

4 Argentina: A Student-Made Ecosystem in an Era of State Retreat

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In Argentina, access to educational materials has been shaped by a combination of factors that are relatively unique in Latin America, including a long tradition of free public university education, extended periods of public investment in libraries, a publishing industry well established by the beginning of the twentieth century, and literacy rates well above Latin American norms. It has also been shaped by features more common to Latin America in the latter half of the twentieth century—most important, the retreat of the state as a guarantor of educational and other rights, beginning under the dictatorships of the mid-1960s.

Our story traces a path through these major chords of Argentine history to provide a context for understanding the student-based practices and networks that provide the main form of access to materials in Argentine universities today. Broadly, this history has three parts:

- The emergence of institutional strategies to increase access to educational materials during the post–World War II “golden age” of the university system, exemplified by the creation of the university press, Eudeba, in 1958.
- The often violent attacks on these institutions by the dictatorships of the 1960s and 1970s, and the subsequent failures of both the democratic state and the publishing industry to formulate alternatives under the pressure of the economic crises of the 1980s, 1990s, and 2000s.
- The primarily student-organized efforts to ensure the availability of inexpensive course materials in this institutional vacuum. Most of this activity passes through organized photocopying, more recently complemented by the emergence of online digital archives.

A caveat: much of the study focuses on the University of Buenos Aires (UBA) and on the School of Philosophy and Letters in particular. This focus obviously limits any claims to representativity in the study—even students in other parts of the university

system may have very different experiences. Yet there are reasons to draw more general conclusions from the history and experiences described here. The UBA is overwhelmingly the largest Argentine university and—in light of its location—among the most directly implicated in and affected by conflicts with the state. It is home to nearly 20 percent of Argentine university students from across the socioeconomic spectrum; it was the seat of Eudeba and where many of the legal battles between publishers and students and faculty took place.

Eudeba: The University Press as Democratizer of Knowledge

In her research on the cultural impact of publishing policies between 1880 and 2000, Amelia Aguado (2006) identified seven “phases” in the history of Argentine publishing, which she maps loosely to corresponding political periods.

This chapter will not explore this commercial publishing history in any detail. It is important to note, however, how the growth of the industry in the early twentieth century helped prepare the way for the educational agenda that emerged in the post–World War II period. Like so much else in Argentina, the “Golden Age” of publishing had strong political determinants—in this case the rise of Francisco Franco in Spain, which pushed Spanish publishing into decline and many Spanish intellectuals into

Table 4.1

Periodization of Argentine publishing

Years	Publishing history	Argentine history
1880–1899	Emergence of the commercial market	The generation of 1880
1900–1919	Organization of the publishing market	Centennial of the May Revolution
1920–1937	Emergence of modern publishing	
1938–1955	The “golden age”	The first and second Peronist regimes
1956–1975	Consolidation of the internal market	The military dictatorships (La Revolución Libertadora, 1955; La Revolución Argentina, 1966)
1976–1989	The publishing industry in crisis	Third Peronist regime. “Process of National Reorganization” (dictatorship). Democracy
1990–2000	Concentration and polarization of the publishing sector	Menem’s Peronism

Source: Amelia Aguado, “Políticas editoriales e impacto cultural en la Argentina (1880–2000)” [Publishing policies and their cultural impact in Argentina (1880–2000)], *Información, Cultura y Sociedad*, no. 15 (2006): 95–105, <http://eprints.rclis.org/17132/1/ics15p95-105.pdf>.

exile, to the general benefit of Argentine literary culture and publishing. Argentine publishers became leading forces for the translation of European literature and philosophy into Spanish, both fueling and responding to the growth of a domestic intellectual scene. At the same time, they successfully managed the shift from a domestic to an export-driven market—trailing only Mexico in the export of books within Latin America. Rapid growth continued through the two Peronist governments of the 1940s and 1950s, and remained stable under the dictatorship of the “Bureaucratic Authoritarian State” (organized by Onganía) from 1966 to 1973. The economic crisis and political repression that accompanied the next military dictatorship in 1976, however, damaged the industry and ended its preeminence. The economic chaos of the 1980s weakened it further, leading to a wave of closures and buyouts by foreign multinationals in the 1990s.

There was no equivalent transformation of the university presses in the Golden Age. Although most universities had publication or print units, these were small-scale, sometimes departmentally based operations that specialized in publishing the work of local faculty. None sought wider audiences. None published textbooks or other course materials. Yet the universities they served were changing rapidly. The university system underwent rapid expansion in the post–World War II period, tripling in size between 1945 and 1955 to over 140,000 students. As in other countries, this expansion dramatically altered the composition and mission of the university—no longer limited to the professional training of elites but, increasingly, to the education of large sectors of the population.

The founding of the University Press of Buenos Aires in 1958, better known as Eudeba, was in large measure an effort to reimagine a university press adequate to these changes.¹ Boris Spivacow, an editor and mathematician at the UBA, was appointed to manage the new effort.²

As an editorial project, Eudeba was the first university press to develop an explicit strategy of serving the public beyond the university and other specialized communities. Eudeba published in each of the scientific disciplines at multiple levels, including materials aimed at teachers and researchers, required texts for different grades and undergraduate courses, books about science for the nonspecialized public, and finally, literary and artistic texts for the general public.³ As Eudeba’s board characterized it: “Eudeba understands that one of its fundamental objectives is to make books—those instruments of material and spiritual progress—a basic necessity. For that purpose, it uses—and will continue to use—all the available strategies to familiarize people with books.”⁴

The publishing policies implemented by Eudeba emphasized large print runs of books targeted at the general public, sold at low cost. At one level, this strategy was fundamental to Eudeba's mission of cultural democratization. At another, it permitted the subsidization of smaller print runs of books intended for more specialized publics, which the press viewed as essential to the research mission of the university.

Eudeba complemented this editorial approach with distribution strategies that brought books to newsstands and other unconventional outlets. In 1965, Eudeba had 1,163 distribution points across the country,⁵ in addition to a branch in Chile and distribution deals in Latin America, Spain, the United States, France, Germany, Japan, and Israel. By the mid-1960s, these strategies had made Eudeba the second-largest university press in Latin America, after the Fondo de Cultura Económica (FCE) in Mexico.⁶

The impact of Eudeba's policies is visible in many revealing anecdotes about books, book markets, and literary culture from the period, but one in particular is worth recounting here. In 1963, the Federation of Books, based in Cordoba, announced that booksellers in Cordoba and Rosario had stopped selling their books because they were no longer competitive with the steep discounts offered by Eudeba to students and teachers. Spivacow, writing about the situation in 1963, argued: "The leadership [of Eudeba] holds that it is natural that the university press provide students and professors with special conditions of sale; that the university bookshops capture some of the direct sales from booksellers as a result; ... and that this greater diffusion translates, in the last instance, into much higher sales for the booksellers than what they have lost."⁷

By "in the last instance," Spivacow meant that the deals for students and faculty incentivized reading in general, which in turn acted to expand the overall book market. Eudeba's operating theory was that selling more books at lower prices was a more effective strategy in all respects—both in regard to social and economic outcomes—than selling fewer books at higher prices.

