6 Poland: Where the State Ends, the Hamster Begins

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In Poland, student and faculty strategies for getting the books and other materials they need have been shaped by the transformation of the academic system since 1989 and by the broader political, economic, and linguistic legacies that shape post-communist Polish society. They have also been largely absent from academic and educational policy discussions—neither a subject of mainstream debate nor addressed in the numerous governmental reforms of the system. Even significant institutional developments, such as the introduction of digital, online libraries and the promotion of open access models, have been marginal forces in a process of structural change driven by the rapid expansion of higher education, integration with Europe, and competition for students and research funds. For these reasons, and unlike in some of the other countries examined in this book, there have been no grassroots initiatives focused on the provision of academic content. Academic publishing has never been seen as a political issue, or tied to such values as freedom of expression. Instead, it has been treated as a primarily technical aspect of the higher education system.

For the same reasons, academic shadow libraries have never been the subject of public debate, which over the years has nonetheless given considerable attention to broader issues of content "piracy." The informal collection and circulation of academic content has operated in a gray zone, partly due to the unclear legal status of such activities (which potentially fall under copyright exceptions) and partly due to the lack of sufficient legal awareness among key academic stakeholders. These informal practices nonetheless play a significant role in Polish higher education—albeit in ways that are often hard to distinguish from the broader informal circulation of audio, visual, and other media content.

The Higher Education System in Poland after 1989

Among many other changes, the end of communist rule in Poland led to a boom in Polish higher education. A system that until 1989 terminated in vocational training for most Poles shifted, both institutionally and aspirationally, toward college and university degrees. Student enrollment exploded over the next two decades, rising from 500,000 in 1990–1991 to over two million by 2011, in a period of overall slight population decline.

Some of this growth was accommodated by expansion of the public system, which grew from 500,000 enrolled students to 1.2 million in 2011–2012 (GUS 2012)—the year of the demographic peak—and currently enrolls around 75 percent of all students. At the same time, however, the private university sector boomed, with the number of private colleges and universities rising from 18 in 1991 to 338 in 2011 (Jakubowski 2015). Similar private expansion occurred at the primary and secondary levels, diversifying the educational system and creating pressure for modernization and consolidation of state educational policy. When these reforms emerged in 1999, they focused on primary and secondary education, with the goal of expanding pathways to higher education. Over the next decade, this was broadly achieved. Net enrollment rates in higher education rose from 9.8 percent in 1990–1991 to 30.6 percent in 2000–2001, before stabilizing in the high 30s in the 2010s (GUS 2015). Poland also has the highest share in Europe of adults with a master's degree or equivalent.

Admission to the European Union in 2004 brought a different set of challenges. Traditionally insular Polish institutions found themselves under pressure to work in an increasingly international academic environment, marked by greater student mobility, a research culture in which English was the lingua franca, and competition for research funding. In 2010, the Ministry of Science and Higher Education introduced a set of policy reforms designed to align the Polish system with these international norms. The new policies targeted many of the core features of Polish academic life, from the rules governing student stipends to the structure of degree programs, faculty employment, and funding of scientific institutions. Although the basic principles of free public and subsidized private education were reaffirmed, the reforms broke up entrenched faculty and student prerogatives that were viewed as obstacles to institutional change and burdens on limited budgets.

The 2010 reforms also coincided with the demographic peak of Polish enrollment, as the baby boom of the 1980s passed through the system (Groves 2014). At the end of this period of institutional expansion, concerns began to be raised that the project had favored growth over quality, both with regard to student achievement and research.

The 2010 reforms addressed what the government viewed as underlying issues of employment and funding that impacted quality. But the reforms sidelined other issues, among them scholarly communication and related questions about the provision of educational resources to students.

The Ministry of Science and Higher Education recognized faculty concerns with scholarly communication during deliberation on the 2010 reforms, but deferred consideration of them. Academic proposals for further change soon consolidated around the "Pact for Academia," a document prepared by a civic movement of academics fighting for a general reform of the academic and research system. The pact included recommendations for implementing formal open access requirements for publicly supported work—a measure that, given the very high level of Polish research publication subsidies, had the potential to push the scholarly publishing ecosystem decisively in that direction.[1] In 2015, the Ministry formally recommended such a move but made it nonbinding and authorized no funding to enable the transition. By 2016, there were still no visible effects of this commitment.[2] Copyright reform also passed in 2015. It clarified how educational exceptions to copyright were to be applied in some contexts, but did little to change the status quo for libraries, faculty, and students. Academic stakeholders, for the most part, were not involved in the reform process.

In 2016, a new Polish government returned to the question of educational reform, taking up the familiar goal of improving the international competitiveness of Polish universities and Polish science (Kwiek et al. 2016).[3] Among other things, the new policy places increased emphasis on foreign publication as a performance metric. While such goals are widely criticized by the research and academic community, they remain a constant in education policy discussions, even across major changes of government.

Language and Publishing

With 98.5 percent of Poland's 38.5 million inhabitants identifying as ethnic Poles, Polish is the overwhelmingly dominant language both in and outside the university system. As in other Eastern European countries, English has largely replaced Russian as the secondary language of choice, especially among younger Poles. In 2013, 18.8 percent of Poles overall claimed competence in English, rising to 37.7 percent among students. Despite this growth, the language of instruction remains Polish, with foreign materials used almost exclusively in translation—when they are available.

The local publishing market is correspondingly small and in a sense "inbred"—Polish authors write and publish mainly in Polish. Although scholarly publishing fell sharply after the post-1989 economic shock, the sector has grown steadily since 2004

with respect to the production of new academic titles (if not the overall size of the market, which does not appear to have appreciably grown). The publishing branches of educational and research institutions have led this boom, outpacing private publishers by around 6,500 new titles to 4,800 in the post-1989 period (Strycharz and Golik 2012).

