

What's so moral about the “moral rights” of copyright for academics?

Dr. Martin Paul Eve

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Copyright is generally considered to consist of two components: economic rights and moral rights. The former is designed to give a time-limited monopoly to content producers so that they can materially benefit from the mental labour “invested” in the creation of “intellectual property”. As has already been [Peter Suber](#) and others, under the theoretical model that underpins academic remuneration (which doesn't take into account precarity or royalties/advances – with which I fundamentally disagree), academics do not use the economic rights of copyright; publishers do.

The other side of copyright consists of the “moral rights” of the author. These are often broken down into three separate components: the right to attribution, the right to a pseudonym if desired and the right to the integrity of the work (to object to derogatory treatment of the work). Some critics of open licensing for open access work feel that open licensing, and particularly the more liberal Creative Commons attribution licenses, do grave damage to the moral rights of the academic author. What is the basis for these moral rights, though? What, exactly, is moral about them? And is the law the best way to enforce this in order to advance the espoused goals of the university? In this post, I want to provocatively explore those questions.

Firstly, moral rights are based on the idea of a reputational, or symbolic, currency. Those familiar with the work of Pierre Bourdieu will appreciate that that this seems to resonate exactly as per the symbolic economies that he famously described. Moral rights have an economic function in that they are designed to allow an author to accumulate a form of capital – be it social, symbolic or cultural – but that the forms are all also interchangeable with one another and, also, with material capital (money) in some ways. For instance, in the case of academics, accumulating a name in a field, via citations, can lead to a post or promotion, a real material return from an otherwise symbolic, reputational form. In this sense, the objection to derogatory treatment of one's work is *brand preservation*. In this first way of thinking about moral rights, they are, actually, simply another form of economic rights.

Secondly, moral rights are based on an egocentric individualism. It's true, I like to be cited. There's a thrill in knowing that someone has read and used your work and that there is recognition, in their citation, of the labour and thought that went into a piece. This reward structure is an incentive to write but it is nonetheless ego driven.

So, in what way are these rights “moral”? A brief detour into the purpose of research might help to clarify this. Research work, regardless of discipline, is a process of communicating new truths or interpretations, or of contesting existing truths or interpretations. Certainly there are core differences in how this is achieved between fields (not to mention how such findings are communicated). The central purpose remains the same, though. And it is a noble, ethical purpose in

its pure form within the university: contribute to epistemology and hermeneutics for the broader good.

The same cannot be said for moral rights of academic authors. Beyond the incentivizing aspect, it is not the case that symbolic economics or egocentric recognition are fundamental to the moral purpose of research work. How does it help build truth or interpretation that I insist that I am credited? Certainly, I still want it, but I am fairly sure I want it for the benefits of recognition to me, which is not really a “moral” stance. In short: yes, if you plagiarize me, I am likely to come after you. I do not confuse this individual quest with a moral crusade, though.

A caveat: versioning of research is important. It is vital that, when truths or interpretations are advanced, the communication of those ideas has a fixed version that can be referred to. This allows us to judge the truth claims and argumentation of future work (i.e. did it accurately reflect upon what was written in the original). At the moment, this is usually fixed through authors’ names, the title and publication information. It needn’t be. Enforcing attribution is not necessary for versioning and the work could, just as easily, be anonymous. If the work was defiled elsewhere, well, we’d still have the version of record and it should be the bastardized version that was discredited, not the original.

All of this is a long way of addressing the fact that I don’t think that demanding attribution and integrity of work is necessarily a “moral” act. For others to credit work is a moral act on their part. For an author to demand it as a “right” is an economic and individualist act that may work as an incentive. Let me end with a few remarks on the law. Is copyright a good mechanism for enforcing attribution and integrity? I’d say not. It is time limited and will expire at some point. At that moment, none of its protections will apply any more. Concurrently, is there a time limit on the truth within the research? Of course not. Copyright doesn’t map onto the needs and desires of the academy. Instead, the academy has developed sophisticated rules within its own walls that mean that people *must* properly cite others, regardless of whether there are legal protections on the work. I’m fine with that. Cite me. It also helps with the versioning aspect.

If, however, others want to distribute my work, improve it, translate it and so on, then I can’t see any harm in them so doing (and I feel it accords with the noble goals of academic research). Sure, I don’t want to be affiliated with work that degrades my reputation (again, personal gain), but the Creative Commons licenses do not allow others to apply endorsement and an author can ask for attribution to be removed. I also think that bad guys will find ways of re-using work for their purposes if they are determined; trying to stop them through copyright seems bound to fail. This is why I support open licensing. I wonder, though, whether different views on morality and the gift might lie behind some of the arguments around open licensing.