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McLeod, Lise; Broady-Preston, Judith; Atkins, Ruth Dawn

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## Accessing Humanities Research in a Digital Environment

Lise McLeod\*, Judith Broady-Preston, Ruth Atkins

*Aberystwyth University, Department of Information Studies, Wales, UK*

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### Abstract

Contract law co-exists with copyright law in the publishing world often blurring the lines between authors and publishers in the dissemination of scholarly research. Technology has further obscured the traditional publishing model creating complications for academics as uncertainties about access to their published research arise. The goal of authors in publishing their scholarly research is to make an impact, to contribute to the global discussion and to disseminate knowledge to others. Making research available through open access (OA) may assist with the increased circulation of research, thereby potentially increasing its impact. OA research is seemingly more accepted and developed as a publishing model in science, technology and medicine, but evidence suggests less so in the humanities. The development of digital humanities represents a potential means by which OA may become more widely accepted as a publishing model in the humanities in general. This paper explores the role of open access in scholarly publication, and its influence on publishing contracts and the copyright of authors.

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*Keywords:* Open access; Copyright law; Humanities

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### 1. Introduction

“Digital technologies have created more than one revolution. Let’s call this one the access revolution” (Suber, P. 2012). Most of the discussion on open access focuses on the science, technology, engineering and mathematics (STEM) literature in electronic format and its availability to researchers through open means, with less focus on accessing humanities literature in the same open manner (Heath, M., Jubb, M., & Robey, D. 2008). In contrast, the field of ‘digital humanities’ uniting the humanities and computing in research has emerged with the development of digital humanities programs in several universities. Considerable advances in technology have facilitated this

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\* Corresponding author.

*E-mail address:* [lim22@aber.ac.uk](mailto:lim22@aber.ac.uk)

evolution in accessing research putting into question the copyright of authors, in this case academic authors and their role in making their research available to the public through electronic means. The access to information in digital format tests the relationship between rights holders and users requiring a consideration of licensing contracts and alternative business models.

## 2. What is Open Access?

Open access (OA) simply defined is “digital, online, free of charge, and free of most copyright and licensing restrictions” (Suber, P. 2012). The first part of the definition could also be applied to toll access (access to information via a subscription) as both digital technology and the Internet have facilitated the wide dissemination of research literature allowing dissemination that is not possible in print format. However, ‘free of charge’ in this context is for the user to access the information as opposed to toll access where the user pays a fee, usually through a subscription (Houghton, J., et al. 2009, Lessig, L. 2004). To date, the most proposed OA fee structure provides that the author, the institution or the research funder pay an article-processing charge (APC) to cover the ‘front-end’ costs incurred by the publisher for the publishing process, particularly for journals (Swan, A. 2012). This is referred to as ‘Gold’ open access and was endorsed by the UK Government and Research Council UK in 2012 (Information on <http://www.rcuk.ac.uk/research/Pages/outputs.aspx>), informed by the work of the National Working Group on Expanding Access to Published Research Findings, chaired by Professor Dame Janet Finch (2012), as the recommended form of OA publishing (Curry, S. 2013, Lewis, D. W. 2012, Wickham, C. 2013). The OA model labeled ‘Green’ open access refers to material made freely available in an online repository, usually by the scholar directly (Guedon, J.-C. 2004, Harnad, S., et al. 2004, Willinsky, J. 2006). Permission barriers (United Nations Conference on Trade and Development. 2010) pertain to the limitations imposed by the licensing terms that have been negotiated through a contract between the author and the publisher for access to the electronic material (Derclaye, E., & Favale, M. 2010). Contract law determines the copyright to creative output in the digital environment.

