

# On "Open Access" Publishers Who Oppose Open Access Self-Archiving Mandates

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[American Scientist Open Access Forum](#)

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**SUMMARY:** The [online age](#) has made powerful new benefits for research possible, but these benefits entail a profound conflict of interest between (1) what is best for the research journal publishing industry and (2) what is best for research, researchers, universities, research institutions, research funders, the vast research and development (R&D) industry, and the tax-paying public that funds the research.

What is at stake is (1) a hypothetical risk of potential future losses in subscription revenue for publishers versus (2) actual, ongoing losses in current research impact for researchers. How this conflict of interest will have to be resolved is already clear: Research publishing is a service industry; it will have to adapt to what is best for research, and not vice versa. And what is best for research is Open Access (OA), provided through research funders and universities [mandating](#) the OA self-archiving of all their researchers' peer-reviewed research output.

The conventional (non-OA) publishing industry's first commitment is of course to what is best for its own business interests, rather than to what is best for research and researchers; hence it is [lobbying vigorously](#) against the many OA self-archiving mandates that are currently being [adopted](#), [recommended](#) and [petitioned](#) for by the research community worldwide.

But what is especially disappointing, if not deplorable, is when ["OA" publishers](#) take the very same stance against OA itself (by opposing OA self-archiving mandates) that non-OA publishers do. [Conventional publisher opposition to OA](#) will be viewed, historically, as having been a regrettable, counterproductive (and eventually countermanded) but comprehensible strategy, from a purely business standpoint. [OA publisher opposition to OA](#), however, will be seen as having been self-deluded if not hypocritical.

I close with a reply to [Jan Velterop](#), of Springer's ["Open Choice"](#): Jan opposes Green OA self-archiving mandates, because they would provide OA without paying the publisher extra for it. But all publishing costs are currently being paid for already: via subscriptions. So opposition to Green OA self-archiving mandates by a hybrid Gold "Open Choice" Publisher sounds very much like wanting to have their cake and eat it too (even though that is precisely what they like to describe Green OA advocates as trying to do!).

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The online age has given birth to a very profound conflict of interest between what is best for (1) the research journal publishing industry, on the one hand, and, on the other hand, what is best for (2) research, researchers, universities, research institutions, research funders, the vast research and development (R&D) industry, and the tax-paying public that funds the research.

It is no one's fault that this conflict of interest has emerged. It was a consequence of the revolutionary new power and potential for research that was opened up by the [Web era](#). What is at stake can also be put in very concrete terms:

- (1) *hypothetical* risk of future losses in publisher revenue versus
- (2) *actual* daily losses in research usage and impact

The way in which this conflict of interest will need to be resolved is also quite evident: The research publishing industry is a service industry. It will have to adapt to what is best for research, and not vice versa. And what is best for research, researchers, universities, research institutions, research funders, the R&D industry and the tax-paying public in the online age is: [Open Access](#) (free online access). That is what [maximizes](#) research usage and impact, productivity and progress.

The research publishing industry lobby of course does not quite see it this way. It is understandable that their first commitment is to their own business interests, hence to what is best for their bottom lines, rather than to something else, such as Open Access, and what is best for research and researchers.

But what is especially disappointing, if not deplorable, is when so-called "[Open Access](#)" publishers take exactly the same stance against Open Access (OA) itself (sic) that conventional publishers do. [Conventional publisher opposition to OA](#) will be viewed, historically, as having been a regrettable, counterproductive (and eventually countermanded) but comprehensible strategy, from a purely business standpoint. [OA publisher opposition to OA](#), however, will be seen as having been self-deluded if not hypocritical.

Let me be very specific: There are two ways to provide OA: Either individual authors make their own (conventionally) published journal article's final draft ("[postprint](#)") freely accessible on the Web, or their journals make their published drafts freely accessible on the Web. The first is called "[Green OA](#)" (OA self-archiving) and the second is called "[Gold OA](#)" (OA publishing).

