Should authorship on scientific publications be treated as a right?

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ABSTRACT

Sometimes researchers explicitly or implicitly conceive of authorship in terms of moral or ethical rights to authorship when they are dealing with authorship issues. Because treating authorship as a right can encourage unethical behaviours, such as honorary and ghost authorship, buying and selling authorship, and unfair treatment of researchers, we recommend that researchers not conceive of authorship in this way but view it as a description about contributions to research. However, we acknowledge that the arguments we have given for this position are largely speculative and that more empirical research is needed to better ascertain the benefits and risks of treating authorship on scientific publications as a right.

Disputes about authorship attribution and order are common in science. Although these disagreements are often resolved civilly, they can lead to lingering hostility, antagonism and various forms of misconduct. Evidence also suggests that authorship disputes may be settled in ways that undercredit under-represented minorities based on race and gender or researchers who are easily exploited due to their lower academic rank or other factors. Studies have also shown that practices widely regarded as unethical, such as honorary authorship (i.e., naming someone as an author who has not made a significant contribution to the research), may be due to confusions about authorship criteria or pressures in the research environment that lead to manipulation of authorship for purposes other than fair allocation of credit. To avoid these sorts of problems, scientists and ethicists have recommended that researchers should discuss authorship matters at the beginning of a research collaboration and throughout the research process as needed.

Sometimes researchers explicitly or implicitly conceive of authorship in terms of moral or ethical rights to authorship when they are dealing with authorship issues. We have observed or are aware of several types of situations that treat authorship as a right:

- Trading authorship, for example, giving authorship to someone in exchange for a favour or to pay a debt, or agreeing not to be the first author on a particular paper related to a research project with the understanding that one will be the first author on another paper related to the project.

While the language of rights plays an essential role in the law and jurisprudence and is frequently used to frame ethical issues, we are concerned that this manner of speaking may not be an appropriate way of handling questions related to authorship on scientific publications. Could rights terminology encourage attitudes or behaviours that undermine the integrity of scientific research? We believe this may often be the case, but that more empirical research is needed to fully answer this question. In this commentary, we will consider some reasons why using the language of rights in scientific authorship matters may interfere with the ethical conduct of research.

WHAT ARE RIGHTS?

Rights protect or promote interests related to welfare, property, personal freedom, political participation or other important values. Rights may be construed negatively as rights to be left alone, or positively as rights to obtain or control something or participate in some activity. Rights can be inherently related to one’s status as a person or citizen or acquired by various means, such as an informal agreement, written contract, government grant or relationship. For example, the right to life can be construed negatively as a right not to be killed unjustly or positively as a right to have something necessary for life, such as food, shelter or healthcare. Intellectual property rights, including, possibly, authorship rights, are positive rights because one can have intellectual property only by means of cooperation with other individuals who provide the means necessary to obtain intellectual property and control it.

Rights are sometimes called ‘trump cards’ because they place obligations, duties or demands on other people that must be satisfied unless there is a good reason not to. For example, a person’s right to life obligates other people not to kill that person unless they have an acceptable justification, such as self-defence. Rights can be inherently related to one’s status as a person or citizen or acquired by various means, such as an informal agreement, written contract, government grant or relationship. For example, the right to vote is an inherent right held by all adult US citizens, but patent rights are only held by those who are granted a
potent or purchase these rights, and parental rights are held by those who become a parent.

Rights may be legal, moral (or ethical) or both. For example, the right to financial compensation from the breach of a contract is a legal right, the right to be treated with decency is a moral right, and the right to life is a legal and, according to many, moral right. In our commentary, we will focus on moral rights related to authorship and take no position on the potential legal implications of our views.

Some theorists argue that moral rights are sui generis (or foundational) normative claims that require no further justification, while others argue that moral rights are derived from other values or duties, such as respect for human dignity, justice or utility.

Some argue that moral rights are inherently political, but we will not adopt this view. Rights may be legal, moral (or ethical) or both. For example, the right to financial compensation from the breach of a contract is a legal right, the right to be treated with decency is a moral right, and the right to life is a legal and, according to many, moral right. In our commentary, we will focus on moral rights related to authorship and take no position on the potential legal implications of our views.

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CONCLUSION
Given the aforementioned problems for research integrity that may arise from treating authorship on scientific publications as a right, we recommend that researchers not conceive of authorship in this way but view it as a description about contributions to research. To assign credit fairly and promote accountability, researchers should use various methods of acknowledging contributions to their work. Those who are named as authors are individuals who have contributed significantly to the research, while others may be acknowledged but not named as authors.18 40 What counts as ‘significant’ depends on various contextual features of the research, including disciplinary standards and journal policies. Authorship is not negotiated, waived or traded, but is formed based on a careful consideration of how different members of the team have contributed to the research.

Empirical research does suggest that authorship agreements can decrease tension regarding meeting deadlines for early-career researchers.41 Although these agreements are useful tools for planning research collaborations, they should not be understood as creating a right to authorship or a contractual agreement that cannot be changed. Authorship agreements should not override or contravene research norms. An agreement that assigns credit unfairly or undermines accountability should not be honoured simply because it is an agreement. For example, if a researcher ‘waives’ authorship because they do not expect to make a significant contribution to a paper, this agreement should not be upheld if it turns out that they do. Likewise, agreements to ‘trade’ authorship should also not be honoured if the recipient of authorship has not made a significant contribution to a paper. Authorship should be granted based on what one has done, not on what one has bargained for or previously agreed to.

While we think that treating authorship as a right can generate significant problems for research integrity, we acknowledge that the arguments we have given for this position are largely speculative and not evidence-based. Although we have identified some potential problems for the integrity of research than can occur when authorship is treated as a right, we have not provided reliable data concerning how often these adverse effects occur or how they impact individuals, institutions, sponsors, or the scientific profession. Thus, further empirical research is needed to better ascertain the benefits and risks of treating authorship on scientific publications as a right, and we support efforts in this direction.

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