In 1966, General Juan Carlos Onganía overthrew the president-elect, Arturo Illia, in a military coup. Among the early targets of the new regime were the universities, which had emerged as vocal centers of political opposition. A month after taking power, Onganía abolished the system of university governance created by the University Reform of 1918. Under Decree 16.912, political activities at universities were prohibited and a government official was appointed to run the university. This decision produced a strong reaction in the university community, and led to the occupation of several of the schools in protest. In response, Onganía sent the federal police to retake the buildings, resulting in the arrests of 400 members of the university and the injury of many others, including several deans. "La noche de los bastones largos"

or “Night of the Long Batons,” as it became known, produced mass resignations of thousands of university staff. Those who identified with the opposition but chose to remain in their posts were soon fired. The leadership of Eudeba announced its resignation en masse with a letter that emphasized the connection between low-cost books, the democratization and self-governance of the university, and freedom of thought and expression.

For eight years a book cost less than a kilo of bread, less than a pack of cigarettes, less than a bottle of ordinary wine. ... How did this cultural phenomenon, with no precedent in the country or the world, emerge and grow? Because it was the product of a university, open to all intellectual currents and in the service of the country. A university that brought to the people who sustained it one of the oldest and most powerful tools: the book. Today, this university no longer exists. Its professors have been beaten and humiliated, its students struck down, its classrooms and laboratories closed. Without authorities arising from within, without collegial bodies to discuss its problems, what university do we pretend to create? Of what university would Eudeba be the press?” (Maunás 1995)

Eudeba suffered under the dictatorships. Under the “Bureaucratic Authoritarian State” organized by Onganía (1966–1973) and later the “Process of National Reorganization” (1976–1983), Eudeba’s leadership positions were given to faculty close to the dictatorship. The directorship created lists of censored titles⁸ and pulled numerous previously published works out of circulation. In 1976, the new dictatorship took this practice to its logical end by organizing book burnings of censored titles. The return of democracy in 1983 allowed Eudeba to resume some of its former activities, but the crisis had greatly damaged its finances and the press never regained its former stature.

From Public to Private: El Centro Editor de América Latina

After the attacks on the university, Spivacow left Eudeba with the entire directorship and staff to start a new project: el Centro Editor de América Latina (CEAL). CEAL was an effort to create a private entity that could advance the public interest agenda that was no longer possible at Eudeba. The initial capital for the enterprise came from Spivacow’s friends and colleagues. CEAL’s editorial and distribution strategies followed many of the same principles as the dictatorship Eudeba, including distribution via magazine shops and newspaper stands. For Spivacow, the project was not a traditional business, but—under the political and social pressures of the dictatorship—a “cultural enterprise” that would continue the cheap books tradition. With the same goals of quality and low prices, CEAL edited general interest collections and instructional materials for primary and secondary students.⁹

In 1969, the Onganía dictatorship passed Law 17.401, which banned a wide array of “communist activities.” The law was soon brought to bear against a number of CEAL titles, including especially the world history series “Siglomundo: The Documentary History of the 20th Century.” Responsibility for such censorship fell to the State Intelligence Service (SIDE), which acted repeatedly to block or truncate CEAL publications during the Onganía regime.

With the consolidation of a new dictatorship in 1976, verbal and physical threats to CEAL leadership grew more frequent and intense. Military commando units harassed and, on one occasion, fire-bombed CEAL offices, outlets, and printing presses. In December 1978, police closed CEAL offices in Avellanada, outside Buenos Aires, and arrested fourteen employees.¹⁰ Spivacow appeared before a judge to declare himself solely responsible for the crimes attributed to his employees. On March 25, 1980, the military judge Hector Gustavo de la Serna ordered that, in order to comply with the law, 30 percent of the materials characterized as “questionable” by the intelligence services¹¹ needed to be burned—a number representing around 1.5 million books. As part of his sentence, Spivacow was ordered to attend the burning, in a waste dump in the Buenos Aires neighborhood of Sarandí.

CEAL found itself caught in a more or less continuous struggle with political repression and financial insolvency. The press experienced a brief resurgence after the return of democratic rule in 1983, but the continuing economic crisis did not permit it to regain its footing. Devaluation, massive external debt, and hyperinflation put enormous pressure on the organization, and the press did not survive Spivacow’s death in 1994. Despite the often-extreme difficulty of their work, CEAL edited 5,000 titles and 78 collections over nearly thirty years.

These conditions also affected the sector more generally. After the return to democracy, many publishers and printers discovered that the lack of capital investment over the past decades had left them with obsolete technology, incapable of competing in an increasingly global market. Many had invested in financial instruments promoted by the dictatorship as a way to combat devaluation, inflation, and the outflow of capital. Some of these strategies led to bankruptcy when economic conditions changed again in the 1980s.¹² The resulting weakness doomed much of the independent publishing sector. The subsequent economic boom of the 1990s did not lead to its recovery, but to its consolidation and sale to multinational publishers.¹³

As publisher-based strategies collapsed and libraries suffered under the weight of the dictatorships and the economic crises, the problem of access to materials was left largely to the students.

How Students Survived Changes in the Ecosystem

One of the few available sources of information about what Argentine students need is a general survey conducted each year by the University of Buenos Aires, in which students are asked questions about their satisfaction with the provision of course materials.¹⁴ In 2011, the survey reported that “67 percent of students, on average, are satisfied, with the top of the range in the School of Natural Sciences (86.2 percent) and Law (85.1 percent) with the School of Social Sciences occupying the low end (46 percent)” (UBA 2012, 45).

With respect to the “[a]vailability and access to library materials,” the survey stated that “76.7 percent of students on average are satisfied (the average rating for this aspect is 7.4 [out of 10]). Responses on this question across academic units are without noticeable differences” (UBA 2012, 46).

One of the major assumptions of the survey is that the university plays the central role in providing access to materials, leading to the conclusion that, for most students, it does so adequately. The reality is more complicated. At nearly all UBA units, such access passes primarily through photocopiers located in student centers and neighborhood copy shops. Most academic materials are not provided by the university or its schools.

We conducted an online survey in the School of Philosophy and Letters at the University of Buenos Aires in 2013 to better document this fuller array of strategies.¹⁵ We received 322 complete responses—primarily from undergraduates in literature and history, the two largest majors at the school. Although the sample is self-selected, in important ways it is broadly consistent with the overall student body, including by range of majors and years of study.

