

Community Responds to Proposals Regarding the Journals Crisis

by Mary M. Case, Director, Office of Scholarly Communication

The participants in the Pew Roundtable on Managing Intellectual Property in Higher Education concluded that universities have it within their power to work with each other and scholarly societies to transform scholarly communication into "a system of electronically mediated publications that will provide enhanced access to scholarly information and relief from the escalating prices of commercial publishers." As one of the sponsors of the Pew Roundtable, ARL continues to play an active role in engaging the community in discussions of strategies to achieve this transformation.

In this spirit, ARL invited presentations last October from two provosts who had developed proposals about how to address the problems of journal publishing in science, technology, and medicine (STM). Excerpts of these papers were included in *ARL* #202 (February 1999) with encouragement for comment and further discussion. A number of comments were received with opinions ranging widely. Most comments were directed specifically at University of Kansas Provost David E. Shulenburg's proposal to create a National Electronic Article Repository (NEAR). According to Shulenburg, NEAR would be a public domain repository of scholarly works created by requiring authors to deposit their articles within a certain period of time after they had been published in a journal. This deposit system would require that authors retain some rights to their work, not transferring the entire copyright to the publisher.

Some respondents were very positive, stating that NEAR's concept of "licensing publicly-funded research to commercial organizations only for a limited period ... [could] form a sound basis for the future of scholarly communication."¹ The Big 12 Plus Consortium of Libraries² issued a Statement of Endorsement of Shulenburg's proposal (see [box](#)). Other respondents felt that the proposed 90-day limit on exclusive rights for the publisher would be much too brief to provide an incentive to publish, but supported the concept if the timeframe were lengthened. Great concern, however, was expressed by publishers in the humanities and social sciences who believe that they will be disastrously affected by proposals like NEAR meant initially to address the crisis in STM journals. The primary focus of their concern is change to copyright ownership practices.

The full range of these responses formed the basis for further discussion in May at the ARL Membership Meeting. Provost Shulenburg, at the end of his presentation last October, had challenged the ARL community to help refine or reject the NEAR concept. The ARL Board requested that the Scholarly Communication Committee coordinate the Association's response. At the conclusion of the recent ARL meeting, the ARL Board passed a resolution³ recommended by the Scholarly Communication Committee that commended Provost Shulenburg for his leadership and energy in bringing the need to transform scholarly communication to the attention of faculty, administrators, and university governing bodies, and for his commitment to stimulating discussion as evidenced by his proposal to create NEAR.

The Board went on to lend their encouragement and support to ARL's active engagement and refinement of Provost Shulenburg's and other proposals to transform scholarly communication. To do so, ARL will seek opportunities for broad involvement by all of the stakeholders, including scholarly societies and nonprofit publishers, and is committed to playing a catalyzing role in bringing the stakeholders together to work toward consensus on this complex set of issues.

One important forum for reaching such a broad constituency is the National Humanities Alliance (NHA), where key leaders of the humanities and the social sciences, as well as representatives of university presses and libraries and invited guests such as representatives of university administrations,

convene. ARL is a member of this alliance and is committed to working within this context, as one opportunity, toward a better understanding of humanities and social science publishing and the full ramifications of NEAR and other proposals to find relief from escalating prices of scholarly resources.

Following are two letters—one from Janet Fisher, MIT Press, and another from members of the NHA—calling for libraries to bring together university administrators with the humanities and social sciences communities to work in partnership to ensure a robust society- and not-for-profit-based publishing enterprise. As confirmed by the Board, ARL is committed to such efforts and is seeking additional opportunities for bringing the stakeholders together.

Fisher's Response to NEAR Proposal

I appreciate the fact that administrators at universities are increasingly aware that the scholarly communication system is under enormous strain. The proposal from David Shulenburg, however, overlooks a number of important aspects of the current scholarly communications system that benefit libraries, universities, and researchers.

