

Preston McAfee

From: Hilary Nicholls [hnicholls@e-elgar.co.uk]
Sent: Wednesday, January 28, 2009 8:17 AM
To: preston@mcafee.cc
Subject: Re: Your Website
Attachments: STRICTLY PRIVATE & CONFIDENTIAL; Reference Collection Endorsements.pdf

Dear Professor McAfee

I had hoped that my conciliatory email of 9th January 2009 would have enabled us both to draw a line under our recent dispute. I am concerned that you continue to post the statement about my company on the website and I would be grateful if you might now consider removing it.

In my view, the statement contains propositions regarding my company which are based on misunderstandings. I identify these below. In addition, whilst I agree with some of the statements that you made, it is, I think, quite unfair to apply them to the activities of my company. You should also make clear to your readers that there are other companies – notably Routledge and Sage – who like us publish large collections of previously published material – the only difference being that they reset the papers and charge a slightly higher price.

(1) You state: "... imagine the professor that assigns a \$500 book to a class. Even with the high price of textbooks, there would be a huge sticker shock and possibly an angry riot." I entirely agree with this statement (but personally I cannot think of any professor stupid enough to ask his students to purchase a volume priced at \$500). It is for this reason that we actively discourage professors from recommending our reference collections for purchase to students. We specifically do not offer examination copies of these high price collections to professors. As I have explained, these collections are NOT designed for student use. The main market is to libraries who cannot afford to subscribe to the very large number of journals that are represented in these series. In those very rare cases where we feel there may be some student demand, we publish in paperback. An example would be The Economics of the Environment edited by Wallace E Oates which is priced at £37 ... which is roughly the equivalent of \$50 for a book of 640 pages.

(2) You state: "...my irritation arises from the fact that the transfer of copyright has removed the author completely and I am irritated by that." I understand your feelings. However, I think I can hardly be held to blame if you, in common with other economists, voluntarily give away copyright in your work to journal publishers. Had you retained copyright in your papers, we would naturally have approached you direct (rather than the journal publisher) for permission to reprint. And if you had opted not to charge a monetary fee (as the journal did on your behalf), we would have made available a complimentary copy as we do for authors publishing in the AEA journals.

In this context, we note that you are Editor of ECONOMIC INQUIRY: A JOURNAL OF THE WESTERN ECONOMIC ASSOCIATION INTERNATIONAL. On examining one of the past issues of this journal, we note the following statement: 'As a condition of publication in the journal, authors grant exclusive copyright licence to the Western Economic Association International. Requests for permission to reprint material in the journal should come to Oxford University Press at the address below.' In the

intervening period this journal has, of course, been taken over by Blackwell Wiley and when we apply for permission to reprint, we are instructed to approach Blackwell Wiley rather than the author. It would be helpful if you could clarify the copyright and reprint policy of your journal. Does your journal consult with the author in advance of granting permission for his/her work to be reprinted? I am sure that as editor of the journal you would want to avoid a situation whereby 'the transfer of copyright has removed the author completely' and thereby imposing on authors precisely those conditions that you personally find so irritating. In brief, does your journal allow authors to retain copyright in the material that you publish on their behalf?

(3) It is simply incorrect to state that: "The American Economic Association forces Elgar to obtain the author's permission to reprint." At no point has the AEA ever forced my company to do anything and I am sure they would be happy to confirm the truth of this statement. The AEA offers very clear guidelines regarding permissions request and Edward Elgar Publishing, in common with all other publishers, follow these guidelines.

(4) You state: "In spite of several emails back and forth, I still don't know how much of their content is original." This is simply due to a misunderstanding. I am happy to make it clear that the reprint series that we publish such as The International Library of Critical Writings in Economics series edited by Mark Blaug, comprise SOLELY reprinted articles, papers and book chapters save for the Introduction prepared by the Editor. Our publicity material makes it absolutely explicit that these are volumes of reprints and we leave it to the good judgment of librarians to decide whether they wish to purchase this material or not. We estimate that these reprint series comprise approximately 15% of our annual publications. This means that 85% of the books that we publish comprise new original single-authored monographs or new original edited volumes.

(5) I apologise if I misunderstood the term 'a hoot' which is unfamiliar to an English ear! You may care to mention that the person 'responsible for perpetrating eleven volumes' is Orley Ashenfelter, formerly editor of the American Economic Review. I am sure that your readers would be interested to discover the identity of other editors in the International Library of Critical Writings in Economics series and would ask them to visit our website: www.e-elgar.com

(6) I can confirm definitively that it is not our policy to reprint material against the wishes of the author. Any academic receiving our courtesy letter is perfectly entitled to write and request that we do not reprint their work. We will respect their wishes. We have specifically agreed that we will not reprint your own work in the future.

(7) It is perfectly true that I requested you not to post your complaints about my company as I did take offence at the way that you described me personally and the operations of my company as a whole.

