

DIGITAL CHALLENGES TO BIBLIODIVERSITY

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As the book becomes harder to define as a physical object, power relations, and cultural-industrial strategies and policy options are rapidly changing. This article reports from recent research on trends in international publishing based on qualitative management interviews, document analyses and systematic readings of existing research literature. Seen from a cultural-industrial critical perspective, the digital challenge to authors, publishers and distributors of literature today raises fundamental questions concerning international cultural politics. Concerning bibliodiversity, one particularly important question is whether the industry will manage in the future to maintain its cultural obligations to society in the face of increasing pressures from globalisation and oligarchic market structures. At the moment, competition is a mixed battle for market positions, technological platforms and vertical control over the distribution chain. The national library institutions seem to be caught in the battle, and search for open access solutions to avoid lock-in effects and unilateral dependencies on international oligarchies in academic and higher education publishing. But without support from political institutions and the state through active national or regional cultural policies, the national libraries' roles as public institutions are increasingly being challenged. An analysis of the debate on the Google Agreement, highlights the differences between U.S and European legal traditions regarding market regulation and the role of the state in cultural policies.

In one of his futuristic novels, *The Sleeper Awakes* (1910), H.G. Wells writes about a man who falls into a deep sleep in 1897. Upon waking up 203 years later, he observes that books are stored in something called “peculiar double cylinders”, not unlike a kind of screen. Wells was only wrong about the time it would take to reach this state of affairs : His novel can now be downloaded as an e-book from Project Gutenberg [Martin, 2010].¹

1 | <http://www.gutenberg.org/etext/12163>.

This may serve as a reminder that the medium of the book has been a dominating technology for collecting and reading information for more than 500 years, and is still going strong despite the development of digital communications. It is obvious to many that the changes taking place in the area of the book are radical indeed, and pose a multitude of challenges to authors, publishers, booksellers and readers [McCrum, 2006]. The concern for bibliodiversity is but one of many: Will books still exist in the future? Will we read on paper at all? Will there be bookstores and publishers, as we know them today? Indicators point in different directions: More books are printed around the world today than ever before, and the book continues to be a great little 'machine', well suited to the storage and retrieval of information and entertainment. At the same time, the book is about to evolve into something created for and distributed via a variety of platforms: traditional printed books; print-on-demand; and e-books for various kinds of electronic reading devices, personal computers, mobile phones, etc. The implications for our understanding of bibliodiversity are many and complex.

This article reports from recent research on trends in international publishing based on qualitative management interviews, document analyses and systematic readings of recent research literature². Seen from a cultural-industrial critical perspective, the digital challenge to authors, publishers and distributors of literature today raises fundamental questions concerning international cultural politics. Concerning bibliodiversity, one particularly important question is whether the industry will manage in the future to maintain its cultural obligations to society in the face of increasing pressures from globalisation and oligarchic market structures.

WHAT IS A BOOK?

First of all, the ongoing changes in media technology raise a basic question that is really quite simple and difficult at the same time: What is a book? UNESCO's definition reads: "A non-periodic printed publication of at least 49 pages exclusive of the cover pages, published in the country and made available to the public." But this is no longer a valid definition. A book is no longer a physical object; it is not what it is, but how it works. A book is a reproduction of text and images that can be distributed on different communication platforms. It is a way of communicating, i.e. an information-bearing structure connected to various distribution and storage systems that compel us to treat it as a book. It is registered under a unique ISBN number (or DOI, Digital Object Identifier), even when published in digital format. Its architecture is such that we associate its characteristics with the

book medium, whether it appears on screen or in print. Books now exist on many platforms and will continue to do so in the future; this also implies that printed paper books are not going to disappear. They will continue alongside a number of other book formats in the form of digital text that can be read and delivered in different ways, e.g. via reading tablets, computers, print-on-demand, etc [Cope and Phillips, 2006; Cope and Kalantzis, 2006].

BIBLIODIVERSITY AND PLATFORM COMPETITION IN THE MEDIA INDUSTRY

Together with other changes in media and economy, these technological advances pose a major challenge to the book industry in general, and to publishers in particular.

The development of digital solutions, e-books and reading tablets is an area in which Amazon in particular has been successful with its Kindle device. After it was launched, Apple's iPad also generated enormous interest, and made inroads into the e-book market. Although Kindle and iPad seem to have a strong market position, new solutions will develop and join the competition.