First, he believes that the price of scholarly journals would go down if publishers were allowed exclusive publication rights only for a period of 90 days. On the contrary, journal publishers would lose subscriptions and would therefore have to raise prices to the remaining subscribers because of the very short time in which to recover the approximately \$2,000 cost they incur to produce each article in the first place. I expect many libraries would still feel the need to subscribe to STM journals, so this would put even more strain on their budgets. So the prices of journals in the fields where the prices are already high would just go even higher.

Second, he believes that "new journals would be free to spring up, but their impact on library costs would be tempered by the reality that the material they contain would be in NEAR 90 days after publication." The assumption is that libraries would find it less necessary to subscribe to new journals, which would make it virtually impossible for publishers to invest in producing them and bringing them to the world market. Maybe he really means new journals would be free to spring up from venues outside of the current publishing system. But new publications from nontraditional venues are not likely to be easier for librarians to deliver to their patrons. Instead, there are more likely to be publications that go direct to the scholars and leave the librarians out. They are likely to be less dependable, less permanent because they rely on soft money, less likely to be in the indexing and abstracting sources that researchers and students rely on, and not available in archival forms that librarians prefer (such as microfilm and print).

Third, Professor Shulenburg asserts that non-profit publishers (as well as for-profit publishers) "are raising prices far more rapidly than their costs are increasing in the effort to gain all the economic value in the article that they publish, not just the value added." Most non-profit publishers find themselves at a distinct disadvantage in the current marketplace. The level of consolidation is making it more difficult for publishers with smaller numbers of journals (i.e., most non-profit publishers) to bring their journals to the attention of the library market. Librarians are rushing to acquire as much electronic content as they can in one transaction, which is further stressing non-profit publishers. In addition, such publishers have historically priced their journals at much lower rates than commercial publishers because they believed their mission was to enhance the distribution of scholarly research rather than make profits for themselves. This was great for universities in the short run, but now non-profit publishers find themselves needing funds to acquire the hardware, software, technical expertise, and new systems for marketing the electronic now required. In order to remain in the running with authors, editors, and journal sponsors, non-profits must develop digital versions of their print products. If they don't, more and more journals will go to commercial publishers. Is that what universities want?

Fourth, universities do not just altruistically support the scholars that do the research we publish. They also rely on journals—and the publishers that publish them—to do the quality peer review that they rely on in tenure decisions. Journals offer scholars the assurance that the broader academic community will review their work, not just a limited group of scholars at their own university who may or may not be experts in their particular field. In addition, many universities rely on journals for revenue return to the university. Journal publishers frequently pay universities for services they provide for journal editors, and I guess that commercial publishers quite often pay universities more than non-profits. The amount of payment back to the university from the journal publisher can be an important factor in an editor's decision to go with a particular publisher. Commercial publishers then charge more for the journal at least partially because their costs are higher, and it comes out of the pockets of universities when their libraries purchase the title.

Fifth, what about distribution in alternative forms than print? Would the appearance of an article in the NEAR database mean the article would not need to be produced in microfilm or microfiche, or distributed in digital format through an electronic journal delivery system such as OCLC, SwetsNet, Dawson's Information Quest, HighWire, Ebsco Online, or Blackwell's Electronic Journal Navigator? If NEAR were created, I wonder if individuals would still find it necessary to go to the library? Would the library be marginalized and become unnecessary?

Sixth, who will pay the cost of NEAR. The Los Alamos Preprint Archive in Theoretical Physics is funded through substantial NSF grants. The figure I heard at the recent ARL/AAUP/ACLS Symposium was \$350,000 per year. The cost of NEAR would be substantially higher than that since it would include articles in all fields. Will authors be willing to pay page charges to help cover these costs? I doubt it, since page charges are common in certain disciplines but certainly not most. In fact, the institution of page charges by US publishers created even more opportunity for commercial publishers to compete because they did not require page charges.

ARL could help the development of solutions by supporting face-to-face meetings of these key administrators with several experienced journals managers from the nonprofit sector. I would be happy to work with the AAUP, ARL, and ACLS to develop such a team of journal publishers.

