ABSTRACT
Plan S, promoted by cOAlition S, is a significant attempt to hegemonize a specific form of Open Access (OA) as the future of academic publishing on a global level. It mandates that the results from Coalition-funded research must be published in fora compliant with its criteria. This article questions the Plan’s supposed radicalness from a political economy perspective with the help of post-foundational discourse theory. Specific attention will be paid to its implications for property rights as the contingent foundation of knowledge production. The Plan and OA will be examined within the context of globally unequal structures of scientific knowledge production and attempts to transform them into a more equal system. The analyzed data consist of the archive from the following sequence: (i) the publication of draft guidance on the implementation of the Plan, released by the Coalition in November 2018, (ii) a collection of feedback statements on the draft by the Coalition from November 2018 to February 2019, and (iii) release of the updated guidance adopted and published by the Coalition in May 2019. The primary object of analysis is the antagonism articulated towards the Plan within what is here termed the conservative-propertarian discursive formation.

KEYWORDS
Plan S; Open Access; property rights; political economy; discourse theory

Introduction
Open Access (OA) in all its varieties has transformed the production and circulation of scientific knowledge, and it possesses the potential to do so in an even more profound manner – for better or worse. Presumably, OA will become the default option in scholarly publishing during the next decade (Pia et al. 2020). This provides some hope that we are exiting the ‘worst of all possible worlds’ when it comes to academic knowledge production (Beverungen, Böhm, and Land 2012). However, as one looks closely at how we arrived at such a conjuncture, the picture becomes more opaque (Moore 2019; See, also, Moore 2017; Adema 2014). Furthermore, the ‘lines of confrontation’ over OA are becoming increasingly fluid (Herb and Schöpfel 2018, 8). The most pressing question,
then, is not whether to adopt OA but which OA it should be. If we fail to tackle the latter question, warns Pia et al., we risk ‘sleepwalking into a new phase of control and capitalization [with] transparency requirements designed by managers, entrepreneurs, and politicians’. (Pia et al. 2020, 3).

This article will focus on one ongoing project to hegemonize OA on a global level: Plan S. Promoted by cOAlition S \(^2\) – a coalition initiated by national research funding organizations with the European Commission (EC) and the European Research Council (ERC) \(^3\) – Plan S requires that the results from research funded by Coalition members must be published in fora compliant with the Plan’s criteria. They are not encouraged or advised to do so – they must do so and non-compliance shall be monitored and sanctioned. The Plan consists of the following main principle, with ten additional principles: \(^4\)

With effect from 2021, all scholarly publications on the results from research funded by public or private grants provided by national, regional and international research councils and funding bodies, must be published in Open Access Journals, on Open Access Platforms, or made immediately available through Open Access Repositories without embargo.

In this article I will elucidate from a post-foundational discourse theoretical perspective certain lines of confrontation as they appear in this context. This I will achieve by focusing on a specific sequence in the Plan’s development which brings together a significant number of competing articulations on OA in relation to a shared point of reference (the Plan) and, due to its documentary nature, provides an archive well suited to this aim.

As argued by Pirie (2009), although rarely acknowledged, OA cannot be understood without relating it to the structures of global capitalism. Similarly, Beverungen, Böhm, and Land have called for greater attention to the political economy of academic publishing alongside more technical debates on, for example, rankings and metrics (Beverungen, Böhm, and Land 2012, 930). Theorizing OA as a ‘moral economy’, Bacevic and Muellerleile have strived along similar lines to understand the ‘various processes through which academic knowledge and its derivatives acquire value in a capitalist economy and society’ (Bacevic and Muellerleile 2018). In regard to such political/moral economy perspectives to OA, I am especially interested in the lines of confrontation related to property and ownership. Property rights are the code that helps bring into being specific forms of economy and society. OA is an economic proposition, at least to the extent that it implies reconfiguring modes of ownership, production, and circulation of academic knowledge.

This economic framing does not imply that OA is not a political proposition. On the contrary, while I highlight the contingent economic foundations of academic publishing, these very economic foundations are themselves political. Although economic foundations do not fully determine the processes of academic knowledge production, they still delineate how these processes can play out (Laclau and Mouffe [1985] 2001, 190). Therefore, OA should not be discussed as an economically or politically neutral technological fix that broadens access to academic knowledge while leaving unaffected the knowledge produced. Depending on the form of OA that becomes hegemonic in the coming years, it can serve to reproduce the ‘world of knowledge’ \(^5\) generated in large
part by and for the Global North or provide spaces for steps towards alternative institutions and worlds of knowledge.

Open Access from a post-foundational perspective

Post-foundational discourse theory

My analysis is informed by Laclauian post-foundational discourse theory. Others have emphasized its usefulness in tackling the contingent nature and possible futures of OA by theorizing the concept as an empty signifier or a floating signifier (Adema 2014, 2018, 16–25; Adema and Ferwedera 2014; Moore 2019). Here, I wish to add antagonism to the list of post-foundational concepts with which to make sense of OA. The classical definition of antagonism as a specific type of discursive relation is provided by Ernesto Laclau and Chantal Mouffe ([1985] 2001, 125; see, also, Marchart 2018), for whom it names a situation in which ‘the presence of the ‘Other’ prevents me from being totally myself’. They continue: ‘Antagonism, far from being an objective relation, is a relation wherein the limits of every objectivity are shown’. To articulate an antagonism is to articulate ‘two irreducible camps structured around two incompatible equivalential chains’ (Laclau 2005, 85–86) – that is, to divide a social space between two discursive formations (e.g. Open Access and traditional publishing). The elements constituting these formations (e.g. equality, access, freedom, efficiency) receive their meanings from their mutual relations within the respective formations (Laclau 2005, 131). As noted by Lasse Thomasen (2005, 299; c.f., Torfing 1999, 120–121), one should not assume that an antagonistic relation exists in all social spaces. Such relations must be articulated for them to exist, and one reason for doing so can be to polarize a given problem-space, as antagonisms reduce discursive heterogeneity to a single opposition.

As already put by Marx (1977, 88), it is ‘evident that the individual is related to his language as his own only as the natural member of a human community. Language as the product of an individual is an absurdity’ – and, he continues, ‘so also is property’, a matter which will be discussed below in more detail. Accordingly, I adopt a bottom-up approach to OA and property by analyzing attempts to articulate meaning to them. I do not wish to propose an answer to the question ‘what is OA?’ Instead, I hope to elucidate OA’s contingent and conflictual nature as an object of hegemonic-discursive struggle, and highlight the latter’s ‘performative-constitutive’ function (Palonen 2021). For example, subscription-based journals, with their paywalls and ever-rising subscription fees, align comfortably with the interests of the core capitalist states and private capital (Pirie 2009, 42–43). Therefore, one could argue that while ‘neoliberal’ (Mirowski 2018) OA reproduces private exploitation of academic labour, it can still enable near-global access to its end-products. When combined with other structural inequalities in academic knowledge production, however, universal access in itself can potentially further marginalize research from the Global South (Guzik and Ahluwalia 2019, 951; Istraati and Demeter 2020, 12–21), thus hindering global cognitive and social justice. This, for me, is an argument not against OA qua OA but against the implementation of its specific forms in specific contexts. As argued by Gary Hall (2008, 197), OA is not always politically progressive, nor is it always democratic. Conversely, neither is it always politically regressive or anti-democratic. Unlike Hall, however, I
would argue that precisely for these reasons, both in theory and in practice, it is always political.

