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The Scholarly Kitchen

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When Sellers and Buyers Disagree — Edwin Mellen Press vs. a Critical Librarian

POSTED BY [RICK ANDERSON](#) · FEB 11, 2013 · [29 COMMENTS](#)

[FILED UNDER](#) [ASKEY](#), [EDWIN MELLEN PRESS](#), [LINGUA FRANCA](#), [MCMMASTER UNIVERSITY](#), [RICHARDSON](#), [WARREN ST. JOHN](#)

A few months ago, a voicemail message was left on my office phone. It was from Dr. Herbert Richardson, owner of [Edwin Mellen Press](#) (EMP). He said that whereas our library had purchased a significant number of books from his press in the past, we had bought only a handful in recent years, and he wanted to know why. He also mentioned that he would be willing to donate \$50,000 worth of EMP titles to our library, and asked me to call him back.

When I did, Dr. Richardson asked why we had stopped buying his press' books. I explained that it was because we felt his books were generally overpriced and of poor quality, and I told him that we would not be interested in receiving a large gift of EMP titles.

He then asked whether I knew Dale Askey, a librarian who had once worked at the University of Utah. He mentioned that Askey had written a highly negative blog posting about EMP in 2010 (the posting has been removed from [his blog](#) but retrieved by EduHacker and posted [here](#)). As I recall, Dr. Richardson characterized the posting as "scurrilous." I told him I had never met Askey; he had left the U of U before I was hired in 2007. I got the impression that Dr. Richardson believed it was Askey's fault our library had stopped buying EMP titles, but I explained that I had worked as an academic bookseller and an acquisitions librarian for 20 years and had formed my own opinion of EMP a long time ago, and that it was my own familiarity with EMP that had led us to stop buying the press' books.

Dr. Richardson then launched into a long defense of the quality and uniqueness of his list. I finally had to cut him off so I could go to a meeting. It was easily the strangest phone conversation I've ever had with a publisher.

Late last week, a [news report](#) drew the academic world's attention to the fact that Dr. Richardson has filed two lawsuits for libel, one naming Askey as a defendant and another against Askey and his current employer, McMaster University. (This, despite the fact that, at the time he wrote his critical blog posting, Askey was working for the library at Kansas State University.)

McMaster University has released a [statement](#) on the matter, emphasizing that it:

... strongly supports the exercise of free speech as a critical social good. For this reason, McMaster University has for more than eighteen months rejected all demands and considerable pressure from the Edwin Mellen Press to repudiate the professional opinions of university librarian Dale Askey, notwithstanding the fact that those opinions were published on his personal blog several months before he joined McMaster.

The university's statement ends by saying that it intends to "rigorously defend its commitment to academic freedom and freedom of speech as the case proceeds before the courts."

In 1993, Dr. Richardson brought a similar suit against *Lingua Franca* magazine in response to an article (not available online) by Warren St. John, titled "Vanity's Fare: How One Tiny Press Made \$2.5 Million Selling Opuscles to Your University Library." Dr. Richardson lost that suit. In 1994, he was found guilty of gross misconduct by an academic tribunal and [fired from his tenured position](#) at the University of Toronto; his press subsequently published a book about the affair titled *Envy of Excellence: Administrative Mobbing of High-Achieving Professors*.

The Change.org website has posted a [public petition](#) calling on EMP to withdraw its lawsuit.

This is an interesting case that bears watching. Askey is [quoted in Inside HigherEd](#) as saying:

... the integrity of true academic freedom is only as strong as the will and resources to defend it.

(Note: On February 14, 2013, the ARL and CARL [released a joint statement in support of Askey and McMaster University](#).)

About Rick Anderson

I'm Interim Dean of the J. Willard Marriott Library at the University of Utah.
[View all posts by Rick Anderson »](#)

Discussion

29 Responses to “When Sellers and Buyers Disagree — Edwin Mellen Press vs. a Critical Librarian”

1. Thanks for adding some additional context to this story. Reading different discussion forums and comment threads, it seems like EMP is very defensive and aggressive.

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Rate This

POSTED BY **EDUHACKER (@EDU_HACKER)** | FEB 11, 2013, 10:48 AM

- I find this whole debate to be nuts. Every book is a unique product. Some are good and some are poor. The actual publisher is no indication of quality. Every book needs to be judged on its individual merits. I know of some excellent books published by EMP which have had excellent reviews in leading scholarly journals.