« THE WAY [THE READING DEVICES] OFFER DIVERSITY IS THUS STRUCTURED AND RESTRICTED: THEY ALL TRY TO TIE THE READER (...) »

This might be seen as positive from the point of view of bibliodiversity. However, all solutions to this day remain unsatisfactory in terms of technology and readability, and have borne the brunt of much criticism

2 | The article builds partly on interviews the authors conducted in New York in September 2009 with representatives from the US-based publishing industry.

[The Economist, 2009; Baker, 2009]. The problem with many reading devices is that they are tied to one specific format and protected against others. The way they offer diversity is thus structured and restricted: They all try to tie the reader and user to a particular content and platform for distribution. The safest thing one can say about today's plethora of digital reading platforms is that they will improve and develop though competing standards and different technological

books for the first time. This is difficult to verify, since Amazon keeps a tight lid on sales figures, and obviously has an interest in publicity around their e-book sales. Furthermore, Christmas Day is hardly a date particularly well suited as a landmark event, leaving the distinct smell of media spin about the entire affair. The company responsible for registering sales figures for the US book industry, Nielsen BookScan, has no data available for e-book sales. This applies not only to sales via Kindle, but also to sales by Amazon and others via alternative reading platforms, like Sony's Reader, Barnes & Nobles' Nook, iRex' iLiad, and several others. The Association of American Publishers reported that 2008 sales of e-books amounted to USD 113 million, compared with USD 24.3 billion for the American book market as a whole



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platforms, and in 10 years' time resemble something entirely different than they do today [Stone and Bilton, 2010]. As long as competition is fought with technological standards, the 'lock-in' strategy remains the only commercial option. Still, the market for digital content is no doubt expanding within the general market, though it is quite uncertain to what extent. Amazon claims that on 25 December 2009, e-book sales exceeded sales of printed

[The Association of American Publishers, 2008]. US publishers have estimated that e-book sales for 2009 will amount to 10 per cent on an annual basis, perhaps a solid, but hardly a sensational figure. The Association of American Publishers, however, reported a total of USD 808.5 million for book sales in November 2009, USD 18.3 million of which came from sales of e-books. E-book sales are on the increase³. The Economist estimates US e-book sales for 2009 at roughly total USD 340 million.

Part of the question is the extent to which Amazon actually controls the American book market. In September 2009, Paul Aiken, executive director of the Authors Guild, the largest US writers' association, estimated Amazon's total market share at 15 per cent.

3 | http://www.publishers.org/main/PressCenter/Archives/2010_January/November10StatsRelease.htm (last visited 4 February 2010).

CAN PUBLISHERS SECURE FUTURE BIBLIODIVERSITY?

The competition between Apple and Amazon, and soon probably Google, with its goal of breaking into the market in the course of 2010, will open up new opportunities for publishers. Apple will most likely adopt a different model than Amazon. They will let publishers decide the price of books, take a commission of 30 per cent, and let the publishing company keep the rest. From there on, it will be up to the agents, authors and publishers to negotiate writers' fees. Publishers will be able to play different e-book factions off against each other. They may let Apple sell more expensive versions of new and sought-after books, and postpone their launch on Kindle, not unlike the relationship between hardbacks and paperbacks. But Amazon will respond. There is speculation, for example, that the company may try to circumvent publishers altogether by signing e-book contracts directly with authors. Provided e-books are treated under separate copyright, this may very well succeed, a game in which US literary agents will have an important role to play [Stone and Rich, 2010].

"There is More to Publishing Than Meets the Screen," American publisher Jonathan Galassi wrote in January 2010 [Galassi, 2010]. He reminded us that an e-book distributor is not a publisher, but the mediator of a work already created. In that regard, e-books are no different from other books. Just like printed books or audio books, e-books are the result of a long process from idea to finished book. The writing and editing itself is no less important in the digital age than it was in the analogue era.