**Global political economy of academic publishing**

Jason Schmitt has labelled academic journals ‘the most profitable obsolete technology in history’ (Schmitt 2014). Meanwhile, Armin Beverungen, Steffen Böhm, and Christopher Lang argue that, certain disciplinary idiosyncrasies notwithstanding, ‘as academics our lives are dominated by journals’ (Beverungen, Böhm, and Land 2012, 929). Such profitability and dominance are premised on private property, which enables undemocratic hierarchical control of knowledge production and the consequent financial gains. Privately owned scholarly publishers are nothing new, as in the Victorian era a significant proportion of journals were published by commercial publishing houses (Larivière, Haustein, and Mongeon 2015, 2). However, since the digital revolution in publishing from the mid-1990s onwards, a strong concentration of ownership has occurred: For example, by 2013, just five publishers were responsible for 54.4% of publications in the social sciences. Moreover, the top three (Reed-Elsevier, Taylor & Francis and Wiley-Blackwell) produced almost 50% of all publications.8 Today, the largest publishers own thousands of journals (Rodrigues, Abadal, and Hermes de Araújo 2020, 2).

This consolidation has been accompanied by increased operational profit margins (Larivière, Haustein, and Mongeon 2015, 2, 5, 10), estimated, in the recent past, to be in the region of 30%–40% (Beverungen, Böhm, and Land 2012; O’Loughlin and Sidaway 2020, 6–8). The flip-side of these profits is what has been termed a price crisis, serials crisis, or access crisis, whereby journal subscription prices have become prohibitive for many. Although, in the Global North, this has meant the reduced availability of journals via university libraries, in the Global South the crisis is of a different magnitude.9 To cite one illuminating comparison, whereas Harvard University subscribed to 98,900 journals in 2008, several sub-Saharan universities subscribed to none (Suber 2012, 30). Nevertheless, it would be intellectually dishonest to fail to acknowledge that this crisis has lately been alleviated by sites such as Sci-Hub and Library Genesis. To the extent that such sites have made scholarly literature accessible to all with a functioning internet connection10 – for example, according to one estimate, Sci-Hub’s repository reportedly contained 68.9% of the 81.6 million scholarly articles with DOIs as of March 2017 (Himmelstein et al. 2018) – the price crisis and proposals such as the Plan appear that much less radical in their practical implications.

OA is often proposed as a remedy to the oligopolistic tendencies of publishers’ (Bacevic and Muellerleile 2018, 182). However, little empirical evidence exists to support such hopes. Thus, while OA might undermine the existing oligopoly’s traditional profit-logics, it does not automatically undermine the oligopoly in publishing as such. Based on an analysis of journals and articles from the Directory of Open Access Journals (DOAJ),11 Rodrigues et al. detail the emergence of an ‘Open Access oligopoly of publishers’ (Rodrigues, Abadal, and Hermes de Araújo 2020, 4). Moreover, although some of its members differ from those controlling the subscription market, there is also significant overlap. This has partly been the result of a ‘clear strategy’ by the traditional publishers ‘to fill the market with new titles’ (Rodrigues, Abadal, and Hermes de Araújo 2020, 5). For example, in 2018, Springer Nature still saw ‘any change in law or policy which reduces or eliminates [its] exclusive right to the
content we publish’ as a risk to its business model. However, in April 2020, the same publisher announced many of its non-OA journals, including flagship publications like Nature, are now committed to joining the Plan. Springer Nature unveiled in November 2020 the price of article processing charges (APC) for Nature under this new arrangement: 9,500 EUR per article. According to Khoo’s analysis of APCs – charges through which many publishers hope to maintain their margins in a post-subscription publication landscape – their ‘hyperinflation’ has meant that OA has yet to become an effective remedy for the serials crisis (Khoo 2018).

Traditional publishers have also found novel ways to capitalize on OA policies of research funders. EC awarded the contract to set up and manage Open Research Europe, an OA publishing platform for Horizon 2020 funded research, to F1000 Ltd, an open research publisher acquired by Taylor & Francis in January 2020. As well as being paid a fixed amount for setting up and managing the platform, EC will pay 780 EUR APC to F1000 for each article published on the platform. Indeed, as put by Robert Holley:

The most important development in publishing has been the ability of large commercial publishers to find ways to profit from open access. While the original intent of open access was to limit or destroy their monopoly, the exact opposite has happened. (Holley 2018)

Finally, this concentration of ownership contains a clear geographical dimension. Analyzing data from the Web of Knowledge, Graham et al. highlight the ‘staggering amount of inequality in the geography of the production of academic knowledge’ (Graham et al. 2011, 14). Two countries, the United States and the United Kingdom, publish more indexed journals than the rest of the world combined. That Switzerland’s share alone is three times that of the entire continent of Africa drives home the point of just how under-represented the Global South is in this regard. The locations of the largest OA publishers’ headquarters discussed in Rodrigues et al. point towards a similar pattern of concentration (Rodrigues, Abadal, and Hermes de Araújo 2020, 5).

The political institution of property

Arguments over OA are in large part arguments over property rights: who should own the rights to the production and circulation of scientific knowledge and, at times, the profits this generates. I feel this must be explicitly stated, as debates on OA often focus on such aspects as technological change or experimentation in styles of academic publishing.

While property impacts all our lives, it has been rather unfashionable as the focus of political theory and analysis in recent decades, at least within post-foundational political theory, and theories of radical and deliberative democracy. Property is not a ‘thing’, for instance, an academic publication; rather, it is a social relation constituting that ‘thing’ as a governable object with implications for owners and non-owners alike. As modern property theory demonstrates by defining property as a ‘bundle of rights’ pertaining to, for example, access, withdrawal, management, exclusion, and alienation (Ostrom and Hess 2007, 16), the forms property can take are, in principle, only limited by our imaginations. To acknowledge this limitless nature of forms of property in theory serves to highlight the limits in the existing forms of property at any given time.

Nevertheless, popular and philosophical understandings of property, at least in the Western context, tend to equate property with private property. Furthermore, the latter
is often defined narrowly as a *right to exclude*. As influentially defined by Morris R. Cohen, ‘the essence of private property is always the right to exclude others’ (Cohen 1927–8, 11–12), or in the slightly more nuanced words of Felix Cohen, the ‘essential factor’ of ownership is “the power to exclude, whether that power is exclusive or shared with others” (Cohen 1954). Federiko Klink takes a step further and proposes that the “concept of property is devoid of meaning if it is not possible to exclude all non-owners” (Klink 1991, 18), as does Thomas W. Merrill, for whom the ‘right to exclude others is more than just ‘one of the most essential’ constituents of property – it is the *sine qua non*’ (Merril 1998, 730). Finally, as put by Peter Lindsay, this right to exclude non-owners is often articulated together with (negative) freedom. This relation has been naturalized to the extent that ‘modern liberal societies view the power to exclude as being practically indistinguishable from freedom itself’ (Lindsay 2018, 201). Articulations valorizing the excluding functions of property will be analysed below as an ‘exclusive perspective’ to property.

If examined without these exclusionary lenses, however, the *right not to be excluded* can also be seen as enabling negative freedom – that is, ‘the liberty to engage in activities freed from the “no” of others’ (Lindsay 2018, 198, 201). C. B. Macpherson, the foremost theorist of possessive individualism, has argued throughout his works that private property is but one of property’s possible modalities. Macpherson’s definition of common property is relevant as an alternative form of individual rights. In his words:

> Common property is created by the guarantee to each individual that he will not be excluded from the use or benefit of something: private property is created by the guarantee that an individual can exclude others from the use or benefit of something. Both kinds of property, being guarantees to individual persons, are individual rights. (Macpherson 1978, 5)

At the very least, we should not equate property with private property or the latter with the right to exclude. Moreover, we should not equate common property with the commons, if by the latter it is meant that no property rights exist in any sense over a given resource (Ostrom 1990) – for example, in the form of a guarantee of non-exclusion, as in Macpherson’s common property. Articulations valorizing common rights of access will be analysed below, in turn, as an ‘inclusionary perspective’ to property.

An additional analytically useful distinction is proposed by Larissa Katz between the right to exclude and *exclusive rights*. As Katz observes:

> There is a distinction between a right that is exclusive in the sense that it has the function of excluding others from the object of the right and one that is exclusive in the sense that its holder occupies a special position that others do not share.... What it means for ownership to be exclusive is just that owners are in a special position to set the agenda for the resource. (Katz 2008)

As with Macpherson’s common property, exclusion from use is not seen here as necessary for the existence of meaningful ownership. Nevertheless, for Katz, ownership still requires ‘necessarily an exclusive position of authority’, ensuring ‘that others do not dictate what agenda the owner must set for a thing’ (Katz 2008, 310, 315).