Janet Fisher
Associate Director for Journals Publishing
The MIT Press

April 21, 1999

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NHA's Responses to Provosts' Proposals

The February 1999 *ARL Bimonthly Newsletter of Research Library Issues and Actions* presents several approaches to the "journals crisis" that would radically change the system of scholarly communication in this country by "limiting the rights that faculty authors can transfer to publishers" (p. 1).

Research libraries and universities are rightly concerned about the exponential increases in the costs of journals in medicine, science, and technology produced by commercial publishers, but the not-for-profit groups we work for—university presses and scholarly societies in the humanities and social sciences—are not the cause of the financial problems libraries and universities have been experiencing. In fact, the

groups we represent have conscientiously limited what they charge for their journals and books, and they have agreed to participate in projects like JSTOR, which the Andrew W. Mellon Foundation has organized to produce electronic archives of scholarly journals. In so doing, the scholarly societies have agreed to contract terms that forgo royalties from the future use of their journals by the patrons of research libraries. This was done to advance experimentation and innovation in electronic dissemination of scholarly journals while minimizing the price tag that would be put on this service.

We therefore urge ARL members to distinguish between the prices not-for-profit publishers in the humanities and social sciences charge for scholarly works and the prices commercial publishers in medicine, science, and technology charge. We also ask that ARL members distinguish between financial pressure that results from commercial pricing practices and financial pressure that we are all—universities, university presses, research libraries, and scholarly societies—experiencing as a result of the digital revolution.

As we have begun to discover, the digital revolution has not yet proved to be the financial panacea that many had hoped. While information technology makes possible marvelous new search and research tools, facilitates interdisciplinary work, and even alters research, it has not led to reduced costs. On the contrary, the digital revolution has added to the expenses that libraries, academic presses, and scholarly societies must bear. Nevertheless, the groups we represent have, to the limit of their resources, moved to take advantage of this new technology in ways that provide important benefits to the scholars and students who use research libraries.

But these and other publication efforts depend on copyright. For over a century, scholarly societies and university presses have made research of high intellectual caliber available in this country. Both scholarly societies and university presses rely on a system of scholarly communication that is of mutual benefit to the scholars who produce the research, the peer reviewers, the scholarly societies, university presses, and libraries. Each of these groups contributes to a system in which the partners operate in good faith—and which, ultimately, benefits the central teaching and research missions of the university itself, as new knowledge informs fundamental university activities, from undergraduate teaching to postdoctoral, sponsored research.

Universities hire scholars and expect that they will produce pathbreaking research. Scholarly societies and university presses provide significant additional value with the opportunity for the publication of this research. Both quality and clarity are improved through the peer review and editorial processes. National and international networks of scholars voluntarily and painstakingly review manuscripts for token, if any, honoraria, and help select the best for publication. Scholarly societies and university presses attend to the administrative chore of selecting editors, editorial boards, and peer reviewers. Whether the research is distributed in print or electronic form, scholarly societies and university presses provide the services necessary to ensure that each publication is reliable, consistent, readable; that it is indexed and searchable; that it is brought to the attention of other scholars in the same field; and that it is made publicly available.

Scholars pay dues to learned societies, and universities provide generous subsidies both to scholarly societies and university presses, subsidies that have helped make the results of scholarly research available to all. But dues, subsidies, and voluntary services have never borne the full cost of scholarly communications—in the past or the present. A significant portion of the costs of scholarly communication must be recovered through sales.