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POSTED BY **THOMAS ANTHONY KELLY** | FEB 21, 2013, 8:07 AM

- The question isn't whether EMP ever publishes good books. The question is how libraries should approach EMP titles generally, given that it's not possible to build a collection based on a thorough reading of every book on the market. Libraries have no choice but to select based on probabilities: given what I know about books published by EMP, by Oxford University Press, and by Routledge, and given what I know about the needs of our campus, which books are most likely to be of use to our scholars and students?

Of course, the advent of patron-driven acquisition is changing that approach as well.

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POSTED BY **RICK ANDERSON** | FEB 21, 2013, 9:51 AM

- First of all, this comment by Thomas Kelley (word for word) has been left on a number of other sites and is obviously a poorly veiled attempt by Mellon P to validate itself. Secondly, I am a librarian and have an advanced degree in Information Science (among other things) and thus I *AM* qualified to make judgments about academic books: it is part of the education that every librarian (esp. at an academic library) must go through. I have entire books on how to assess the quality of academic literature, if you're interested, and yes, the publisher can be one (of many) factors to be considered.

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POSTED BY **JOHN JACKSON** | FEB 26, 2013, 1:44 PM

- John's comment led me to do a Google search on the word "kelly" and the phrase "i find this whole debate to be nuts." Sure enough, the search result yielded several hundred web pages that discuss the EMP-v-Askey case; on every one of those pages, someone calling himself Thomas Anthony Kelly appears to have entered the exact same comment. If Mr. Kelly is acting independently and purely out of loyalty to EMP, then he seems to be a very dedicated fan of the press, indeed.

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POSTED BY **RICK ANDERSON** | FEB 26, 2013, 2:10 PM

- Here's an update to the Mysterious Case of "Thomas Anthony Kelly": when I did the search described above on February 26, it yielded 451 results. Today, the same search

yields only 242. It looks like, having been found out, the person behind that name is now trying to cover his tracks by deleting as many copies of his comment as he can.

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POSTED BY **RICK ANDERSON** | FEB 28, 2013, 4:55 PM

- Tonight a search on the same terms brings back only 32 results. It appears that “Thomas Anthony Kelly” has been hard at work trying cover his trail, and is almost finished.

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POSTED BY **RICK ANDERSON** | MAR 2, 2013, 1:30 AM

2. Thanks for this interesting background on an important case. I have just one point of, not exactly disagreement, but broadening. Both the university and Askey have, to their credit, emphasised the important of academic freedom. But this case is not (just) about that. It’s about the right anyone, anywhere, to tell the truth in public. It’s great that Askey is getting the support that he needs and merits on the grounds of academic freedom. But if someone completely unaffiliated had posted a similar opinion to his, then that person would be just as justified in doing so, and the publisher just as unjustified in trying to shut them up using a legal gag.

So let’s be careful to to let ourselves think of freedom of speech as a special privilege that academics have. It’s for everyone.

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POSTED BY **MIKE TAYLOR** | FEB 11, 2013, 11:02 AM

- True enough, but it’s also important to recognize that what’s being defended in this particular

case is the freedom of an academic to express his professional opinion about what he sees as the failings of a putatively scholarly publisher. Yes, Edwin Mellen's lawsuit is widely understood as an attack on academic freedom specifically, but that fact doesn't minimize the importance of freedom of speech generally.

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POSTED BY **RICK ANDERSON** | FEB 11, 2013, 12:30 PM

- Agreed on all points. (It's nice to be able to say that on this blog for once!)

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POSTED BY **MIKE TAYLOR** | FEB 11, 2013, 4:37 PM

3. I am not a lawyer and have no familiarity with libel law in Toronto, but a quick skim through the plaintiff's court filing in this matter strikes me as not only a pretty thin case but also as possible grounds for a counterclaim for expenses and damages for a frivolous suit.

Here is one example of false and defamatory words from the "Statement of Claim", point 7.(b): "That publications are at 'egregiously high prices', putting the cost as U.S. \$149.95 whereas the average list price for 2010-2011 was \$109.95."

In other words, the suggestion in the claim is that Askey falsely stated a highly inflated average price. Is this true?