Academic publishing is one of those relatively rare contexts where the exclusionary perspective is challenged at present by the powers that be – at least to a degree – from an inclusionary perspective. Another timely example of an antagonism between these two perspectives is the debate over patent waivers in the context of the COVID-
pandemic. Even the wall-loving Trump White House toyed with the idea of tearing down paywalls from publicly funded research. However, one should not be naïve here. Motivations can vary from explicitly anti-capitalist and decolonial ones to attempts to further accumulate capital in the Global North.

At least the following questions can now be raised in relation to the Plan. First, where does it originate and who participated in its formulation? As stated, the Plan is very much a European proposition. However, as I will discuss below, the Coalition claims it has consulted the academic community on a global level in developing the Plan. How, then, has this process tackled questions of Western-centric knowledge governance?

Second, which notions of property function as foundations for the competing articulations put forth regarding the Plan, and in what manner do they perform this function? Pat Lockley has argued that when openness is institutionalized via Creative Commons licenses – as the Plan proposes to do – this implies ‘colonial expansion of US law into other countries’, as these licenses stem from the US legal tradition (Lockley 2018, 152, 156). However, we might wish to examine more closely the specific purposes to which they are put by different actors, rather than label anyone seeking to democratize access to knowledge via these licenses as a victim of false consciousness.

Finally, discussions on OA often valorize the use value of academic knowledge, as distinct from its exchange value enabled by private property, by emphasizing the limitless nature of the former in distinction to the limits imposed by the latter. As put by Bacevic and Muellerleile, ‘if knowledge is taken as a good in the moral sense, it follows that more (of it) is a good thing’ (Bacevic and Muellerleile 2018, 176). Such assumptions of the infinite multiplication of use values and the promotion of ‘maximal consumption and maximal information’ are termed by Jean Baudrillard the ‘idealism of content’ (Baudrillard [1981] 2019, 214–215). According to him, such idealism of content forgets ‘political economy and its strategic, political social dimension, in order to be situated from the outset in the transparent sphere of value’. Baudrillard continues:

In the blinding light of revealed use value, no one saw that to abolish the commodity form, pricelessness does not suffice.….it is necessary to restore the possibility of returning, that is, to change the form of social relations. If no counter-gift or reciprocal exchange is possible, we remain imprisoned in the structure of power and abstraction. (Baudrillard [1981] 2019, 230)

How, then, has the notion of reciprocal exchange been articulated in the context of academic publications? Is the Plan articulated primarily as a tool to accelerate the circulation of the use value contained in journal articles as is, or is the Plan intended to allow for new forms of reciprocity and collaboration in the production and circulation of academic knowledge? With these questions in mind, I turn to the Plan.

**Plan S**

The Coalition was launched on 4 September 2018 ‘to make full and immediate Open Access to research publications a reality’. It is coordinated by Science Europe, and was born out of cooperation between the president of Science Europe, Mark Schiltz, the then Open Access Envoy of the European Commission, Robert Jan-Smits, and the heads of the founding funding organizations, with the support of the European Commission (EC) and the European Research Council (ERC).
Put simply, the Plan is an attempt by the Coalition, with the support of the EU, to transform the production and availability of academic knowledge. While OA’s roots go back to the attempts of scholar-led publishers in the arts and humanities to experiment, in a DIY fashion, with new forms of publishing in the late 1980s and early 1990s (Moore 2019; Tennant et al. 2019), more recently it has been promoted top-down, often by actors not involved, first-hand, in knowledge production (Adema 2014, 1). The Plan is symptomatic of this new trend.

With new actors comes new reasoning as to why a swift transition to OA is required. In 2002, the Budapest Open Access Initiative envisioned that OA would enable ‘the learning of the rich with the poor and the poor with the rich’, thus laying the ‘foundation for uniting humanity in a common intellectual conversation and quest for knowledge’. Compare this to the sentiment expressed by Jean-Claude Burgelman, the Open Access Envoy of the European Commission Directorate General for Research and Innovation, in his presentation from January 2020:

Fact: Science is today one of Europe’s most successful (global) ‘industries’

Key question: Will we keep the lead in OS [Open Science] and capitalize our early /innovator position?24

The Plan is thus very much a European project. More specifically, it is a prong in the EU’s attempt to gain leadership of the global governance of knowledge production. The secretary-general of the League of European Research Universities (LERU), Kurt Deketelaere, has highlighted the recent ‘complete turnaround from the commission [being] an agency for research funding, to one where it is primarily a research policymaker’ (Wisdon and de Rijkce 2019). Indeed, Burgelman confirmed as much in his presentation. The goal is to ensure ‘Europe moves from a globally envied early adopter and innovator of [Open Science] to a global market leader and standard setter’. The final report of the EU Open Science Policy Platform, published in May 2020, states that ‘Open Science policies can boost the performance of both the European economy and global economy’. In turn, intellectual property rights guarantee ‘the added value falls within European boundaries when appropriate (i.e. without jeopardizing the health of the global system)’.25

Considering the high stakes involved in the current push towards OA and Open Science, very little has been written on the Plan from a scholarly angle (Frantsvåg and Strømme 2019). It has nevertheless attracted significant attention in many fora. For instance, Holly Else has called it a ‘radical plan’ which ‘could change the face of science publishing in just two years’ (Else 2018). For James Wilson and Sarah de Rijcke, the Plan is a ‘radical initiative to accelerate the transition to open-access publishing’, the likelihood being that it ‘will become the global framework for open access – making it the most visible example yet of European scientific leadership’ (Wisdon and de Rijkce 2019). Moreover, in an article titled ‘An explosion of openness is about to hit scientific publishing’, The Economist argues that, should it gain global traction, ‘the era of the subscription journal, which began with the publication in 1665 of the Royal Society’s Philosophical Transactions, may come to an abrupt end’ (The Economist, 2018). These comments are indicative of a prevalent way of framing the Plan. It is supposedly radical in its motivations and seeks to fundamentally change how academic knowledge is produced and communicated.
Data

In November 2018, the Coalition released draft guidance on the implementation of the Plan for public feedback. Feedback was received from November 2018 to February 2019. Once the feedback was processed by the Coalition, it discussed the updated guidance and Plan, adopted and published by the Coalition in May 2019, in ‘Rationale for the Revisions Made to the Plan S Principles and Implementation Guidance’. Data from the feedback process have since been made available under a Creative Commons license.

David Sweeney, Executive Chair of Research England (UKRI) and co-chair of the cOAlition S task force, stated after the feedback period closed that ‘[n]ever before have our diverse scholarly communities seen a debate on Open Access and the future of scholarly communications play out on such a global scale’.

Respondents were able to provide feedback on the Plan in an individual capacity or on behalf of an ‘organization, association, network, or other group’. Out of a total of 607 responses, 263 were offered in an individual capacity, and 344 were provided by organizations. I concentrated on feedback from organizations so as to focus and par down the materials for my analysis.

Next, I examined the locations of the organizations consulted in the feedback process. It was sobering, although expected, to discover that more than 50% of responses, 175 out of 344, were from organizations based in the UK or the US (Figure 1). Then I investigated whether the individual statements displayed a more equal geographical distribution (Figure 2). This transpired not to be the case. The high geographical concentration remained, although the top countries changed. Approximately 45% of individual responses, 120 out of 263 statements, originated from the Netherlands and the UK.

The respondents, including individuals and organizations, hailed from 42 countries; hence, it is perhaps just within the limits of reason to claim that the consultation captures views on OA on a global scale. However, the feeble nature of this claim becomes apparent as one examines the regional distribution of the responses. As seen in Figure 3, 329 of the 344 organizational responses, approximately 96%, originated from Europe or North America. The rest of the world combined barely exceeds the mighty Ireland in the amount of feedback received from organizations. Therefore, arguably the only global aspect of academic knowledge production exemplified by this consultation is its unequal nature.