This growth in the number of titles closely tracked the reform of higher education and research. As the Polish system changed to align with European norms, it adopted emerging European practices of evaluation in which the quantity of publishing became an important proxy for intellectual productivity. As these measures began to play a role in funding and promotion, academic and research institutions responded by publishing more journals and monographs. The result was something close to a two-tiered system, separated partly by language but also by subject. Polish scholars with strong international connections, research themes, and English-language skills gravitated toward international journals, which afforded more recognition in the globalizing culture of research and reputation. Scholars whose work emphasized local topics or who could not write easily in English gained little traction in the international research community. The expansion of Polish scholarly publishing was partly a response to this asymmetry as the (imported) demand for publication as a professional marker met the structural disadvantages that Polish academics (and non-native English-speaking academics in other countries) faced in working within the international tier. These asymmetries have created significant tensions within the Polish academic community, as well as more practical problems and distortions with respect to access to materials. Books from foreign publishers are in high demand, but also expensive and accordingly poorly represented in Polish libraries. Limited library resources go disproportionately to buying access to the high-prestige international journals and research databases that are perceived to be a necessary condition of working at the international level.

Public subsidies have played a key role in the expansion of this ecosystem: the vast majority of academic publication in Poland—we estimate around 86 percent— is funded or co-funded with resources obtained, directly or indirectly, from Polish or European Union public sources. For most academics, it has become relatively easy to obtain grants to support publication. It is also a common practice among publishers to issue very small print runs when grant-based funding is available—largely independent of intellectual and market rationales.

As publication has become more closely connected to professional requirements, however, it has grown more distant from the concept of readership. This problem is more acute among the university presses, which have little in the way of marketing or distribution infrastructure. Although private publishers produce fewer texts than academic and research institutions, they are much more effective in marketing

and, consequently, monetizing their work: 73 percent of the stock of the largest Polish academic bookstore consists of titles produced by private publishers. This closer engagement with the market translates into larger print runs and greater sales. The two largest Polish universities—Jagiellonian University (UJ) and Warsaw University (UW)—accounted for only 0.24 percent of all copies of academic monographs released in 2011. The two largest private publishers account for 17.4 percent (Strycharz and Golik 2012).

Libraries and Databases

University libraries play a complicated role in this environment. Since the introduction of digital technologies into academia in the late 1990s, research libraries have led efforts to expand access to scholarly and instructional materials—including through the creation of digital collections. The Federation of Digital Libraries (Federacja Bibliotek Cyfrowych), an online aggregator service, has 131 data sources that make available more than 4.3 million objects—of which more than three million are available on an open access basis. While these statistics are impressive, more than half of these objects are scans of nonacademic journals. There are only 200,000 books and 150,000 academic articles in the system. Traditionally, the library community has been a strong proponent of open access publication models.

At the same time, libraries devote a growing portion of their resources to sustaining the existing hierarchical relationships in publishing—notably through the licensing of commercial scientific databases and journals. State policies have explicitly supported this role. All Polish academic and research institutions have access to some of the prominent academic databases such as EBSCO, ScienceDirect, SpringerLink, and Web of Knowledge, facilitated by a "national license" paid by the Ministry of Science and Higher Education under the Virtual Science Library program (Wirtualna Biblioteka Nauki). Subscriptions to many other databases are purchased through "consortium licenses" funded by partnering institutions and partially supported by the Ministry.

Data on the financial aspects of these licenses is hard to obtain. The national license costs the Ministry approximately 130 million Polish złoty per year (about USD\$35 million), for access to major full-text databases such as Science Direct, SpringerLink, and Wiley-Blackwell, as well as other publishers (such as ACS, AIP, Emerald, IEEE, LWW, IOP, OUP, and CUP).[4] The consortium licenses, however, are bound by nondisclosure agreements with the providers, making costs much more difficult to estimate. One library told us that the annual cost of accessing the databases within the consortium amounts to \$50,000, with the libraries paying a third of subscription fees and the balance covered by the Ministry.[5] Outside the consortia, pricing for Polish institutions is

calibrated to perceived ability to pay, with lack of access to some of the major databases reflecting unsuccessful negotiations of those boundaries.

We had an opportunity to witness negotiations between a Polish academic institution and Sage Publishing for access to one of Sage's major databases, the Humanities and Social Science (HSS) Package. The annual cost for the university in question was around $11,000—a large sum by Polish library standards and one that the library ultimately chose not to pay. According to one of our informants, the main stake of the negotiations for Sage, however, was not maximizing payment from the university, but rather pushing adoption of the Sage database across the threshold for inclusion among the consortium licenses subsidized by the state—a step that apparently required eight subscribed schools. In the absence of such licensing, Polish students and researchers generally relied on the annual Sage "special offer," which makes access to databases free for a month.[6] As we will see in chapter 7, this creates its own boundary problems and workarounds, as Sage tries to be both an essential resource and a mostly unavailable one for students and faculty.

Polish alternatives to the major international databases suffer from perceptions of second-tier status with regard to content and—more practically—from the persistence of complex terms of access imposed by publishers, even within university library settings. Particularly with regard to monographs, most participating publishers place restrictions on the number of simultaneous copies that can be accessed. These are enforced through the online platforms, which often lack the option of downloading the publication, or through the digital rights management systems at file level. The Academica Project, an electronic interlibrary loan system organized by the Polish National Library, is notable (but not exceptional) in permitting the use of only a single copy at a time across the participating libraries. iBuk, an academic database owned by the large educational publisher Polskie Wydawnictwo Naukowe, is viewed as relatively progressive since a single institutional subscription allows up to five simultaneous copies to circulate. iBuk pays a price for this prodigality, however, by containing only older books and materials—so constrained because of publisher fear of losing control of digital content. Strict analogies between digital and print copies are still the norm.

Poland is hardly unique in this respect: although journal access has moved almost fully toward site licenses that provide complete access to authorized users, norms for books remain unsettled. The commercial e-book market is immature, representing only 3–5 percent of a Polish market estimated at around €640 million in 2014. Although neighboring Scandinavian countries provide a strong model for library-based access to e-books,[7] Polish publishers have been conservative and both public and academic

libraries have been reluctant to test the legal boundaries around this issue. Although Polish copyright law permits a relatively wide range of "permitted uses" for individual educational purposes (similar to fair use or fair dealing exceptions in the United States and UK), the rights of institutions to copy and circulate materials are more limited and remain in a state of considerable uncertainty. One university librarian described how a recent effort to digitize and make available materials on course syllabi foundered on the question of whether the library had the right to make sufficient copies for a class and whether it could allow those copies to be downloaded.[8] When Polish copyright reform in 2015 failed to significantly clarify these issues, the syllabus project was abandoned. Library support for open access models is based largely on the desire to break this kind of bottleneck.

