



PROJECT MUSE®

Knowledge, Spirit, Law, Book 2: The Anti-Capitalist Sublime

GavinKeeney

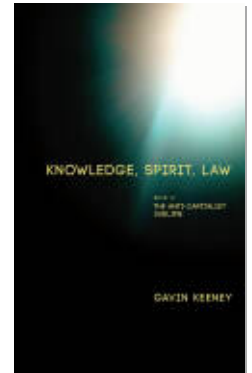
Published by Punctum Books

GavinKeeney.

Knowledge, Spirit, Law, Book 2: The Anti-Capitalist Sublime.

Punctum Books, 0.

Project MUSE.muse.jhu.edu/book/66799.



➔ For additional information about this book

<https://muse.jhu.edu/book/66799>

APPENDIX A

Tractatus logico-academicus



ACKNOWLEDGMENTS



The following draft White Paper—with its singular, “black” subsection, *Tractatus logico-academicus*—is the result of a series of four three-hour, multimedia and performative lectures conducted at the University of Ljubljana, Ljubljana, Slovenia, in April 2015, under the title “Knowledge, Spirit, Law: A Phenomenology of Scholarship.” The lectures were sponsored by the United States Fulbright Specialist Program (Bureau of Educational and Cultural Affairs, United States Department of State, in association with the Institute of International Education), with local support provided by the Faculty of Architecture, University of Ljubljana, the Faculty of Arts, University of Ljubljana, and the Igor Zabel Association for Culture and Theory.

Special thanks are due to Or Ettliger (Faculty of Architecture), Martin Germ (Faculty of Arts), and Urška Jurman (Igor Zabel Association for Culture and Theory) for their personal investment in the project.

The White Paper, written in an arch-polemical style, concludes with a set of recommendations for safeguarding scholarship in Slovene universities from expropriation by predatory publishers from the greater EU and the United States.

The version presented here has been modestly re-edited for style and content.

Tractatus logico-academicus v.1.1



1.0—Neo-liberal capitalism’s assault on academia is an assault on academic freedom.

2.0—The assault proceeds by way of dictates imposed on faculties by the bureaucratic regimes of the university in concert with corporate and quasi-governmental entities.

3.0—The practices associated with so-called Big Data are the primary concern of scholars as they attempt to protect their Intellectual Property and/or circulate and network their research.

4.0—The first order of exploitation via Big Data is to collect and control academic research with the double agenda of monetizing it and selling it back to the university and/or scholar on a pay-per-view or subscription basis.

4.1—This includes current practices associated with e-books, e-journals, e-licensing, and e-aggregation.

5.0—The monetization of research proceeds by the imposition of metrics on academic performance in the form of approved or recommended venues (lists) for publication of research with the attendant metrics imposed measuring its “value” (“impact”).

5.1—This practice discourages the writing of books and favors the publication of papers and essays in journals and proceedings generally owned by or controlled by the corporate platforms that control the data.

5.2—In discouraging the publication of books by awarding few points in the research output mechanisms associated with per-

formance, neo-liberal academia is further conceding ground to the e-aggregation of research and the marginalization of conventional publishers of books (academic or otherwise).

6.0—The corporate entities engaged in exploiting academic research offer two primary means for academics and scholars to “give their work away”: (a) The construction and rental of publication platforms and databases for the e-aggregation of the same, and the control and marketing of academic books and journals; and (b) The sale and/or rental of the same back to the very institutions that create and often fund the production of Intellectual Capital.

6.1—Open-access platforms for publishing research, while nominally outside this model, are an insufficient means for protecting Intellectual Property insofar as publication of works to The Cloud (university-owned or otherwise) generally leads to piracy, plagiarism, and the loss of copyright control.

6.2—Alt-academic Open Access (not-for-profit presses and “pre-publication” platforms) is, as well, a questionable practice, given that it circumvents predatory publishers yet proceeds as above—viz., tacitly facilitates piracy, plagiarism, and loss of copyright control.

7.0—The World Intellectual Property Organization (WIPO) and the European Commission (EC) have done nothing to update the Berne Convention for the Protection of Literary and Artistic Works (est. 1896) to reflect the digitalization and corporate (for-profit) exploitation of Intellectual Property.

7.1—The United States (US) has instituted a non-punitive update to US Copyright Law in the form of avenues for filing complaints and issuing “take-down” orders. This applies exclusively to the Internet, not the proprietary databases of corporate e-aggregators.

8.0—The universities engaged in converting research in the Humanities to scaleable and saleable data (with data- and text-mining serving as the most recent examples of the mutability of the model) have either capitulated to the global model or are part of its very construction.

8.1—The administrative regimes currently associated with neo-liberal academia generally conform to what is called “vertical integration” in the corporate world, a term that is, in turn, derived from media empires of the order of News Corp., Miramax, and Facebook.

9.0—The result of all of the above is both general confusion (on the part of academics and scholars unaware of the reasons for metrics-driven performance) and increasing anger and rebellion (by academics and scholars well aware of the implications for metrics-driven performance).

9.1—Rebellions are currently underway in the US, the United Kingdom (UK), Australia, and the Netherlands.

9.2—The very definition of neo-liberal capitalism confirms the non-democratic nature of its practices. Thus, the rebellions noted above have been ignored by the administrative regimes at which they are aimed, with no resultant conversation of any significance.

9.3—The second line of defense for the Humanities is to forestall further inroads into faculties by such practices by strenuously invoking and installing multiple and diverse paths for PhD and Master’s students.

9.4—This might take the form of alternative PhD models, such as Thesis by Exegesis (creative work plus written exegesis) and Thesis by Publication (written works published along the path of the PhD with a summary, submitted upon completion, justifying the overall project). Such creative substitutes for the conventional thesis, which is increasingly the primary location for the imposition of the above-mentioned metrics-driven practices on students, might serve to circumvent the mechanisms of control and discipline otherwise visited upon faculties and students from above.

10.0—There are creative ways of dealing with all of the above that are productive of a nuanced and intentionally spirited defense of the Humanities and speculative inquiry. Foremost, it is the Humanities (Arts and Letters) that might best develop alternative new-old methodologies for the production and dissemination of scholarship that restores to academia the inalienable and timeless

rights associated with the very production of knowledge as theoretical praxis.

10.1—The primary mode for this defense is the creation and safeguarding of a combination of media types and platforms that includes conventional publication but also addresses in a critical manner the proliferation of mediatic practices in the Arts and Humanities.

10.2—The types and modalities of scholarship (experimental and otherwise) to be protected include: Exhibition; Folio; Limited Edition; Lecture (public or otherwise); Performance; Visual Essay; Visual Poem; Film-essay; etc.

10.3—In terms of analogue publication or print media (books, articles, essays), the lists associated with metrics-driven performance must be amended and expanded.

10.4—In terms of digital and non-analogue works, new conventions must be created for assessing and protecting from piracy the author's moral rights.

10.5—The Moral Rights of Authors are included in the Berne Convention. It is these rights that have, in fact, been fully neutralized by predatory practices in academic publishing while also neutering the contractual concept of "derivative work" (any work created after the primary work).

10.6—The re-definition of "derivative work" is, thus, the primary course of action for protecting the Moral Rights of Authors in the digital age. These moral rights, inclusive of copyright, represent the Achilles' Heel for predatory capitalist practices and the campaign to data- and text-mine academic research.

10.7—The Moral Rights of Authors remain the primary address for all adjustments to, resistance to, and the possible overturning of the most pernicious aspects of the current crisis in the production, protection, and preservation of Intellectual Property.