Further narrowing down the data, I chose to examine only feedback to which a supporting document had been attached. This choice was based on the assumption that such feedback would elaborate on the Plan and OA in more detail than feedback answering only the two questions posed by the Coalition in the feedback template. This limited my data to 238 feedback responses. However, as I was interested in articulations from and on the Global South, and as their over-all number was so small, I decided to include all organizational feedback from this category, with or without a supporting document.

Finally, and perhaps most importantly, I further parred down the data on the basis of organization type, focusing solely on ‘publishers’ and ‘publisher associations’. Out of the 31 publishers and publisher associations, 19 had attached a supporting document. These documents – combined with the feedback originating from the Global South, the original Plan, the draft implementation guidance on which the feedback was collected, and the post-feedback ‘Rationale for the Revisions Made to the Plan S Principles
and Implementation Guidance’ by the Coalition – form the data for my analysis in the following section.\textsuperscript{32}

\section*{Analysis}

\textit{The Plan}

On the ownership of publications connected to the Coalition’s funding, the original Plan stated:

Authors retain copyright of their publication with no restrictions. All publications must be published under an open license, preferably the Creative Commons Attribution License CC BY.\textsuperscript{33} In all cases, the license applied should fulfil the requirements defined by the Berlin Declaration.\textsuperscript{34}

The CC BY license will allow ‘reusers to distribute, remix, adapt, and build upon the material in any medium or format, so long as attribution is given to the creator’. As explicitly stated in the Plan, ‘[t]he license allows for commercial use’. The draft guidance on the

\begin{figure}[h]
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\caption{Feedback from an organization, association, network, or other group by country. Compiled by the author.}
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implementation of the Plan,\textsuperscript{35} on which the feedback was collected, reiterates these principles. It further proposes that while the CC BY license shall be the default license for journal articles, CC BY-SA and CC0 licenses can also be accepted by the Coalition. However, the Draft explicitly bans the use of the CC BY-NC license, which prohibits the use of publications for commercial purposes. Whereas the original Plan stated that the author retains the ‘copyright without restrictions’, in the Draft it is articulated thus: ‘copyright of the work is left with the legal copyright holder (usually the author or their institution)’. Accordingly, the journals and platforms where these articles are published ‘must offer authors/institutions the option of full copyright retention without any restrictions, i.e. no copyright transfer or license to publish that strips the author of essential rights’.

The clear tension, if not paradox, in these Coalition propositions relates to ownership in academic publishing. In short, the Plan states that the author(s) shall retain copyright of the publication with no restrictions (to their essential rights), while assigning them a bundle of rights consisting of only one right: the right to be credited as the author. Does this right in and of itself constitute ownership in any meaningful sense, and, if so, for whom, and in what way?

\textbf{Figure 2.} Feedback from individuals by country. Compiled by the author.
From the exclusionary perspective discussed above, to propose ownership ‘without restrictions’ while mandating ‘free, irrevocable, worldwide, right of access’ to the object of property is an oxymoron. The Plan does not provide anyone with full copyright as defined by, for example, the World Intellectual Property Organization, which describes it as ‘the exclusive right to use or authorize [or prohibit] others to use the work on agreed terms’.36 From the exclusionary perspective, then, one is justified in arguing that the Plan would eradicate property rights over academic texts falling under its remit. To argue that the right to be named as the author constitutes property stretches the meaning of ownership to its limits and beyond. Indeed, if property equals the right to exclude, the Plan clearly abolishes property for all parties concerned.

An alternative reading, however, can be arrived at via the right not to be excluded. From an inclusionary perspective, also discussed above, the Plan creates ‘free, irrevocable, worldwide’ individual rights held by all to Coalition-funded works. Put differently, the Plan would turn these into common property. The price for this is the appropriation and dissolution of authors’ – or in practice, publishers’ – right to exclude others from something that, in the current system, they own exclusively. In terms of negative and positive freedom, the author and publisher must relinquish the negative freedom they have thus far secured by private property. Or, to state the same in reference to negative freedom alone, whereas private property creates a sphere of negative freedom for one, common property expands negative freedom to all. Under the Plan, everyone is free to access and use Coalition-funded research in a way not contingent on anyone’s permission.

From the perspective of the authors of works funded by the Coalition, such a common property arrangement would, in a certain way, be like the currently dominant model of publishing: both strip them of their full copyright. However, whereas the dominant model transfers the full copyright from the author to the publisher as is – often implying private appropriation of public labour (Pirie 2009, 32) – the Plan transforms this into common property. Compared to having no rights over their work after relinquishing...
them to the publisher, it is difficult to see the rights of free access and use as ‘devoid of meaning’ to the authors, as implied by Klink’s position on property. Put otherwise, it seems clear that the Plan does not remove property rights tout court, even if it does away with private property in the form of full copyright.

However, the Plan’s formulation of authors retaining full and essential copyright has a whiff of newspeak to it. Why cling to this notion while mandating rights that clearly contradict full copyright? Perhaps the exclusionary notion of private property is so ‘natural’ to contemporary common sense that even if one seeks to undermine it in practice, this intention is better left unarticulated. With Teivo Teivainen (Sundell and Teivainen 2017), I have previously analyzed what we termed ‘fuzzy privatization’ – that is, argumentative strategies intended to smoothen privatizing reforms that might otherwise encounter resistance. Perhaps, then, the Coalition is engaging in ‘fuzzy de-privatization’. As private property tends to be equated with freedom, liberty, and the market, to argue against it might be taken as an attempt to undermine these other positively charged notions, even if this is not the goal, and they stand in a contingent relation to private property. It would thus be strategically wise, even if paradoxical, not to articulate the apparent antagonism between the Plan and private property as it relates to traditional forms of publishing.

An alternative explanation for this performative contradiction also assigns a self-effacing purpose, but with a different inflection, to the Coalition’s strategy. This can be grasped through Katz’s distinction, discussed above, between exclusive rights and the right to exclude. The Plan clearly strips the author of ownership in both these senses. Additionally, the Coalition arguably claims de facto ownership insofar as it claims the power to decide on matters of exclusion and agenda setting. The Plan nevertheless dissolves these rights once a piece of work is published under a CC BY license, after which the Coalition stands in an equal position to everyone else in relation to that work. However, this does not alter the fact that the Coalition mandates the authors to publish their research under a CC BY license, presumably in line with the Coalition’s preferred agenda. Therefore, if ownership is defined as the exclusive right to set the agenda for the use of a given resource, the Coalition arguably claims ownership through the Plan on publications related to its funding.

Although enlightened rule by the few is surely preferable to non-enlightened rule by the few, let us not forget that it is still rule by the few, and, as such, undemocratic. Premised on the power based on its wealth, the Coalition claims, through the Plan, the exclusive right to dictate how authors must publish their work and how they can be used thereof. In this respect, it acts towards authors in a similar manner to publishers in the dominant model of publishing. The difference is that the Coalition claims ownership of works only to then make them available under libre forms of OA (removal of price and permission barriers). This presumably appears compatible with the agenda it hopes to set for the use of this resource, which does not seem be confined simply to making research accessible to all. As highlighted by Samuel Moore (2017, 11), gratis forms of OA (removal of price barriers) are sufficient to solve the problems in the current system if these are ‘framed as a lack of access to research outputs’. However, the Coalition must have additional ‘problems’ in mind, as it does not leave the decision between libre and gratis to the authors.

Mandating libre OA in the Plan, the Coalition wields its power to turn a collection of works into common property. As common property, however, it is marked by the initial
ban on any limitations on commercial use. Thus, the Coalition arguably seeks to create a property regime still geared to the accumulation of profit and private property or at least one which is not antagonistic towards such pursuits. This is manifested also in the Draft’s acceptance of APCs, to be discussed in greater detail below. Standardizing and/or capping fees to a reasonable level still assumes that such a reasonable level is to be found, and nothing indicates that such a level is intended to cover only the costs of publishing. To the extent that this is true, any claims about the Plan’s revolutionary credentials are unlikely to be entirely credible.