Copyright provides the legal framework for this cost recovery. Copyright is a form of ownership, but, unlike ownership of real property, copyright recognizes that the true value of information and ideas can only be known if they are widely shared. Copyright makes publication possible by granting the

publisher the exclusive right to recover the costs of publishing while also providing fair use and certain limited rights to libraries, archives, and other non-profit educational users. In addition, many scholarly publishers also grant other limited exemptions to this exclusive ownership—giving authors of journal articles the right to make unlimited copies for their own use in teaching, for example. But such exemptions must be carefully limited and well-defined, for they do not reduce publishers' costs. They only reduce the avenues through which those costs may be recovered, and the problem of cost recovery for scholarly publishers in the humanities and social sciences is especially acute. We have suffered from the same cuts in funding that have affected libraries in the last 30 years. If there ever was a time when scholarly publishing carried an extra ounce of fat, it's long gone; all of us now operate with budgets that have been pared to the bone, trying to recover costs in very tight markets.

Proposals for reform in the administration and transfer of copyrights that hamper the ability of scholarly societies and university presses to recover most of the costs of publishing scholarly research will not reduce the economic strain on scholarly communications. At best the proposed reforms will redistribute costs to other members of the scholarly community or force lower standards in the quality of scholarly publishing in the humanities and social sciences. The proposed strategy may further consolidate scholarly publishing in the hands of the largest publishers, who, by virtue of their size and wealth, are best able to absorb changes in market conditions.

Non-profit publishers differ substantially from commercial publishers, and we reject the implication in David Shulenburg's address that not-for-profit publishers unfairly exploit the work of their authors. We would welcome the opportunity to explore this matter in future conversations with colleagues in research libraries and university administration, in the belief that consideration of reform would benefit greatly from a more complete understanding of how the current system of scholarly communication weaves together the interests, talents, and resources of scholars, their societies, university presses, libraries, and universities in a network of mutual benefit that is supported by copyright. For over a century this system has stimulated, produced, and disseminated new knowledge for the public good. We believe that it can continue to do so. If reform is needed, it should be considered apart from the pricing of scientific, medical, and technical journals. Librarians and scholarly publishers should be allies in seeking constructive reforms.

Phyllis Franklin, Modern Language Association of America

Peter Givler, Association of American University Presses

John Hammer, National Humanities Alliance

Arnita Jones, Organization of American Historians

Page Miller, National Coordinating Committee for the Promotion of History

Catherine E. Rudder, American Political Science Association

Robert B. Townsend, American Historical Association

May 7, 1999

Big 12 Plus Libraries Consortium Statement of Endorsement of the Proposal on the Future of Scholarly Communication by Dr. David E. Shulenburg, Provost, The University of Kansas

In support of your personal leadership and efforts to create a more elastic market for scholarly publications, the Deans/Directors of the Big 12 Plus Libraries Consortium do hereby endorse:

1. Your proposal to create a higher education public domain for scholarly communication, and

2. Your further proposal to move publicly-supported scholarly publications into the higher education public domain.

We further endorse your efforts to pursue federal legislation that would mandate the creation of a higher education public domain, as described in your proposal for a National Electronic Article Repository (NEAR). Pursuant to this proposed legislation, we would like to suggest a meeting which would be hosted by Dr. Neil Lane of the President's Office of Science and Technology Policy and which would be attended by you, the Presidents of the National Association of State Universities and Land Grant Colleges (NASULGC), the Association of American Universities (AAU), the American Council of Learned Societies (ACLS), the directors of the National Institutes for Health (NIH) and the National Science Foundation (NSF).... The purpose of this proposed meeting would be to initiate discussions on the legislative effort to create a higher education public domain, and thus the mechanism by which to provide free exchange of publicly-supported scholarly publications.

October 23, 1998

Endnotes

1. Fred Friend, Chair of the Advisory Committee on Scholarly Communication of the Standing Conference of National and University Libraries in the UK, 26 Nov. 1998. See <http://www.arl.org/scomm/>.
2. The Big 12 Plus Libraries Consortium is a regional consortium of 23 research and academic libraries located in the greater Midwest & Rock Mountain area. See <http://www.big12plus.org/> [Note: As of 10/01/2001, the Big 12 Plus Libraries Consortium will change its name to the Greater Western Library Alliance].
3. See <http://www.arl.org/scomm/near.html> for the full text of the resolution.

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