With a wider range of options, the formal providers fared poorly. Of the 322 students surveyed, only 30 percent (98) had a library card—a prerequisite for borrowing books. Only 4 percent of those surveyed (12) indicated that they borrowed books “frequently” (the rest of the card holders did so “occasionally”). The library appears to occupy a mostly aspirational space in our results: 77 percent recognized that the library had books that were important to their studies. Seventy percent of students had never borrowed a book from the library.

When asked whether they consulted the library for such books, only 7.5 percent (24) said they did so regularly; 35 percent (113) did so occasionally and 57 percent (184) never did so. The findings suggest very little correlation between library holdings, student interest in searching for relevant books, and the subsequent act of borrowing

them. The role of the library—the principal institutional mechanism for providing access to course materials—is marginal to the actual practices of students.

The universal response to problems of cost and accessibility is photocopying. Over half of students get all or nearly all of their materials this way. Around 90 percent get at least the majority of their materials this way.

With roughly two-thirds of students photocopying between 60 percent and 100 percent of their materials, we asked where they obtained these materials.

The student center is heavily preferred to commercial copy shops because it is cheaper—at UBA and at other universities, student centers have few of the infrastructural costs (such as rent) associated with the commercial shops. The problem with this solution is that, with rare exceptions, photocopying in Argentina is illegal.¹⁶

Our survey also asked students about the circumstances in which they bought materials. Responses were again revealing. *Nearly two-thirds of students buy none or almost none of their materials new.* Only around 10 percent buy the majority of their materials new.

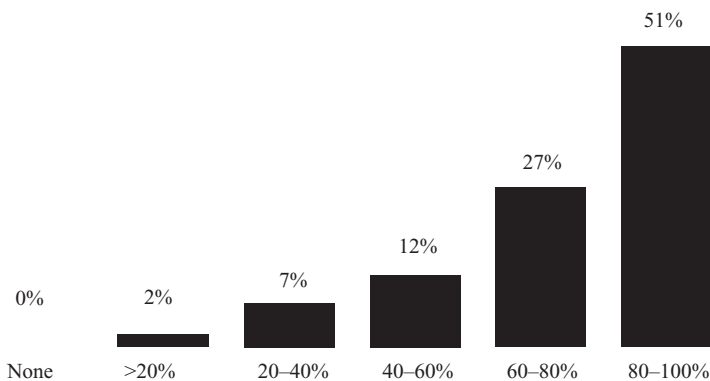


Figure 4.1

How much of your material do you acquire by photocopying?

Table 4.2

Place of acquisition

Place of acquisition	Percentage
Commercial copy shops near the university	28%
Student Center	72%

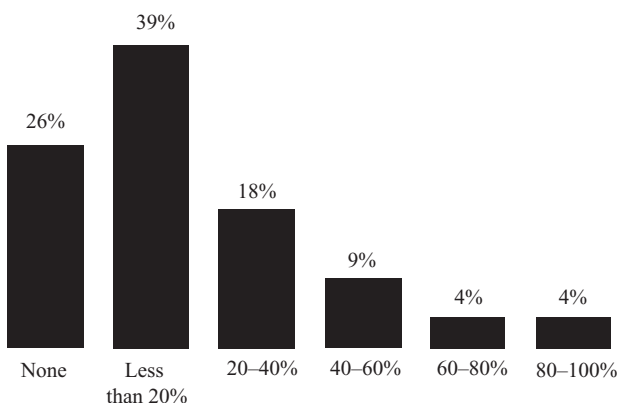


Figure 4.2

How much of your material is purchased new?

Why do students buy materials? We invited them to rank their reasons. Thirty-seven percent indicated that the most important was to keep or collect the material for use beyond the class. Only 16 percent listed availability or reasonable pricing as first answers.

It's worth reflecting briefly on the kinds of answers included in these categories. "I want to keep/collect the material" encompasses a range of different motives, including perceived utility for future studies, personal interest in the topic, or the acquisition of a literary classic that students prefer to own in a more durable, presentable form. "Not available in any other formats" generally reflects an inability to find the text in either the used market or in photocopied form. The baseline for determining whether a new text is reasonably priced is, in most cases, the price of the photocopy, and in a minority of cases the price of a used copy. "Other" includes a diverse range of reasons, including books authored by faculty members or concern with the quality of photocopies.

As with new materials, the percentage of materials bought used was quite low. Roughly a third of students reported buying no used materials; another third bought less than 20 percent used. Only 11 percent were in the top two quintiles. Although there is a sizable market for used trade books in Buenos Aires, it does not extend to textbooks and other classroom materials. In short, students mostly buy new materials when (and in a majority of cases only when) they are interested in preserving them beyond their classroom use.

When we asked students an open-ended question about the "things you see as helping you to access the materials you need," answers gravitated toward digital access outside formal channels, sharing via social networks, and—above all—photocopying:

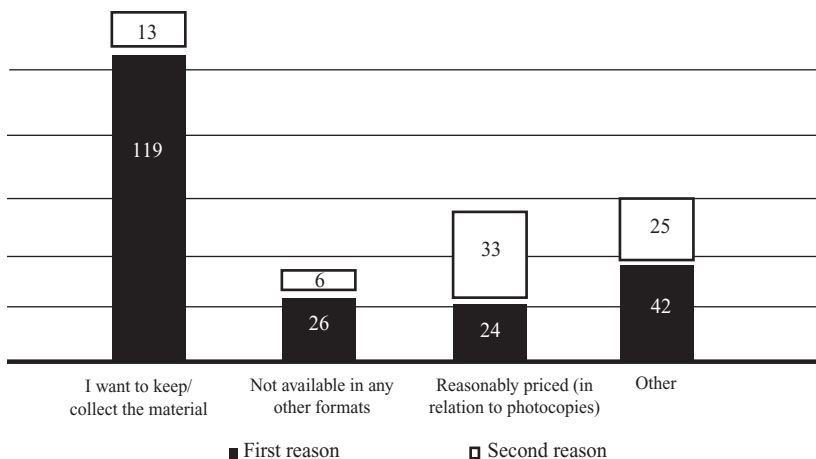


Figure 4.3

What are your reasons for buying new?

- 27 percent mentioned photocopying
- 21 percent mentioned the Internet in general
- 13.5 percent mentioned file sharing sites in particular
- 10 percent mentioned student center CDs
- 6 percent mentioned other groups of students;
- 4 percent mentioned faculty members.

In contrast, only 4 percent mentioned the campus learning management system (LMS), 4 percent referred to the library, and less than 1 percent cited scholarly databases. The publications department for the school, the OPFyL, was not mentioned at all.