« IN FUTURE, PUBLISHERS WILL CONCENTRATE MORE ON DISCOVERING NEW RELEASES AND PRODUCTS, AND NEGOTIATING CONTRACTS WITH WRITERS AND OTHER CONTENT PROVIDERS. »

It is interesting to note that publishers' releases are increasingly the result of editorial planning and initiative⁴. Publishers no longer sit and wait for authors to submit their manuscripts. In future, publishers will concentrate more on discove-

ring new releases and products, and negotiating contracts with writers and other content providers. The editorial process will be based more and more on some form of team effort. The importance of a publisher's editorial responsibility and role in quality assurance will not diminish in a digital context. While writers will find it easier to publish and distribute their own books, this form of publishing will not be attended by the same degree of quality assurance as releases that have gone through a proper editorial process. There is also reason to point out that the new situation will entail the emergence of a number of 'vanity publishers' who demand payment from authors for the publication of their books, without guaranteeing the editorial quality assurance offered by more reputable publishers.

Commercial online distributors such as Google, Amazon, Apple and others will play an important part in the ongoing evolution of digital media, both in connection with the activities of commercial publishing houses and in relation to initiatives in the public sector. But the publishing world is rife with contradictions. While the industry must generate income, and thus qualifies as a commercial enterprise, this is not the entire picture. At the heart of the publishing business lies creativity, and the creation and communication of cultural values.

Distributors' business strategies are a challenge to the publishing world, and will entail major consequences for writers and publishers if they succeed. According to Stephen Smith, chief operating officer of academic and scientific, technical, and medical publisher Wiley, the company spent USD 100 million to develop new publishing and distribution platforms. One of the reasons for spending so much was precisely to avoid depending on distributors like Amazon and Google to sell their electronic education materials. Galassi and others question how the effects of economic pressure exerted by distributors on content producers will pan out in the end. It may be worth noting that the distribution sector, which currently chiefly comprises companies such as Amazon, Google and Apple, may in future also be affected by telecommunications companies and Internet

⁴ | This fact was repeatedly confirmed during interviews with leaders of the industry.

providers. This is partly why the international publishing industry has begun to try to limit the amount of control vesting in the hands of distributors.

«THIS IS NOT A MATTER OF DETERMINISM, BUT OF CULTURAL POLICY.»

The relationship between publishers who create content, on the one hand, and online distributors seeking to dominate the digital part of the industry and attempting to advance their business models, on the other, is riddled with conflict. Google's role serves as a particularly good illustration. The concern for many is the extent to which creative and cultural values that are intrinsic to the publishing industry's history will be able to maintain their place in the digital age. This is not a matter of determinism, but of cultural policy.

THE GOOGLE AGREEMENT AND EUROPEAN CULTURAL POLICIES

In order to secure bibliodiversity, ways should be sought to reinvolve the state and cultural policies in publishing. International trends and the dominance of the English language are rapidly affecting libraries and the administration of our global literary heritage. The Google Agreement has certainly alerted European cultural leaders, publishers and institutions to the importance of literature in European culture and identity. While this was being written, Google had completed scanning more than ten million books located in major US university libraries. The original intention was to make these available without signing agreements with rights holders. However, the Authors Guild and the Association of American Publishers (AAP) stopped the initiative by filing charges and forcing Google to the negotiating table. Through dialogue with Google, an agreement was reached whereby rights holders were to receive compensation. The Google Books Settlement Agreement was negotiated between representatives for US authors, publishers and Google, to be heard by the US District Court for the Southern District of New York in early September 2009⁵. Prominent members of the AAP had taken part in the negotiations with Google, including interviewees Richard Sarnoff of Random House and John Sargent of MacMillan. The majority of those spoken to in the U.S in September 2009 felt for the most part positive about the agreement⁶. Eventually, however, the agreement met with strong opposition in Europe, as it was found that as many as half of the scanned books were originally European publications. The German government lodged a complaint. European

publishers threatened to withdraw their copyright concessions, and the European Union became involved. In due time, US Senate representatives rallied publicly against the legal and constitutional aspects of the agreement. The courts decided to postpone their decision on the matter [The New York Times/BITS, 2009], and instructed the parties involved to change their agreement. An amendment was added to the original contract, and on 19 November, the courts decided that there was sufficient basis for a new hearing on 18 February 2010. The final ruling in the case is still pending.

