

Signal, Not Solution: Notes on Why Sci-Hub Is Not Opening Access

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Russia-based neuroscientist Alexandra Elbakyan founded the website Sci-Hub in 2011. The site currently offers 47 million otherwise-paywalled academic papers to view and download, at no direct monetary cost to users.

Last year, Elsevier took action against Sci-Hub, claiming it violated US copyright law and the [Computer Fraud and Abuse Act](#). As reported in *Nature*, in October 2015 a [New York court](#) ruled the site be taken down. Barely a month later, Sci-Hub appeared online again [with an overseas domain](#). This year [media coverage](#) has gone mainstream (most of it seems to stem from the same copy; for an example, see the *Independent's* coverage, [15 February 2016](#)). Sci-Hub is, indeed, the talk of the town.

References to Sci-Hub have ranged from 'a symptom of [a] problem' ([Martin Eve](#)) to the suggestion that it could be 'the anyone-can-access-any-paper system we've all been dreaming about for years' (for full context please read [Mike Taylor's post](#)).

[Brian Resnick](#) from the online news site *Vox* wrote about Sci-Hub founder Elbakyan: 'For students and researchers around the globe who can't afford academic journals, Elbakyan is a hero. For academic publishers that have historically been shielded from competition, she's a villain.'

In this post I follow up Martin Eve's idea and argue that Sci-Hub does not offer a solution to the problem of blocking [paywalling] access to research.

I argue that Sci-Hub is *not* 'the anyone-can-access-any-paper system we've all been dreaming about for years', and that Elbakyan is neither 'a hero' nor 'a villain'.

This is a complex issue and quick oversimplifications are part of the problem. I have tried however to summarise my views on Sci-Hub through the following points:

Sci-Hub reroutes paywalled scholarly articles and makes them available at an alternative, unofficial location at no monetary cost to users. This should be seen as a clear signal sent to the mainstream about the state of scholarly publishing today.

The fact Sci-Hub is being hailed as a heroic effort to solve the problem of paywalled research represents the relatively little progress that the Open Access movement (as started by the [Budapest Open Access Initiative](#) in 2002) has had in these 14 years. I see it as an example of a collective failure to communicate successfully the principles of openness to the mainstream (this includes the majority of researchers and students worldwide).

This is not the first time that something like this has happened. Let us also not forget the human tragedy (still very painful to so many of us) of [United States of America v. Aaron Swartz](#), and its consequences.

The content Sci-Hub shares 'for free' was published by mostly commercial entities, after uncoerced submission of work authored and reviewed by academics. The published content is the result of legal publishing agreements between academic authors and publishers. Said academic authors consciously signed contracts with publishers granting their agreement to paywall and (in most cases) transfer *all rights* to said publishers.

Sci-Hub does enable viewing and downloading of otherwise paywalled content at no monetary cost to readers, but the content's licensing remains, by original agreement of the content's authors, mostly All Rights Reserved.

Sharing content that has not been originally licensed openly, Sci-Hub is a short-cut, a workaround, that distributes scholarly content in a form not intended by its authors, let alone its original publishers.

For those requiring quick viewing and downloading of otherwise paywalled scholarly articles, Sci-Hub currently offers an option. In the case of, for example, medical or legal research, the 'free' availability of otherwise-paywalled papers, *regardless of the legality of the mechanism itself*, should be seen as potentially life-saving.

Though the Sci-Hub media coverage has brought attention to a long-running [serials crisis](#), Sci-Hub itself does not concern itself with 'access', at least not with a capital A. Sci-Hub (let's say it again) reroutes paywalled content and makes it available at no cost. The publishers remain the same. The journal brands remain the same. Their H-Indexing and Impact Factor continues strong. Scholarly Publishing remains the same. There is no real cultural change: because digital copies are reproducible ad infinitum at negligible cost, commercial publishers profit from the consequences of Citations, Rankings, Reputation and Legacy.

As Walter Benjamin would write of translation (1923) and the mechanical reproduction of art (1936), the translation and the copy canonise the original even more (Benjamin 2009). The more researchers pirate paywalled content, the more the paywalled system of scholarly publishing is canonised.

Sci-Hub demonstrates, however, that there is increasing frustration with traditional scholarly publishing, that has in general terms done very little to reduce barriers to access and much to merely seek its own commercial interests.

I am not a lawyer, but it seems to me that Sci-Hub breaks the law in order to achieve an immediate goal that however distracts us from important sustainable solutions.

Martin Eve defines open access as ‘the removal of price and permission barriers to research through the use of the internet and more liberal licensing agreements’ ([2014:180](#)). Please note it is not only ‘the removal of price’. The definition includes the removal of ‘permission barriers’ and ‘more liberal licensing agreements’. The content shared by Sci-Hub removes, by force, the price, but not other barriers like closed licensing agreements, lack of XML and/or other affordances to perform legal machine reading, text and data mining, etc.

Sci-Hub is creating awareness of a problem. It can lead to sustainable solutions, but as it stands now, by itself, it does not offer the solution.

Sci-Hub gives us, for the time being, a free ride. (That same ride is totally unaffordable to most of us otherwise). I may be proven wrong, but it is likely not to last long. Even if it does, unless a real change in legislation and scholarly *and* publishing culture occurs, what we are given is content we cannot really do much legally with. And that is the crux of the matter: Access is not just about removing the price to the user, but about allowing the user to do work, dissemination, augmentation, analysis with the content, legally.

I won't have the required time and space to properly offer some context by referring to James Raven's *The Business of Books* (2007), who cites one of the earliest definitions of the bookselling profession, and that it might still hold true. Raven cites ‘Authenticus’ in *The Bee* of June 1791, where it is said that ‘The proper business of the bookseller is to make money in his vocation; all other concerns are, to him, matters of little importance’ (Raven 2007: 365).