We also asked students to identify the main obstacles to access to the materials they need. High costs and lack of availability (either in the marketplace or at the Student Center) were the top-cited obstacles by a wide margin, with cost appearing in 29 percent of responses and lack of available translations in 18 percent. Among the most frequently cited problems was not lack of availability of materials, per se, but lack of capacity to copy them: 25 percent of students complained about long lines at Student Center photocopy machines.

The striking finding in both results is the minimal role of the university overall, either as a means of or an obstacle to access. The 67 percent “satisfaction” rate found in the 2011 UBA survey appears to have little to do with university policies or efforts. In contrast, it has a lot to do with the strengths, weaknesses, and responsiveness of students and student centers, copy shops, faculty members, and the anonymous Internet

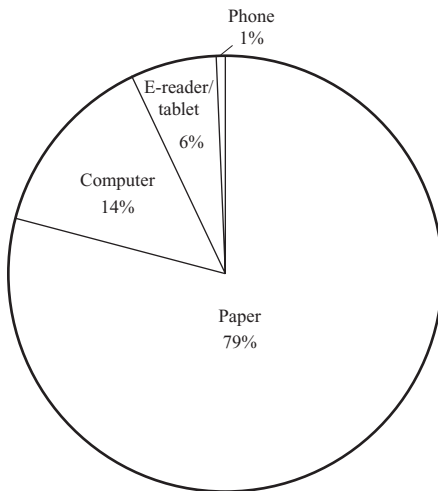


Figure 4.4
How do you do most of your reading?

users who circulate materials on the web. The high level of dissatisfaction with the Student Center—long lines, late availability of material, poor coordination with faculty—is an indicator of where the actual intermediaries are found.

The paradox, if there is one, is that while the Internet and digital media play a large role in the acquisition of materials, they appear to play a relatively minor role in the actual work of most students. In response to a question about how students do most of their reading, reading on paper was the overwhelming favorite.

These answers are not necessarily mutually exclusive. Clearly many students print out materials based on digital copies. Over time, these numbers will probably shift toward all-digital reading. But for now the photocopy still rules.

The Losing Battle against Copying

Student-organized photocopying has largely circumvented price and availability barriers to access at the UBA. With rare exceptions, this solution is illegal in Argentina. Argentine copyright law has no provisions for educational exceptions, library limitations or exceptions or fair use, putting it in the company of only twenty-one other countries worldwide (Crews 2014). This prohibition extends to any copies—including digital copies—made without permission of the rights holder. Violations are not only civil matters, but also criminal ones that can result in incarceration.¹⁷

Copy machines—first mimeographs and later more efficient photocopiers—began to be widely used in Argentina in the early 1970s. As the first photocopied texts began to circulate, publishers were quick to invoke Article 72, paragraph A of the copyright law, which establishes criminal penalties for those who “edit, sell, or reproduce, by whatever means or instrument an unpublished work or a published work without the permission of the author or rights holder.”

Among the first targets was Maria de las Mercedes Jáuregui de Canedo, by then president of the Student Center at the School of Philosophy and Letters at the UBA. In 1972, Jáuregui was charged with violating Article 72 for mimeographing and selling materials for sociology classes. She was acquitted by a lower court, but the public prosecutor in the case joined the plaintiff in an appeal. In November 1973, the appellate court ruled 2–1 for acquittal. Writing for the majority, Judge Prats Cardona argued:

I share the view expressed by Judge Rojas Pellerano [the dissenting vote] regarding the extent of protection afforded by Law 11.723 ... [but] in relation to this concrete case [...] which involves two mimeographed documents of 13 and 90 pages, destined to facilitate the understanding of specific themes and copied by students at the UBA School of Philosophy and Letters without intent of public or indiscriminate sale ... I think that the accused, in her capacity as a representative of the Student Center, could think with some reason that the nature, purpose, and limited scope allowed for publication, and introduce a reasonable doubt as to the illegality of such action.

In 1975, a second case was brought against a UBA student, Carlos Ladowski—this time from the School of Economics. Ladowski led a small group of students who photocopied textbooks in a classroom, on a machine given to them by the school administration for that purpose. Like Jáuregui, he was charged with criminal copyright infringement under Article 72.

The judge, James Fuentes, found Ladowski guilty and sentenced him to a one-month suspended sentence (with the additional requirement to pay court costs). In his ruling, the judge made an argument that would later become common in publishing enforcement efforts: a purchased photocopy is a lost sale for the publisher: “We must conclude that [economic harm] exists in the case in question since the active participation of Ladowski in publishing the photocopy of the textbooks in itself constitutes economic harm to the authors of the respective works, given that some of the students might prefer to acquire those copies and thereby diminish the author’s sales.” On appeal, however, the appellate judges overturned Fuentes, finding—as in the Jáuregui case—that the circumstances of the case merited acquittal.

Publishers continued to bring cases against students and faculty under Article 72 and they continued to lose them.¹⁸ In 2007, philosophy professor Horacio Potel was sued by the Argentinean Chamber of Books (CAL) for making texts by Heidegger,

Derrida, and Nietzsche available on websites he had built to support his teaching—a practice he had begun in 1999. The suit was initiated at the behest of Les Éditions de Minuit, a publisher of Derrida's work, and was promoted by the French Embassy, which invoked “the golden rule” of intellectual property (Hax 2009). (The Nietzsche component was dropped when someone pointed out that Nietzsche's work had entered the public domain decades earlier).

The case moved forward slowly, then quickly. In Potel's account: “I didn't hear a word about any of this until 2009, when the police banged on my door in the middle of the night to check my address. It was a terrible situation. All the police said was: “You already know what this is about.” It was not until the next day that we were able to find out what the charges entailed. I, a philosophy professor, was charged with disseminating philosophical texts for free.”¹⁹ The circumstances of the case produced a significant public outcry. Under pressure, CAL decided not to pursue the case. Because this was a criminal matter, however, the withdrawal of the plaintiff did not end it. The public prosecutor decided to continue the case. Potel's motion to dismiss was rejected, and Potel was required to post a bond of 40,000 pesos. While waiting for trial, however, the State Prosecutor reversed course and dropped the charges, observing: “Although the behavior displayed by the accused fits without difficulty into the penal framework ... the insignificant harm that may have been caused to the property of the rights holder does not warrant the severe sanctions of this judicial process.”²⁰

Where a profit motive could be more easily established, publisher campaigns had somewhat more success. In 1999, actions against a group of twelve copy shop owners near UBA campuses resulted in a mix of probation, community service, and small fines. The faculty and students identified in the investigations were not pursued (Clarín 1999). In 2001, publishers succeeded in passing a bill to raise fines for unauthorized copying—the “Law to Promote Books and Reading” (Law 25.446). In 2002 and 2003, cases were brought against two more copy shop owners, Juan Mogus and José Luis Sanchez, resulting in prison sentences of eighteen months.²¹

Despite the protection that judges afforded students and faculty, educational limitations and exceptions did not coalesce into a clear or consistently reproduced doctrine. None of the acquittals addressed the issue. On several occasions, judges found technicalities that allowed them to avoid sentencing students under criminal law, such as the argument that “to photocopy a photocopy is not a crime.”²² Although such decisions favored the students and established increasingly elaborate precedents against the use of Article 72 in such contexts, they skirted the underlying question of the role of copyright law and of university policies in enabling affordable access to educational materials. Instead, what began as more or less informal practices and forms of complicity

between students and universities became more formalized and widespread. Student responsibility for organizing access to materials for their peers became a norm and ultimately a duty assumed by student associations. In some cases, the universities provide the space or other forms of subsidies to sustain this practice. The result is a *de facto* rather than *de jure* set of educational exceptions, more or less recognized and tolerated by the major institutional players.