Open Access and Educational Exceptions to Copyright Law

Despite the prominent role that open access requirements play in academic reform discourse, support is far from universal—indeed the issue often meets with faculty and staff suspicion. Our interviews with academics broadly confirmed this view. With many faculty members in situations of economic precariousness, reluctance to "give anything away for free" is common.[9] There are nonetheless important differences within the academic community: awareness of open access is relatively high in fields such as cultural studies, which is unusually reflexive about academic practice, and in some of the natural sciences, where open access models are an international norm. There are also generational differences: younger authors are generally more favorable toward open access, arguably due to the fact that they search for digital content themselves and, more than their older colleagues, participate in the academic "rat race" in which widespread dissemination has important benefits for one's reputation. Finally there are extreme cases of authors who oppose any copying of their books.

The latter views align with and are often informed by publisher efforts to cloud the status of copying in Poland. Legal notices often can be found in academic texts, in particular law books, that warn against any copying of book content. These notices are notable for being false: Polish law allows for individual copying in educational and research contexts. But such notices do exercise a chilling effect on individuals and especially libraries, which are often reluctant to photocopy books, and increase the perception of risk for libraries or universities that want to test new models of access.

In the last several years, some publishers have adopted a more lenient approach. The Polish Book Publishers Chamber (Polska Izba Książki) now recommends the use of a copyright notice that explains the rights of users and their limits in a more balanced

manner. This is an important shift from previous campaigns. Nevertheless, the attitude of most publishers toward the copying of content remains distrustful or negative. One telling example involves the deposit copies that publishers are required to send to about a dozen Polish libraries, including the National Library. Recent proposals to make these copies digital have met sharp opposition from Polish publishers, who fear losing control of their content.

Student Practices

Contemporary student practices reflect patterns of informal copying and sharing that emerged in the 1990s, as much of the legacy material of the communist era became obsolete. The familiar drivers of a large-scale copy culture were all in place in the period: a poorly functioning legal market, increased access to cheap copying technologies, and the entry of large numbers of poorer students into a system that made few material accommodations to their needs. Although these copying practices shared a lineage with communist-era underground publishing (samizdat; in Polish, *bibuła*), much of this academic copy culture was a new phenomenon, driven by a student population for whom communist-era intellectual repression was a relatively marginal influence. It had more in common with—and in later years, more explicit connections to—the culture of copying and downloading music, movies and TV shows, and software. For a generation of young people, cultural and educational integration into the West passed to a large degree through this process of informal acquisition of media.

As we documented in a 2012 study (Filiciak, Hofmokl, and Tarkowski 2012), these informal practices are commonplace in Poland and nearly ubiquitous among the young and among Internet users. Eighty-eight percent of young respondents acknowledged consuming music and film via downloading, streaming, or other informal channels. Among Internet users, the number was 78 percent. However, this is still a small-scale phenomenon with regard to books. A 2012 World Internet Project study indicated that only 2 percent of Polish Internet users bought e-books in 2011; only 4 percent downloaded them for free. Students aged 20–24 were the category most likely to download books for free, but even among this group the activity is relatively rare: only 9 percent admitted to downloading books. While informal circulation itself is widespread in Poland, e-books have remained an object of relatively low interest, tracking the comparatively slow adoption of readers and the underdeveloped legal market, and possibly the more general decline of reading, in which Poland regularly ranks among the lowest in Europe.[10]

This was the context in which we conducted a more detailed study of student practices. A large part of the study was quantitative. In June 2013, we surveyed 648 first-, second-, and third-year students at four universities—two public and two private, in one of the largest Polish cities—on a range of issues surrounding their acquisition and management of course materials. Respondents came from the faculties of law, cultural studies, and media studies. In addition, we surveyed twenty-five doctoral students.[11]

As with most of the survey-based work in this book, the sample does not provide a representative sample of Polish students in general.[12] But it does closely track some of the major demographic features of the larger student population, including the high percentage of women students (70 percent in our survey; 59 percent overall) (Dziewczyny na politechniki 2012); and general access to personal computers and the Internet, which is nearly universal (98.5 percent and 98 percent in our survey; 99 percent and 98.5 percent in the *Social Diagnosis 2013* report (Czapiński and Panek 2014).[13] In contrast to these very high levels of access, tablets and e-book readers showed significant but lower levels of adoption: 31.7 percent of those surveyed own one or both (compared to 9.3 percent in the general population for tablets and 3.8 percent for e-book readers).[14] Overall, we take the results as illustrative and confirmatory of many of the trends identified through the wider range of methods used in this study. In some instances, we think they provide a valid picture of the conditions and practices of Polish undergraduates. We've tried to signal when and why we make such generalizations from the data.

As other studies in this collection have amply shown, student practices are often shaped by prosaic efforts to pass exams and finish courses, rather than more intellectual investments in acquiring material or building personal libraries.[15] For a significant number of students, this implies no acquisition of materials at all: around 10 percent of students in our survey possessed no course materials—new, used, photocopied, or otherwise. Instead, these students generally relied on course and lecture notes, which are commonly—and perhaps accurately—viewed as sufficient to passing certain classes. Buying materials is an infrequent practice overall: around 14 percent never bought materials. Only 19 percent reported buying more than 60 percent of their materials new. The used market, for its part, remains relatively disorganized and plays only a small role at the margins of student practices.