In other words, one of the forms of OA (OA publishing, Gold OA) is a new form of publishing, whereas the other (OA author self-archiving, Green OA) is not: Green OA is just conventional subscription-based publishing plus author self-help; the author supplements the usual access to the publisher's subscription-based version for those users who can afford it with a free online version for those who cannot. Both forms of OA are equivalent; both [maximize](#) research usage and impact. But Green OA depends on the author whereas Gold OA depends on the publisher.

Now both forms of OA do represent some possible risk to publishers' current revenue streams:

With Green OA, there is the risk that the authors' free online versions will make subscription revenue decline, possibly unsustainably.

With Gold OA, there is the risk that either subscription revenue will decline unsustainably or author/institution publication charges will not generate enough revenue to cover expenses (or make a profit).

So let us not deny the possibility that OA in either form may represent some risk to publishers' revenues and hence to their current way of doing business. The real question is whether or not that risk, and the possibility of having to adapt to it by changing the way publishers do business, outweighs the vast and certain benefits of OA to research, researchers, universities, research institutions, research funders, the R&D industry and the tax-paying public.

This question has been addressed by the various interested parties for several years now. But lately -- after much (too much) delay and debate with publishers -- research funders as well as research institutions have begun to take OA matters into their own hands by [mandating Green OA](#).

**Funder Mandates:** As a condition for receiving research grants, fundees must self-archive in their [Institutional OA Repositories](#) (or Central OA Repositories) the final drafts of any resulting articles that are accepted for publication: The [European Research Council](#) (ERC), 5 of 8 (and soon 6 out of 7) [UK Research Councils](#), the [Australian Research Council](#) (ARC) and the

[Wellcome Trust](#) have already mandated Green OA self-archiving. In the US both the [Federal Public Research Access Act](#) (FRPAA) and a mandated [upgrade of the NIH Public Access Policy](#) are likewise proposing a self-archiving mandate. [Similar proposals](#) are under consideration in Canada, individual European countries, and Asia.

**University Mandates:** In parallel, Green OA mandates have also been adopted locally by a growing number of universities and research institutions worldwide, each requiring all of its own institutional research output to be self-archived in its own [Institutional OA Repository](#).

These Green OA mandates by research funders and institutions have been vigorously opposed by some (not all) portions of the publishing industry: the opposing lobby has already succeeded in delaying the adoption of [Green OA mandates](#) on a [number of occasions](#).

Nevertheless, the benefits of OA to research are so great that such attempts to delay or derail the Green OA mandates are proving unsuccessful.

The specific issue I wish to address here, however, is the stance of (some) Gold OA publishers on the Green OA mandates: Most Gold OA publishers support Green OA mandates. After all, a Gold OA journal is also, a fortiori, a Green journal (as are about [65%](#) of conventional journals), in that it explicitly endorses OA self-archiving by its authors.

But endorsing individual author self-archiving is not the same as endorsing self-archiving mandates by funders and universities. So it is not surprising that although most *conventional* journal publishers endorse individual author self-archiving, many of them oppose self-archiving mandates.

So what about those Gold OA journal publishers that oppose Green OA mandates? This is an extremely telling question, as it goes straight to the heart of OA, and the rationale and justification for insisting on OA.

Gold OA journals rightly represent themselves as differing from conventional journals in that they provide OA. To put it crudely, what they propose to authors is: "Publish in my journal instead of a conventional journal if you want your article to be Openly Accessible to all users." (And, for those Gold OA journals that charge publication fees: "Publish in my journal instead of a conventional journal and pay my publication fee if you want your article to be Openly Accessible to all users.")

Apart from that, there is the usual competition among journals: OA journals compete with non-OA journals, and journals of all kinds within the same field compete among themselves. For conventional journals and for OA Gold journals supported by subscriptions, there is competition for subscription fees. For all journals there is competition for authors. And for Gold OA journals that charge publication fees, the competition for authors is compounded by the competition for publication fees.

What about OA itself? In order to be successful over its competition, a product-provider or service-provider has to provide and promote the advantages of his product/service over the competition. In the competition between OA and non-OA journals, the cardinal advantage of the OA journal is OA itself: OA journals provide OA, maximizing research usage and impact; conventional journals do not. For subscription-based Gold OA journals, OA is a drawing point. For publication-fee-based Gold OA journals, OA is a selling point.