This system of subsidized and unlicensed copying continued until 2009, when the UBA announced that it had entered into a blanket licensing agreement for photocopying with an organization representing some authors and publishers, CADRA.²³ Under the agreement, the university would pay a little more than \$2 per student, or a total of around \$700,000 per year when multiplied across the 300,000 students in the UBA system. The agreement had a four-year term, after which it could be renewed or renegotiated. With Horacio Patel facing criminal charges, student leaders saw a process of shakedown by the publishers and university capitulation. Every year for the next four years, the student leadership at the School of Philosophy and Letters and the School of Social Sciences unanimously passed statements repudiating the agreements. In 2013, after a lengthy process of review and continuing concerns about the transparency of the arrangement, the university decided not to renew the agreement.

Toward Online Digital Libraries

Until he was singled out for prosecution, Horacio Patel was typical of many of the early student and faculty experimenters with scholarly communication on the Internet. For many, it was a natural step from sharing photocopies within campus networks to posting digitized texts on personal or class websites. As Internet adoption increased in the early 2000s, small-scale, disorganized, public, noncommercial posting of materials flourished, racing ahead of legal online availability, norms around digital use, and enforcement.

In a few cases, these small-scale and personal efforts grew into more ambitious programs of collection and distribution—acquiring catalogs and search functions that allowed them to play larger roles in addressing the problems of access to books and other materials. For the most part, these sites emerged in parallel to the larger file sharing communities that developed around music, software, and film.

There is little systematic information about these Spanish-language online digital library projects; most keep low profiles to avoid attention from rights holders and police. But the largest is almost certainly Hansi Libros, a collection of more than eighty

thousand titles that dates back to the early 2000s. Many of the Hansi collaborators were veterans of earlier online book-sharing communities such as FTP de Michel, a book-hosting site that closed in 2005 after receiving threats from CEDRO, the collective rights management organization for the Spanish publishing industry.

Hansi is the progenitor and, in many respects, the source of texts for most of the Spanish-language online digital libraries. It was the first to make a concerted effort to pull together all the digitized books available through the other channels and mediums, such as personal websites, IRC channels, FTPs archives, and so on. It was the first to gather them into a user-friendly website and among the first to develop (and share) a content management and cataloguing system specially designed to handle texts.

In a 2013 interview with the author, one of the Hansi collaborators described how the core group worked: “We have two or three basic tasks. There are people looking for material. When a new book appeared that we don’t have, we got it, check to see if it is complete, categorize it, and try to add a review. Month after month, these titles are added to the site. Then we create lists of the books of the week or month, depending on how the fishing went.”

Others saw their participation as a continuation of their student experiences:

I began typing copies on a Lexicon 80 typewriter for the student center at the University of La Plata in the 1970s. When the Internet emerged, it was easy for me to start scanning, using OCR software, and correcting the results. I always read a lot and was interested in the free circulation of culture. It hurt when I couldn’t read books because of their high prices, and even more knowing that the authors didn’t see this money. I scanned books that didn’t sell—Herman Boch, for example. And I had a team of scanners—a librarian in Navarra, an Argentinean with a bookstore in Stockholm who sent me stuff.

Hansi Libros changed its name and domain several times in order to avoid enforcement efforts directed against its hosting providers. On more than one occasion, it lost gigabytes of information due to changes in hosting policy. As with LibGen in Russia, this pressure has pushed Hansi to become more a distributed network of collaborators and systems, with greater redundancy. As one collaborator put it (in an IRC interview with the author):

Resiliency comes from rapid dissemination and replication. Now, something new is made available across twenty sites within hours. There are metanetworks—every shared interest unconsciously forms a network—and there are dozens of sites that do this. It doesn’t matter if one is erased. Even though the law is becoming less flexible, I don’t think this dynamic will change. Either new business models will emerge that are fairer to the consumer, or this activity will continue underground.

BiblioFyL

At the UBA, students began to experiment with collaborative, organized digitization and archiving of classroom materials in the mid-2000s. The most prominent of these projects was BiblioFyL, which began in 2007 and continues today, in spite of various difficulties. The early days of the project followed a familiar trajectory of student self-organization, facilitated by listservs and forums. BiblioFyL began as a small-scale Internet forum for the exchange of course materials at the School of Philosophy and Letters. Over time, this exchange became more organized, reaching more students. As its catalog of materials and audience expanded, BiblioFyL moved to a dedicated content management system and website.

Like many other shadow libraries, BiblioFyL had its origins in a classroom community. In 2001, a professor of linguistics and grammar, started Kleopatra,²⁴ a mailing list devoted to sharing materials for his classes and for fielding questions about the curriculum. Said the professor: “From the beginning, what I tried to do was ensure that the course materials circulated, so that people brought them to class, always thinking about how I could optimize class time. Unlike the virtual libraries of today, there was no wider or more open agenda.”

Because linguistics and grammar are among the required classes in the School of Philosophy and Letters, participants on the list tended to be recent entrants into the major. At the time, the school had not yet introduced an LMS or other official channels of electronic communication.²⁵

Although there were other mailing lists for other subjects, such as history and anthropology, none had as much traction in the community as Kleopatra. Soon, Kleopatra became the principal means of communicating many types of information at the school, spanning numerous disciplines. The breadth of the resource ensured that students stayed on the list even after the completion of their studies in the field. Between 2004 and 2007, the list averaged 300 messages per month, ranging up to 900 messages in busy months.

Support for more systematic digitization and distribution of course materials began to grow in 2006 and 2007. In 2007, the Student Center began to digitize required readings for distribution on CDs, though Student Center leaders disavowed any intention to put them online. The discussion about what to do with digital materials nonetheless grew on Kleopatra and on other disciplinary listservs. Anthropology students convened a meeting to discuss the issue. Others—primarily from the Kleopatra list—jumped straight to implementation.