Disciplinary differences were quite pronounced in responses to this question: the nature of the law curriculum clearly disposed law students to own new materials: 36 percent cited a need to own a current edition, compared to 6 percent of other students. In contrast, only 3 percent of law students mention the need to own content for a longer time or because they find it interesting, compared to 27 percent of other
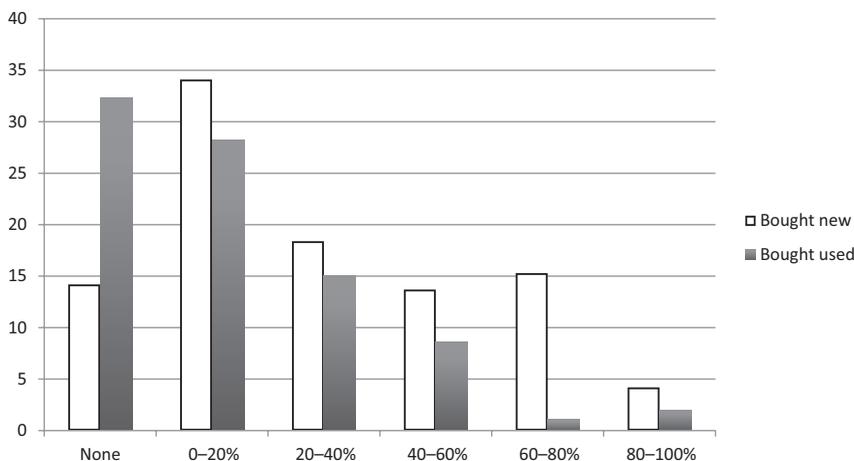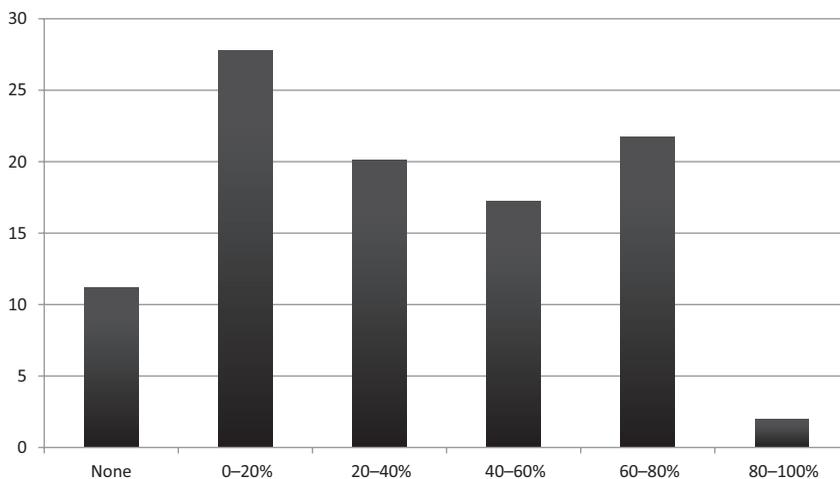
Figure 6.1
What percentage of your materials is bought new and used?

students. As we've seen in preceding chapters, fields such as law and medicine have significantly stronger connections to formal channels of acquisition because the core materials either need to be frequently updated (law) or serve as longer-term references (medicine).

Photocopying plays an important role in access to materials among nearly all students and the primary role (accounting for over 60 percent of materials) for around a quarter of them. These results varied significantly among disciplines. Only 5 percent of lawyers made such extensive use of photocopying, versus 38 percent of students in other fields.[16]

Two-thirds of students photocopy outside of their academic institutions, generally in the copy shops set up near most Polish universities. The copy shops located within their institutions play a less significant role (17 percent). In these cases, institutions often enforce limitations on the number of copies that can be made. Such limitations are not established by law, but are more the result of interpretations of the scope of exceptions accepted by both educational institutions and collecting societies.

Much of our survey focused on how students obtain content online from authorized and unauthorized sources. Our respondents fall into two groups of similar sizes: those that regularly obtain content from "unauthorized" sources and those that rarely or never do. Among those who use unauthorized sites, practices are broad: students use them to access a variety of different types of content (not just academic), with habits
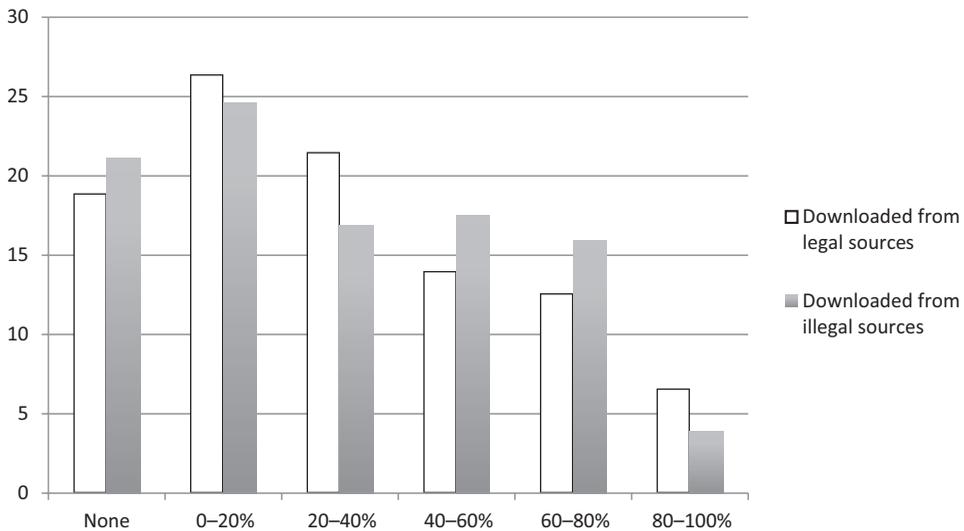
Figure 6.2
What percentage of the content that you use is photocopied?

commonly formed before starting their studies. The transition from looking for movies to looking for articles or books on these sites is an easy one.