Threshold/Analysis v.1.1



1.0—Neo-liberal capitalism’s assault on academia is an assault on academic freedom.

The underlying purposes of metrics-based research output standards, while somewhat obscure, may be reduced to a concerted attempt to appropriate and financialize Intellectual Capital.

The for-profit enterprises involved in this appropriation have established inroads into institutions via the creation and control of the mechanisms of reporting, circulating, and controlling research.

One outcome of these practices is to marginalize and de-fund programs and disciplines that offer no obvious or real reward for the attendant appropriations—disciplines that have traditionally been involved in speculative work that has no obvious utilitarian value other than its collection and distribution across platforms that serve the dwindling numbers of scholars involved.

It is with the acquiescence of the highest levels of university administrations that this agenda goes forth. The proposed universality of the model involves feedback procedures that make it increasingly reductive: forms of scholarship that do not fit the model are not recognized, remain non-assimilable, and/or are de-funded due to the shift from publicly supported institutions of higher learning to privately capitalized units within the whole.

The appearance of stand-alone institutes within universities, with firewalls between one another and a competitive and carefully crafted insularity, while nominally a system of preserving the integrity of a singular discipline or interdisciplinary discourse, undermines the historical purposes of the university as a community

of scholars one or two steps removed from fully instrumentalized or socio-economic forces associated with the collection and control of knowledge, per se. (The consequence is the demise of collegiality.)

This former collegiality is further eroded by internal competition between scholars seeking to preserve privileges by way of scoring systems associated with metrics-driven research output schemes, which vary nonetheless between the countries involved and the schools and universities within countries involved.

The faux-universality of the neo-liberal model falls apart upon closer examination, foremost when corporate practices are examined in terms of who benefits from the practices. While the universities agree to adopt these measures, the majority of value accrues to economic agents beyond the university. The re-capitalization of universities from without (as public funds are replaced by private capital) is entirely circular, with a narrowing of options for maintaining any vestige of autonomy from the socio-economic apparatuses involved and the reduction of the socio-cultural to socio-economic concerns.

References

- Conrad, Peter. "What Are Universities For?" by Stefan Collini—Review." *The Guardian*, February 18, 2012, <http://www.theguardian.com/books/2012/feb/19/what-universities-for-collini-review>.
- Eagleton, Terry. "The Slow Death of the University." *The Chronicle of Higher Education*, April 6, 2015, <http://chronicle.com/article/The-Slow-Death-of-the/228991/>.
- Etherington, Ben. "Universities on the Block." *Sydney Review of Books*, May 23, 2014, <http://www.sydneyreviewofbooks.com/universities-and-the-block/>.
- Ryan, Alan. "What Are Universities For?—Review." *New Statesman*, February 27, 2012, <http://www.newstatesman.com/books/2012/02/universities-university>.
- Thomas, Keith. "Universities under Attack." *London Review of Books* 33, no. 28, November 28, 2011, <http://www.lrb>.

co.uk/2011/11/28/keith-thomas/universities-under-attack.

Warner, Marina. "Learning My Lesson: Marina Warner on the Disfiguring of Higher Education." *London Review of Books* 37, no. 6, March 19, 2015, <http://www.lrb.co.uk/v37/n06/marina-warner/learning-my-lesson>.

2.0—The assault proceeds by way of dictates imposed on faculties by the bureaucratic regimes of the university in concert with corporate and quasi-governmental entities.

While the dictates of the external engines of exploitation are accepted within the university as a *fait accompli*, the origins remain similar to the procedures of the financialization of commodities and services associated with the worst practices of global financial markets.

The acceptance of these "imposed" terms has as much to do with the conversion of the administrative regimes of universities to corporate-style models (forms of vertical integration) as it does with the shift in funding from public (not-for-profit) to private (for-profit) sources. The ensuing imbalances between money spent on instruction and money spent on administration, marketing, and real-estate speculation indicates that the university—beyond the mere production of Intellectual Capital—is one of the last frontiers for neo-liberal capitalism. Thus, it is both the "Children of Marx and the Children of Coca Cola" (Jean-Luc Godard's terms from *Masculin Féminin*) that are most imperiled. While established scholars are somewhat immune, it is the "emerging scholar" that is the prime target for such practices. (The relative immunity of established scholars also accounts for their somewhat blasé attitude toward such measures.)

The survival of elite schools, functioning in relation to this model but exempt from some of its worst practices, is only possible insofar as faculties remain the chief determinant in the equations that provide "identity" and "value" versus the top-down model of the so-called public universities. While endowments and/or historical agency (aura and its analogues) might protect the elite schools, programs within such schools will be slowly altered as the field of cultural production overall shifts to utilitarianism and disciplines vanish and/or move outside the academy. (While not necessarily

negative, for programs and/or disciplines to “cut and run” merely services the expectations and aspirations of neo-liberal academia.)

The imposition of governmental control of curriculum, the imposition of regimes of monetizing research, and the imposition of competition between schools through de-funding and fee structures in the near run creates the chaos that permits the model to be imposed without serious objections, while in the long run it ironically re-naturalizes all forms of abstract or purely speculative studies for and in tandem with neutralizing anything implicitly or explicitly threatening.

References

Centre for Media Pluralism and Media Freedom, and European University Institute (Florence, Italy). “Policy Report: European Union Competencies in Respect of Media Pluralism and Media Freedom.” <http://cmpf.eui.eu/publications/policyreport.aspx>.

European Commission. “Copyright: Commission Urges Industry to Deliver Innovative Solutions for Greater Access to Online Content.” December 18, 2012, http://europa.eu/rapid/press-release_IP-12-1394_en.htm?locale=en and <http://ec.europa.eu/digital-agenda/>.

European Commission. “Copyright and Neighbouring Rights.” January 30, 2014, http://ec.europa.eu/internal_market/copyright/index_en.htm.

World Intellectual Property Organization. “Berne Convention for the Protection of Literary and Artistic Works, Paris Act 1971, amended 1979.” http://www.wipo.int/treaties/en/ip/berne/trt-docs_wo001.html.

World Intellectual Property Organization. “Copyright Licensing in the Digital Environment.” http://www.wipo.int/copyright/en/activities/copyright_licensing.html.

World Intellectual Property Organization. “Internet Intermediaries and Creative Content.” http://www.wipo.int/copyright/en/internet_intermediaries/.

World Intellectual Property Organization. “Signatories to the

Berne Convention.” http://www.wipo.int/treaties/en/ShowResults.jsp?treaty_id=15.

3.0—The practices associated with so-called Big Data are the primary concern of scholars as they attempt to protect their Intellectual Property and/or circulate and network their research.

Scholars caught in the machinery of the neo-liberal academy have few options, should they wish to remain there, other than to play by the rules.

The main option for subverting the rules is to meet, exceed, and subvert *by example* the narrowing perspectives of the model. (This introduces experientially based research methodologies, modalities, and practices—viz., the production of intermediate works that privilege or foreground subjective agency and serve to short circuit circular and pseudo-scientific and/or pseudo-objective practices.)

This would involve producing unclassifiable works, finding alternative means for their dissemination and networking, and annulling the purview of metrics through the creation of platforms and organic peer review whereby such works are registered in the greater record of cultural production, but are institutionally neutral or resistant to forms of expropriation by for-profit entities allied with the administrative regimes of the university system.

These works would include traditional and non-traditional modalities that might by way of feedback loops within the existing system actually alter the field of scoring such works, especially if faculties remain involved in privileging alternative ways of both conducting research (research methodologies) and disseminating the same (publication strategies).