So what about Green OA mandates? For the [35%](#) of conventional journals that have not endorsed OA self-archiving by their authors, their opposition to Green OA mandates is just an extension of their opposition to OA: We know where they stand. "What matters is what is best for our bottom line, not what is best for research."

For the [65%](#) of conventional journals that are "Green" in that they have endorsed OA self-archiving by their authors, those of them (their percentage is not yet clear) that oppose Green OA mandates are in a sense in conflict with themselves: "It's ok if individual authors self-archive to enjoy the advantages of OA, but it's not ok if their institutions or funders mandate that they do so." (This is an awkward stance, rather hard to justify, and will probably succumb to the underlying premise that OA is indeed an undeniable benefit to research.)

But then what about [opposition to Green OA mandates from Gold \(or hybrid-Gold\) OA publishers](#) -- publishers that are presumably 100% committed to the benefits of OA for research? This is the stance that is the hardest of all to justify. For the fact is that Green OA is in a sense a "competitor" to Gold OA: It offers OA without constraints on the author's choice of journal, and without having to pay publication fees.

The only resolution open to a Gold OA publisher who wishes to justify opposing Green OA mandates is to adopt *precisely the same argument* as the one being used by the non-OA publishers that oppose Green OA mandates: that mandated OA self-archiving poses a potential risk to their subscription revenues -- in other words, again putting what is best for publishers' bottom lines above what is best for research, researchers, universities, research institutions, research funders, the R&D industry and the tax-paying public.

Perhaps this was bound to come to pass in any joint venture between a producer who is not seeking any revenue for his product (i.e., the researcher-authors, their institutions and their funders) and a vendor who is seeking revenue for the value he adds to the (joint) product.

I happen to think that this conflict-of-interest will only [sort itself out](#) if and when what used to be a product -- a peer-reviewed, published journal article, online or on paper -- ceases to be a product at all (or at least a publisher's product), sold to the user-institution, and becomes instead a service (the 3rd-party management of peer review, and the certification of its outcome), provided by the publisher to the author's institution and funder.

I also happen to think that only Green OA mandates can drive this [transition](#) from the current subscription-based cost-recovery model to the publication service-fee-based model, with the distributed network of institutional OA repositories making it possible for journals to offload all their current access-provision and archiving burden and its costs onto the repositories, distributed worldwide, thereby allowing journals to cut publication costs and downsize to become providers of the peer-review service alone, with its reduced cost recovered via institutional publication fees paid out of the institutional subscription-cancellation savings.

Berners-Lee, T., De Roure, D., Harnad, S. and Shadbolt, N. (2005) [Journal publishing and author self-archiving: Peaceful Co-Existence and Fruitful Collaboration](#).

But this is all hypothetical: We are not there now. Right now, the cost of publication is being amply paid by subscriptions. Publishers are hypothesizing that OA self-archiving mandates will make that revenue source unsustainable -- but no actual evidence at all is being provided to show either that that hypothesis is correct, or when and how quickly subscriptions will become unsustainable, if the hypothesis is indeed correct. Most important, publishers are giving no indications whatsoever as to why the [peaceful transition scenario](#) described above will not be the (equally hypothetical, but quite natural) sequel to unsustainable subscriptions.

Instead, the only thing publishers are offering is [hypothetical doomsday scenarios](#): the destruction of peer review, of journals, and of a viable industry. Then, on the pretext of the need to protect their current revenue streams and their current ways of doing business from this hypothetical doomsday scenario, publishers try to block OA self-archiving mandates, despite OA's substantial [demonstrated benefits](#) to all the

other parties involved, viz, researchers, research institutions and funders, R&D industries, and the tax-paying public that funds the research.

This is indeed a conflict of interest, although the future revenue losses to the publishing industry are completely hypothetical, whereas the current ongoing access/impact losses to research are very real, and already demonstrated (to the satisfaction of all the players except the publishing industry).