In this context I would have also liked to refer to Justin Cruickshank's article, ‘Putting Business at the Heart of Higher Education: On Neoliberal Interventionism and Audit Culture in UK Universities’ ([2016](#)), who does an excellent critical literature review on the increased marketization of higher education and identifies key themes such as marketization and ‘Audit culture’. Cruickshank writes:

Audit Culture is meant to ensure that professionals ‘deliver’ ‘excellence’ in terms of teaching and research ‘outputs’, with management having more ability to increase the ‘performance’ of professionals, in a ‘market’ environment. The general criticism levelled against this is that it further instrumentalizes education, and increases stress in a workplace culture dominated by targets (Cruickshank 2016).

It is in this context that scholarly publishing has become entrenched in a particular publishing model that relies on paywalls as a means to create artificial scarcity and monetise publisher's and journal's reputations, rankings and citations. In spite of the [HEFCE](#) and [RCUK](#) Open Access policies, academics and University Research Officers select ‘outputs’ for ‘REFability’ according to largely subjective values such as ‘journal reputation’, and access model remains a small detail that can be circumvented by depositing embargoed articles from paywalled journals in otherwise Open Access institutional repositories (ergo short-circuiting the whole mission in case enabling access were really the point).

I will also fail to contextualise efforts as I should by contrasting Sci-Hub with other researcher-led initiatives like the [Right to Research Coalition](#), the [Open Access Button](#) or indeed the [Open Library of Humanities](#). I am, however, most likely talking to the converted already, so you may already know of those.

I would have also wanted to address in detail Elbakyan's invocations of the Article 27 of the [United Nations Declaration of Human Rights](#), and why it might be insufficient to justify her chosen method of action (Article 25 indicates that ‘everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services’, and we have yet to see this has been interpreted as removing the often excruciating financial cost of any of those human rights).

I don't think Elbakyan's strategy is heroic, and I don't think Sci-Hub is villainous either. I think Sci-Hub is not what Open Access is about. The 'anyone-can-access-any-paper system we've all been dreaming about for years', for me, is not merely a technological solution. It is mostly a change of paradigm: said 'system' would be the whole scholarly apparatus, its human resources and material infrastructure, organised around the principle of sustainable availability and permission to reuse, to read and use as human beings (with our eyes, our ears, our minds) and with the machines that help us do our work.

Open Access is not about breaking copyright law, no matter how frustrating, how idiotic its implementation might be. Open Access, to me, seeks to rebalance the academic 'enterprise' towards enabling access to information at creation stage, at licensing stage, at publishing stage, after publication stage. It implies publishing and licensing *for opening access*, not to close it. I don't think this sounds any more idealistic than invoking access to information as a human right.

Sci-Hub does not open research, because most of that research, even if made available 'for free', is full of restrictions. *Most of that research was published to be restricted*. These restrictions are technical, moral, social and legal. Real openness needs to be sustainable, and for it to be sustainable it needs to be operative as much as possible within existing conditions. One of these conditions is the fact that publishers need money (albeit not as much as they say they do), and another of these conditions is the fact that academics keep publishing with the same publishers and under the same restrictive conditions.

By signing these legal agreements authors often lose ownership (rights!) of their own work and agree to restrictive publication and distribution methods. Openness cannot be attained at reception point only. The whole process, the whole scholarly communications project, needs to start, at the beginning, with academic authors.

We can steal from the rich 'to give to the poor', but we still need to see evidence that such strategy has ever worked to eradicate poverty. It might be, however, sending a strong signal, again, of a problem that has been there for a while, clearly visible to everyone who really wants to see.

Note

The statements and opinions expressed in this article are those of the author only and are not meant to represent, nor do they necessarily reflect, those of any related organisations, projects, colleagues or employers.

The author would like to thank Mike Taylor, whose [thought-provoking post](#) prompted him to finally write something.

Selected References

Benjamin, W. (2009). *One-way Street and Other Writings*. Translated by J.A. Underwood. London: Penguin Classics.

Cruikshank, J. (2016). Putting Business at the Heart of Higher Education: On Neoliberal Interventionism and Audit Culture in UK Universities. *Open Library of Humanities*, 2(1), e3. DOI: <http://doi.org/10.16995/olh.77>. [Accessed 23 February 2016].

Martin Paul Eve. (2014). *Open Access and the Humanities*. [Online]. University Printing House, Cambridge CB2 8BS, United Kingdom: Cambridge University Press. Available from: Cambridge Books Online <<http://dx.doi.org/10.1017/CBO9781316161012>> [Accessed 23 February 2016].

Eve, M P. [martin_eve]. (2016, Feb 16). SciHub. I can't condone and don't think it's the answer. But it

is a symptom of the problem. Pure OA business models would be immune to it. [Tweet]. Retrieved from https://twitter.com/martin_eve/status/699534146230689792. [Accessed 23 February 2016]

Raven, J. (2007). *The Business of Books*. New Haven: Yale University Press.

Resnick, B. (2016, Feb 17). 'Why one woman stole 47 million academic papers — and made them all free to read'. *Vox*, Science & Health. Retrieved from <http://www.vox.com/2016/2/17/11024334/sci-hub-free-academic-papers>. [Accessed 23 February 2016].

Taylor, M. (2016, Feb 22). 'What should we think about Sci-Hub?' *SV-POW!* Retrieved from <http://svpow.com/2016/02/22/what-should-we-think-about-sci-hub/>. [Accessed 23 February 2016].