While Big Data remains the primary means for mining Intellectual Property today, the game will no doubt shift in the near future toward its more obvious purposes—viz., the reduction of difference, the elimination of dissent, and the marginalization of the Humanities other than the celebrity regime (which universities tolerate as part of their PR and fund-raising campaigns).

The negation of privileges for academic celebrities is unlikely, while those very same luminaries are one path toward the elimi-

nation of emerging scholarship that does not conform to the replication of authorized discourse and/or the social-media driven PR aspects of marketing universities.

Additionally, the gaming of the system by celebrity scholars leads to the incestuous and circular practices that have increasingly shown peer review and journal citations to be utterly un-scientific and essentially a smokescreen for other practices (noted above and below).

References

Brantley, Peter. "Academic E-Books: Innovation and Transition." *Publishers Weekly*, February 3, 2012, <http://www.publisher-sweekly.com/pw/by-topic/digital/content-and-e-books/article/50486-academic-e-books-innovation-and-transition.html>.

Howard, Jennifer. "Who Gets to See Published Research?" *The Chronicle of Higher Education*, January 22, 2012, <http://chronicle.com/article/Hot-Type-Who-Gets-to-See/130403/>.

Katz, Richard N., ed. *The Tower and The Cloud*. Educause, 2008. <http://www.educause.edu/research-and-publications/books/tower-and-cloud>.

Lynch, Clifford A. "Imagining a University Press System to Support Scholarship in the Digital Age." *Reimagining the University Press* 13, no. 2, Fall 2010, <http://quod.lib.umich.edu/jep/3336451.0013.207?rgn=main;view=fulltext>.

O'Brien, David R., Urs Gasser, and John Palfrey. "E-books in Libraries: A Briefing Document Developed in Preparation for a Workshop on E-lending in Libraries." Berkman Center for Internet and Policy, *Harvard University*, February 2012, [http://cyber.law.harvard.edu/sites/cyber.law.harvard.edu/files/E-Books%20in%20Libraries%20\(O'Brien,%20Gasser,%20Palfrey\)-1.pdf](http://cyber.law.harvard.edu/sites/cyber.law.harvard.edu/files/E-Books%20in%20Libraries%20(O'Brien,%20Gasser,%20Palfrey)-1.pdf).

4.0—The first order of exploitation via Big Data is to collect and control academic research with the double agenda of monetizing it and selling it back to the university and/or scholar on a pay-per-view or subscription basis.

4.1—This includes current practices associated with e-books,

e-journals, e-licensing, and e-aggregation.

The models for financializing knowledge through the control and exploitation of academia proceed by way of the two-way street otherwise known as “vertical integration”—a system where a top-heavy branding of products is diversified further down the food chain (in EC parlance, “value chain”) with the resultant sub-categories controlled by the aggregation that occurs at the top. (For example, see the licensing strategies, pay walls, and subscription services of e-journals.)

The functionality of this model in terms of academic practice today is guaranteed by the importation of managers into the university system, but schooled in business management techniques versus research or instruction.

Big Data, in turn, while analogous to the practices of the NSA or Google (or any form of the aggregation of metadata), may only operate within academia through the engines it sells to academia for performance and reduction of research to data. The data are, thus, suspect sets insofar as they have been shown to be flawed and incomplete, with no possible closure given the algorithmic nature of the production of such research, foremost in the Sciences, but also in the Arts and Humanities. While the latter are marginalized, it is this very attempt to neutralize dissent that is the Achilles’ Heel of the model.

Therefore, scholars have the right to have no rights—an elective position roughly analogous to aspects of the Franciscan refusal of property rights, or the embrace of no rights for a higher right of universal accord with the benevolence of the world as given.

The right to have no rights, as transferred to scholarship, is the right to refuse e-publishing, e-aggregation, and all manner of foreclosing on the independence of one’s work—whether by the de facto theft by Big Data (which equates a right to be appropriated for no return) or the paradoxical refusal to monetize one’s work for or against one’s own interest in that work. Far from capitulation, this model opens onto all of the previously proposed alternative methods for producing and disseminating works of scholarship and works of art.

The right to have no rights means, therefore, the right to prevent others from assuming the rights one has refused. In the case of Big Data, the refusal of electronic reproduction short circuits the model.

References

Stojanovski, Jadranka, and Nedjeljko Frančula, Miljenko Lapaine. "Indexing of Mapping Science Journals." *Geography, Environment, Sustainability* 1, no. 8 (2015): 27–52. Journal of the Faculty of Geography, Lomonosov Moscow State and the University and Institute of Geography of the Russian Academy of Sciences.

5.0—The monetization of research proceeds by the imposition of metrics on academic performance in the form of approved or recommended venues (lists) for publication of research with the attendant metrics imposed measuring its "value" ("impact").

5.1—This practice discourages the writing of books and favors the publication of papers and essays in journals and proceedings generally owned by or controlled by the corporate platforms that control data.

5.2—In discouraging the publication of books by awarding few points in the research output mechanisms associated with performance, neo-liberal academia is further conceding ground to the e-aggregation of research and the marginalization of conventional publishers of books (academic or otherwise).

The increasingly narrow prospects for research output (approved lists of high-impact journals, publishers, and subsequent measurement by citation) is of concern for academics seeking re-appointment, re-funding of research, and allocation of duties associated with cyclical internal review practices. De-funding of scholars, departments, and schools proceeds by way of these multiple means for accessing the instrumental value of research. The conversion of the Humanities to applied-science methodologies is one outcome of these practices.

The points-based system (typically assembled, evaluated, and audited every two or three years) determines both internal funding and external funding. In the case of governmental allocations to

universities, the periodic sweepstakes involve pressure applied to faculties to quantify otherwise qualitative research.

The valorization of the “scientific method” of research and the production of papers for conferences (often co-written), in turn, has served to de-value the writing of monographs other than by the celebrity cadre that serves the PR aspirations of the university bureaucracy. The fact that peer-reviewed journals often take longer to evaluate and publish a paper than the time required for publishing a conventional monograph has been lost on the purveyors of this system.

While this seems counter-intuitive in the extreme, the de-valuation of monographs actually serves the purposes of Big Data, which cannot necessarily data- and text-mine books they do not own (even though they have instituted programs for scanning analogue books in libraries worldwide with the intention of collecting and selling the resultant data). Furthermore, traditional academic presses have developed their own versions of e-aggregation, as have universities privileged their own Cloud-based databases, all to the detriment of the author and the Moral Rights of Authors.

The inability or unwillingness of WIPO or the EC to update the Berne Convention signals that the crisis within academia is perceived as a temporal shift, versus a chronic and likely instantiation of a perpetual crisis.

These mechanisms imposed from above and outside (from within the university on behalf of forces outside the university) have the synergistic effect of narrowing prospects within universities for variable and diverse forms of scholarship, while also driving traditional relationships between scholars and publishers closer to the prevailing ethos that author rights are malleable and to be contravened on a case-by-case basis. Contracts today typically require authors to renounce their copyright (with little hope for royalties, given that academic books generally sell 100 to 200 print and/or e-copies at best and e-licensing destroys both print and e-book sales). The arrival of author-pay models heralds the birth of yet another regime of punitive practices that will further undermine authenticity and serve to drive the patterns of in-authenticity given to circular and predatory practices in the production and dissemination of scholarship. (The lead-time for the release of a book has shortened, yet it is determined by the discipline of the

scholar/author and not the publisher. This includes time required for editing, formatting, and indexing works, with time to press and distribution of less significance than in the past.)

Indeed, the circularity of discourse is one means for the perpetuation of sameness (or incrementalism as conservatism), while the attendant rules of publication (within the corporate platforms or the commercial publishing houses) seek to privilege the few at the expense of the many, with the author-pay model being the latest means for disciplining emerging scholars (with in-house or university publications providing little or no cover/cachet for scholars beyond their own doors).