I close with a reply to [Jan Velterop](#), of Springer's "[Open Choice](#)": Springer is a subscription-based, hybrid Green/Gold publisher: Springer sells journals by subscription; Springer is [fully Green](#), endorsing author self-archiving; Springer offers authors fee-based Gold OA as an option; and Jan opposes Green OA mandates.

The following exchange begins with an attempt to justify (some) publishers' insistence on the transfer of *exclusive* rights (rather than just publishing rights) to the publisher; Jan suggests that transferring exclusive rights is a form of "payment" by the author to the publisher, but he never explains why the rights need to be exclusive. Then Jan goes on to oppose Green OA self-archiving mandates, because they would provide OA without paying for it. (No mention is made of the fact that all publishing costs are currently being paid for already -- via subscriptions...)

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On Wed, 21 Feb 2007, [Jan Velterop](#), Springer UK [wrote](#):

**JV:** *"transfer of exclusive rights to a publisher is a form of 'payment'. Payment for the services of a publisher."*

Is it? And then what are subscription revenues? A fringe benefit?

(I would have thought that assigning a publisher the right to publish and the exclusive right to collect revenues for selling an author's work, without even paying any royalties to the author, was "payment" enough for the value added by the publisher...)

**JV:** *"The publisher subsequently uses these exclusive rights to sell subscriptions and licences in order to recoup his costs"*

Why exclusive rights?

**JV:** *"The advantage is seemingly for the author, who (mistakenly) has the feeling that he doesn't have to pay for the services of formal publication of his article, but who seldom realizes why he is asked to transfer exclusive rights."*

Authors are naive, but not quite as foolish as that. They know the publisher needs to sell subscriptions to make ends meet. But what you haven't explained is why the publisher needs *exclusive* rights in order to do that.

**JV:** *"The disadvantage is that payment in the form of exclusive rights limits access, because it needs a subscription/licence model to convert this form of 'payment' into money."*

Disadvantage or no disadvantage, subscriptions are currently making ends meet quite successfully.

And you still haven't explained why the rights transferred need to be exclusive.



**JV:** *"And subscriptions/licences are by definition restrictive in terms of dissemination."*

No problem, once the author supplements the access provided by subscriptions with free online access to his own self-archived draft (Green OA), providing [eprints](#) to would-be users who cannot afford the published version, exactly as authors had provided reprints in paper days.

**JV:** *"Article-fee supported open access publishing, where the transfer of exclusive rights is replaced by the transfer of money, consequently doesn't have the need for subscriptions and can therefore abolish all restrictions on dissemination."*

Yes. But where is the need for "article-fee supported open access publishing" (Gold OA) at a time when (a) most journals are still subscription-based, (b) subscriptions are still paying the costs of publishing, and (c) the only thing the author needs to do to provide (Green) OA is to self-archive (and the only thing the author's funder or institution need do is mandate it)?

**JV:** *"Stevan Harnad c.s. will argue that none of this matters, because there is 'green', meaning that whatever 'exclusive' rights have been transferred, authors can still disseminate their articles via self-archiving in open repositories. In that model, having transferred 'exclusive' rights is meaningless, and that implies that the 'payment' that exclusive rights transfer actually is, has become worthless."*

(1) You have not yet replied about why the transferred rights need to be exclusive.

(2) Nor about what the problem is, as long as subscriptions are paying for publication costs, as they are.

(3) If you choose to invoke the hypothetical "[doomsday](#)" scenario -- that mandated self-archiving will cause cancellations and drive subscriptions down to unsustainable levels -- by way of response, kindly first cite (3a) the evidence that self-archiving causes subscription cancellations and (3b) the arguments and evidence as to why publishing will not quite naturally make the adaptive transition to the Gold OA cost-recovery model that you favor, if and when self-archiving mandates ever *do* cause subscriptions to become unsustainable.

**JV:** *"In mandates with embargos, the 'payment' may not be completely worthless (depending on the length of the embargo) but is at least severely devalued."*

You seem to be singularly fixated (for an OA advocate) on payment rather than access (at a time when all payments are being made, but much access and impact is being lost).

