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THU: Pirate scholarly communication: how are illegal means of sharing academic literature part of open education and how are they innovative? (David Jenkins)

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<https://www.youtube.com/embed/maAEPO5Jh10>

This project addresses the question "Pirate scholarly communication: how are illegal means of sharing academic literature part of open education and how are they innovative?".

Pirate scholarly communication (PSC) can be defined as online services, mechanisms and/or practices that provide illegal access to traditionally published scholarly literature in the form of journal articles, conference proceedings, books and so on. This content would usually have to be paid for but PSC violates copyright and licensing agreements in order to make it openly available for no cost to the reader. Examples of pirate scholarly communication include LibGen¹, Sci-Hub², Reddit Scholar³, #icanhazpdf⁴ and AAAAAARG⁵. Are they legitimate acts of civil disobedience, in keeping with open education's core aim of democratising access to education or are they unjustifiable examples of theft that threaten part of the educational infrastructure?

The relationship between PSC and OE have been examined in order to consider:

- ▶ To what extent can pirate scholarly communication be considered open education?
- ▶ To what extent does pirate scholarly communication democratise access to education?
- ▶ To what extent is legality a condition of open education?
- ▶ To what extent can pirate scholarly communication be considered innovative?

Given the increasing popularity and press coverage of services such as Sci-Hub, the field of open education needs this project to be undertaken in order to:

- ▶ Better understand the boundaries and definitions of open access
- ▶ Address what role legality plays in democratising access to education
- ▶ Discuss whether PSC poses a threat to OE

This project uses traditional literature searching alongside online networking, particularly in terms of using Twitter to engage with the target audience and blogs to communicate research. This method has led to the following findings:

- ▶ PSC is somewhat innovative in terms of bringing the techniques of online piracy to bear on scholarly communications but copyright violation has a long history both inside and outside of academia
- ▶ PSC can be seen to democratise access to education but only in the form of access to academic literature and even this is not barrier-free

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- ▶ PSC has different claims to morality than other forms of online piracy. These claims link strongly to the core mission of OE – to democratise access to education
- ▶ Whilst those who profit from effective implementation of copyright present piracy as a crime, it is not self-evidently a crime. PSC activists and other parties have turned authorities' claims regarding immorality back on them
- ▶ The rights of people to access academic literature can be seen to be enshrined in international law but so can the rights of authors to protect these works

This project may be of interest to anyone involved in OE, particularly at the level of higher education, and anyone involved in the scholarly communication process (e.g. academics, publishers, librarians, learned societies etc.).

See my blog posts on this topic here <https://davidrjenkins.wordpress.com/category/h818/>

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[Andy Brooks](#)

1:58pm 27 January 2017 [Permalink](#)

Really interesting subject matter David, I am assuming you are in favour of free access to research papers, am I right? Did your research alter your view one way or the other?



[David Jenkins](#)

4:09pm 27 January 2017 [Permalink](#)

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Cheers, Andy! I am certainly pro-open access but appreciate the complexities of the current situation. I think pirate services (esp. Sci-Hub) have amplified the debates and given them new energy/urgency.

My research has solidified rather than changed my views. However, it has given me new appreciation of the nuances and new insight into open education.

What are your thoughts on open access? Will look forward to any questions after the presentation :-)



[Mary Howell](#)

8:33pm 28 January 2017 [Permalink](#)

David I think this is a really interesting debate. One of the things I have enjoyed most about being an OU student has been having access to the library and academic literature.

I work as an adviser in secondary education, but on a self - employed basis so having direct access to research literature via the OU library has been invaluable over the last 5 years or so, but it is becoming less important as open publishing becomes more

widespread. Do you think piracy could potentially be defeated by open publication

becoming a norm or is that still pie in the sky?



[Sarah Adrienne Hughes](#)

11:41am 29 January 2017 [Permalink](#)

Dear David,

This project has considered an aspect of open - access that I hadn't thought about. I didn't know that these 'links' existed either! To what extent does this affect current formal systems of 'scholarship' and 'ownership' of new ideas and how widespread is it? If only a few are accessing information via PSC, is this fair; or should we be encouraging it, so that new ways of protecting ownership are found?

Not sure that my understanding is clear here, but am looking forward to hearing more about it!

Regards,

Sarah



[Andy Brooks](#)

12:44pm 29 January 2017 [Permalink](#)

Hi David, my thoughts are that, not only am I in favour, but I think open sharing is imperative if we are going to maximise our resources and realise our potential. I would see sites like sci-hub as something impermanent while systems catch up with technology. Maybe I am just optimistic.



[Jude Toasland](#)

2:57pm 29 January 2017 [Permalink](#)

This is a new area for me too David. I haven't been aware of the piracy of academic information although do have concerns about inappropriate (or maybe even illegal) use of training resources produced by my organisation where these are used by those without sufficient knowledge or experience to use them appropriately. This can lead to inaccurate information being communicated leading to the danger of risky practice.