Feedback
Feedback most explicitly articulating an antagonism towards the Plan and the Coalition does so via the concept of private property. That such feedback originates from organizations based in the United States is of little surprise. As Morris R. Cohen remarks (M. Cohen 1927–8, 8), the Montesqueuvian notion according to which ‘no public good is greater than the maintenance of private property ... [is] the basis of legal thought in America’. In its feedback, the Association of American Publishers (AAP) highlights that ‘[i]n the United States, as in many constitutional democracies, copyright is more than just a statute – it is grounded in the nation’s constitution’. In what follows, I will examine this conservative-propertarian discursive formation, which was found most clearly in the AAP’s feedback and that of the American Association for the Advancement of Science (AAAS). It should be noted here that many publishers who provided feedback on the Plan in their own capacity also did so indirectly as members of the AAP (e.g. SAGE, Springer, Taylor & Francis, and University of Chicago Press). My use of the term conservative-propertarian is intended to highlight how certain actors aim to conserve the existing model of publishing, founded as it is on private property. They articulate the latter as a necessary foundation not only for economic activity, but for scientific knowledge production and reproduction of the world of knowledge as such.

My focus is on two interrelated themes identifiable within the conservative-propertarian formation: freedom and economic principles. Under both these themes, the antagonism is articulated via the signifier private property. There is significant co-constitution and cross-referencing between these themes, which is unsurprising, as they arguably comprise a single discursive formation. Finally, the organizations named in my analysis do not necessarily wholly articulate let alone identify with the conservative-propertarian position. To the extent that they do, however, they re-produce it and the concomitant line of confrontation towards OA as mandated in the Plan.

Freedom
According to the AAP, implementation of the Plan would have negative impacts on the ‘legal’ and ‘foundational freedoms to write and publish’. In turn, the AAAS argues that the Plan ‘narrows academic freedom by limiting author publishing choices’. Moreover, for Canadian Science Publishing, the Plan amounts to an ‘infringement of academic freedom’, and on Wiley’s reading it treats ‘core values such as author choice as roadblocks to progress’. Similarly, the Rockefeller University Press (RUP) sees the Plan as an ‘impairment’ to author choice, which it supports ‘regardless of business model’. In short, the Plan is articulated as antagonistic towards scholars’ freedom to publish in their preferred journals and publishers’ freedom to publish under their preferred business models.
It is difficult to wholly disagree with the conservative-propertarian diagnosis of the Plan or to comprehend why the latter would be supported by anyone who believes that authors should have unrestricted freedom over their publications. Furthermore, if authors, as sole legitimate owners, decide to transfer their copyright to publishers, it is only logical that the latter should thereafter be free to do as they please with what is now their property. In addition, it is not unreasonable to argue, as the conservative-propertarians do, that under the Plan the freedoms of authors and publishers would be limited insofar as they would be prevented from publishing under traditional copyright arrangements. Whether such a limitation is desirable from a normative perspective is a separate issue.

However, to articulate exclusive private property together with *academic* freedom is not as straightforward as the conservative-propertarian discourse would have us believe. For instance, the 1940 *Statement of Principles on Academic Freedom and Tenure*, issued by the American Association of University Professors, states explicitly that ‘[i]nstitutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole’. Freedom is important insofar as it serves the common good, not the interests of individual researchers, universities, journals, or publishers. The same applies to tenure. As there is seldom a way for researchers to capitalize on their publications – with or without the Plan in place – the real issue is arguably publishers’ freedom to profit. This is touched upon in feedback from the Global South by AmeliCA and the Latin American Council of Social Sciences (CLACSO). For AmeliCA, ‘[s]cientific knowledge generated by public funds is a common good and access to it is a right’, and ‘OA must be legally protected in order to avoid the appropriation of scientific knowledge for profit’. CLACSO, in turn, references its 2015 *Declaration on open access to knowledge managed as a commons by the scholarly community*, in which it calls for ‘open access to publicly funded research results, both texts and data’, and promotes ‘worldwide access to knowledge as a human right, and its management as a commons by the scholarly community’.

It should be noted, however, that the conservative-propertarian argument is against common property not the common good. Indeed, it articulates private property as the social institution best endowed to maximize the common good, understood as a collection of individual commodities and the use values they contain. That publishers and their representatives frame the matter in this manner is not newsworthy. That similar assumptions – for instance, that individual researchers should be the sole owners of their publications, even if funded with public money – are prevalent in arguments against the privatization and marketization of academia is perhaps more interesting. This is where Baudrillard’s critique of fetishized use value becomes pertinent – that free content is insufficient for the eradication of the commodity form and the structures of power and abstraction on which it is premised. A radically different world of knowledge, from this perspective, is not a collection of individual commodity-like offerings that fully autonomous scholars have chosen to gift away. Instead, it must be coproduced, and not only shared by all.

**Economic principles**

The conservative-propertarian discourse articulates the Plan as antagonistic towards a specific type of economy premised on the legitimate rule of private property. In the AAP’s words:
As key contributors to both local markets and the global economy, publishers invest not only in high-quality intellectual property, but also in scientific progress and intellectual advancements that are the point of disseminating knowledge. AAP is therefore vigilant about protecting the rights and privileges afforded to publishers and authors under copyright law.

The AAP is thus vigilant because these rights and privileges enable, according to it, a ‘vibrant, competitive marketplace’ in scholarly publishing. The Plan is seen as antagonistic towards ‘marketable assets’ in the form of intellectual property as well as innovation and investment in academic knowledge production and circulation. As argued by the AAP:

By securing to authors a property right in the fruits of their creative labors, copyright creates a marketable asset that fuels investment and drives innovation in scholarly publishing, facilitating the creation, publication, and dissemination of scholarly journal articles. But copyright only functions to enable this virtuous cycle of investment and innovation if copyright owners are permitted to exercise the property rights inherent in their copyright free of restrictions that, contrary to the purpose of copyright law, would undermine its ability to function as a marketable asset.

Additional context to these arguments is provided in a letter, of which the AAP is a signatory alongside publishers such as Elsevier, Macmillan, and Wiley, sent to the President of the United States on 18 December 2019. The letter was a reaction to a proposal to provide free access to journal articles connected to research conducted wholly or partly with US government grants:

As copyrighted works, peer-reviewed journal articles are licensed to users in hundreds of foreign countries, supporting billions of dollars in U.S. exports and an extensive network of American businesses and jobs. ... This [proposal] would effectively nationalize the valuable American intellectual property that we produce and force us to give it away to the rest of the world for free.

There is much to unpack in these statements. Let me begin by noting how conservative-propertarian articulations omit this defence of national capital and ‘American intellectual property’ from their feedback on the Plan. This is no doubt strategically wise, the Plan being a European proposition, as discussed. Better speak the neutral language of markets and competition, articulated together with (academic) freedom, than highlight how the Plan would force American publishers to offer intellectual property worth billions of dollars ‘to the rest of the world for free’. But why, then, would European funders, EC, and ERC wish to undermine European intellectual property through the Plan? The Coalition arguably has a different economic imaginary in mind from the one defended by the conservative-propertarians. Whereas the latter hopes to continue capitalizing on the knowledge produced by others via the publication process with the help of intellectual property law, the Coalition strives to hegemonize a new set of rules for scientific knowledge production to accelerate economic activity outside the publication process itself.

This brings us to an antagonism left unarticulated in the feedback. This concerns the type of economic model that is to be promoted within a capitalist economy: a model that is commodities all the way down, or a model containing some non-commodified resources to enable competitive accumulation of private profit. Put simply, the conservative-propertarian view articulates the individual journal article as the commodity to be
sold for profit on the market. The Coalition, in turn, attempts to make these publications universally accessible so that they can then be used for private gain in any other way than that defended by the conservative-propertarians, including alternative ways to utilize the resource itself (e.g. publishers as collectors of APCs or providers of data analytics). As can be deduced from the ban on CC BY-NC, the Plan does not wish to undermine markets or intellectual property as such. Instead, it aims to enable new markets and new intellectual property, allowing the accumulation of private property and profit to continue, but just elsewhere.