To date, the open access movement has referred primarily to scholarly journal articles in the STEM fields due to the immediate need to establish priority (Waltham, M. 2010) in publishing STEM research. In addition, there are funding models in place to support the funding for STEM research towards an OA model, whereas that kind of funding support is less available for the humanities (Heath, M., et al. 2008). The debate has so far only tangentially referred to monographs and “although the prospect of open access for books and essay collections is frequently canvassed with enthusiasm, no sustainable moves in that direction are likely for the immediate future” (Wickham, C. 2013).

## 3. Copyright and Licensing

Digital content can be widely disseminated and made available through the advances of technology and the development of the Internet (Hilty, R. M., & Seemann, M. 2009, Laakso, M., & Björk, B. 2012, Mueller-Langer, F., & Scheufen, M. 2013, Swan, A. 2012). This new environment has allowed for open access to develop offering authors alternative publishing models to traditional publishing. Contract law and copyright law are an integral part of the publishing system, taking the form of licences in the digital environment which allow the rights holder to establish the access rules which are often not negotiable and are complicated to understand for the user (Derclaye, E., & Favale, M. 2010). However, in the online environment many believe the economic interests of the rights holder outweigh those of the public interest (Corbett, S. 2011). John Willinsky explains it as, “The author’s retention of copyright asserts an ownership that includes, in many jurisdictions, a moral claim over the work, intended to protect its integrity, which in the case of research includes its status both as the author’s personal work and as a public good” (Willinsky, J. 2006). Authors often transfer their copyright to publishers in order to publish an article in a journal, but publishers only need ‘first publication rights’ to establish their journal’s position in the marketplace as being the first place to publish (Willinsky, J. 2006).

The private agreements between rights holders and users produced from these contracts positively balance copyright restrictions in the open environment (Dizon, M. A. C. 2009). The most prevalent licensing model suggested for open access are the six licences defined by the Creative Commons, providing the legal, human readable, and machine-readable codes (Information on [www.creativecommons.org](http://www.creativecommons.org)). The licences range from the most flexible CC-BY licence which is supported by open access due to its focus on maximum dissemination of use of material, to the most restrictive licence which only allows for downloading and sharing with attribution, and the material cannot be changed or used commercially. Susan Corbett explains that CC licences presume that the owner of the copyright of the work seeks to modify, not to abandon, their statutory rights under copyright law by granting a voluntary licence that allows certain specified uses of the work (Corbett, S. 2011). Furthermore, copyright-legislated activities such as fair dealing are not affected by this kind of licensing (Ibid), as regulated by the copyright law in the UK (Copyright, Designs and Patents Act 1988, 48, Section 29). The CC model could be suited for social production of information combining collaboration with the creation of modified output such as group contributions for online reviews (Benkler, Y. 2006, Corbett, S. 2011, Elkin-Koren, N. 2011). Kathleen Fitzpatrick's collaborative approach to peer review in placing her book 'Planned Obsolescence' (Fitzpatrick, K. 2011) on the Internet for public peer review is an excellent example.

There is a fear of some sceptics that this type of licensing generates the expectation of making all works of art available for free access (Derclaye, E., & Favale, M. 2010) which would not necessarily be possible for monographs. If a work has already been made available for free under such a licence, it is possible that a commercial publisher might not want to enter into a commercial contract (Corbett, S. 2011), so the potential future uses of a work needs to be anticipated by the author. With regard to RCUK policy in the UK, concern has been expressed the Arts, Humanities and Social Sciences (AHSS) community over the preference towards the most liberal CC-BY licence for Gold OA publications and the CC-BY-NC for Green OA (Curry, S. 2013). Some could view the CC licensing scheme as inflexible, as the author cannot impose any additional terms on the licence (Dusollier, S. 2006).

