the wider academic community at its heart. A shift to gold open publishing, and expensive APCs, would mean that university research committees would decide what gets published. In such a regime, universities would have to decide which research is worth publishing, with much work never seeing the light of day, or at least not in the journals that count. The likely effect would be to exacerbate already entrenched divisions within the academic labour force and to reduce the chances of innovative or controversial research being published at all.

Take the business school example. The REF is already dominated by the Association of Business Schools (ABS) list, which ranks journal quality from 1 to 4. For research deans, who may know nothing about a particular research area, this provides a convenient security blanket when making decisions about who to include and exclude from the REF submission. If they extended this to funding only publications in these journals, the many 'lower' ranked journals – including new and niche journals – would struggle for submissions, reducing the overall diversity and quality of research being published. Academics whose work is not readily publishable in the more established, mainstream journals (which in our area [organization studies] increasingly favour quantitative research conducted in North American theoretical traditions) would probably not have their publications funded by their employer, effectively being deemed 'research inactive'. The overall result would be to close down research rather than open it up.

Resistance: on doing nothing and lessons from the music industry

If exercising voice has not worked, at least so far, because of the institutional strength of the for-profit publishers, are there other strategies? Harvie *et al.* suggest that perhaps we do not need to do anything. Drawing on the experiences of the music industry, they suggest that it might be enough simply not to enforce the current regime of intellectual property rights (IPR). In such a situation, they suggest, academic publishing might follow the path of the music industry, which has seen a significant reduction in the cost of music, resulting from the industry's response to digital piracy and peer-to-peer file sharing:

Obviously, we do not want to suggest that people engage in outright piracy of academic works – not least because the penalties for perpetrators can be severe. But it may be that we could be more sympathetic to the ‘trading’ of academic knowledge ... ‘doing nothing’ to prevent the trading of electronic copies of our academic work could act to circumvent the perils of engagement with the academic publishing industry. (Harvie *et al.*, 2014)

But what does this really mean? In practice, most academics are happy to send people a copy of their papers if asked. Rarely will such a request be refused. For most academics, the main driver in publishing is to be read. Anything that prevents their work being read (and therefore cited and contributing to their career and *h-index*) is an obstacle to be overcome, not a regime to be defended. But if peer-to-peer sharing is already well established, why have we not seen the effects this practice has had on the music industry?

One answer might lie in the informality of current sharing practices. In reality, most academics are part of a relatively small peer group. Even the largest professional conferences attract just a few thousand people, and they will be split into smaller interest groups. Thus, a more concerted and systematic approach to file sharing might make a difference. Where moves have been made in the direction of setting up an academic commons like this, it appears they have so far been less than successful. As the case of Aaron Swartz demonstrates,¹ the personal costs can be very high indeed.

A second answer is more telling, however. If we wanted to copy music before Napster and the file-sharing revolution, we had to find a friend with a copy of an album or CD, and record it at home, or ask the friend to send us the digital files directly. The only alternative was to buy the music ourselves. For academics employed in universities, or for students, the situation is very different. Their access to knowledge is mediated by the university library. This mediation is the crucial difference between academic publishing and the music industry. The main source of profit for publishers is university library subscriptions, not individual downloads. Simply ‘doing nothing’ as an academic is not enough to change anything, as long as libraries are still paying for bundles of academic journals. For individual academics, there is no real cost to access journal articles as they just log on to their library website and download them. Even if an academic file sharing site was established, it is hardly likely that university libraries would allow their subscriptions to lapse in favour of encouraging staff and students to use what would likely constitute an illegal source were that site to seek to post material which infringed copyright. If the library subscription system continues, then there is no real challenge to the power of the large publishers.

Harvie *et al.*'s 'do nothing' proposal also fails to engage with the shift to gold open access publishing, the main subject of their analysis in the second part of the paper. If the recommendations of the Finch Report are taken up, then the strategy of doing nothing, or even actively sharing our papers, will be redundant as profits will be secured at the point of publication. If papers are already open access, there is no need for file sharing. If this route is not followed, and most journals remain subscription or pay-per-article, then an informal peer-to-peer system of sharing would be very similar to what we currently have with institutional repositories. Many papers are already available, at least in pre-publication version, via academics' websites and institutional repositories. Here again, however, academic consumption practices prevent this from becoming a genuine challenge to the publishers. Even where the substance of the argument, analysis, data and most of the words are identical, academics generally prefer to cite the final published version in their own work. The search engines we favour also tend to return official publications, rather than repository versions. As long as the fetishization of the 'official' version of a published paper remains, subscriptions journals will not be seriously challenged by either institutional repositories and their light-green version of open access, or by the kind of peer-to-peer sharing envisaged by Harvie *et al.*

The only way in which this kind of informal approach is likely to succeed is if a company like Google centralized access to articles on institutional repositories, and these became the primary source for academics searching for, and citing, the work of other academics. In this case, the publishers would effectively be circumvented. Aside from this being quite unlikely, it would still present some interesting questions in terms of political economy and how companies like Google make their money (*cf.* Fuchs, 2010).

'Gold ...'

There is an alternative, however. Referring to the thoughts of Debby Shorley, Harvie *et al.* (2014) declare:

Instead of worrying about publishers' profits, still less attempting to regulate these profits, we should simply accept that publishers have different interests – occasionally complementary, but frequently antagonistic – to researchers. Given this context, and given capitalist society, researchers' interests might be best served by some form of self-publishing.

As we have previously argued, there is a range of options for self-publishing, including the further development of university presses and independent publishing by formal, or informal, scholarly associations (Beverungen *et al.*, 2012). Rather than rehearse these arguments here, however, we want to conclude by asking what the implications of a possible shift to gold open access might mean for self-publishing.

In reviewing the implications of gold open access, Harvie *et al.* focus on the question of APCs, asking what, given the failure of academics, librarians and editors to bring down subscription prices, might reduce author processing charges. One answer lies in their account of such journals as *Topology*, whose editors have left their publisher and set up an alternative, replacement journal. As long as back catalogues remain the intellectual property of the publishers, the threat of defection is relatively harmless. Editors and academic contributors have a weak hand in bargaining as the

publishers own the journal and the back catalogue. However, if the back catalogue is already open access, the situation changes, and is less skewed in the publisher's favour. In such circumstances, the move to gold open access might well shift the balance in negotiations toward the academics. If we find that APCs are too high, and that we can publish more cheaply, as the Finch Report suggests, then it is much easier for an editorial board to defect and set up a replacement journal with a university press, or independently. Back issues of the previous journal will remain open access and the new journal can cut out the publishers and return profits to the academic community, directly or through university presses. There would be no pressure on libraries to subscribe to two journals, and no bundling of journals to dominate library subscriptions and squeeze out competitors.

Of course, none of this would address our earlier concerns about the potential implications of pay-to-publish for the internal control mechanisms regulating research within universities. If the calculations of Harvie *et al.* and Finch are correct, it seems likely that APCs could be reduced to a third of what commercial publishers are charging. If this translated into a three-fold increase in publications, then at least the cost, and risk, of academic publishing would be significantly reduced. This is not to say that we are entirely sanguine when it comes to gold open access, but the strategy of simply doing nothing is clearly inadequate and based upon a misguided comparison with the music industry. What is required is a concerted move to wrest greater control over publishing from the commercial publishers and return it to academics, who do almost all of the work anyway. This means focusing on production, not consumption. At the very least, we should be exploring the possibilities that the gold route to open access might open up for new tactics in realizing this strategic goal.

Note

1. <http://www.theguardian.com/technology/2013/jun/02/aaron-swartz-hacker-genius-martyr-girlfriend-interview>.

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