Our results also suggest relatively widespread confusion about the legal status of different sources of content—here confirming results from a study of attitudes toward copyright law that we conducted in 2013.[17] Poles have a generally weak understanding of copyright law, consistent with low awareness and understanding of law in general. Students did not differ significantly from the rest of the society in this regard. Asked about twelve typical content-use scenarios, respondents on average properly identified the legality of only five scenarios. In general, copyright law is viewed as more restrictive than it actually is, with legal activities such as showing films in class for the purpose of illustrating teaching routinely deemed illegal by respondents. Practices associated with physical media tend to be better understood than their digital counterparts. For example, 51 percent of respondents indicated that using copyrighted content in school is illegal (in nearly all cases, it falls within the bounds of the educational exception in force in Poland). In contrast, 35 percent thought that making copyrighted content publicly available on file locker sites was legal (it is illegal under Polish law). With regard to photocopying for individual educational use, which Polish law permits (the scope of the distinction is disputed by lawyers, but a common interpretation is that even whole books can be legally copied), only 10 percent of respondents were aware of exceptions covering such use.
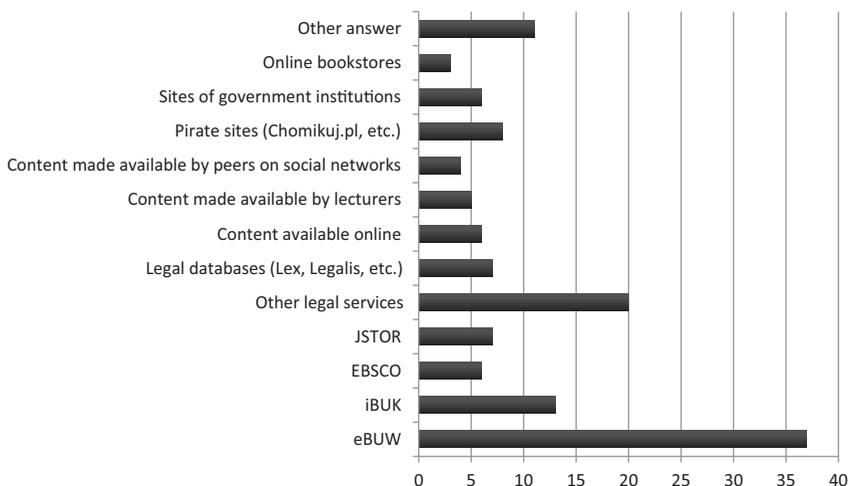
Figure 6.3
What percentage of your content is from legal and illegal sources?

Despite confusion about the letter of the law, a significant percentage of Polish students engage in downloading of educational materials that they believe to be *illegal*. Seventy-nine percent acknowledged such practices and 22 percent indicate that they download at least 60 percent of their materials this way. At the same time, 21 percent have never downloaded illegal content and 24 percent own less than 20 percent of content obtained from such sources. A large majority signaled downloading from both legal and illegal sources. In short, the level of ignorance with regard to legalities suggests a broader lack of interest in the subject and the larger pragmatism with regard to acquisition that we have seen throughout this study.

Answers to a question about the legal services students use testifies to some of the confusion on this point—the enormously popular Polish file sharing site Chomikuj was widely cited among both the legal and illegal services. At the same time, the answers suggest that university strategies for providing legal access to online resources have had some success. By far the most popular resource is eBUW—the electronic system of the University of Warsaw Library that provides access to a range of digital journals, books, and databases.[18] The next most cited is iBuk, discussed earlier, the commercial database that provides access to 70,000 book titles from all major Polish publishers (to which most academic institutions subscribe). Among other popular results are EBSCO, JSTOR, and the legal database Legalis (owned by publisher C. H. Beck), which are part

Figure 6.4

From what legal or authorized sources do you obtain materials?

of the consortia access agreements subsidized by the state and to which most campuses provide access.

When asked about the services through which they engaged in "illegal" or "unauthorized" downloading, the overwhelming favorite was Chomikuj.pl (449 students). The now defunct file locker service Rapidshare placed a distant second with seventy-three students. There was practically no third site on students' lists. Chomikuj.pl is used by 95 percent of those who indicate that they have used unauthorized sources to obtain content (70 percent of our sample).

These questions were designed to elicit student perceptions about their own actions with respect to particular sites and services. When applied more generally, however, these descriptors become somewhat inapt: Chomikuj.pl, for example, operates legally under Polish law, even if many of the actions of its users constitute copyright infringement.

Owned by the Interia.pl web portal, Chomikuj has been a source of domestic and even international controversy. Commonly called "chomik" (i.e., hamster), the site is the most popular of its kind in Poland. According to Megapanel/PBI Gemius monthly Internet-usage statistics, Chomikuj.pl was the fifteenth most popular site overall in the country in October 2013, reaching 6.8 million or 32 percent of Polish Internet users (Kępka 2014).

Chomikuj has walked a complicated line with respect to Polish copyright law. It is a commercial service with a variety of pay models that provide users access to uploaded content—much of which, it is widely understood, is unauthorized content uploaded by users. But the service also complies with notice and takedown requirements in Polish law, removing files targeted by copyright infringement complaints (thereby allowing it to argue for "safe harbor protection" with respect to infringing behavior by users). Polish publishers have generally discounted these steps. In July 2012, members of the Polish Book Chamber brought the service to court on copyright infringement charges. By early 2017, the case had been through several rounds of motions and appeals, and is currently awaiting the outcome of a publisher-filed complaint to the European Commission. A parallel lawsuit by the Polish Filmmakers Association did result in a judgment of contributory infringement against the service, leading to a requirement that Chomikuj.pl actively monitor its service for infringing materials (Dynowski and Baczykowska 2015).

The popularity of the service is clearly fading—peak traffic was in 2012 and 2013, when the site was visited by more than 30 percent of Polish Internet users. But it is still a primary means of accessing media content for many Poles: in February 2016, the site was visited by more than three million people, or 14 percent of Polish Internet users (Wirtualne Media 2016). Nor has enforcement pressure let up. In 2015, Google Search received more than seven million takedown requests for links on Chomikuj.

In educational contexts, chomikuj.pl remains especially significant because it operates as a digital library specializing in Polish-language content. For foreign publications and other media, Polish students have many other options among the top-tier international file sharing sites. But for academic purposes, the linguistic focus is paramount and other services play no significant role.

In contrast to findings in other countries, the sharing of materials among students (either electronically or face to face) is widespread but by no means a dominant practice. For 60 percent of the students, sharing is a marginal activity, representing less than 20 percent of their acquired content. These results suggest relatively little organized circulation of content within student groups, with a correspondingly greater reliance on more centralized sources. The near-monopoly of Chomikuj.pl on unauthorized Polish-language distribution may make the more cumbersome coordination of sharing through student networks less important.