[David Jenkins](#)

3:07pm 29 January 2017 [Permalink](#)

Hi guys, thanks for your comments!

Mary - glad you find it interesting! I think de facto open access is still a long way off for a number of reasons. The publishers still hold a trump card in terms of the prestige of their journals and the models of open access that are becoming institutionalised can be seen to prop up rather shake up traditional publishing. Additionally, it's interesting to see how some people are supportive of piracy in itself and don't see it as something to be 'defeated'.

Sarah - how widespread this piracy is can be hard to establish. There's not a lot of formal research regarding numbers of users or downloads etc. yet. However, the studies I have found suggest that, whilst use of pirate services is significant, it still accounts for a relatively small fraction of the use of academic literature. In a sense, piracy doesn't change formal systems of scholarship that much. The pirate sites tend to just provide alternative means of accessing traditionally published material rather than providing an entire new publishing infrastructure. You could argue that the pirate sites are 'parasitic' in relation to publishers (in that they take rather than generate content). However, in another sense they really have the potential to change publishing by bringing attention to issues of open access, authentication to legal resources and potentially by reducing publishers' profits.

Andy - nothing wrong with optimism :-) It is interesting how Sci-Hub's creator argues very strongly that her site is not a stepping stone to other systems of open access but is, in fact, a complete solution in itself though.



[David Jenkins](#)

3:10pm 29 January 2017 [Permalink](#)

Jude - thanks for the comments! I totally understand your reservations about inappropriate sharing of training resources. That must be a big challenge to contend with re: openness! However, in relation to the academic literature that these pirate sites share, there isn't comparable concern - the type of material and the context in which it's shared doesn't differ from legal means of dissemination here.



[Andy Brooks](#)

7:34pm 31 January 2017 [Permalink](#)

I'll have to have a look at those arguments, but I suppose the point is that did she not feel this strongly she may not have put so much effort in. So whatever the outcome it's lucky she feels like this



[jan turner](#)

11:05pm 31 January 2017 (Edited 11:06pm 31 January 2017) [Permalink](#)

I'll join everyone else here David and say 'really interesting topic'.

I look forward to hearing your say more about your thoughts on: "PSC has **different** claims to morality than other forms of online piracy. These claims link strongly to the core mission of OE – to democratise access to education." It started me wondering why the difference, or does this link to the fact that a good amount of research will be funded by public institutions?



[Mr Mark T Allenby](#)

9:24pm 1 February 2017 [Permalink](#)

I think a useful tool in exploring issues like this is 'cui bono' - 'who benefits'?

There is, by definition, no such thing as 'free' research. Even if it incurs no additional financial costs, it takes time that could be used on something else, so there is an opportunity cost for the researcher. So who pays and who benefits from both the current system and the pirate systems?

I also wonder if piracy is really the correct idea. Are those who make this information available more like Captain Kidd, or more like Robin Hood?



[Dr Susan Morris](#)

12:59pm 2 February 2017 [Permalink](#)

Hello David, I have watched your You Tube explainer video of your Project and I look forward to your presentation. I bring insights from being 3 years as an academic journal editor of [Sociological Research Online](#) (SAGE Publications Ltd) and a business within publishing educational resources.

I question whether you will get yourself into an analytical knot talking about piracy (which is always going to be illegal) rather than talking about 'publishing piracy as a social movement'. Nick Crossley has written a lot about the making of modern social movements. Certainly on the basis of the material that you covered in the video you are talking about a social movement rather than discrete acts of piracy although you use a 'perpetrator' as a case study/illustration.

have a brilliant conference experience... time on H818 evaporates quickly afterwards.

Susan



[Dr Simon Ball](#)

4:28pm 9 February 2017 [Permalink](#)

Hi David

Please find below the main questions and comments from your live presentation. It's up to you how to answer them, whether you wish to group them, or whether you wish to point to an answer already given above, for example.

Best wishes

Simon

- ▶ Interesting.. lots of work via publishers that has a value, so how could it be paid for?
- ▶ One of the key issues is that research is never 'free'. So how do we ensure that who pay for it also get some credit for their work?
- ▶ Are there parallels here with how the music industry responded to Napster?
- ▶ I am wondering how you would reference pirate accessed references...
- ▶ I see this tech as a stepping stone where as David has already told me that the creator of scihub believes it is a sustainable model. I wonder what Davids take is on this
- ▶ I agree that more should be done to make research freely available!
- ▶ How much trustworthy data is available on usage and attitudes towards pirate scholarly communication? I remember when we were first uncovering student plagiarism there was a need for more primary research. What research do you

think is needed now?



[jan turner](#)

8:40am 10 February 2017 [Permalink](#)

I wasn't able to leave a question at the time David, so, very interesting presentation and I wondered where you place such sites as Galaxy Zoo (mentioned by another presenter) on the innovation scale. Not an aspect of piracy but evidences openness and open participation, so a constructive use of a perhaps natural wish to engage.

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