6.0—The corporate entities engaged in exploiting academic research offer two primary means for academics and scholars to “give their work away”: (a) The construction and rental of publication platforms and databases for the e-aggregation of the same, and the control and marketing of academic books and journals; and (b) The sale and/or rental of the same back to the very institutions that create and often fund the production of Intellectual Capital.

6.1—Open-access platforms for publishing research, while nominally outside this model, are insufficient means to protect Intellectual Property insofar as publication of works to The Cloud (university-owned or otherwise) generally leads to piracy, plagiarism, and loss of copyright control.

6.2—Alt-academic Open Access (not-for-profit presses and “pre-publication” platforms) is, as well, a questionable practice, given that it circumvents predatory publishers yet proceeds as above—viz., tacitly facilitates piracy, plagiarism, and loss of copyright control.

Insofar as the apparatuses noted above are effectively requiring that authors “give their work away” for dubious and often endlessly deferred rewards is telltale, the double bind of open-access publishing and its origins in the attempt to circumvent predatory practices of academic presses is indicative of the widening gulf between Intellectual Property Rights and the digitalization of knowledge (the conversion of knowledge to data).

Open Access, with its badge of anti-capitalist fervor, has managed to buy the same model for somewhat different purposes. The outcome for the author, however, is the same.

The double-headed empire of e-licensing and e-aggregation merely proceeds by more conventionally liberal means with Open Access, even as the author concedes rights to the platform, and even as anything uploaded to The Cloud is infinitely re-scaleable and easily pirated.

Thus, the control of one's Intellectual Property is increasingly a matter of avoiding both the e-cannibalization of works and the well-meaning but misguided purview of alt-academic practices (pre-publication platforms, Open Access, academic Social Media, etc.).

Open Access in the alt-academic sense suggests that "giving one's work away" might be used against the grain or to promote a larger project. The notoriety of the open-access publisher is one element of such a strategy. Its return to the metric-based system of scoring and evaluating research output however remains in question, as increasingly the lists of approved publishers exclude such platforms.

In terms of open-access publishing via pre-publication platforms (ostensibly to network one's work prior to conference or publication), plus the vagaries of institutional open-access publishing via The Cloud, it is more than obvious that the proliferation of works via the Internet or electronic platforms of a proprietary nature will automatically compromise any possible conventional publication of the works in question. Most publishers will balk at printing works freely available on the World Wide Web, and any attempts to argue that the work has been "substantially revised" or such will have little or no effect.

Thus, Open Access compromises or forecloses on the conventional publication of works—in book or journal form. Additionally, the very idea that works can be quickly distributed in this manner is effectively the main reason for indulging it, while the time required to produce a conventional monograph or journal article (with or without peer review and editorial intervention by the publisher) is only slightly longer, thereby erasing or minimizing the desirability of the model.

E-books, e-platforms, etc. carry the additional problem of editioning, with the likelihood of changes in the text being undetectable and thus violating the conventions of revised texts. The means for denoting these changes are not yet codified and publishers have failed to take into account the possibly pernicious side of multiple editions with variable content. (See the Duke University repository for e-books, which buys and archives e-books versus renting copies which reside on the publisher's platform and can be revoked and/or changed without notice.)

References

Joy, Eileen A. "Let Us Now Stand Up for Bastards: The Importance of Illegitimate Publics." *Chiasma: A Site for Thought* 2 (2015): 11–28; <https://westernchiasma.files.wordpress.com/2015/05/2.pdf>.

7.0—The World Intellectual Property Organization (WIPO) and the European Commission (EC) have done nothing to update the Berne Convention for the Protection of Literary and Artistic Works (est. 1896) to reflect the digitalization and corporate (for-profit) exploitation of Intellectual Property.

7.1—The United States (US) has instituted a non-punitive update to US Copyright Law in the form of avenues for filing complaints and issuing "Take-down" orders. This applies exclusively to the Internet, not the proprietary databases of corporate e-aggregators.

As of April 2015 the EC is still "studying" the impact of Big Data on Intellectual Property Rights. Given the internal agendas for funding research that redounds to the EC as a curious version of transnational cultural patrimony, it is self-evident that the Berne Convention will not be updated anytime soon.

The funding mechanisms of the EC Horizon 2020 initiative, for example, exclusive of EU structural funds, are utterly biased in favor of instrumentalized research. Science and technology receive the lion's share of funding through these periodic (cyclical) schemes, while the Humanities is permitted to survive in increasingly narrow subsets of socio-cultural projects that address the problems generated by the socio-economic practices of the EU-EC (viz., the

“ameliorative model” of humanistic research as triage for capitalist exploitation).

The Humanities, in this manner, is reduced to forms of remedial education for the masses, with projects that address macro-social problems at the local level permitted.

Thus, the likelihood of EC funding for any initiative that challenges the extensive campaigns of neo-liberal capitalism within the EU's borders is unlikely to be funded.

While the EU continues to fight US monopolies operating on EU soil, especially media empires, the agglomeration of financial concerns circling the public universities (notwithstanding the proliferation of for-profit private universities) represents a fast-closing, transnational monopoly aimed directly at Intellectual Capital and the Moral Rights of Authors.

8.0—The universities engaged in converting research in the Humanities to scaleable and saleable data (with data- and text-mining the most recent examples of the mutability of the model) have either capitulated to the global model or are part of its very construction.

8.1—The administrative regimes currently associated with neo-liberal academia generally conform to what is called “vertical integration” in the corporate world, a term that is, in turn, derived from media empires of the order of News Corp., Miramax, and Facebook.

Models of “vertical integration,” while derived from corporate media conglomerates, are increasingly applied to the production and dissemination of scholarly works insofar as the for-profit entities involved own or control all aspects of the so-called food chain.

These models are generally the cause of e-licensing of print works (agreed to by publishers), arguments regarding “discoverability” (the justification for e-licensing), the e-aggregation of journal contents (which drives the citations machine), the proliferation of fees and pay-per-view options (with the return of the work to the authors or discipline as rentable content), plus all of the knock-on effects of anything that rises above the leveling exercise—viz., the privileging of the elect, the paid lecture circuit, and the keynote

speaker game associated with academic conferences (paid for by fees leveled on the general attendees).

In turn, all of this has generated a parallel universe of fictitious journals and fictitious editors prowling the e-corridors of academia in pursuit of scholars naïve enough to submit work and then be hit with fees for publishing it. The e-journal, being an inexpensive template easily appropriated, has become the favored platform for the manipulation of emerging scholars caught in the web of deceit emanating from the e-commerce model superadded to measuring academic competence or incompetence.

Combining the apparently legitimate or authorized forms of e-aggregation and appropriation with the illicit shadow world of predatory journals and presses, plus the incumbent effects of the technologically sophisticated brinksmanship of schools competing for dwindling public funds, the scholar today is caught in a complex and shifting landscape of options that all return to the loss of the Moral Rights of Authors.

References

Thomson Reuters—Proprietary databases for citations in the Social Sciences and Science—53% owned by The Woodbridge Company (Thomson Reuters, US\$ 13.27 billion gross income in 2012). <http://thomsonreuters.com/social-sciences-citation-index/> and <http://science.thomsonreuters.com/cgi-bin/jrnlst/jloptions.cgi?PC=K>.

Taylor & Francis—Proprietary databases for online (toll-access) journals—Owned by Informa (Informa, £1,232.5 million gross revenue in 2012). <http://www.tandfonline.com/>.