Perhaps this possible antagonism can be best grasped via the distinction between classical liberalism and ordoliberalism. Classical liberals promote ‘governmental naturalism’, as for them social reality contains ‘quasi-natural and self-regulating principles and dynamics’ that are best left to the guidance of the ‘invisible hand’. Ordoliberals, by contrast, reject such thinking as naïve and hold that the creation and maintenance of a free-market economy requires ‘nursing and gardening’, framing competition as a ‘political objective presupposing an infinitely active policy’ (Oksala 2017, 183–185). As summed up in Oksala’s discussion of Foucault’s seminal analysis of ordoliberalism (Oksala 2017, 189), ‘[p]lanning is required, but it has to be planning for competition, not against it, or instead of it’. To this end, the Draft states that ‘cOAlition S does not favor any specific business model for Open Access publishing or advocate any particular route to Open Access given that there should be room for new innovative publishing models’. In line with the ordoliberal playbook, the Draft instead proposes a technocratic solution to the problem of ever-rising publication costs: transparency and regulation of publishers’ price formation. Such technocratic regulation is anathema to the conservative-propertarians’ preferred laissez-faire attitude to academic publishing. Whereas the conservative-propertarians decry the Plan as interfering in the market, the Coalition, however, arguably sees itself as acting for the market by managing its conditions of possibility. The Coalition’s reasoning is thus distinct, if overlapping, from moral justifications for OA.

The Draft calls for full transparency over OA publication costs, and where APCs are in place, their capping to a ‘fair and reasonable’ level reflecting the publishers’ production costs and the added value they produce. The recent agreement briefly outlined above between EC and F1000 concerning Open Research Europe -platform is arguably a manifestation of such goals. As formulated in the Plan:

The Funders support the diversity of business models for Open Access journals and platforms. When Open Access publication fees are applied, they must be commensurate with the publication services delivered and the structure of such fees must be transparent to inform the market and funders potential standardization and capping of payments of fees

The conservative-propertarians frame all this as an illegitimate attempt to pick ‘winners and losers between business models’, thereby constituting a ‘serious threat to the
scholarly publishing ecosystem’ (AAP). The cap on APCs is articulated in the feedback as antagonistic towards a vibrant and competitive marketplace in scholarly publishing (AAP, Springer, SAGE, Taylor & Francis), the broader ‘needs and goals’ of the scientific community, such as maintenance of the accuracy and integrity of published scientific content (AAAS), and the freedom of publishers and researchers from political interference (Taylor & Francis). Such a technocratic solution is also problematized from a less market-oriented perspective. Feedback from the Global South highlights instead the Plan’s undemocratic nature. As put by AmeliCA, ‘the problem remains: the control of science is in the hands of a few and the countries and their academic institutions do not have any control beyond commercial agreements’. CLACSO, in turn, questions the validity of the assumption that publishers will provide ‘transparent costing and pricing’, underlines how fair and reasonable prices may differ from region to region, and more fundamentally, argues for a ‘scholar-led no-Article Processing Charges’ option as the preferred path for a transition to OA in publicly funded research. Put simply, the feedback contains at least three distinct articulations of the market, turning it into a contested concept alongside freedom in this context.

As indicated above, insisting on an author’s full copyright, the Coalition claims ownership through the Plan to the extent that it aims to set the agenda for the publications falling under its purview. This makes it feasible to argue, as the conservative-propertarians do, that the Plan ‘undermines copyright law and the core incentives that fuel investment in scholarly publishing’ (AAP). However, should the Coalition openly claim full ownership of works produced with its money – even if for the purpose of making them later available in libre OA – the conservative-propertarian critique would be difficult to uphold. As Peter Suber has argued (2012, 126), authors who retain rights over their work do not violate rights belonging to publishers but merely prevent publishers from acquiring them in the first place. A similar argument could presumably be made by the Coalition within the conservative-propertarian discourse to justify the Coalition claiming ownership of the work produced with its money. Were it do so, a paradox in the conservative-propertarian position would become apparent: on the one hand, the Plan is articulated as antagonistic towards ‘sound economic principles that have enabled innovation, diversity, and growth in scholarly publishing for decades’. On the other, however, it is proposed that the Coalition should not follow these very same principles; i.e. it should not claim full copyright to the works in question. If the Coalition pays, the Coalition says – what could be more conservative-propertarian? The conservative-propertarians cannot have their cake and eat it too.

The AAP also argues that the Plan would have the ‘bizarre effect of restricting scholarly authors’ ability to decide how to share their articles while simultaneously encouraging free-riders to reuse or adapt other authors’ articles without permission, including for their own commercial purposes’. Indeed, the AAP is correct in pointing out that ‘by securing to authors a property right in the fruits of their creative labors, copyright creates a marketable asset’, and that restrictions to these rights can undermine ‘their ability to function as a marketable asset’. However, what this criticism omits is that under the current system authors’ de facto rights are very similar to the ones they receive under the Plan: works are not marketable assets to either their authors or funders. However, the difference in these two cases is not insignificant. As discussed above, under the Plan, authors would at least receive similar rights as anyone else to ‘freeride’ on their own research.
Finally, insofar as the Plan would result in a world of knowledge in which contributions to it are contingent on APCs – the so-called Gold OA – the mechanisms through which those with less money at their disposal can still publish their work is of utmost importance. The solution proposed by the Draft to this issue is basically that of charity: ‘The journal/platform must provide automatic APC waivers for authors from low-income countries and discounts for authors from middle-income countries’. As is often the issue with charity, it is not obvious to whom it should apply and who should be the judge of this. In its feedback, Springer Nature politicizes the Draft on this matter by arguing that it does not ‘believe it fair or sustainable for publishers to provide discounts for authors from middle-income countries such as Russia and China’. Furthermore, it argues that the ‘costs of publishing these ‘free’ papers have to be picked up via the APCs paid by authors in other regions’. In other words, Springer is not in the business of charity but can function as a clearing house for those who are.

CLACSO and Frontiers, in turn, problematize from a different perspective the methodological nationalism of such a solution. Whereas Frontiers – a Gold OA publisher – considers that waivers should be in place for those in need ‘from anywhere in the world’, CLACSO emphasizes that there exist ‘less-privileged institutions in developed countries’, while questioning waivers as a solution to the whole issue. Should scholars always have a right to publish their work if it conforms to the required academic criteria? Put differently, should they have the right not to be excluded from making contributions to the world of knowledge? If not, who should decide whose work is published? And what type of considerations should form the basis of this decision? These are some of the most central questions to be addressed as we transition towards a world of OA in one form or another. What seems clear to me, however, is that we should wish to gear our structures of knowledge production towards a world in which Baudrillard’s ‘counter gifts’ and ‘reciprocal exchanges’ become possible – that is, non-commodified knowledge production – APCs with charitable exceptions might not be the solution.

**Updated Plan after the consultation**

The feedback on the Plan failed to change the Coalition’s mind on the main points discussed in this paper. If anything, it ‘reinforced [its] view that copyright should remain with the author or their institution, with the work done by the publisher recognized for the services which they provide’. As for any limits placed on the commercial use of publications, the Coalition still strongly believes ‘in the utility and potential for innovation based on results of publicly funded research’, and thus ‘will not accept a Non-Commercial restriction on the re-use of research results’. The Coalition also remains committed to supporting ‘Open Access publication fees at a reasonable level’, while the ‘importance of transparency in Open Access publication fees is emphasized in order to inform the market and funders’ potential standardization and capping of payment of such fees’. Finally, the Coalition states that it is ‘currently developing guidelines for discounting and waiving publication charges for researchers from middle-income and low-income countries’ and is looking forward ‘to further discussion about the appropriate use of waivers’. For better or worse, many of the main battle lines seem to have been drawn, but much is still to play for.
Conclusion

The forms of OA are multiple and contingent, as are the economic foundations of their various articulations. Consequently, they are also political in that they are necessarily premised on mutual lines of confrontation and exclusion. This was the post-foundational premise that began this article and informed my analysis throughout. To my knowledge, this was the first in depth analysis of the data from the feedback on the Plan and in no way exhaustive of it. Following arguments emphasizing the need to approach OA from a political economy perspective, my analysis concentrated on property rights as the contingent foundations upon which specific modes of knowledge production are articulated. I hope to have convinced the reader that reading OA through property as contingent and conflictual, i.e. political, can be a productive avenue to grasp what is at stake in the many debates on OA.