In 2007, two students set up a forum designed to address the technical limitations of Kleopatra and provide a more structured space for discussion and the exchange of course materials. In the words of one of the administrators: “It seemed to me that we had discovered a missing space for students, especially as I wasn’t one who hung out on campus to talk. I went to campus, took my classes, and went home. This didn’t allow for a lot of connections with people or opportunities to ask questions and discuss things. It seemed to me that this space was missing, and so I said, ok, let’s make it.”

This effort grew into ForoFyL—the Forum for Philosophy and Letters—which was hosted on a free server. In its inaugural email, ForoFyL described its mission as digitizing “texts of various kinds, daily publishing of recorded lectures, books, and resource sites.” It proposed to be a place for “discussion, play, learning, and teaching” and for “satisfying the academic and human needs for communication among students.”²⁶ As one of the founders put it, the site “quickly established itself as a destination for this little world of digital humanists, who were interested in books and who had grown up with digital technologies. There was a ready community.”

“My participation in ForoFyL started after I offered digitized materials on Kleopatra,” one student explained. “I had digitized them in order to print out copies for a colleague, and took advantage of this to share them with others as well. But the system was impractical because one couldn’t add files to an archive—one had to send them individually to whoever asked for them. ForoFyL solved this problem.”

“It wasn’t as if we had these files and said, whoever wants them should ask me for them,” another student recalled. “At some point the idea emerged that we could upload them to a place where anyone could access them without asking permission. This was good because it worked without there being someone in charge.”

Another forum participant came to the project with experience in a different digital library effort, la Biblioteca Recargada (the Library Reloaded), which operated primarily via Yahoo Groups. The student gave details of this experience:

When I began my courses at the School, I had less time for the Biblioteca Recargada. But I discovered the possibility of collaborating with my classmates. I was able to bring things that I knew were on the Internet, or that I had already digitized. So I created two mailing lists called los Altillos (the Attics). The Attics were a bunch of texts that I had digitized for my own pleasure, but which served to catalyze some of the things that gave rise to BiblioFyL.

This convergence of interests reached critical mass in 2007 with the founding of ForoFyL. Many of the participants had experience in other online digital library projects—la Biblioteca Recargada, Libros Gratis, Hansi Libros, and others that lived on IRC—contributing variously as editors, submitters, or re-uploaders who ensured that the archives survived takedown notices and other threats.

Over time, the collaboration around ForoFyL produced a division of labor. Some searched Student Center computers for digitized files. Others had access to industrial scanners, with automatic document feeders, and digitized materials that their classmates gave them. Others worked with scanners at home. Others scoured the Internet for material relevant to their majors, including IRC-based libraries and other sites.

In general, these materials shared two features: they were important to the curriculum at the School of Philosophy and Letters, and they were, in the great majority of cases, impossible to find on the commercial market. Following the student center practice of building from course syllabi, many of the materials were single chapters or excerpts of longer works, which were otherwise especially expensive to acquire.

The sharing and organizing of this material followed the strategy adopted by many file-sharing link sites. Materials were uploaded to external storage services, such as—at the time—Esnips and 4shared. Links to those materials were organized and shared in the “files” section of the forum. As one collaborator recalled: “It was a random concatenation of materials, built from the things people were exchanging. But rather suddenly, it had a lot of texts, which people began to organize within the framework of the forum.”

By the end of 2007, ForoFyL had outgrown the capabilities of its free hosting service and soon moved to a paid service. As the files section continued to grow, it also became clear that the file exchange functions needed to be disentangled from the conversational functions of the forum. In early 2008, several of the collaborators rebuilt the files section into a dedicated site. This was BiblioFyL—a library of links to external services that hosted the files, supported by a community of collectors, scanners, uploaders, and site editors. In the early days, said one of the founders, “We grabbed all the files we had already uploaded [via ForoFyL] and systematized everything on a spreadsheet. Then we started manually adding new texts. The new file manager launched with 5,000 texts. By late 2009 we had 10,000.”

The new file system changed the nature of the collaborative enterprise. Management of the system required greater differentiation of responsibilities. Administration increasingly focused on the acquisition and improvement of texts, while technical contributions involved streamlining of the experience for contributors. Both, in practice, became concentrated in fewer hands.

The BiblioFyL example proved attractive to other student groups. In 2009, members of the School of Social Sciences launched BiblioSoc, the first of several BiblioFyL clones at the UBA. One of the collaborators in BiblioSoc characterized the effort this way:

The thing that got us interested in the topic was the notice of the agreement between UBA and CADRA. We asked ourselves: what is the UBA doing? It’s trying to regularize a situation that was

the product of the dismantling of EUDEBA, that is to say the rise of photocopying but also the commodification of knowledge, which requires that faculty publish certain kinds of books in order to increase their professional ratings. It creates the paradox whereby their own students have to illegally photocopy their books or those of investigators in their own academic units.

Other shadow libraries began to appear in 2011, created by students in other schools within the UBA, with varying grades of success. Thus was born BiblioPsi in the School of Psychology and BiblioCEN in the School of Natural Sciences. With more or less success, these started from the same principles that had animated BiblioFyL, despite significant differences in the composition and organizational agendas of these groups. Like BiblioFyL, the participants understand their work explicitly as a response to the failure of the university to implement access policies that support the university's democratic ideals. As one student noted, "The school administration can't even put doors on the bathroom stalls and the students have to upload their own materials."

Notice and Takedown

In September 2009, the administrators of BiblioFyL received a notification from El Server, the host of both ForoFyL and BiblioFyL, informing them of a takedown notice directed against their sites. If the students did not take down the sites, El Server warned, the data would be turned over to the sender of the notice. According to an admin,

When we got the notification, it seemed to me like a good moment to separate the forum from the library, which had continued to be closely linked. BiblioFyL was a subdomain of ForoFyL, and I thought it likely that if the library was taken down the forum would be as well. The Potel case was happening at the same time and seemed to set a bad precedent.

Just the week before, the rights' management organization, CADRA, had held a public talk at the university. So it wasn't as if no one was aware of what was happening with copyright issues. But when I had to take down the library we got lots of complaints. The users didn't care what had happened. They only cared when the library would be back online—without consideration of who would put it back up or what kind of work it would require. Getting so many complaints was completely demoralizing for me.

However, there were signs of support, including among the faculty.²⁷ After the library was taken down, BiblioFyL participants met to discuss possible next steps. The issue came to the attention of the school's Academic Secretary, who tried to help find a way through the impasse. One of the collaborators remembered it this way:

I think they [the administration] did not comprehend the problem until that moment because, for them, the question of access to materials was answered by the Student Center. What could go wrong? In theory, professors came, left materials, people came and took them and everything

was fine. In an ideal world that's enough. In theory everything was organized, and the remaining problems were the little ones, the day-to-day ones.

In the course of the meetings, however, it became clear that the school did not have much to offer. Most of the time, it shielded itself in legal arguments.