From Schedule A (copy of the blog posting with comments) on page 11 of 23 pages in the pdf document: "If one takes the ballpark figure of \$100 per title (yes, their prices, for a largely humanities publisher, are on the high side), these title represent substantial expenditures."

It seems to me that Askey's "ballpark figure" of \$100 compares favorably with the plaintiff's claim of an average 2010-2011 list price of \$109.95.

The \$149.95 figure in the Statement of Claim appears in Comment 4 (by Askey in response to Merv) on page 13 of 23: "You are right to ask these questions, Merv. The list price for your book is \$149.95, which prices it well beyond the means of any student."

Here, the higher price clearly refers to a specific title, and there is no implication that it is a typical or average price.

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POSTED BY **BILL EVERETT** | FEB 11, 2013, 12:12 PM

- If Canadian libel law follows English law then it is much stricter than in the USA. A friend of mine had a very good energy newsletter but he said some nasty things about someone in England and got sued there. He lost big time. Litigation is always a crap shoot.

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POSTED BY **DAVID WOJICK** | FEB 11, 2013, 1:29 PM

- I am no lawyer, but the case should probably go by U.S. Law since the original document was written in Kansas. Canadian law is more stringent, yes, and it goes by provincial jurisdiction which makes it even more complicated.

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POSTED BY **RYAN DESCHAMPS (@RYANDESCHAMPS)** | FEB 11, 2013, 4:36 PM

- The court may rule it is not a Canadian matter. Venue is always the first argument.

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POSTED BY **DAVID WOJICK** | FEB 11, 2013, 5:31 PM

- Yes, well the statement of claim (the 'lawsuit') is not only without merit, but also very poorly drafted—non sequiturs, self-contradictions, and even spelling mistakes, Pretty embarrassing work. I would give it no more than C-minus. (And, also egregiously unjust; but I guess counsel just pleads whatever his client tells him to,)

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POSTED BY **LEA GREEN** | FEB 11, 2013, 7:58 PM

4. This case reminds me of the lawsuit brought by Gorden & Breach against Henry Barschall, the American Physical Society and the American Institute of Physics in the late 1980s over three articles Barschall wrote concerning the price of physics journals. Suing someone who is one of your customers in a very public way that ticks off your customers as a group doesn't seem like a very wise marketing strategy. It didn't work out too well for Gorden & Breach and I suspect it won't for Edwin Mellon Press either.

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POSTED BY **DAVID SOLOMON** | FEB 11, 2013, 5:36 PM

5. I can verify that EMP requires camera-ready copy from its authors and that they offer no copy-editing, proofreading, or layout services. I have been the copy editor/proofreader and layout person for several EMP authors. While I believe I provide excellent editorial services for scholarly authors, I can also verify that EMP did no vetting of me other than, I assume, looking at the resume I provided them.

I find some of the criticisms of EMP (as well as Peter Lang, in Askey's blog post comment thread) strange, however. Some say that they simply publish dissertations that are second-rate. Considering that not everyone can be first-rate, and that publication is required for tenure, why is anyone critical of this? Is it not typical for academics' first books to be based on their dissertations? Should we expect such faculty to chop their dissertations into journal articles, as Askey's tenured faculty wife suggested in the comment thread?

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POSTED BY **KRISTINE HUNT** | FEB 18, 2013, 3:08 PM

- *I find some of the criticisms of EMP (as well as Peter Lang, in Askey's blog post comment thread) strange, however. Some say that they simply publish dissertations that are second-rate. Considering that not everyone can be first-rate, and that publication is required for tenure, why is anyone critical of this? Is it not typical for academics' first books to be based on their dissertations?*

A scholarly monograph *based on* a dissertation is one thing; that is indeed common and it's not a problem. An unrevised dissertation *posing as* a scholarly monograph is very different issue, and it is a problem.