Elsevier—Proprietary databases for online (toll-access) journals plus data- and text-mining platforms—Parent company Reed Elsevier (Reed Elsevier, £2,063 million gross income in 2012). <http://www.elsevier.com/>.

JSTOR—As of early 2014, JSTOR, a not-for-profit e-aggregator, announced they would begin offering e-books. The likely outcome is that JSTOR will become the antidote to EBSCO et al. As a not-for-profit enterprise, and given that they offer free access to their databases for Third World universities, JSTOR is

positioned to lower the profile of the predatory giants. In some respects JSTOR is the compromise position between the earlier attempts by universities to privilege Open Access and the subsequent corporate takeover of academic research. <http://www.jstor.org/>.

9.0—The result of all of the above is both general confusion (on the part of academics and scholars unaware of the reasons for metrics-driven performance) and increasing anger and rebellion (by academics and scholars well aware of the implications for metrics-driven performance).

9.1—Rebellions are currently underway in the US, the United Kingdom (UK), Australia, and the Netherlands.

9.2—The very definition of neo-liberal capitalism confirms the non-democratic nature of its practices. Thus, the rebellions noted above have been ignored by the administrative regimes at which they are aimed, with no resultant conversation of any significance.

9.3—The second line of defense for the Humanities is to forestall further inroads into faculties by such practices by strenuously invoking and installing multiple and diverse paths for PhD and Master's students.

9.4—This might take the form of alternative PhD models, such as Thesis by Exegesis (creative work plus written exegesis) and Thesis by Publication (written works published along the path of the PhD with a summary submitted upon completion justifying the overall project). Such creative substitutes for the conventional thesis, which is increasingly the primary location for the imposition of the above-mentioned metrics-driven practices on students, might serve to circumvent the mechanisms of control and discipline otherwise visited upon faculties and students from above.

The rebellions currently underway are being more or less ignored by the administrative regimes that have placed the Humanities in jeopardy. Generally, and as proof of neo-liberalism's strained relationship to democracy, there is no real discussion and the academic bureaucracies imposing the new rules intentionally ignore

any and all complaints and/or demonstrations by faculties and students.

Established academics (following the above refusal of the administrative regimes to discuss metrics-driven performance) have begun leaving the academy.

Students unaware or uncaring of these procedural shifts have a rude awakening coming once they apply for teaching positions and/or postdoctoral fellowships in major institutions. The alternatives for students include seeking grants and funding opportunities outside of academia proper to further their research and publications agenda.

Additionally, faculties might develop and coordinate alternative paths for recognition of student work in alliance with the more open-minded levels of administration outside the metrics-obsessed practices imposed by the marketing and PR departments within the neo-liberal university. Provosts versus Chancellors or Rectors are the historic link to faculties (instruction) whereas the present-day "CEOs" of universities are primarily concerned with leveraging Intellectual Capital and fundraising.

The primary opportunities for resisting and countering the exploitation of research, therefore, reside in graduate and postgraduate programs within the established universities which have yet to acknowledge the necessary firewall between intellectual inquiry and venal and abject utilitarian concerns derived from market-driven practices from outside of the university.

References

"Authors Groups From U.K., Canada, Norway and Sweden Join Authors Guild, Australian Society of Authors, and Quebec Writers Union in Suit Against HathiTrust." *Authors Guild*, 2011, <http://www.authorsguild.org/advocacy/authors-groups-from-u-k-canada-norway-and-sweden-join-authors-guild-australian-society-of-authors-and-quebec-writers-union-in-suit-against-hathitrust/>.

Roos, Jerome. "In Amsterdam, a Revolt Against the Neoliberal University." *Roar Magazine*, March 8, 2015, <http://roarmag.org/2015/03/occupation-maagdenhuis-university-amsterdam/>.

Selwyn, Benjamin. "Neoliberalism is Alive and Well." *Le monde diplomatique*, December 2014, <http://mondediplo.com/blogs/neoliberalism-is-alive-and-well>.

10.0—There are creative ways of dealing with all of the above that are productive of a nuanced and intentionally spirited defense of the Humanities and speculative inquiry. Foremost, it is the Humanities (Arts and Letters) that might best develop alternative new-old methodologies for the production and dissemination of scholarship that restores to academia the inalienable and timeless rights associated with the very production of knowledge as theoretical praxis.

10.1—The primary mode for this defense is the creation and safeguarding of a combination of media types and platforms that includes conventional publication but also addresses in a critical manner the proliferation of mediatic practices in the Arts and Humanities.

10.2—The types and modalities of scholarship (experimental and otherwise) to be protected include: Exhibition; Folio; Limited Edition; Lecture (public or otherwise); Performance; Visual Essay; Visual Poem; Film-essay; etc.

10.3—In terms of analogue publication or print media (books, articles, essays), the lists associated with metrics-driven performance must be amended and expanded.

10.4—In terms of digital and non-analogue works, new conventions must be created for assessing and protecting from piracy the author's moral rights.

10.5—The Moral Rights of Authors are included in the Berne Convention. It is these rights that have, in fact, been fully neutralized by predatory practices in academic publishing, while also neutering the contractual concept of "derivative work" (any work created after the primary work).

10.6—The re-definition of "derivative work" is, thus, the primary course of action for protecting the Moral Rights of Authors in the digital age. These moral rights, inclusive of copyright, represent the Achilles' Heel for predatory capitalist practices and the campaign to data- and text-mine academic research.

10.7—The Moral Rights of Authors remain the primary address for all adjustments to, resistance to, and the possible overturning of the most pernicious aspects of the current crisis in the production, protection, and preservation of Intellectual Property.

Forms of New Media combined with post-digital publishing are both the address for and against the consolidation of the capitalist assault on academia and Intellectual Property. Such platforms permit creative endeavors of traditional scholarship and forms of experimental scholarship.

While the updating of the Berne Convention remains under discussion, it is imperative that scholars protect their work by creating new forms of production, review, and dissemination. The likely avenues are to refuse digital publishing other than as a means for promoting analogue forms and to protect analogue forms by using publishers that honor the rights of authors. Whether or not these publishers are on the approved lists (as above) is irrelevant. Such publishers will only be placed on such lists once they have a critical mass of credible scholarship in their back catalogues.

Universities are, paradoxically, one of the few places where the required pressure may be found toward the protection of Intellectual Property and the inculcation of new regimes of producing the same, which might then alter the field for non-predatory relationships with the apparatuses of power currently assimilated at the highest levels of the university. It is, finally, the Moral Rights of Authors that must be studied, re-defined, and protected through both practices by and for scholars and by universities clamoring for authenticity and moral authority at either a local, national, or international (global) level. The quantification of knowledge might only be countered by a strenuous and concerted effort to safeguard qualitative means and practices both historically derived and contingently updated through experimentation, liberality, and collegiality.

References

For generally nuanced remarks on so-called Open Peer Review, see Peter Brantley, "Back Doors to Transformation." *Publishers Weekly*, January 30, 2012, <http://blogs.publishersweekly.com/blogs/PWxyz/2012/01/30/back-doors-to-transformation/>.

Haiven, Max. "The Ivory Cage and the Ghosts of Academe." *Truthout*, April 30, 2014, <http://www.truth-out.org/news/item/23391-the-ivory-cage-and-the-ghosts-of-academe-labor-and-struggle-in-the-edu-factory>.

For possible alternative models of research, see Max Haiven and Alex Khasnabish, "Fomenting the Radical Imagination with Movements." *Roar Magazine*, July 31, 2014, <http://roar-mag.org/2014/07/fomenting-the-radical-imagination-with-social-movements/>.