I focused on the Coalition’s articulation of the Plan and the criticism levelled at it by what I termed the conservative-propertarian discursive formation. More specifically, I focused on antagonisms between, and paradoxes within, competing articulations of property and related notions of ownership, freedom, and modalities of capitalist economy. While thus showing the inherently political nature of any understanding of OA, I also argued that the Plan is perhaps not as radical as it has been made out to be. Similar argument was made with the help of critical voices from the Global South in the data, highlighting how an antagonism divides a social space into two – here the debate on the Plan, thus silencing alternative modalities of OA. I wish to highlight here that both the Plan and its conservative-propertarian critique originate from the Global North. As evidenced by the ‘charitable’ nature of the Plan regarding researchers based in low- and middle-income countries, and the notion of national capital discussed in relation to the conservative-propertarian position, neither fundamentally question a world of knowledge with property-based hierarchies. As such, one should exercise caution in placing hope on them to transform the highly unequal global structures of academic knowledge production described in this article.

Wallerstein has argued that if social science is to make any progress in the twenty-first century, it will be premised on overcoming its Eurocentric legacy (Wallerstein 1997, 22). He might agree that a significant part of this legacy consists of the production and circulation of science in a capitalist mode under the modern world-system. OA, at least in some of its forms, could reconfigure this mode of production of the world of knowledge – a world which is currently, though perhaps not capitalist through and through, very much permeated by ‘capitalist ethos and practice’. That said, OA might also become a structure that confronts from the outside and above those located in the Global South. Much is still to play for regarding transformations in the publishing landscape in both Europe and the rest of the world – whether under the Plan or some other arrangement. Now is the time to take stock of this development, debate it, and attempt to steer it towards whatever transpires to be the desired direction. Certain forms of OA will most likely reproduce many of the hierarchies already in place in academic knowledge production. Others, however, might not. Whatever the case may be, as put by Kojin Karatami, ‘Revolution does not mean to create something new: it means to catch up with the ‘transformation’ already occurring’ (Karatami 2020, EPUB, ch. 6).
Notes

1. In this article, I limit my focus on OA to academic journals and articles, as this is where Plan S’s focus lies. For a concise introduction to OA, see, Suber (2012).
2. See Appendix 1 for the full list of the current members. For the rest of the article, I refer to Plan S as the Plan and cOAlition S as the Coalition.
3. On 20 July 2020, ERC’s Scientific Council announced its decision to withdraw its support for the Coalition because ‘cOAlition S has declared that the publication of research results in hybrid venues outside of transformative arrangements will be ‘non-compliant’ as of 1 January 2021, leading to the non-eligibility of related publication costs’. Many were puzzled, as the new Rights Retention Strategy, published by the Coalition just three days prior, strives to ‘empower all researchers to publish in their journal of choice, including subscription and hybrid journals’. See ‘ERC Scientific Council calls for Open Access plans to respect researcher’s needs’, https://erc.europa.eu/news/erc-scientific-council-calls-open-access-plans-respect-researchers-needs [accessed 27 July 2020].
4. See Appendix 2 for a full list of the Plan’s principles.
5. I borrow this term from Immanuel Wallerstein’s critical discussion of social science’s Eurocentric foundations in his (1997).
6. This has also been developed under headings such as ideology and discourse analysis or the Essex-school of discourse analysis. For an overview of the approach, see Torfing (1999; Howarth, Norval, and Stavrakakis 2000; Howarth and Torfing 2005). For explicitly post-foundational articulations, see Marchart (2007); and Marttila (2015).
7. De Sousa Santos (2014). For an exemplary work on cognitive injustice, see Said (2019, 67–93).
8. Larivière, Haustein, and Mongeon (2015) highlight disciplinary differences in this regard.
9. While often used in the literature on OA, the meaning of these terms is often left for the reader to intuit. Here, I follow Boaventura de Sousa Santos’ understanding of globalization in ‘Human rights as an emancipatory script’ (2008, 6–8). The global capitalist world is a hierarchical system in which the ‘core countries [Global North] specialize in globalized localisms while peripheral countries [Global South] only have the choice of localized globalisms’. In assigning actors to these two categories, I have followed the common practice of relying on the level of income attributed to countries by the World Bank (South: low- and middle-income economies, North: high-income economies).
10. It is worth emphasizing that 3.7 billion individuals, the vast majority located in developing countries, still do not use the Internet. See ‘Global internet growth stalls and focus shifts to ‘meaningful universal connectivity’ to drive global development’, https://www.itu.int/en/mediacentre/Pages/2019-PR16.aspx [accessed 26 October 2020].
11. https://doaj.org. Their analysis focused especially on the 1354 journals which have been awarded the DOAJ seal, indicating high quality standards.
12. Financial Times, ‘Springer Nature warns of “free access” threat to revenues’, 26 April 2018, https://www.ft.com/content/8dc9c370-492d-11e8-8ae9-4b5ddc99b3 [accessed 14 May 2020].
13. Nature, ‘Nature to join open-access Plan S, publisher says’, 9 April 2020, https://www.nature.com/articles/d41586-020-01066-5 [accessed 14 May 2020].
14. Inside Higher Ed, ‘Open Access Comes to Selective Journal’, 24 November 2020, https://www.insidehighered.com/news/2020/11/24/nature-add-open-access-publishing-option-2021 [accessed 29 December 2020].
15. Open Research Europe, https://open-research-europe.ec.europa.eu/for-authors/article-processing-charges [accessed 29 December 2020]. The contract stipulates a maximum 5% increase to the APC for the years 2023 and 2024.
16. Since re-branded as the Web of Science.
17. Bowles and Gintis (1986; Devenney 2011; Devenney 2020, 1). When property has been discussed, this has often taken the form of a blanket criticism of private property or even property qua property. See, for example, Hardt and Negri (2017). For recent interesting discussions of property in political theory, see: Nichols (2018); von Redecker (2020).
18. Lindsay (2018, 187). Many critical accounts of property assume as much. See, for example, Devenney (2020); and Hardt and Negri (2017).

19. *Times Higher Education*, ‘Trump hesitates on plan for open access mandate’, 20 February 2020, www.timeshighereducation.com/news/trump-hesitates-plan-open-access-mandate [accessed 1 July 2020].

20. For a brilliant problematization of dismissing theories based on their geographical origins, see Bardawil (2020).

21. What is cOAlition S?, https://www.coalition-s.org/about/ [accessed 5 September 2019].

22. https://www.scienceeurope.org/about-us/.

23. The so-called three Bs are the Budapest Open Access Initiative (2002), the Bethesda Statement on Open Access Publishing (2003), and the Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities (2003). A similar ethos informs the first draft of the UNESCO Recommendation on Open Science, to be adopted in 2021, https://en.unesco.org/science-sustainable-future/open-science/recommendation [accessed 12 October 2020].

24. ‘Open science and open scholarship: Will Europe lead the change …?’, https://www.linkedin.com/embed/feed/update/urn:li:ugcPost:6622871508429742080 [accessed 11 June 2020].

25. Final report of the Open Science Policy Platform, Progress on Open Science: Towards a shared research knowledge system, https://ec.europa.eu/research/openscience/index.cfm?pg=open-science-policy-platform [accessed 15 June 2020].