In the eyes of the Authors Guild and many American publishers, however, the Google Agreement is an important milestone, given the US framework with regard to the regulation of copyrights. US copyright law provides more latitude for 'fair use' than European legislation. By digitising and offering digital content found in major university libraries, one could argue that Google would be making this information available under the fair use doctrine. This would lead to an untenable situation for US and international rights holders. In 2009, Paul Aiken of the Authors Guild summed up the situation as follows :

"If we had not taken Google to court, we would have had nothing. Google had already copied these books, the libraries were getting the rights for using and sharing, and the copyrights for the digital archive were all owned by Google. We have found a pragmatic solution : We register copyright holders all over the world so they can claim at least some compensation from Google. We feel that the European reactions are emotional".

5 | For more details about the agreement, see <http://books.google.com/googlebooks/agreement/#6>

6 | This study is based on interviews with key players in the US and international publishing industries made in connection with a research trip to New York in August/September 2009. With the invaluable help of Tina Jordan of the Association of American Publishers, the authors were able to conduct a large number of interviews during their stay. The authors are deeply indebted to her.

EUROPEAN REACTIONS AND CULTURAL POLICY OPTIONS

The authors believe the reactions from Europe to be reasonable. Solely private parties entered into the Google Agreement, a fact that may appear strange and foreign to Europeans. The role of the public sector with respect to culture and learning is more accepted in Europe, where libraries and governments are expected to work out

Slowly but surely, an increasing number of opposing voices can be heard in the US.

Harvard University Library, among others, has withdrawn from the agreement, and a number of prominent writers have voided their transfer of rights to Google. The new amendment to the agreement omits the original international clause, in order to prevent conflicts with European stakeholders, and a new set of rules restricting Google's ability to profit from 'orphan books', i.e. books without rights holders, has been established. However, the agreement continues to meet with resistance, and book historian Robert Darnton has become a central and assertive voice in the debate [Darnton, 2009]. The greatest danger, according to Darnton, is that Google may



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solutions on behalf of the public. Therefore, Europeans find it hard to understand why Google acts as they do, since they are party to a case involving a public issue of cultural policy. Additionally, the Google Agreement violates established notions about copyright. Books of European origin in Google's archive were purchased from European publishers and retailers, and are subject to continued protection under European copyright law. The fact that they are located in the United States does not give Google the right to use them at will.

develop a commercial monopoly on access to information that exists among the world's books. The solution to this is to "convert Google's digital database to a truly public library." This would be a typically "European solution", and the EU as well as a number of European countries, among them France and Norway, are currently making an active effort to digitise the national and European literary heritage, independent of market-driven interests. The purpose is two-fold: to avoid the formation of private monopolies in the development of digital archives, and above all, to prevent even further dominance of the English language. No matter what, commercial online distributors, such as Google, Amazon, Apple and others, will have a prominent position in the future development of digital media, including the activities of commercial publishing houses, as well as those under the auspices of the state.

CONCLUSION

« (...) CULTURAL-INDUSTRIAL STRATEGIES AND CULTURAL POLICY OPTIONS ARE CHANGING AS THE BOOK BECOMES HARDER TO DEFINE AS A PHYSICAL OBJECT. »

As indicated previously, the bibliodiversity that Europeans have regarded as the norm might not be theirs to control in the future. The discussion about Google's scanning project in the US and Europe (Google Book Search) has shown that a political, state agency is indispensable for securing bibliodiversity in the future. Alternative ways of digitising the world's books and our cultural heritage, other than those exclusively linked to commercial initiatives, must be found and defined as cultural policies at national and international levels.

However, cultural-industrial strategies and cultural policy options are changing as the book becomes harder to define as a physical object. It is the distributors

of the e-book platforms that now seem to drive the industry, and publishers are looking for ways to get back into position. The issue of copyrights is central, for both authors and publishers, as it brings some negotiating power and protection from the state. However, much is dependant on what the national libraries and publishers do, since they have been a guarantee for bibliodiversity so far.

The power of a handful of international and multinational companies and their positions in negotiating with public institutions like universities and public libraries are growing as the globalisation of the publishing industry increases. Libraries seem tempted to opt for open access solutions that are offered to them, because this will keep costs down. However, as the open sources are restricted and structured according to the commercial structures of bibliodiversity, the logics of the new political economy in the knowledge industry might become reproduced in the public libraries.

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