Regarding copyright of academic works, see the following article by Steven Shavell (Samuel R. Rosenthal Professor of Law and Economics, Harvard Law School), "Should Copyright of Academic Works Be Abolished?" <http://cyber.law.harvard.edu/sites/cyber.law.harvard.edu/files/Copyright%207-17HLS-2009.pdf>.

World Intellectual Property Organization. "Guide on the Licensing of Copyright and Related Rights." http://www.wipo.int/export/sites/www/freepublications/en/copyright/897/wipo_pub_897.pdf.

World Intellectual Property Organization. "Intellectual Property Issues Related to Electronic Commerce." http://www.wipo.int/export/sites/www/sme/en/e_commerce/pdf/ip_ecommerce.pdf.

World Intellectual Property Organization. "Understanding How Intellectual Property (IP) Relates to E-Commerce." http://www.wipo.int/sme/en/e_commerce/ip_ecommerce.htm.

As of December 2013 the European Commission began "a public consultation on the modernisation of copyright (deadline: 5 March 2014)." Additionally, the remuneration of authors was "one important topic included in the consultation." "In particular, the consultation document recognises that concerns continue to be raised that authors and performers are not adequately remunerated, in particular but not solely, as regards online exploitation. Many consider that the economic benefit of new forms of exploitation is not being fairly shared along the whole value chain. Another commonly raised issue concerns contractual practices, negotiation mechanisms, presumptions

of transfer of rights, buy-out clauses and the lack of possibility to terminate contracts": http://ec.europa.eu/internal_market/consultations/2013/copyright-rules/index_en.htm.

Summary Judgments v.1.1



1.0—Creative protocols and practices might be established *with* or *against* (but not *for*) the machinic processes described above.

1.1—Such creative protocols might be developed unilaterally by faculties or individual scholars, but they would require the imprimatur of the Provost for approval within the university system proper.

2.0—The primary concern/goal of these machinic processes (behind the smokescreen of providing “invaluable” services) is data- and text-mining of research and scholarship and the vertical-integration strategies associated with the same. The vertical-integration model is the primary means of monetizing such appropriations.

3.0—The Humanities is Ground Zero for the elimination of non-utilitarian disciplines and discourses via these quantitative models.

3.1—The Humanities will survive only in the elite universities that enjoy the embarrassment of riches associated with sizeable endowments or in institutes within universities that are externally funded.

4.0—Digital Humanities is a pseudo-discipline only half-embedded in the neo-liberal practices noted. Yet it is likely, in time, to be totally subsumed by the model (by the deterministic or neo-Darwinian aspects of the practices involved and valorized).

5.0—Disciplines that swallow other disciplines (while paying lip service to “interdisciplinarity”) are complicit in the destruction of the Humanities, a process that generally proceeds by the produc-

tion of increasingly circular and self-referential argumentation and citation and the utilization of platforms and processes associated with New Media and Digital Humanities.

5.1—The super-disciplines, as above, are coveted by universities only insofar as they eliminate discrete disciplines that have historically little or no use value (public relations-wise or otherwise).

5.2—The PR machines embedded within universities have converted faculties to service providers and students to consumers. “Flash” or “chic” programs draw students and fees and are tolerated as “billboards” for the larger brand. (Occasionally there are *actual* billboards circling the city, plastered to buses.)

6.0—Those scholars who choose to leave the university due to the increasingly punitive measures noted above have the choice of so-called alt-academic positions (librarians, editors, etc.) or singular artistic and creative practices underwritten by the value of their work and/or fellowships and grants.

6.1—The value of independent work in the Arts and Sciences outside of academia is increasingly commandeered nonetheless by the same forces operating within the university. For example, publicly funded works are expected to be “freely” available and/or held in trust by the funding agencies. Additionally, grant- and fellowship-funded projects are subsumed by the PR machines of the host institution, often compromising the artist’s or scholar’s ability to capitalize the project in support of their larger endeavor. Lastly, there is the emergence of the double bind where funding source determines the outcome (while also restricting the dissemination or capitalization of the work by the author).

7.0—Grants and fellowships rarely support work that does not somehow service the expectations of the grant-awarding entity. There are also more and more scholars and artists chasing fewer and fewer grants, residencies, and fellowships due to the overproduction of degrees and the tightening monetary regimes of not-for-profit, grant- or fellowship-awarding institutions. Additionally, the review of grant and fellowship applications both within and beyond the university is ring-fenced by the traditional gatekeepers who impose bland or extreme ideological judgment on all pro-

spective grantees. This form of review is the same process that has been incorporated into academic peer review (via journals, conferences, etc.).

7.1—The classic system of patronage by the well-off (now a virtually dead practice) is of marginal use in the calculations required of scholars and/or artists wishing to escape the dictates of the university or the for-profit publishers and media companies, both of which have adopted the vertical-integration model noted above. Scaleability remains the mantra of both corporate for-profit companies involved in garnering control of Intellectual Capital and institutional, not-for-profit agencies purporting to support the Arts and Letters. The author is generally the last person consulted in these hierarchies of appropriation.

8.0—Thus, the best location for the necessary forms of resistance to the above practices is from within the university versus from the *outside*. The restoration of independent scholarship and intellectual inquiry is the first step in a re-vitalization of the Humanities, while the protection of the Moral Rights of Authors is the first step toward rewarding scholars for their work versus punishing and disciplining them in a perverse game of appropriation by opprobrium.

Words to Cross Out (Until the Berne Convention is Updated) v.1.1



I. GENERAL TRENDS AND PRACTICES ASSOCIATED WITH COGNITIVE CAPITALISM

~~Author-pay Publishing~~

~~Celebrity Intellectuals~~

~~Citations~~

~~Conventional Thesis~~

~~Creative Commons~~

~~Creative Industries~~

~~Crowd-funding~~

~~Data-mining~~

~~Digital Humanities~~

~~Discoverability~~

~~E-books~~

~~E-journals~~

~~E-licensing~~

High-impact Journals

Open Access

Open Source

Peer Review

Pre-publication

Re-branding

Research Integrity

Research Metrics

Social Media

Text mining

The Cloud

II. PRACTICES AND DISCIPLINES THAT ARE EATING AND/OR SUPPLANTING OTHER DISCIPLINES

Big Architecture

Circular Discourses

Critical Theory

Cultural Ecology

Cultural Studies

Discourse Analysis

Environmental Studies

Film Studies

Media Studies

New Media

Visual Anthropology

Visual Culture

Topological Glossary v.1.1



Alt-academia—Locations and/or positions outside of academia proper or in support of academic processes. Places where academics may flee to (e.g., libraries or presses).

Arts and Humanities—A confluence of disciplines distinguished primarily by its traditional distance from purely instrumentalized disciplines (bespoke professions).

Arts and Sciences—A confluence of disciplines distinguished primarily by its traditional privileging of instrumentality. A borderland between disciplines often formalized within universities via distinct schools or faculties (e.g., Faculty of Arts and Sciences).

Big Data—The construction, maintenance, and imposition of gigantic databases as a primary means for mining Intellectual Capital. Justified by its massive serviceability and utility.

Celebrity Intellectuals—Branded personalities associated with academia and other institutions (e.g., media empires) that form a de facto consensus or subtle version of Gramscian hegemony while insisting otherwise. Such figures are given *carte blanche* by publishers and serve as keynote speakers at academic conferences, due primarily to their PR value. See also, TED Talks, TEDx Talks, etc.

Circular Discourses—Generally any discourse that is premised on circular and repetitive citation as a means for establishing its credentials, but also disciplines that form closed networks of servants, experts, and—by default—censors. A late-modern version of hermeneutics.