You also seem to be more concerned about payments than access delays, and you seem to be expressing some sympathy for embargoed access over Open Access in your (unsupported) defense of exclusive rights as a form of "payment."

**JV:** *"I am a great fan of open access, but not a great fan of 'green'."*

Translation: I am a great fan of OA as long as it is paid Gold OA. (The accent seems to be on the "paid" rather than on the "OA".)

But what is missing today is not publisher payment, but OA...

**JV:** *"'Green' is a kind of appeasement by publishers (some of who, it must be said, themselves didn't [and sometimes still don't] realise the 'payment' nature of exclusive rights transfer)."*

Perhaps my interpretation is more charitable: [92%](#) of journals did not endorse Green OA (65% for immediate postprint OA) merely to "appease" or "placate," but because they recognized that OA is indeed a great benefit to research and researchers, and that trying to oppose OA would be neither creditable nor successful.

Jan seems to prefer the less charitable idea that endorsing Green self-archiving was merely a cynical sop, granted on the assumption that it would not be used, and perhaps even to be taken back, "[Indian-Giver](#)" Style, if too many researchers actually went ahead and self-archived.

**JV:** *"Appeasement is often regretted with hindsight. Instead of allowing the nature of exclusive rights transfer to be compromised, publishers should much earlier have offered authors the choice of payment either transfer of exclusive rights, or cash. The appeasement, the 'green', now acts as a hurdle to structural open access, perhaps even an impediment."*

In other words, publishers should have refused to endorse Green OA self-archiving unless they were paid extra for it. Never mind that all publication costs were and still are being fully paid via subscriptions. No OA without extra pay (Gold).

Because of this impetuous Green appeasement, Springer (a Green publisher) is now stuck with only being able to ask payment for Gold, not for Green too...

**JV:** *"Harnadian orthodoxy will dismiss this. It holds that subscription journals will survive, that they will be paid for by librarians even if the content is freely disseminated in parallel via open repositories, and that it doesn't matter anyway"*

Shorn of the above rhetoric, my position is much simpler:

Mandate self-archiving now, for immediate Green OA.

If and when 100% Green OA ever does cause universal subscription cancellation, then use the self-same windfall subscription savings to pay for Gold OA.

But not now, when there is next to no OA and no Green-induced subscription cancellations.

**JV:** *"(the guru is tentatively beginning to admit that large scale uptake of self-archiving, for instance as the result of mandates, may indeed destroy journals)"*

Nothing of the sort. There is no guru, but all I say is what I have been [saying all along](#): if and when OA self-archiving makes subscriptions unsustainable, journals can and will adapt by converting to Gold OA, and institutions will pay the Gold OA fees out of (a portion of) their windfall subscription cancellation savings. (Only a part, because journals will have down-sized to peer-review service-provision alone.)

**JV:** *"because a new order will only come about after the complete destruction of the old order."*

No destruction: merely a natural adaptation to the optimal and inevitable outcome for research, made possible by the online medium.

**JV:** *"After all, morphing the old order into the new, without complete destruction, entails a cost in terms of money, which "isn't there", and anyway, the cost that comes with complete destruction of the old order is preferred to spending money on any transition, in that school of thought."*

Translation, shorn of Jan's rhetoric:

'Harnad (and many others) are objecting to needlessly (and wastefully) redirecting scarce research funds toward paying for Gold OA *now*, when (1) 100% Green OA is reachable without it, when (2) subscriptions are still covering publishing costs, and when (3) it is still a speculative matter whether and when Green OA will ever cause subscriptions to become unsustainable. The time to redirect funds toward paying for Gold OA is when the hypothesized subscription cancellations have actually materialized, so the new savings can be redirected to pay for the new Gold OA publishing costs.'

And the objection isn't primarily to the redirection of scarce research funds to pay for needless Gold OA costs. If the research community is [foolish](#) enough to want to do that, it is welcome to do so. The objection is to any further delay in mandating Green OA, wasting still more time instead on continued bickering about paying pre-emptive Gold publishing fees. Let research funders and institutions mandate OA Green self-archiving, now, thereby guaranteeing 100% OA, now, and *then* let them spend their spare time and money in any way they see fit.