Sharing among students is grounded in the (accurate) perception of the legality of these practices: 60 percent of students indicated that copying from other students was legal, 22 percent that it was sometimes legal, and 19 percent that it was simply illegal. Polish copyright law has clear exceptions for private use that allow copying
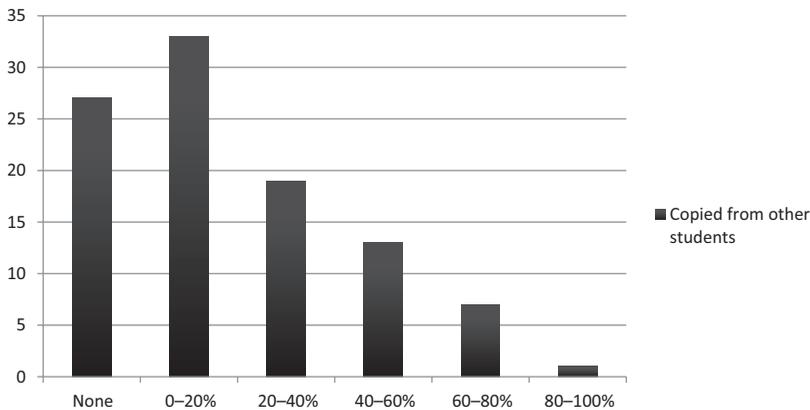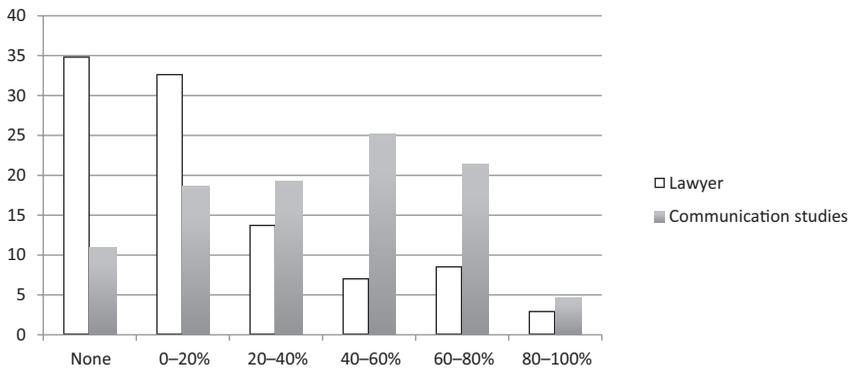
Figure 6.5
What part of the content that you own is copied from other students?

and sharing content within groups of friends or acquaintances. While the percentage of respondents who got this right is relatively high, it also implies that 40 percent of students misunderstand their rights on this point (a result in line with the results of our study "Copyright Law in Transition"). Of those who answered "sometimes legal," nearly half believed that it depends on permission from the author of the work; 23 percent believed that legal copying is limited to notes from classes or lectures; 9 percent indicated that copying for personal use or scientific purpose without monetary gain is legal (which is a pretty accurate description of Polish law), and 9 percent indicated that it's legal when they "know that copyright is not being broken in the process."

Ultimately, fewer than half of students surveyed indicate that they own PDF files of scientific articles, with a median size of twenty titles. Only 25 percent have collections of digital books, and in the case of those who do, the median size of the collection is again twenty titles. This is relatively high, taking into account that students in their early years of studies do not have significant incentives to collect academic material. The large number of students without collections suggests that they read relatively little, perhaps reflective of the general decline of reading culture in Poland, or of the widely held belief that students can, in principle, complete their degrees relying on study notes rather than books and articles.

Field Differences between Law and Communications

Consistently, students in communication studies have a higher rate of "unauthorized" access to materials than their law student counterparts, both in regard to instructional

Figure 6.6
What percentage of the content that you own is obtained from illegal sources?

materials and the downloading of other media such as movies and music. Differences in the structure of the curriculum clearly plays a large role with respect to educational materials: the teaching of law generally requires up-to-date and sometimes customized materials, whereas the media and communications curriculum is organized primarily around monographs and articles, and changes slowly from year to year.[19]

Among law students, 68 percent indicated that they rarely or never downloaded academic materials from illegal sources; 12 percent indicated that they got more than 60 percent of their materials this way. Among communication studies students, the corresponding numbers are 30 percent and 60 percent. These field differences hold up—albeit less dramatically—in questions about unauthorized downloading of other media such as music and movies, where communications students again lead.

Clearly there are other contributing factors, such as spillover effects from the greater exposure of law students to efforts by legal publishers to circulate inaccurate claims about copying, or the tendency of law faculty to attract students from wealthier families, which changes the relative cost of materials, or simply differences in particular faculties or universities. We do not have a full explanation, but note that this result holds up across the country studies.

Libraries and Databases

Library availability and use appear to be relatively high compared to the other university contexts explored in this book. Seventy-five percent of students indicate that they can find the texts that they require for courses in the institutional library (15 percent
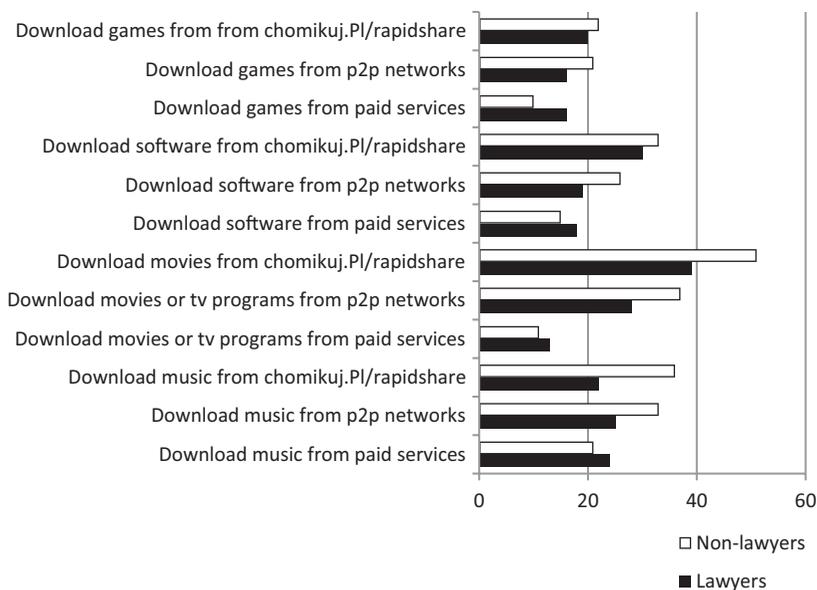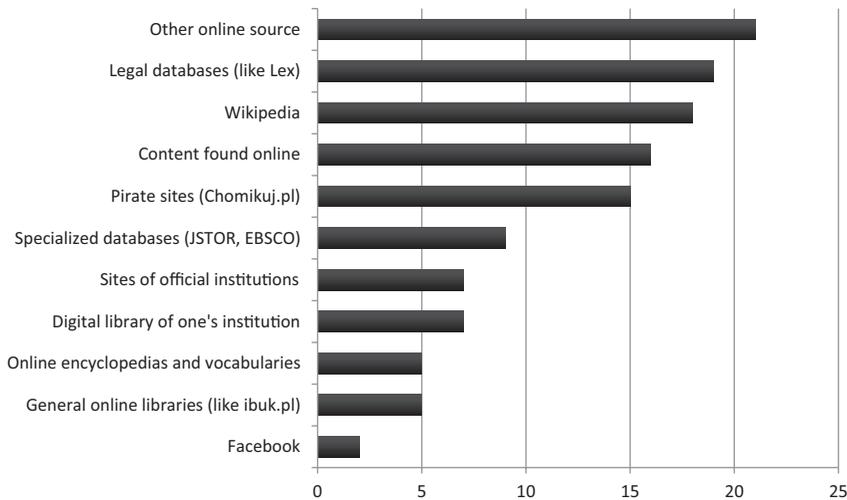
Figure 6.7
From which authorized and unauthorized sources do you download nonacademic content?