Cognitive Capitalism—The third phase in the development of Capitalism after Mercantile Capitalism and Industrial Capitalism. Intimately tied to the financialization of knowledge through the technological apparatuses of appropriation associated with Big Data. An orchestrated assault on the immaterial aspects of cultural production (e.g., Intellectual Property).

Collegiality—A quaint term used to describe former and/or lost versions of debate, democratic consensus, and such. When applied to academia, collegiality connotes “colloquia” and “symposia,” versus “conferences” and “marketing campaigns.” Academic Social Media is a virtual, late-modern version of collegiality, but generally without the civility.

Conventional Thesis—The default model for PhDs that is generally unpublishable without major triage. Spurned by publishers, which leads to such theses and dissertations being consigned to university libraries and/or The Cloud.

Creative Commons—Various licensing schemes (est. c.2001) for primarily web-based open-access works that may or may not protect the Moral Rights of Authors.

Creative Industries—The neoliberal-capitalist term for the Arts and Humanities. Related to crowd-funding, grant and fellowship competitions, and other mechanisms of support that collectively constitute the specter of perpetual fundraising and branding for the Arts and Humanities and/or individuals engaged in independent scholarship and creative arts. Related to postdoctoral fellowships, grants, residencies, and such. Foundational bias of governmental programs such as the US National Endowment for the Arts, the US National Endowment for the Humanities, and the EU–EC Horizon 2020 initiative. Stalking horse for identifying and capitalizing any emergent trends in the disciplines invoked.

Cultural Memory—A re-calibration of classic historical studies (e.g., Historiography) that focuses on the return of past times in present times through the elaboration of complexes and “ghosts” persistent within ideological and cultural practices. Derived in part from Deconstruction (Continental Philosophy).

Cultural Patrimony—Nominally invented by the French, a type of branding of cultural production that reverts to a form of naïve na-

tionalism only retrospectively, as in the recent case of the French blocking the sale and exportation of the papers of Guy Debord (founder of the Situationist International) or the adoption and marketing of artists such as Jean-Luc Godard and Anselm Kiefer (once successful).

Data-mining—The practices associated with Big Data, where scholarship is collected (through e-journals, e-licensing, etc.) and converted to tranches similar to the financial instruments utilized by Wall Street prior to, but also after, the 2008 global “crash.”

Derivative Works—A sacrosanct and key element or term of the Berne Convention safeguarding any secondary work that follows upon a primary work (e.g., conversion of a book to a film, production of a play from a published version, etc.).

Digital Humanities—The importation of the edicts and practices of Big Data and pseudo-scientific scholarship to the Humanities.

Discoverability—The excuse used by e-aggregators for justifying their practices. Also utilized by open-access advocates for collecting and marketing metadata.

E-aggregation—The collection, assembly, and marketing of vast tranches of research by not-for-profit and for-profit publishers and platforms. Proceeds by way of the appropriation of tens of thousands of books, journals, and archives and the licensing of the same to institutions (with both the platform and the content provided on a non-transparent fee structure paid by the university). The origin of Google’s experiment with scanning books in libraries worldwide plus the practices associated with HathiTrust Digital Library. Foundation for all companies engaged in the academic library-services industry.

E-licensing—The wholesale collection, digitalization, and sale of private Intellectual Property without remuneration by for-profit or nominally not-for-profit corporations and entities in collusion with or by academic and mass-market publishers. The model defaults to the “vertical integration” strategies of corporate media. Additionally, the model extends to otherwise innocuous organizations such as MIT Journals and Project Muse (hosted by Johns Hopkins University).

E-platforms—The collection, marketing, and sensationalizing of “knowledge as such” as a late form of New Media. Instrumental in the reduction of scholarship to data and the conversion of the arts to entertainment. As compensation, conventional (old) New Media has become an unorthodox place or non-place by which to pursue experimental forms of scholarship (e.g., political critique).

Edufactory—The imposition, elaboration, and perpetual fine-tuning of academia to serve neo-liberal capitalist pursuits. The conversion of academia to a factory for the production and extraction of knowledge by for-profit corporate entities in collusion with the highest levels of governance within and outside of the university proper, plus the reduction of former public research universities to trade schools (with the over-production of degrees being in direct proportion to the desire of neo-liberal capitalism to manage and discipline disciplines through lowered expectations and the production of captive subjects).

Film-essay—A means for using the visual image in tension with the spoken word, as practiced by Chris Marker and Jean-Luc Godard. Arguably, the film-essay is the synthesis of discursive and non-discursive knowledge, taking the problems of the essay and its voice (or, its criticality) out of one register (literature as such) and placing it in a second register (the visual arts as such).

High-impact Journals—The shibboleth associated with measuring academic performance by scholars (operative primarily in the Arts and Sciences) and their capacities for gaming the system through high-profile networking and brinksmanship associated with the celebrity intellectual circuit.

Humanities—The last outpost for totally “useless” intellectual inquiry. Arguably, the primary address for pure speculative intellect.

Intellectual Capital—Anything produced that may have socio-cultural and/or socio-economic value.

Intellectual Property—The conversion of Intellectual Capital to personal or corporate property. Orderly and legal transfer of the former to the latter is the origin of copyright law.

Limited Edition—The primary means for producing a book or art work that might also retain its “aura” (its singular status as art work

or physical artifact). Despite arguments regarding reproducibility, the limited edition and its provenance suggest that it is a key aspect of post-digital print strategies and the cross-platform practices associated with post-digital print. Not to be confused with the high-end limited editions perpetrated by art publishers.

Moral Rights of Authors—The catch-all term in the Berne Convention for the inalienable rights of the author/artist to resist the cannibalization and theft of their work, their identity, and their reputation. In reverse order, Moral Rights revert to “derivative works” and to copyright per se. The Berne Convention states that such rights may not be renounced or transferred (even if the author/artist prefers to do so). In most cases the Moral Rights of Authors survive the physical death of the author/artist. Related to the Romantic concept of “immortality” for authors.

Neo-liberal Academia—The Edufactory.

Neo-liberal Capitalism—The conversion of life to infinitely malleable economic units and an assault on the last frontier—immaterial labor.

New Media—The traditional multimedia aspects of the Arts and Letters in association with advances in digital technology and the production of online platforms for the same.

Non-exclusive License—The usual means (or, stalking horse) via signed contract for the collection and transfer of Intellectual Property without remuneration by and to media platforms (“publishers”), and its subsequent conversion to licensed content (data sets, supply periods, etc.). The term or life-span for these non-exclusive contracts is, generally, “Until we no longer need or want it.” Includes usurpation of underlying works (photographs, musical compositions, etc.).

Open Access—The sometimes admirable attempt to circumvent the worst ravages of predatory publishers. Arguably, a devolution of lost arguments made by academia to rout piracy of scholarship by corporate fiat through institutional open-access models. Now a prominent alt-academic business model, but also the semi-pernicious basis for pre-publication platforms (aimed at collecting scholarship prior to publication) and academic Social Media widgets of various and sundry types.

Pay-per-view—The practice associated with for-profit e-aggregation whereby the author or institution that created the content is asked to pay a fee to access it. Related to “Discoverability.”