That is where things stood at the beginning of 2010. BiblioFyL returned to operation on a different server—severed from ForoFyL. Relations with the Student Center were formalized, and the administration of BiblioFyL passed to Student Center staff.

Although there were no major changes at the institutional level, the fall and restoration of BiblioFyL coincided with the gradual adoption of other technologies for sharing materials, including growing use of the university's virtual campus platform²⁸ and increased use of Facebook by students. Both the forum and the library lost some of the intense participatory dynamic that had made them essential in earlier years, when other tools did not exist. If the virtual campus succeeded in playing some of these roles for some faculty, it was largely in contradiction with the law and stated policies of the university. As with the photocopiers and later BiblioFyL at the Student Center, the policy was *laissez-faire*. As a result, access to materials still depends on Student Center photocopies, off-campus copy shops, files uploaded by faculty to the LMS, and other shadow libraries.

Reintermediation

Given the Argentine tradition of policy and institutional responses to the problem of access to materials, it is remarkable that responsibility devolved so completely to students. This delegation or neglect reflected a transformation in understanding of the educational mission at the highest levels. The “golden age” of the Argentine university system produced a philosophy of access built around the extension of the publishing model—the “good, handsome, and cheap” and above all *widely available* catalog of educational titles that formed the core of Eudeba's mission. But when that model was crushed in the political and economic crises of the 1960s, 1970s, and 1980s, nothing took its place.

The university publishing sector is more complex than in the early 1960s, and also far less ambitious. There are more than forty recognized publishers (the precise number is difficult to estimate because of the number of subunits or publishing offices operating more or less autonomously within universities).²⁹ Nearly all focus on publishing research produced by the local faculty rather than attending to the needs of students, much less the general public (De Sagástizabal 2002, 13). University press contributions to the publication of scientific and technical books are also marginal.

The libraries were also unable to adjust. Budget problems across the university system were chronic from the 1960s on. Space constraints affected the ability of libraries to serve large student bodies—especially in relation to the waves of growth in the public university system in the 1960s and 1980s. With the restoration of democracy in 1983, the character of the student body also changed dramatically, with many more part-time working students for whom having time to spend in the library is at a premium. By the time of our study, the role of the library as an intermediary for materials was minimal.

Yet the transformation of the print ecosystem promised, if not yet broadly imposed, by digital technologies has forced some rethinking of university publishing and library roles. These efforts—some dating back over a decade—have had mixed success.

In 1995, university publishers formed the National University Press Network (la Red de Editoriales de Universidades Nacionales, or REUN) in an effort to address chronic problems with distribution and low-margin, low-print-run publishing.³⁰ REUN's efforts focused on physical, printed books, although as the Internet grew, it was the logical body to establish digital standards for the sector. Like every other university press system, it lagged severely in doing so. The network was not able to establish uniform policies for Internet sales or digital distribution of their books, though several member presses moved forward with their own efforts.³¹

This lack of a common “digital strategy” for university presses led, in 2012, to an effort to develop a shared digital distribution platform, with participation by the Ministry of Education, REUN, the Secretary of Culture,³² and the National Institute for Industrial Technology.³³ As Rudolfo Hamawi, then director of Cultural Industries at the Ministry of Culture put it, the effort was needed to “break the blockade on distribution” of digital materials. The result was the Portal for Argentine University Books (Portal del Libro Universitario Argentino), launched in 2013 and currently inactive.³⁴ The Portal allowed for downloading of university titles, but the participation of universities has been limited to date.

University libraries had (and have) similar coordination problems. Many have identified open access to university research as an important part of their digitization strategies, but few have succeeded in shifting their universities toward open access policies or in developing digital repositories capable of managing the resulting inflow of materials.³⁵ Some progress is being made: the SEDICI³⁶ at the University of La Plata, Memoria Académica at the Faculty of Humanities and Science Education of University of La Plata,³⁷ the Digital Library³⁸ of the Faculty of Natural Science of the University of Buenos Aires,³⁹ the repository of the University of Córdoba,⁴⁰ and the repository of the University of Mendoza⁴¹ are working to develop university policy and technical

infrastructure. But overall, practices remain inconsistent, poorly connected across services,⁴² and focused on the research of faculty members rather than the curricular needs of undergraduates.

By the late 2000s, however, librarians had partly succeeded in making access to research a public policy issue: nearly two-thirds of investment in academic research in Argentina was attributable to public funding.⁴³ At the librarians' urging, the Ministry of Science, Technology and Innovation drafted Law 26.899, governing the "Creation of Institutional Open Access Digital Repositories, Owned or Shared." Passed in 2013, the law required that all publicly funded research be made available online under an open access license through digital repositories maintained by the national universities and their research institutes.⁴⁴

While promising, it will be some years before the law is fully implemented, and longer until the archives achieve sufficient critical mass to become important teaching resources. There are also technical and cultural hurdles. Some institutions have struggled to build digital repositories; most have faced difficulties in changing faculty habits.

It is unclear how these forces will play out. The open access movement continues to rely on Creative Commons and other voluntary licensing schemes that—for now, at least—do not address the problem of access to the vast majority of materials used in the classroom. Publishers, for their part, lack consensus about a digital business strategy, with some struggling to preserve the status quo while others move toward mixed models of open digital licensing and physical sales. Despite some progress on digital access models, universities continue to rely on student-organized access to materials, while remaining largely silent on the copyright issues that make such activity illegal.

Notes

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1. The main instigator of this shift was Risieri Frondizi, who was elected president of the University of Buenos Aires in 1958. One of Risieri's first steps was to open a publishing unit, and to task members of the university faculty led by Antonio Orfila-Reynal—at the time, director of the Argentine branch of the Fondo de Cultura Económica (FCE), then the most important university

press in Mexico and one of the most important in Latin America—to explore the possibility of converting the unit into a large-scale university press.

2. Regarding the fascinating career of Boris Spivacow, see *Boris Spivacow: Memorias de un sueño argentino*, a long interview conducted by Delia Maunás (1995) months before his death, and *Boris Spivacow: el señor editor de América Latina*, by Judith Gociol (2009), a book filled with anecdotes and stories about the editor.

3. Among the examples of this politics of publishing were collections like *Arte para Todos, Cuentistas y Pintores* [Art for everyone: Artists and painters], which sought to “bring art out into the streets,” or the edition of the Argentine classic *Martín Fierro*, by José Hernández, with illustrations by Castagnino, which sold 30,000 copies in its first four days and which ultimately ran to 250,000 copies.

4. From Article 69 of the minutes of Eudeba board meetings, compiled in *Libros para todos* (2012).

5. According to the 1965 proceedings, Eudeba counted 830 distributors and bookstores that offered Eudeba materials; 103 news and magazine stands; 40 stands installed in universities; 41 street kiosks; 7 kiosks in hospitals; 140 sales agents, and two of its own bookstores.