#### **4. Monographs**

The monograph as defined by Williams et al. is 'a printed specialist book-length study of a research based topic, usually but not necessarily written by a single academic author from their own primary research or its equivalent in downloadable digital form or other electronic format' (Williams, P., et al. 2009). There are often large numbers of authors listed on journal articles as opposed to the typical 'one author' monograph (Vincent, N. 2013). The fact that the monograph takes more time to write and to publish may make it less attractive to STEM academics who wish to disseminate their research as soon as possible. Research in the humanities is perhaps less time sensitive than research in the STEM disciplines (Heath, M., et al. 2008) allowing humanities academics to use monographs as their primary dissemination tool (Ibid, Swan, A. 2012, Waltham, M. 2010). Nigel Vincent demonstrates humanities scholars' preference towards monographs using UK 2008 Research Assessment Exercise (RAE) data showing that 40% of the English, French and History disciplines published monographs, 25% book chapters, and the remaining third journal articles (Vincent, N. 2013). Monographs can be viewed as a preferable choice to journal articles as their extended format and shelf life lends better to the humanities discipline (Waltham, M. 2010).

Although it remains to be seen whether humanities academics will continue to prefer monographs for publishing their academic research, the sale of monographs to libraries has already declined considerably (Ferwerda, E. 2010, Pinter, F., & Brown, N. 2012, Williams, P., et al. 2009). This reduction in sales is exemplified in the literature suggesting that monographs, which would have sold 1500 copies in the 1970's would now sell between 200-500 (Swan, A. 2012). Libraries are buying fewer monographs to accommodate shrinking budgets and to afford the rising prices of journal subscriptions labelled the 'serials crisis' (Harnad, S., et al. 2004, Willinsky, J. 2006). Publishers bundle their subscription packages, labelled by librarians as the 'big deal', resulting in libraries paying increased prices in order to receive more titles (Edlin, A. S., & Rubinfeld, D. L. 2004, Ferwerda, E. 2010, Ramello,

G. B., Del, U., Orientale, P., & Avogadro, A. 2010, Willinsky, J. 2006). As libraries have tried to manage the needs of their clients and to balance their budgets they have had cut their monograph budgets, concentrated in the humanities (Suber, P. 2012). Look and Pinter warn that the situation is likely to worsen with a further reduction of monographs as many publishers can no longer publish them due to their lack of sustainability (Look, H., & Pinter, F. 2010).

The current publishing model is being challenged with open access as a potential alternative. A report (Houghton, J. et al. 2009) to the Joint Information Systems Committee (JISC) by Houghton et al. estimates the average net sale revenue per book title for publishers in the United Kingdom (2007 prices) to be £10,000 to £20,000. Their average costs to produce each title, including distributor discounts, are divided as: £22,500 for toll access print, £14,715 for toll access e-books, and £7,380 for open access e-books. The figures highlight two issues to consider – monographs in print format cost double the price of e-monographs, but also that open access e-monographs are not free to produce.

## 5. OA E-Monographs

Academics do not publish their research to make money – they disseminate the information for other academics to make reference to it. Most humanities researchers “agree that reputational capital far outweighs financial reward as the main hoped-for benefit from publishing their work in book form” (Swan, A. 2012). Academics are paid by their universities and sometimes receive external funding allowing them to publish for impact rather than for royalties (Suber, P. 2012), but humanities scholars are less likely to receive external funding like those in the STEM fields (Waltham, M. 2010). The pressure on humanities scholars is great from the imposed metrics applied by their institutions and the government funding exercises (Look, H., & Pinter, F. 2010). Chris Wickham supports this view outlining that although humanities and social science academics comprise 50% of all academics, the arts and humanities only receive 10% of research council funding in the UK, leaving the remaining portion to come from the government research budget distributed according to metrics (Wickham, C. 2013). In considering an OA funding model it might be impossible to attribute an OA humanities publication to any one specific funding body as a publication can be the product of many outputs that are not necessarily due to the current funding (Osborne, R. 2013).