don't know, 10 percent declare they cannot). Fifty-three percent say that the library maintains course-related content for students (vs. 15 percent who say it does not; 32 percent don't know). At the same time, only 29 percent say that they borrow frequently from the library. Fifty-one percent do so sometimes; and 20 percent never borrow from the library.

Fifty-four percent of the students indicate that they use online "databases" to prepare for courses, though in most cases this referred to general resources like Wikipedia, the results of Google searches, and even Chomikuj rather than scholarly databases. Among the latter, only law databases cracked 10 percent—a predictable outcome among the law students. Once again, general lack of awareness about the status of the different services was striking.

We also asked about students' preferred means of reading. Consistent with the other studies in this collection, digital reading fared poorly: 79 percent of students prefer paper to screen as their main reading medium. Only 9 percent indicated that they do most of their reading on tablets; 9 percent on e-book readers; and 4 percent on mobile phones. Also consistent with other findings in this report, many students print out the materials they acquire digitally. The all-digital curriculum is still some way off.
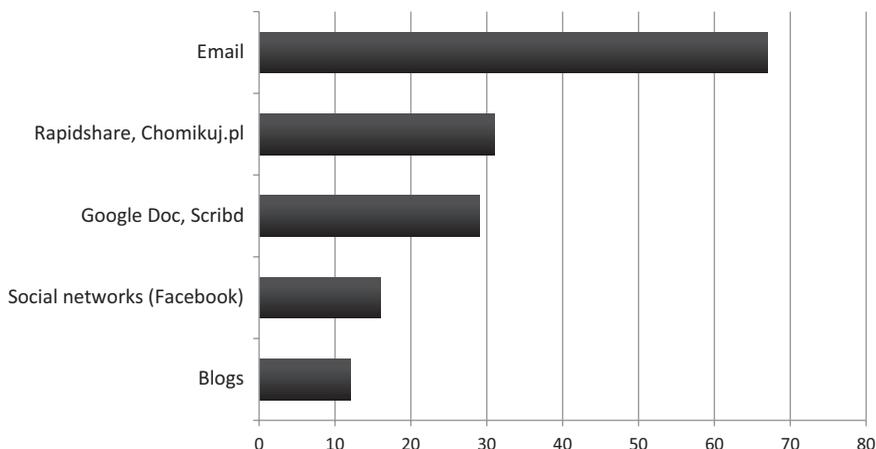
Figure 6.8
Which online databases do you use?

Content Sharing by Course Instructors and Students

As in the other contributions, our survey results found a wide range of digital tools and platforms in classroom use. The official learning management systems (LMS) deployed by universities only partly capture this diverse array of activity. All of the universities included in the survey offer e-learning services to students, but only 50 percent of students were sure about this and nearly a quarter said they did not.

Over two-thirds of students (69 percent) indicated that instructors use online tools other than the LMS for content sharing. Of these, two-thirds mentioned email (67 percent), one-third file locker sites such as Chomikuj and Rapidshare (31 percent), comparable numbers for publishing tools like Google Docs or Scribd (29 percent), and lower numbers for social networks like Facebook (16 percent) and blogs (12 percent). As in other countries in this study, university-supported systems emerged only recently and have clearly not displaced the range of other strategies and tools that faculty use for classroom support. The high rate of use of sites like Chomikuj is especially interesting as it suggests the extent to which they have become core infrastructure for an array of archiving and sharing needs.

Sharing of materials among students through these channels is also very common: 77 percent of students indicate that they share texts digitally with their peers.[20] Fifty percent specified email or mailing lists as a primary means; 41 percent mentioned

Figure 6.9
How do instructors share content online with students?

social networks (in Poland, that's probably Facebook). For both students and instructors, email clearly continues to play a large role in the circulation of materials.[21]

Conclusion

As in other countries, Polish students and faculty use an array of informal and formal means of acquiring the materials they need for their research and studies. Although the informal strategies are often called or equated with "piracy," Polish law—like that of many European countries—affords a wide margin for personal and educational copying and sharing. Moreover, there is no legal consensus about the status of some of the practices publishers fear most, such as downloading educational materials from file hosting sites. The final resolution of the Chomikuj case and emerging European law on the "intermediary liability" of Internet services will play roles in defining these boundaries.

Student opinion on all of these issues is poorly formed. As our survey shows, students do not easily distinguish between legal and unauthorized sources of materials and copying practices. In the day-to-day life of most students, pragmatic challenges of getting the materials they need for classes trump the parsing of legal and ethical gray zones. For most, the question is rarely raised.

That said, recourse to unauthorized methods is not ubiquitous. Ten percent of students in our survey have no materials at all. Among the rest, 21 percent of our respondents use only formal, market-based sources (this figure is higher in law than

in media and communications studies). Around 25 percent make very limited use of unauthorized sites and own less than 20 percent of content from such sources. Around 54 percent use regularly informal channels. Among these, around half download only from sites like Chomikuj, while the remainder also copy and share content with other students.

