The Prestige Factor Propping Up Academic Publishers

A federal antitrust lawsuit against a group of megapublishers highlights how academia's system of rewarding researchers for publishing in certain journals has undermined their leverage.

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The lawsuit a neuroscientist filed earlier this month accuses the six largest academic publishers of colluding to create a business model that diverts money from scientific research "into their pockets."

A prolific neuroscientist is accusing some of the same companies that published her work in top-tier peer-reviewed journals of conspiring "to hold the careers of scholars hostage" in the name of maximizing profits, according to a federal antitrust lawsuit filed earlier this month.

It's the latest instance of scholarly pushback against the $19 billion academic publishing industry, which often relies on the unpaid work of career-focused scholars to generate exclusive—and highly lucrative—content.

The lawsuit aims to upend that system, though experts are skeptical that the legal challenge can spur broader changes on its own. That's because academics have for decades relied on publishing their research in prestigious journals to advance their careers—and that pressure has only intensified as the job market has become increasingly competitive.

"Regardless of its legal validity, the lawsuit is likely to have an explosive societal effect," Sven Fund, managing director of Reviewer Credits, the peer-review-expert network, wrote in a recent post for *The Scholarly Kitchen*. "Not just legal issues are at stake, but the legitimacy of business models in scholarly publishing."

It could take years for the courts to decide if the case against the six largest for-profit publishers of peer-reviewed academic journals—Elsevier, Wolters Kluwer, John Wiley & Sons, Sage Publications, Taylor & Francis and Springer Nature—and their trade association, the International Association of Scientific, Technical and Medical Publishers (STM), has merit. If the publishers are in fact found guilty of colluding to control the publishing market, the lawyers who filed the case want them not only to dissolve their agreements but also to pay out an undetermined amount in damages to make up for scholars' "artificially deflated wages."

Regardless of the case's outcome, the antitrust complaint illuminates broader discussions about who has power in a system that rewards academics with promotions, tenure and research grants for publishing their work in big-name journals with a high impact factor, such as *Nature*, *The Lancet* and *Advanced Science*, which are published by Springer, Elsevier and Wiley, respectively.

The Impact Factor

Some researchers' career success still hinges on the prestige of the journal publishing their work because of the impact factor metric, which is based in part on how often researchers cite papers published in those journals. Thus, several experts say, the lawsuit also exposes how the scholarly community's obsession with prestige has undermined its leverage in the market.

Academe's reliance on such metrics to appraise the value of scholarly work has created a market niche publishers have filled, said Roger Schonfeld, vice president of Organizational Strategy and Libraries, Scholarly Communication, and Museums at Ithaka S+R.

And for better or worse, so long as there's competition for grant funding and professorships, "someone's going to have to help them evaluate who to hire and who to fund," he said. "And whoever does that is going to be in a position of power."

On paper this system has rewarded the lawsuit's plaintiff, Lucina Uddin, a professor at the University of California, Los Angeles, who has published more than 175 academic articles and provided peer-review services to 150-plus journals, including those published by the companies she's suing.

But like most academics competing for jobs in a saturated market, she's done nearly all of that work for free. Meanwhile, for-profit publishers are using that work to turn massive profits by charging authors hundreds—or even thousands—of dollars in article processing fees and selling pricey journal subscriptions to academic libraries. Scholars who can't pay don't get their work published.

That imbalance of power is at the heart of Uddin's suit, which accuses the six publishers and STM of colluding to create a "scheme" that's not only hampered scientific advances but also "unlawfully divert[ed] billions of taxpayer dollars every year from science" into the companies' coffers. Uddin filed the lawsuit on behalf of other scientists and scholars. If the court certifies its class action status, then the suit could include hundreds of thousands of additional plaintiffs.

Is It a 'Scheme'?

The suit alleges that the six academic publishers—which own 53 percent of academic journals—have been able to carry out the so-called scheme by forming a "cartel" through STM and fixing the price of peer-review services at zero. Those journals received more than $10 billion in revenue in 2023.

In so doing, the suit says, publishers "agreed to coerce scholars into providing their labor for nothing by expressly linking their unpaid labor with their ability to get their manuscripts published in the publisher defendants' journals," which can boost a researcher's curriculum vitae in what the complaint characterizes as the "'publish or perish' world of academia."

The suit also accuses the publishers of agreeing not to compete with one another by requiring scholars to submit their manuscripts to a single journal at a time and prohibiting them from sharing findings while their manuscripts are under peer review. That enables publishers to "behave as though the scientific advancements set forth in the manuscripts are their property," it reads.

The three elements of the alleged scheme work in concert "to create a set of rules that cement the [publishers'] market dominance and maximize the amount of money they can divert from scientific research into their pockets," the suit argues. "The Scheme has been remarkably profitable for the Publisher Defendants, while doing tremendous damage to science and the public interest."

All six of the publishers named in the suit declined to comment on the case to *Inside Higher Ed*, though a spokesperson for Wiley said in an email that the publisher believes the claims are "without merit."

But Christopher Jon Sprigman, a law professor and co-director of the Engelberg Center on Innovation Law and Policy at New York University School of Law, who specializes in antitrust law, isn't so sure.

"These rules are intensely anticompetitive," he said. "As the complaint hints, to join the [STM] and stay in good standing with the industry, [publishers] have to essentially agree to impose the rules."

'Their Own Worst Enemies'

Although the judicial system will get the final say, Sprigman said the issues the suit raises are a reminder that by focusing on the profile of a particular journal to judge the value of a scholar's research, academics have made themselves "their own worst enemies."

"Science and knowledge are paying an enormous tax to commercial publishers for this prestige economy for which they depend on commercial publishers," he said. "If academics generally had other prestige mechanisms they could refer to—such as actually reading the articles more carefully when making tenure decisions—they wouldn't depend so much on the publishers."

Dean Harvey, one of the lawyers representing Uddin, told *Inside Higher Ed* that at the very least he's hopeful the case will "trigger more conversations among academics about alternative systems," and that inciting competition between megapublishers "will drive solutions we can't even anticipate right now."

Academic-led backlash against for-profit publishers has been building for years.

In the early 2010s, a group of scientists launched the ongoing Cost of Knowledge protest movement and called on academics to boycott Elsevier's business practices by refusing to publish, peer review or serve on the editorial boards of their journals; more than 20,000 people have signed the petition to date. In 2019, the University of California system canceled its contract with Elsevier after failed negotiations over the company's open-access fees and paywalls, though they have since agreed to a new contract.

During the pandemic, a years-old idea to pay peer reviewers for their labor resurged among some scholars. And this summer, authors who had published with Wiley and Taylor & Francis sounded the alarm when the publishers made millions by selling their data to tech companies that are using it to help train proprietary AI models.

But Dave Hansen, executive director of the Authors Alliance and a lawyer with copyright expertise, said he's not convinced that forcing the largest publishing companies to pay peer reviewers or compete for articles "is going to change much about what promotion and tenure committees think of those journals or those publishers."

Instead, he said, "That change has to come from within the universities," which need "to get serious about article-level metrics and evaluating the scholarship divorced from the idea that it's in any particular journal."

To that end, Hansen added, Uddin's case, in illustrating the way some publishers have the alleged market power to "twist the way scholarship gets published," is "a fantastic vehicle for promoting these kinds of conversations."