6. The FCE is no longer a university press.

7. From article 68 of the minutes of Eudeba board meetings, compiled in *Libros para Todos* (2012).

8. A good reference book on censorship during the dictatorships is *Censura, autoritarismo y cultura: Argentina 1960–1983* (Avellaneda 1986).

9. In 1967, less than a year after the formation of the press, Spivacow launched its signature collection *Capítulo: Historia de la literatura argentina*, which was a literary work accompanied by a collectible booklet written by academics and intellectuals. Through such initiatives, Eudeba and later CEAL became poles of attraction for teachers, professors, and intellectuals in the period. Other equally memorable collections from the period included *Historia del movimiento obrero* [History of the workers movement], *Biblioteca política Argentina*, *La historia popular*, *Cuentos del Chiribitil* (for children), *Siglo mundo*, *Nueva Enciclopedia del Mundo Joven*, *Transformaciones*, *Historia de América en el siglo XX*, *Los hombres de la historia*, and *Mi país, tu país* (Argentine geography).

10. The order came from Héctor Gustavo de la Serna, a retired military chief who acted as a federal judge, and who justified his action under National Security Law 20.8404, which covered “Penalties for all subversive activities in all of its manifestations.” To read the text of the law, see <http://www.infoleg.gov.ar/infolegInternet/anexos/70000-74999/73268/norma.htm>.

11. The intelligence report can be read in “Proyecto de Reconocimiento a la Labor del CEAL” (Bill for Recognizing the Work of CEAL), developed by Antonio Morante (who additionally recounts a large part of the history of CEAL). <http://www1.hcdn.gov.ar/proyxml/expediente.asp?fundamentos=si&numexp=5296-D-2010>.

12. See Gettino 2008 for a deep account of these strategies.

13. According to an analysis conducted by El Centro de Estudios para la Producción (2005), a unit of the Ministry of the Economy.
14. Although the survey is annual, results are published only every four years.
15. Our survey was conducted via an online form, circulated through email lists and online forums. Most respondents were undergraduates from the nine majors available at the Faculty: history, literature, geography, library science, anthropology, philosophy, education science, publishing, arts, with literature and history—the largest majors—predominating. Nearly all students (97 percent) have computers and Internet access at home. Around a quarter (26 percent) had tablets or e-reading devices.
16. According to Article 72 and 72bis of Law 11.723, <http://www.infoleg.gov.ar/infolegInternet/anexos/40000-44999/42755/texact.htm>. The main exceptions involve books in the public domain or distributed under a Creative Commons license, or the reproduction of news stories.
17. According to Article 72 and 72bis of Law 11.723, <http://www.infoleg.gov.ar/infolegInternet/anexos/40000-44999/42755/texact.htm>.
18. In 1995, Eudeba sued UBA student Elias Litman for photocopying coursepacks. Litman was acquitted. See “Litman, Elias D. s/inf, Art.72,” 1995.
19. The full interview can be found here: <http://www.signandsight.com/features/2102.html>.
20. The news about the charges being dropped and also the full argument can be found here (in Spanish): <https://www.vialibre.org.ar/2009/11/21/sobreseen-a-horacio-potel/>.
21. See, respectively, CNCP, sala II, del April 22, 2002, “Mogus Juan V.,” LA LEY 2002-E, 198; and CNCP, sala III, “Sánchez José Luis,” July 10, 2003.
22. In the Litman case, the Fifth Chamber of the National Criminal Court absolved Litman on the grounds that his behavior was inconsistent with the offense described by the statute because it involved reproductions of coursepack materials and that a photocopy of a photocopy could not be considered criminal. The plaintiff (in this case, Eudeba) appealed to the Supreme Court, resulting in a narrow administrative criticism of the Fifth Chamber’s interpretation of the law.
23. CADRA is a nonprofit organization founded in 2002. It is not a collecting society—a role that in Argentina requires presidential authorization. On the agreement, see Reynoso 2009 and Reggiani 2009.
24. See <https://groups.yahoo.com/neo/groups/Kleopatra/info>.
25. For example, the School of Philosophy and Letters had no mailing lists or information about majors available on the website. For such information, students had to go in person to the relevant departments.
26. See <https://groups.yahoo.com/neo/groups/Kleopatra/conversations/topics/11570>.

27. For example, the article by literature professor Daniel Link in *Perfil*, a daily newspaper, entitled “Una pena extraordinaria”: <http://linkillo.blogspot.com.ar/2009/11/una-pena-extraordinaria.html>.
28. The virtual campus (<http://campus.filo.uba.ar>) is a tool intended to support classroom teaching. It has been inconsistently adopted—although probably with the greatest frequency in the School of Philosophy and Letters.
29. On this subject, see De Sagastizábal 2002 and De Sagastizábal, Ramo, and Uribe 2006.
30. The statute incorporating REUN is available at <http://www2.biblio.unlp.edu.ar/jubiuna/Members/elfie/EstatutoREUNreformado2007.doc>.
31. Among the notable examples: the University of Quilmes Press, the Publication Center at the National University of the Litoral, and—since 2011—Eudeba Digital. Eudeba Digital made a number of controversial decisions, including the use of Adobe digital rights management and requiring that users have a bank account to obtain a discount on a reading device—a step that excluded many students (Vallejos 2011).
32. Now the Ministry of Culture.
33. See Saavedra 2012.
34. See the Portal Universitario del Libro Argentino, <http://plua.educ.ar/>. This link worked until 2014; the program has since been dismantled.
35. A short overview regarding Open Access in Latin America can be found at <http://www.unesco.org/new/en/communication-and-information/portals-and-platforms/goap/access-by-region/latin-america-and-the-caribbean/>.
36. See <http://sedici.unlp.edu.ar/>.
37. See <http://www.memoria.fahce.unlp.edu.ar/>.
38. See <http://digital.bl.fcen.uba.ar/gsd1-282/cgi-bin/library.cgi>.
39. A comprehensive list of all the digital repositories of Argentina can be found at <http://www.biblioteca.mincyt.gov.ar/sitio/page?view=repositorios-nacionales>.
40. See <https://rdu.unc.edu.ar/>.
41. See <http://bdigital.uncu.edu.ar/>.
42. For example, few repositories are connected with broader Latin American Open Access repositories like REDALyC (<http://www.redalyc.org/>), leading to inconsistent records. For a good overview of the many Open Access initiatives in Argentina, see Miguel et al. 2013.
43. Albornoz, Macedo, and Alfaraz 2010.
44. And other members of the National Science, Technology and Innovation System. See <http://www.ip-watch.org/2013/12/16/argentina-passes-open-access-act-making-publicly-funded-research-available/>.

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