Widespread familiarity with archives like Chomikuj, developed via music or movie downloading, makes it a logical solution for instructional materials, which in turn reinforces its status as a universal archive for Poles. For students, such use is clearly driven by continued obstacles to the cheap, easy, legal availability of instructional and research material. Despite (publicly subsidized) access to some of the large research article databases, much of the rest of the material ecosystem is more sharply constrained. There are no comparable solutions for the world of monographs that shape humanities and social scientific fields; nor is there support for textbooks and other core instructional materials. Open source initiatives in Poland have made some headway with regard to publicly funded research but will probably have to wait on European action for strong mandates.

The Polish language itself remains the most important structural feature of this ecosystem, supporting a parallel world of publishing and access models that operates at a disadvantage in an English-language dominated educational and research culture. As other institutional norms and expectations are imported from Europe and elsewhere into the Polish system, these parallel institutions come under growing pressure. Poland is hardly alone in this respect. Most of the European countries face similar challenges with regard to local language instruction and research cultures. But as a mid-sized linguistic community large enough to support institutional parallelism, Poland faces choices that smaller linguistic communities in Europe do not. The question, for policymakers, is whether existing publishing models and policies empower Polish institutions and students or entrench the disadvantages of the two-tiered model. The question for students, as always, is where to find the materials they need at the lowest possible cost and inconvenience. As usual, there are competing answers, with one set consolidating around open access models, another around commercial databases, and the third, default solution in the complex array of informal sharing and copying among students and faculty themselves.

Notes

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1. For more information on the pact, see http://obywatelenauki.pl/the-pact-for-academia/ (accessed August 1, 2017).

2. Like other EU countries, Poland will probably adopt open access requirements as part of a wider EU shift toward open access, announced in May 2016 (Enserink 2016).

3. This popular case for this reform was buttressed in part by concern that the two highest-ranking Polish institutions, University of Warsaw and the Jagiellonian University, had fallen below the 400 mark in the Center for World University Rankings (CWUR) index.

4. See https://wbn.icm.edu.pl/ (accessed August 1, 2017).

5. Given this level of public support, the case for secrecy is quite weak and challengeable.

6. Sage did not agree to provide information about the number of people who used the service in this period.

7. In Sweden, a reported 70 percent of the e-book market in 2013 was controlled by libraries (Wischenbart 2015, 79).

8. The premise of the project was that when a lecturer submits a syllabus, the library would scan it and identify the assigned texts and make them available in electronic form to course participants, via the university's student management system. In the end, the library's director did not feel sufficiently confident about the scope of Polish educational exceptions to copyright to move forward, particularly regarding the potential harm to the interests of the publisher, which can be invoked if the university crosses some undetermined threshold of issuing too many copies or allows them to circulate too widely. Such uncertainties have produced very conservative interpretations of access at many libraries, notably in the form of enforced one-to-one correspondence between paper and digital copies. The video lending library at this university operates in the same way—no longer lending movies, but providing only a specific room in which movies from the university's DVD collection can be watched.

9. These views are based on interviews with faculty, librarians, and administrative staff, and on the experience of one of the authors, who has also been involved in advocacy for open access policies at the University of Warsaw and as part of the Citizens for Science movement.

10. In the study conducted on the subject in 2012, only 39 percent of Poles claimed to have read at least one book within the past twelve months (including both traditional, published books and e-books, encyclopedias, and dictionaries). Only 7 percent of respondents stated that they read e-books. Thirty-four percent of Poles with higher education read no books over the previous year; 17 percent did not recall having read any newspaper over the previous year (Chymkowski 2013). Students' reading habits were not separately analyzed.

11. The sample included 276 law students and 343 students from schools of media or cultural studies or both. The small number of PhD respondents did not permit a statistical analysis, but it enabled us to crosscheck opinions regarding differences between these two types of student. We also extended the survey to lecturers but only obtained eighteen responses.

12. The subject matter also presented challenges in some contexts as universities or departments were at times uneasy answering questions about unauthorized access to and copying of content. In the case of law students in particular, a number of permits were required to distribute the sur-

veys. The number of universities that offer such specializations is quite limited, making (re)identification feasible. For some academic staff, the topic was a sensitive one.

13. We did find a much higher percentage with smartphones: 85.5 percent in our survey vs. 51.4 percent in the more comprehensive *Social Diagnosis 2013* study by Czapiński and Panek (2014).

14. Among the other notable demographic features: 315 were first-year students; 212 were in their second year; and 110 in their third year—a 50/33/17 breakdown. Fifty-two percent of the students will obtain bachelor's degrees (two-year programs); 48 percent of them master's degrees (five-year programs under the Bologna system of education, which has recently appeared in Poland and generated controversy). 73.4 percent are full-time students; 26.1 percent are extramural students; the remaining 0.5 percent are both full-time and extramural students. 52.8 percent (of the valid responses) of those surveyed did not have a job, 27 percent of them worked irregular hours, and 14 percent of the students claimed that they worked more often, but did not have a full-time job. 6.2 percent of respondents stated that they worked full time.

15. Student reasons for buying new content varied, from lack of other forms of access (26 percent), to the need to own the latest content or current edition (26 percent), to the desire to collect or particular interest in a given work (23 percent). Fourteen percent simply wanted new books.

16. Similarly, 23 percent of lawyers and only 3 percent of nonlawyers declare that they never photocopy content.

17. Danielewicz and Tarkowski 2013.

18. The popularity of eBUW is almost certainly due to sample selection: many of our respondents studied at the University of Warsaw.

19. To better understand some of these curricular practices, we collected and examined patterns of change in 364 syllabi drawn from a communication studies department over a period of five years. Broadly speaking, we found that the content of most repeated classes changed very little year to year, with occasional textual substitutions as prominent new work is translated into Polish and as instructors incorporate their own new publications into classes.

20. A similar question earlier in the survey, however, found lower numbers.

21. The small number of doctoral students we surveyed had very similar profiles to the undergraduates with respect to purchasing, copying, and downloading. They differed appreciably (and predictably, given their professional investments) only in their commitment to personal collections of digital texts. Fourteen out of twenty-four respondents had a digital library. Four stated that they had more than one hundred texts. Nineteen out of twenty-five respondents had mentioned such websites as Chomikuj.pl; a few admitted to using Avaxhome.ws and aaaaarg.org. Sharing of texts with each other was a marginal practice among these students.

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