The debate concerning OA monograph publishing in the humanities is still undeveloped. Although the OA journal publishing model is likely to be a template for future OA publishing, it cannot necessarily be directly applied to monograph publishing and it will probably not be fully developed in the UK in the next funding cycle up to 2020 (Wickham, C. 2013). Wellcome Trust included monographs and book chapters in its open access policy in May 2013 (Information on [www.wellcome.ac.uk/News/Media-office/Press-releases/2013/WTP052746.htm](http://www.wellcome.ac.uk/News/Media-office/Press-releases/2013/WTP052746.htm)), although the specific reference to the medical humanities in the announcement narrows down the intended focus.

Under the traditional e-monograph model the user does not purchase the book, but only licenses it for use as established by the rights holder who is usually the publisher (Synodinou, T.-E. 2013). The e-monograph model offers additional sales and marketing opportunities for authors and publishers resulting in the renegotiation of several contracts for older publications (Silver, I. 2010). If the contract was concluded prior to the availability of digital technologies, the publisher cannot digitize (adapt it according to copyright law) the work and make it available without the author’s consent (Gee, D. 2008, Synodinou, T.-E. 2013). However, if the publisher provides additional features such as text, images, hyperlinks, or social media making an adaptation to an e-book, this could possibly be considered as a new cultural asset called ‘hyper-books’ (Ibid). These new electronic editions are interesting for their hyperlinking and the association of text with images thereby creating a medium impossible through conventional means (Heath, M., et al. 2008, Lynch, C. 2002, Presner, T., & Johanson, C. 2009).

## 6. Digital Humanities

“The digital humanities can be defined as the application of information technology as an aid to fulfill the humanities’ basic tasks of preserving, reconstructing, transmitting, and interpreting the human record” (Frischer, B. 2009).

Humanities scholars use physical and digital information differently than scientific scholars, as they require a greater range of information in terms of publication date and type, and do not expect to solve a research question, but to reinterpret the sources and revise the findings of others by finding correlations and establishing a framework (Osborne, R. 2013, Warwick, C. 2012a). Hence the emergence of digital humanities, where humanities researchers are welcoming the benefits of online publication and the search capacity of primary text archives.

Any record of human experience is a source of data for a humanities scholar with sources available publicly via libraries, archives, museums, or privately – accessible or not (Borgman, C. L. 2009). In most libraries, some form of digitization is now taking place; digitization is the foundation of digital humanities research (Terras, M. 2012). Digital humanities have become associated with libraries due to their service-oriented culture and their involvement in the support of digital resources, although the relationship has yet to be fully explored (Warwick, C. 2012b, Welsh, A. 2012). This is a natural association since librarianship as a profession embraces new technologies; the default of the academic discipline of information studies is technology in today’s information environment (Ibid). With regards to the intellectual property rights of sources for humanities research, scholars have less control, as compared to the sciences that create their own data, as they often need permission to reproduce them placing more constraints on publishing digital humanities research than other disciplines (Borgman, C. L. 2009).

## 7. Conclusion

As policies for OA journals cannot be easily applied to books, monographs are temporarily excluded from OA policies of the major funding UK agencies such as the Finch Report, the Department for Business, Innovation and Skills, Research Councils UK, and the Higher Education Funding Council for England (Vincent, N. 2013). In the meantime, other business models are being created and tested to see if the e-monograph publishing formula can be perfected. Projects such as ‘Open Book Publishers’] (Information on [www.openbookpublishers.com](http://www.openbookpublishers.com)), ‘Open Library of the Humanities’ (Information on [www.openlibhums.org](http://www.openlibhums.org)) and ‘Knowledge Unlatched’ (Information on [www.knowledgeunlatched.org](http://www.knowledgeunlatched.org)) are underway and are proving viable vehicles in driving access to e-monographs. Although OA policies for e-monographs may not be finalized in the near future, the OA journal formula may not address many of the issues that are specific to scholarly output in the humanities and the discipline needs to be part of the debate in order to secure an informed outcome. The development of the digital humanities field fulfils the research needs of the humanities in managing the scholarly data and input demonstrating the complexity of humanities research in the digital environment.

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