**JV:** *"I doubt that a complete wipe-out will come. But there are quite a large number of vulnerable journals and a partial wipe-out as a result of mandated self-archiving is entirely plausible."*

If what Jan is saying here is that journals will continue to be born and die, as they do now, I agree. Green self-archiving mandates don't affect journals individually, they affect them all, jointly, and the effects are gradual. No one funder or institution generates the contents of an individual journal. So as the percentage of self-archiving rises, there will be a (possibly long) uncertain period when it is unclear how much of the contents of any given journal are accessible online for free.

If and when a point is reached where journal subscriptions do become unsustainable, there will be a natural mass transition to Gold OA. Before that time, it is a matter of the sheerest of sheer speculation whether Green OA will or will not alter either the rate or the direction of spontaneous journal births and deaths.

**JV:** *"Although there seems to be a myth that journals are very, even extremely, profitable, the fact is that a great many journals are not profitable or 'surplus-able' (in not-for-profit parlance). In my estimate it is the majority. Within the portfolio of larger publishers these journals are often absorbed and cross-subsidised by the journals that are profitable. Smaller (e.g. society-) publishers cannot do that. Marginal journals do not have to suffer a lot of subscription loss before they go under. Some of these, especially society ones, will be 'salvaged' by being given the opportunity to shelter under the umbrella of the portfolio of one of the larger independent publishers. Others will just perish if they lose subscriptions. They could of course convert to open access journals with article processing fees, but setting those up is no sinecure, and requires a substantial financial commitment, as the experience of PLoS and BMC has shown. Journals that are run for the love of it, by the commendable voluntary efforts of academics, are mostly very small, and are the first to be affected, unless, of course, they do not need any income because they are crypto-subsidised by the institutions with which their editors are affiliated. Such journals have always been there and there are probably more now than ever (and some are very good indeed, or so I'm told), but to imagine scaling them up to deal with the million plus articles per year published as a result of global research efforts seems far-fetched, indeed."*



Part of this speculative account had some plausibility: Yes, journals are born and die. Yes some struggle to make ends meet (irrespective of OA). Yes some are subsidised. None of this has anything at all to do with OA.

The causal influence of OA on this already ongoing birth/death/survival process, however, is pure speculation: Some titles will die; some will migrate (possibly to OA Gold publishers like Jan's former employer, [BioMed Central](#) -- which, I note in passing, has signed the [EC petition](#) in support of the EC OA Self-Archiving Mandate, whereas Jan's current employer, Springer, did not); some will survive, with or without subsidy, just as before. Nothing to do with Green OA, either in terms of rate or direction.

But where on earth did Jan get to the non-sequitur of "scaling... up the [border-line and subsidised journals] to deal with the million plus articles per year"?

Journals will continue to make ends meet as they did before, on subscriptions or subsidies; some will die, as they always did; others will migrate. Then, if and when subscriptions become unsustainable, there will be a transition (and downsizing) to OA Gold, paid for out of (a portion of) the very same subscription cancellation savings that drove the transition, redirected toward paying for Gold OA fees.

Jan's own speculation only sounds like an Escher impossible-figure because he chooses to paint it that way. Without the imposition of that arbitrary distortion, the transitional landscape looks perfectly natural.

**JV:** *"Open access is the inevitable future, and it is worth working on a truly robust and sustainable way to achieve it."*

OA means free online access, and that is indeed worth reaching for right now, via Green OA self-archiving mandates, which are reachable right now. Jan instead recommends continuing to sit and wait for a hypothetical outcome, while meanwhile refraining from reaching for a sure outcome: 100% OA via Green mandates. Jan urges the research community instead to "work on" finding a way to pay pre-emptively for Gold OA now, when Gold OA is neither needed, nor are the funds available for paying for it (without poaching them from research) because the funds to pay for publishing are still paying for subscriptions.

*Caveat pre-emptor.*

**Stevan Harnad**

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