(8) Mr Pettifer joined my company some three months ago and it is surely only reasonable that he should share with me emails from a third party whose disagreement with our publishing policy is described in somewhat hostile terms.

(9) You state: "Once again Mr. Elgar has prohibited printing his email ..." Personally, I do not think it appropriate to post private correspondence on the internet.

However, as you clearly have a different view, you should feel free to post the email that I sent on 9th January 2009 entitled 'Strictly Private & Confidential' (attached).

(10) You state: "While I have an opinion about the social value of your company and use colorful metaphors to express my opinion, I am a scientist and concerned with the truth of the matter." It is the truth that many other scholars have a very different view of our reprint programme. For example, our volume The Economic Theory of Invention and Innovation edited by Albert N Link received the following comment:

"This is an excellent collection of the seminal papers in the economics of innovation. I would think every scholar in the field of innovation economics would find this book a very useful addition to his or her library. The collection is admirable in that it emphasizes the origins of the modern field in work done during the 1950s and 1960s and therefore I would find it very useful as a source of background readings for courses in this area." Bronwyn H Hall, University of California at Berkeley, US

I would encourage readers of your website to refer to the appendix attached to this email which contains 42 similar statements or endorsements on volumes that we have published during the past 18 months.

(11) It is perfectly true that Ariel Rubinstein was unhappy about the price that we charged for his book Game Theory and Economics published nearly 19 years ago in July 1990. We explained very carefully to Ariel that we as publishers had no copyright in the introduction and furthermore no copyright in the selection of articles that he had made. He was entirely free to approach another publisher more capable than we were at that time (just three years after the founding of the company) to market and publish a book of this kind for the student market. In spite of our encouragement, it would appear that Ariel did not succeed in interesting another publisher in this project.

I am sorry to have responded at such length and request that you remove the statement from your website. In the event that you choose not to take this route, I would like you to amend the inaccuracies in the original posting and include this email together with all of the attachments.

I look forward to hearing from you.

With best wishes.

Yours sincerely

Edward Elgar

Atts: EE email of 9th January 2009 entitled 'Strictly Private & Confidential'
PDFs of Reviews

On 14/01/2009 17:01, "Edward Elgar" <edward@e-elgar.co.uk> wrote:

Dear Professor McAfee

In reply to your message of 12th January, we have hunted through our archive and I attach copies of the most recent courtesy letters sent to you by my staff, namely:

1. Letter dated 5th May 2005 from Nicola Mills.
2. Email dated 18th July 2006 from Clare Arnold.
3. Email dated 18th July 2006 from Clare Arnold to R J Deneckere.

It would be helpful for me to know if you may consider these form letters to be irritating. I would, incidentally, have no objection if you were to post these letters on your website to form part of your statement about my company.

Best wishes.

Yours sincerely

Edward Elgar

Att three letters

On 12/01/2009 16:44, "R. Preston McAfee" <preston@mcafee.cc> wrote:

Mr. Elgar:

Is that the same letter you sent to me? If so, it has definitely gotten more odious in my recollection.

Preston

From: Edward Elgar [<mailto:edward@e-elgar.co.uk>]

Sent: Monday, January 12, 2009 7:46 AM

To: R. Preston McAfee

Cc: tedb@econ.ucsb.edu

Subject: Re: STRICTLY PRIVATE & CONFIDENTIAL

Dear Professor McAfee

Thank you for your message of 9th January. I too appreciate the conciliatory tone of your email. I am pleased that you will be amending the web document on my company.

I am concerned and rather surprised that not only you but other recipients have found the text of our courtesy letter to be irritating. I attach a copy for your interest. I am not quite sure how we can rephrase this to meet the concerns. One possible way forward might be to include a postscript along the lines of:

'If you would prefer us not to reprint your paper, please let me know within 14 days of receipt of this letter.'

I would be grateful for your thoughts on this.

I look forward to hearing from you.

Yours sincerely

Edward Elgar

Att courtesy letter

On 09/01/2009 17:54, "R. Preston McAfee" <preston@mcafee.cc> wrote:
Mr. Elgar:

I appreciate the conciliatory tone of your email and your statement that you do not intend to take legal action against me. I have amended my web document on your company to reflect this statement.

I appreciate that journals rarely alert authors about granting of reprinting privileges and that it is a good thing your company does so. In the early days of your enterprise, alerting authors was probably substantially harder than it is today. (I have never had difficulty finding economists – initially using the AEA directory and subsequently with the web.) You might consider amending the text of your letter to authors; I am not the only recipient who found it irritating.

You may note that in my initial response to Mr. Pettifer, I asked him not to contact me again. I agree that further communication is unlikely to achieve anything. However, feel free to continue to copy me on your correspondence with Professor Bergstrom. While I have an opinion about the social value of your company and use colorful metaphors to express my opinion, I am a scientist and concerned with the truth of the matter. Should you persuade Professor Bergstrom that your company is a valuable contributor to the mission of universities, I would likely be persuaded as well.

Preston McAfee

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