The complaints that I have heard about EMP are generally on three levels: first, that they publish second-rate material. Second, that they publish their second-rate material badly (poorly edited, if at all; carelessly printed; shoddily bound). Third, that they charge exorbitant prices for their second-rate products. If these complaints are accurate, one might reasonably ask how EMP got away with it for so long and made so much money. One possible answer (which, if true, would reflect poorly on the library profession) is that EMP figured out how to insinuate its titles into the system of approval plans and series standing orders that libraries have used for decades to streamline their acquisition processes. According to this theory, EMP successfully disguised their low-quality publications as high-quality publications by giving them the general physical appearance of scholarly monographs and assigning them to series with scholarly-sounding titles, and thereby snuck them into the acquisition streams of lots of research libraries, essentially selling their books by inertia. If I recall correctly, this was basically the theory propounded by the *Lingua Franca* article on EMP that was published back in 1993 (and over which EMP unsuccessfully sued its author). I can't say whether this theory is entirely correct. I can say that in my experience EMP titles are, in fact, often poorly printed, bound, and edited, tend to be exorbitantly priced, and have regularly struck me as being of marginal intellectual quality and even more marginal scholarly utility. When I came to the library at the University of Utah as its collection-development officer, one of the first things I did was check to see how many EMP titles our library was buying, and to let our collection development librarians know that, in my opinion and based on my experience, those titles should be regarded with some skepticism. We told our book vendor to stop sending us EMP titles automatically as part of our approval plan and we canceled all EMP standing orders. We

didn't entirely stop buying EMP books—some are actually quite good—but we buy them very selectively.

As for this question: “Considering that not everyone can be first-rate, and that publication is required for tenure, why is anyone critical of this?” You’re missing an important part of what is expected of scholars. They’re not expected to publish second-rate material, and in fact should not get tenure for doing so. If they fail to produce first-rate scholarship, then no scholarly publisher should feel obligated to publish it, and no academic department should feel obligated to grant them tenure. Tenure isn’t something you get for doing a certain amount of work. It’s something you get for doing work at a certain level of quality.

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POSTED BY **RICK ANDERSON** | FEB 18, 2013, 4:58 PM

- I meant more that there are limits on how many “first-rate” books and/or publishers there are, not that second-rate scholarship is acceptable. Are you saying that there isn’t a hierarchy in scholarly publishing? I’ve been told, for example, by faculty that one publication in a “top” journal might equal three or more in “second-tier” journals in the tenure review process. However, there are fairly strong limits on how many papers and books can be accepted by each publisher each year. This implies to me that there is a place for a variety of publishers in the market. (This is not meant as a defense of EMP in particular.)

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POSTED BY **KRISTINE HUNT** | FEB 18, 2013, 5:32 PM

- Not to get too tied up in semantics here, but when you talk about “second-rate” scholars (“not everyone can be first-rate”) and “second-tier” journals, you’re talking about very different things. Second-tier journals publish first-rate scholarship all the time, and there’s nothing wrong with that. On the other hand, there is something wrong with second-rate scholars getting tenure for publishing second-rate work. Second-tier journals try hard to publish first-rate scholarship. The criticism I’m hearing of EMP is that they deliberately publish second-rate scholarship.

You were asking why anyone would be critical of a publisher that publishes second-rate scholarship, given that not every scholar can be first-rate and every scholar needs to publish in order to get tenure. But that question assumes that every scholar should get tenure. In fact, many shouldn't, and don't.

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POSTED BY **RICK ANDERSON** | FEB 18, 2013, 5:51 PM

- I think we are in agreement; perhaps my initial comment was not well formed.

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POSTED BY **KRISTINE HUNT** | FEB 18, 2013, 6:15 PM

6. I think it's fair to say that, like scholarly journals, scholarly publishers can be ranked, according to field of publication, on a spectrum from the most to the least prestigious, and there is likely broad consensus in the industry that EMP inhabits the lower rung of the latter end of the spectrum along with such other quasi-vanity presses as Peter Lang and the University Press of America. From time to time various fields actually have conducted polls of their membership asking them to rank-order publishers. One such survey for political scientists was published in the April 2011 issue of the APSA journal PS. It might not even be too much of a stretch to analogize presses like EMP to the "predatory" OA journals identified by librarian Jeffrey Beall. Just my opinion, of course, which i take to be protected by the First Amendment.

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POSTED BY **SANDY THATCHER** | FEB 20, 2013, 4:19 PM

7. Just wondering how many people have read through the Canadian court's "Notice of Action"?

One of the odd things (to me) is that the plaintiff seems to claim that the defendant is liable for “statements made by others” (i.e., the comments made to Dale Askey’s blog post).

I don’t know Canadian libel law, but how can someone be held responsible for other people’s comments?

Just curious...

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POSTED BY **BERNIE SLOAN** | FEB 20, 2013, 7:38 PM

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