

From the Editors

A number of controversies have recently occurred in the world of academic publishing, several of them sharing the characteristic of putting the editors' choices and responsibilities in the limelight. However, while you can find detailed ethical argumentation on topics that are only slightly related to real world problems, few volumes have been authored on the subject of publication ethics. According to one of the few empirical studies in the area, journal editors are simply 'not very concerned' about publication ethics.¹ This lack of interest in publication ethics is unfortunate. After all, publishing articles is arguably the most prominent way of disseminating and discussing research. Add also that the routines and policies of a journal, and the actions and decisions of an editor, could make or break the career of an aspiring scholar.

We can speculate why ethicists have not been very eager to turn their critical eye inwards, to their own distribution channels and cherished outlets. One not entirely implausible reason is that publication ethics does not enjoy a very high disciplinary or social status: While the ethicist may get to be the center of attention at the dinner party after informing the crowd that he or she specializes in, say, the ethics of killing, the ethics of sex, or distributive justice, the professor who publishes books on the ethics of academic publication will get considerably less attention. Some areas of ethics are simply not very attractive, and hence have much less status and appeal than other areas.

Another reason, perhaps a bit cynical, is that the individuals and organizations best positioned to take on the subject of academic publication ethics are the ones that have the least incentive to do so. If professor X has earned his rank and status through publications in high-ranked journals, X would presumably engage at his or her own peril with ethical issues that affects what get published, since X's position is the result of that very system of academic publishing. Similarly, editors may have little motivation to take a shot at the structure that they are a part of.

The recent developments and 'scandals' within scholarly publication also seem to underscore the importance of a well-reasoned publication ethics. Let me offer three examples of controversies that put publication ethics in the center, although they were not always recognized as doing so.

Some years ago, the journal *Synthese* published a thematic issue on Intelligent Design, 'Evolution and Its Rivals'.² In a disclaimer included in the print version – published two years after the online version of the issue – the editors wrote what

¹ E. Wager, S. Fiack, C. Graf, A. Robinson and I. Rowlands, 'Science journal editors' views on publication ethics: results of an international survey', *Journal of Medical Ethics* 35 (2009), pp. 348-353.

² *Synthese* 178:2 (2011).

essentially was an apology for the content of the issue, as they noted (in my view correctly) that the usual standard of respect and politeness was not followed in all papers. Although the disclaimer mentioned papers in the plural, everyone draw the conclusion that it was one paper in particular that caused the disclaimer. For adding the disclaimer, the *Synthese* editors were accused of giving in to the demands of the Intelligent Design lobby, and a boycott was quickly organized.

One might debate whether or not the boycott was justified, but the ethical issue that arose in the controversy was what responsibility the editors-in-chief had in relation to the authors. Was the disclaimer an appropriate excuse after failing to screen the guest editors' chosen papers, or did it mark a failure to stand up for controversial papers, when pressure was applied from external actors?

That very question become the center of another recent controversy; the *Hypatia* affair. Rebecca Tuvel had published a paper entitled 'In Defense of Transracialism' in *Hypatia*, by far the most prominent journal in feminist philosophy.³ The paper soon became the object of sharp criticism, and after the criticism had circulated for some time on the Internet, the critics sent an open letter calling for retraction of Tuvel's article.⁴ Feeling the pressure, the associate editors went public with an apology for publishing the paper, essentially saying that the paper should not have been published. The associate editors failed to defend the paper, caving in to external pressure whipped up through social media and the Internet. But most importantly, the whole controversy seemed to play out over social media such as Facebook. There was (at least not initially) no critical reply submitted to *Hypatia* in response to Tuvel's article.

My third example is somewhat different. When the *Journal of Medical Ethics* published an article named 'After-Birth Abortion: Why Should the Baby Live?', it drew a substantial amount of criticism.⁵ Unlike the two previous cases however, a large part of the criticism came as philosophical replies submitted to the journal, rather than outbursts in social media.⁶ The ethical issue raised by the article's publication however, is that of what can be described as 'lure publication'. In lure publication, a substandard article is published solely in order to draw attention to the journal, preferably to boost its citation rate. Now, I do not claim that this was the case in the *Journal of Medical Ethics*; my point is that a true lure publication would look quite similar.⁷ Lure publication would thus have the benefit of actually boosting the discussion, but at the cost of publishing something that does not ought to be published.

In my view, academic publishing is facing substantial challenges; challenges that are often ethical in nature. The examples above are mentioned here only because of the controversies they have generated. To these examples, add the issues of open access, biases in editorial decision-making, imperfect peer-reviews, commercial publishing, and

³ Rebecca Tuvel, 'In Defense of Transracialism', *Hypatia* 32:2 (2017), pp. 263-278.

⁴Open Letter to Hypatia', online at https://docs.google.com/forms/d/1efp9C0MHch_6Kfgtlm0PZ76nirWtcEsqWHcvgidl2mU/viewform?ts=59066d20&edit_requested=true (accessed 2017-08-12).

⁵ Alberto Giubilini and Francesca Minerva, 'After-birth abortion: why should the baby live?', *Journal of Medical Ethics* 39:5 (2013), pp. 261-263.

⁶ Unfortunately, the editors also received a large amount of threats and hate mails.

⁷ That said, in my view the article was not a very good one, and should therefore have been rejected. Many ethicists would of course disagree with me.

'invited' contributions. These issues need to be systematically engaged with, not only to ensure a just and fair publication process, but to make certain that good research does not go to waste.

In this issue, we offer two articles. The first article, 'Unethical Laws and Lawless Ethics: Right and Virtue in Kant's *Rechtslehre*', authored by Jenna Zhang, examines Kant's Doctrine of Right. The relation between virtue and right in Kant's philosophy is a controversial topic, and Zhang provides us with a valuable contribution. Against the mainstream interpretation, she argues that in Kant's later work, *The Metaphysics of Morals*, there is a fundamental distinction between Right and Virtue. Instead of seeing right as normatively implied by virtue, Zhang argues that the two are normatively separate. Hence, the distinct and separate natures of law and ethics prevent grounding juridico-political decisions in Kantian ethics. Although Zhang stresses that Kant's account of law is essentially positivistic, she also points out that law and ethics are not entirely separated: 'Morality is, as it were, the undercurrent that buoys Right, providing the impetus for moral beings to become legal-political subjects.'

The second article, 'Wage Desert and the Success of Organisations' by Shaun Young, argues that wage desert is both an ethically and prudentially sound policy for the employing organisations. The topic of how much remuneration an employee ought to be paid is an intricate ethical question and one that can cause heated discussions among colleagues. According to Young, the relevant consideration when determining an employee's wage level is backward-looking desert. Wage desert is a matter of respect for the employee, as it allows the employee autonomy to determine his or her wage. Granting the employee autonomy in relation to his or her wage, a sense of responsibility and accountability is also fostered. The respect entailed by realizing wage desert is an ethical argument in its favour. However, there is also a prudential argument presented by Young. Wages determined on the basis of individual desert also makes the organisation attractive and provide powerful incentives for the employees to perform at their best. Such characteristics make the organization more attractive to ambitious workers, and are therefore more likely to make it more successful. Given Young's account, we thus have a two-fold implication: That, in regard to wages, the ethical organization will also be successful, *ceteris paribus*, and that the prudential organisation can achieve its goals without violating ethical requirements.