26. cOAlition S, ‘Guidance on the implementation of the Plan’, http://web.archive.org/web/20181127100818/https://www.coalition-s.org/feedback/ [accessed 3 December 2020].

27. cOAlition S, ‘Rationale for the revisions made to the Plan S principles and implementation Guidance’, https://www.coalition-s.org/rationale-for-the-revisions/ [accessed 3 December 2020].

28. cOAlition S, Data set: Feedback on the draft implementation guidance of Plan S (2019), https://doi.org/10.5281/zenodo.3250081.

29. cOAlition S, ‘Feedback on the Implementation Guidance of Plan S Generates Large Public Response’, 20 February 2019, https://www.coalition-s.org/feedback-on-the-implementation-guidance-of-plan-s-generates-large-public-response/ [accessed 16 June 2020].

30. From now on I will refer to this latter category simply as organizations.

31. Even so, these still make up a smaller segment of data than a single document submitted by a single publisher, Springer Nature.

32. For a full list of the analyzed feedback, see Appendix 3.

33. For this and other CC licenses mentioned in this article, see: https://creativecommons.org/about/cclicenses/.

34. https://web.archive.org/web/20180904122211/https://www.scienceeurope.org/wp-content/uploads/2018/09/Plan_S.pdf [accessed 30 July 2020].

35. From here on, the Draft.

36. ‘What is Intellectual Property’, https://www.wipo.int/edocs/pubsdocs/en/intproperty/450/wipo_pub_450.pdf [accessed 3 August 2020].

37. Teivo Teivainen makes this point in relation to the environmental-friendly policies adopted by the World Bank in his *Maailmanpoliittinen kansalliskävely* [World political city walk] (Helsinki: Into, 2017), 134–135.

38. https://www.aaup.org/file/1940%20Statement.pdf [accessed 6 October 2020].

39. US Publishers’ and non-profit scientific societies’ letter to the President, 18 December 2019, https://presspage-production-content.s3.amazonaws.com/uploads/1508/coalitionletteropposingembargoes12.18.2019-581369.pdf?21461 [accessed 29 July 2020].

40. On the ordoliberal mode of governementality, see Brown (2019, 76–82).

41. Marcel Knöchelmann has proposed that the Plan is underpinned by ‘neoliberal reasoning’, in, (2020, 9). Unfortunately, he does not define in this many ways excellent article explicitly what is meant by neoliberalism. Elsewhere in the paper, he uses the term ‘progressive neoliberalism’ and references Nancy Fraser for the term. It is, however, difficult to see how ‘progressive neoliberalism’ as defined by Fraser has informed the Plan. While this is not the place to dwell deeper into this, perhaps something could be gained by analyzing the Plan, OA, or academia more generally in relation to ordoliberal governementality in distinction from neoliberalism, at
least in the European context, and especially if by neoliberalism is implied a withering away of the state and/or hostility towards all types of economic regulation.

42. COAlition S, ‘Rationale for the revisions made to the Plan S principles and implementation Guidance’, https://www.coalition-s.org/rationale-for-the-revisions/ [accessed 3 December 2020].

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ORCID

Taavi Sundell http://orcid.org/0000-0001-9638-6259

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Appendices

Appendix 1. Organizations endorsing Plan S and working jointly on its implementation as of 1 December 2020

NATIONAL FUNDERS

1. South African Medical Research Council (SAMRC)
2. Der Wissenschatsfonds (FWF) [Austrian Science Fund]
3. Academy of Finland
4. Agence Nationale de la Recherche (ANR) [French National Research Agency]
5. Science Foundation Ireland (SFI)
6. Instituto Nazionale di Fisica Nucleare (INFN) [National Institute for Nuclear Physics]
7. Fonds National de la Recherche (FNR) [Luxembourg National Research Fund]
8. Nederlandse Organisatie voor Wetenschappelijk Onderzoek (NWO) [Dutch Research Council]
9. Norges Fårskningsrådet [Research Council of Norway]
10. Narodowe Centrum Nauki (NCN) [National Science Centre Poland]
11. Javna agencija za raziskovalno dejavnost Republike Slovenije (ARRS) [Slovenian Research Agency]
12. Forskningsrådet för hälsa, arbetsliv och välfärd (FORTE) [Swedish Research Council for Health, Working Life and Welfare]
13. Forskningsråd för Hållbar Utveckling (FORMAS) [Swedish Research Council for Sustainable Development]
14. UK Research and Innovation (UKRI)
15. National Science and Technology Council of Zambia (NSTC)
16. Jordanian Higher Council for Science and Technology (HCST)
17. Sveriges Innovationsmyndighet (VINNOVA) [Sweden’s Innovation Agency]

EUROPEAN FUNDERS

1. European Commission (EC)

CHARITABLE AND INTERNATIONAL FUNDERS & RESEARCH ORGANISATIONS

1. Wellcome Trust
2. Bill & Melinda Gates Foundation
3. World Health Organization (WHO)
4. Special Programme for Research on Diseases of Poverty (TDR), co-sponsored by the United Nations Children’s Fund (UNICEF), the United Nations Development Programme (UNDP), the World Bank (WB) and World Health Organization (WHO)
5. Aligning Science Across Parkinson’s (ASAP)
6. The Templeton World Charity Foundation (TWFC)
7. Howard Hughes Medical Institute (HHMI)

SUPPORTED BY

1. Science Europe

Appendix 2. The Principles of Plan S as of 15 May 2020

With effect from 2021, all scholarly publications on the results from research funded by public or private grants provided by national, regional and international research councils and funding
bodies, must be published in Open Access Journals, on Open Access Platforms, or made immediately available through Open Access Repositories without embargo.

[For funders agreeing after January 2020 to implement Plan S in their policies, the start date will be one year from that agreement]

In addition:

1. Authors or their institutions retain copyright to their publications. All publications must be published under an open license, preferably the Creative Commons Attribution license (CC BY), in order to fulfill the requirements defined by the Berlin Declaration;
2. The Funders will develop robust criteria and requirements for the services that high-quality Open Access journals, Open Access platforms, and Open Access repositories must provide;
3. In cases where high-quality Open Access journals or platforms do not yet exist, the Funders will, in a coordinated way, provide incentives to establish and support them when appropriate; support will also be provided for Open Access infrastructures where necessary;
4. Where applicable, Open Access publication fees are covered by the Funders or research institutions, not by individual researchers; it is acknowledged that all researchers should be able to publish their work Open Access;
5. The Funders support the diversity of business models for Open Access journals and platforms. When Open Access publication fees are applied, they must be commensurate with the publication services delivered and the structure of such fees must be transparent to inform the market and funders potential standardization and capping of payments of fees;
6. The Funders encourage governments, universities, research organizations, libraries, academies, and learned societies to align their strategies, policies, and practices, notably to ensure transparency.
7. The above principles shall apply to all types of scholarly publications, but it is understood that the timeline to achieve Open Access for monographs and book chapters will be longer and requires a separate and due process;
8. The Funders do not support the ‘hybrid’ model of publishing. However, as a transitional pathway towards full Open Access within a clearly defined timeframe, and only as part of transformative arrangements, Funders may contribute to financially supporting such arrangements;
9. The Funders will monitor compliance and sanction non-compliant beneficiaries/grantees;
10. The Funders commit that when assessing research outputs during funding decisions they will value the intrinsic merit of the work and not consider the publication channel, its impact factor (or other journal metrics), or the publisher.

Appendix 3. Analyzed feedback

1. African Studies Journal
2. AmeliCA
3. American Association for the Advancement of Science
4. Association of American Publishers
5. Association of University Presses
6. Bristol University Press
7. Cairn.info
8. Canadian Science Publishing
9. CLACSO
10. Frontiers
11. Hindawi Ltd
12. IOP Publishing
13. Open Access Scholarly Publishers Association
14. Rockefeller University Press
15. SAGE Publishing
16. Springer Nature
17. Taylor & Francis Group
18. The Medical Journal of Australia
19. The Modern Law Review
20. University of Chicago Press
21. Wiley