Peer Review—The incestuous process now approved worldwide for vetting works by scholars prior to publication. One of the great fictions of academic metrics—viz., “Peer review proves that your work is valid.” The process de-values experimental works and places emerging scholars in jeopardy insofar as they will tailor their works for such approved venues (journals, conferences, etc.) and to appease and/or please the attendant gatekeepers. Also the smell test for alt-academic publishers insofar as scholars wishing to concede to the practice of peer review must choose “reputable” presses (with nominal or real peer review). Often utilized by private foundations, universities, and governmental agencies for vetting grant and fellowship proposals, with the added provision that any books in an author’s Curriculum Vitae must have had an “editor” (viz., any book must have undergone substantive editing). Begs the question, “Cannot a book be evaluated on its merits versus its provenance?” (Which, in turn, begs the unanswerable question, “Does anyone read anything anymore and/or why have metrics and approved lists of publishers become the primary means for measuring quality?”)

Piracy—Corporate or personal for-profit theft of Intellectual Capital.

Post-digital Print—Various and sundry practices following the near demise of print media to both restore print media to its Early Modern role as physical artifact (with traditional “aura”) while using digital media to push and promote the same (and vice versa).

Predatory Publisher—A term usually used to describe unscrupulous journals and presses (often with fictitious editors) that lure academics into author-pay schemes. Also applicable to some of the most renowned names in academic and mass-market publishing that offer punitive royalties schemes via impossible-to-achieve sales and Hollywood accounting measures.

Re-branding—A persistent marketing protocol, first associated with the 1990s (“Cool Britannia,” etc.), utilized for re-positioning any commodity that has lost its “aura” and/or fallen from grace with the sea. Within academia, the re-naming of schools, depart-

ments, or programs to reflect new corporate sponsorship and/or the decimation of traditional disciplines. Includes the establishment of “stand-offish” institutes within schools that are generally self-funded to escape the financial dictates of the university proper (though the university takes an “administrative fee”).

Research Citations—The game by which scholars are measured—i.e., rewarded or punished by university bureaucracies and faculties. Often proceeds by institutional databases created internally and/or by outside for-profit interests.

Research Metrics—The overriding system of measurement of research in the neo-liberal university. Tied to the regimes of reward and punishment and the elimination of “non-productive” or so-called useless disciplines (those with no obvious utilitarian value).

Scaleability—The conversion of knowledge to data sets for and toward financializing the same.

Scientific Scholarship—The default status of the Sciences and Social Sciences in terms of methodology. Usually invokes “objectivity” and the repression of the author’s voice (subjectivity). Countered in the Arts and Humanities by interpretive and non-objective biases that often revert to mere unsubstantiated opinions in the eyes of pseudo-scientific scholars.

Socio-cultural—The register within cultural production where the socio-economic is demoted.

Socio-economic—The register within cultural production where the socio-cultural is demoted.

Speculative Intellect—A Hegelian term that verges on mysticism. Arguably related to aphasia (arguably the origin of philosophical inquiry). Also the reason that instrumentalized disciplines (e.g., Architecture) were demoted by G.W.F. Hegel to non-art status. The “ghost” in the machinery of *The Phenomenology of Spirit*.

Super-disciplines—Those disciplines that are eating traditional disciplines while quietly servicing the machinery of neo-liberal academia.

Text-mining—The reduction of scholarship to tranches of information (data) available on a pay-per-session basis by for-profit corporate entities.

The Cloud—The all-purpose online repository for knowledge-as-information. Intimately tied to Digital Humanities insofar as the research associated with the same is to be networked versus published.

Thesis by Exegesis—A hybrid PhD model that proceeds from creative work and involves a 10,000-word document (exegesis) explaining the overriding themes of (and connections between) the project or projects. Generally only an option in the Arts. Leads to problems of evaluation, which in turn justifies the exegesis.

Thesis by Publication—The PhD model that is usually a collection of essays published in peer-reviewed journals with a 10,000-word document submitted to the university explaining the overriding themes of (and connections between) the essays. Alternatively, a book or series of books with a 10,000-word document submitted to the university explaining the overriding themes of (and connections between) the project and/or projects.

Toll Access—The practice associated with e-journals whereby the schools and individuals who provided the content are charged a fee to access it.

Utilitarianism—Nominally a nineteenth-century practice associated with the late Industrial Revolution when Utopia was perceived as a well-managed society and pragmatism was the prevailing ethos. One of John Ruskin's foremost nemeses.

Vanity Press—A colloquial term applied to any press that charges authors fees to edit, produce, and market their books (inclusive of high-end publishers specializing in coffee-table books), although Amazon has irreparably lowered the bar for the term by vigorously promoting self-publishing through print-on-demand services often as a nod toward alternative (e.g., alt-academic) presses.

Vertical Integration—Strategies associated with media companies to leverage their assets. Includes acquisition and/or extermination of rivals. Conventional print media is subsumed in the model (viz., analogue models are converted to digital models).

Visual Poem—Arguably, related to Concrete Poetry, but concerned instead with the non-discursive cachet of the photographic or hand-rendered image. Often accompanied by music.

Ljubljana Accord v.1.1



1.0—The University of Ljubljana is in the unique position of safeguarding forms of academic freedom now under threat by neo-liberal capitalist exploitation. This is primarily due to the lag between implementation and conformity plus “endogenous” factors given to the University as such (e.g., language barriers, publicly sponsored economies of scale, and professional and/or administrative post-socialist regimes unique to the region and representing both opportunities and hurdles).

1.1—As a type of enlightened “else-where” (half Western European and half Eastern European), Slovenia might serve the privileged role *for Europe* of inventing a hybrid model based on countering the worst ravages of neo-liberal exploitation of academia while preserving its unique cultural heritage.

2.0—While adopting many of the practices of contemporary academic research and publication, the University of Ljubljana has a long history of internal autonomy associated with past concerns for cultural patrimony and the preservation of scientific research standards in the Social Sciences and Humanities.

2.1—These practices are in no way similar to the predatory models outlined above, while they also deserve careful recalibration, especially given the imposition of the global system for measuring research and research impact. The main publication platforms for the University and schools within the same produce an enormous amount of scholarship that rarely leaves Slovenia due to language issues (lack of translation into English, the lingua franca of present-day neo-liberal academia). This is both an opportunity and a hurdle that, in fact, prevents and forestalls the foremost mechanisms of theft of Intellectual

Property by Big Data and for-profit publishers. In the long run, however, this “nativism” is detrimental to the higher purposes of scholarship as pure speculative inquiry.

3.0—Cultural patrimony is intimately linked to issues of cultural memory and the preservation of unique characteristics given to Slovenia. Cultural memory, in turn, is linked to freedom of speech and thought—arguably, the very issues most threatened by the neo-liberal machinery installed or to be installed in universities to siphon off Intellectual Capital.

4.0—A Slovene Accord would create a striated model based on conventional and “avant-garde” methodologies and modalities while also registering these new and old practices within the apparatuses of the research and publication models associated with the EU-EC and with the larger international scene; viz., a form of striation that counters the smooth and pernicious elements that serve to level scholarship and make it scaleable, saleable, and generally exploitable.

4.1—The primary structure of this Accord would require the examination, elaboration, and re-definition (or re-calibration) of the Moral Rights of Authors as a keystone or central pillar for any and all accommodations of the machinery associated with the neo-liberal university.

5.0—By installing the Moral Rights of Authors as a keystone or central pillar in the architecture of a unique version of research and publication strategies, a Slovene Accord would accomplish at the local level what might be done at the EU-EC level while safeguarding local differences—i.e., vital concerns such as cultural patrimony, plus issues related to the marginalization of Slovene scholarship as it is subsumed by the EU-EC version of the global Edufactory.

5.1—If the current and/or projected system closes before changes are made to safeguard the Moral Rights of Authors, the holes or lacunae (as opportunities for creative resistance) in the present machinery will also close and the result will be a totalitarian model of appropriation of cultural patrimony and Intellectual Capital.

May 1, 2015