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Ghosts, brands, and influencers: Emergent trends in scientific authorship

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Abstract
This essay is about the unique role of proper nouns at the intersection of knowledge and property, both tangible and intangible. Nouns are central to any form of property and credit, from a person’s name listed on a property deed or copyright registration, to the name of an artist to whom a work is attributed, or that of a scientist after whom a discovery or theory is named. And names can also be found on the other end of the property spectrum, not as the names of authors and owners but as objects of property, as in the case of brand names. Here I trace some of the functions of these names as they move across different scenarios of knowledge-making and property-making, focusing on some of the effects those trajectories are having in the contemporary technosciences as they bring together the function of the author and that of the brand.

Keywords
authorship, plagiarism, ghostwriting, copyright, brands, misconduct, metrics

The coming into being of the notion of ‘author’ constitutes the privileged moment of individualization in the history of ideas, knowledge, literature, philosophy, and the sciences. (Foucault, 1984)

Knowing, owning, and being owned
This essay is about the unique role of proper nouns at the intersection of knowledge and property, both tangible and intangible – from a person’s or company’s name listed on a

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property deed or copyright registration, to the name of an artist to whom a work is attributed, or of a scientist after whom a discovery or theory is named. But names can also be found on the other end of the property spectrum, not as the names of authors and owners but as things of property, like brand names. Here I trace some of the functions of proper nouns as they move across different scenarios of knowledge-making and property-making, focusing on some of the shapes and effects those trajectories are having in the contemporary technosciences, bringing together the function of the author and that of the brand.

**Individualization before property**

In the age of intellectual property, it has become natural to associate authorship with ownership. Foucault, however, reminds us that the author function first emerged as a key element of knowledge making, not owning: the individualization of discourse. Individualization refers to how the association between texts and proper nouns constitutes those texts as knowledge. In the West, knowledge becomes such by being tied to an origin (the name of the author), but while that relation is assumed to be causal (the author seen as the origin of discourse), it is in fact a symmetric one. In the same way that a text or body of texts is individuated by being connected to the specific name of an individual or collective author, the author is individuated as the entity to whom the conceptual, stylistic, and cultural traits of those texts owe their origin (Foucault, 1984). To function as an origin of discourse, however, the name of the author does not need to be tied to a body.

In antiquity, the texts identified as the corpus hermeticum were attributed to Hermes Trismegistus, but no such person ever existed, thus creating a textual corpus without an authorial body. Perceived similarities and continuities in those texts were assumed to be traces of an author whose writing and thinking had generated those stylistic and topical traits, giving those texts a perceived unity, identity and common origin, despite the fact that the books had been written over several centuries (Foucault, 1984: 123). A heterogeneous body of work was individuated by a name that appeared to refer to a person but was in fact a personal noun of perceived textual traits – a text made fictional flesh (Foucault, 1984: 124).

The actual embodying of the author function, Foucault (1984: 124) argues, was a consequence of print: ‘Texts, books, and discourses really began to have authors (other than mythical, sacralized and sacralizing figures) to the extent that authors became subject to punishment, that is, to the extent that discourses could be transgressive’. This radical change resulted less from the changing nature of the texts than from the political consequences of their medium: cheaper and easily multiplicable, books were more effective vectors of potentially disruptive knowledge. The authorities’ first reaction was to require the pre-publication licensing of books (Minnich, 2010). To that, in 1546, the Council Of Trent (1848) added the requirement that books about religious matters carry the names of their authors – names that could be traced to bodies: ‘[I]t shall not be lawful for anyone to print, or cause to be printed, any books whatever, on sacred matters, without the name of the author’. By 16th-century standards, the problem with Hermes was not that he was a mythical construct but that, not having a body, he did not have an
address either. Conversely, the modern author emerged as an embodied person (rather than a mythical figure) because the new medium enabled them to easily become a felon.

Still, if the author came to be individuated as an object of surveillance, they were not yet construed as the holder of intellectual property rights in their book. It took about two more centuries to complete the full trajectory from authors as names to authors as traceable persons to, finally, authors as holders of intellectual property rights (Foucault, 1984). The two halves of authorship—penal responsibility and intellectual property—did not stay together for long, however. In England the book licensing system collapsed in 1695 and the first copyright statute introduced in 1710 did not include licensing requirements (Astbury, 1978). That separation between property and responsibility became an integral part of the legal regime we now inhabit, where copyright is created at the moment authors inscribe their intangible expression in a tangible medium, not when the censors issue them an imprimatur. There is, however, a significant exception accounting for about three million texts published globally every year.

**Responsible authorship**

The creation of copyrights is no longer conditional on the pre-publication licensing of those texts, but the authorship of scientific or scholarly works has maintained a strong conceptual connection to the Council of Trent’s construction of the author as the person named on the publication and responsible for it. Scientific authorship is routinely represented as a coin with two sides: credit and responsibility (Rennie and Flanagin, 1994). A scientist or scholar receives credit for a publication, but they are also held liable for any fraud or misconduct that may be detected in it at any point in time (Rennie et al., 1997). When we say ‘this is my publication’, we mean that we have written it and that our name is on it, but not necessarily that we own the copyright in that book or article (which we still often transfer, unwisely, to publishers). The credit that matters the most to a scientist does not come from royalties or from the sale of copyrights but from reputation, citations, and other proxies of their work’s ‘impact’, (Biagioli, 1998, 2018).

So, while stating ‘this is my publication’ does not amount to a legal property claim, it affirms a kinship relation between the author and the text they have produced—a relation that involves inalienable responsibility. We could say that scientists receive credit partly because they take responsibility for the work, not just at the moment of its publication but throughout all the various debates and controversies it may become part of. According to the logic of scientific authorship (and to the Council of Trent’s dictates), the author can never become alienated from their publications. I can sell the copyright of the novel I have written to a Hollywood studio, but what would it mean to sell other scholars the right to claim my discovery as theirs after I have published it (Merton, 1957: 642–643)? More importantly, we cannot pay another scholar to take responsibility for our work, nor can we repudiate our scholarly publications any more than a sixteenth-century author could tell the Inquisition that, after further thought, they disowned the heretical claims that they had just published and were thus not responsible for them. Retracted articles do not go away but remain on the scientific record with ‘RETRACTED’ superimposed in red across each page. As scholars we are on the hook for good.
Though a scientist may or may not own the copyright in their work, they do have a name, and it is to that name that credit and responsibility attach, which explains why the inclusion or exclusion of names from the byline of articles can lead to acrimonious disputes. If your name is not on the byline, you receive no credit. Conversely, when allegations of fraud emerge, it is not uncommon to see authors claim that their name was improperly included, that they never were authors, and thus not responsible for the mess. Their name is on the byline but it does not mean anything or, more precisely, it is the name of a person, not of an author. As we will see, in some cases the name is not even connected to a person, becoming a floating signifier of ‘collaboration’.

**Ghostly collaborators**

Graduate students, postdocs, and junior scientists often add the name of their advisors or project PIs to the bylines of their articles (Rennie and Flanagin, 1994). Called ghost or gift authorship, this practice has been routinely criticized, cast as unethical, and prohibited when the senior author does not make significant contributions to the publication. That has done little to stop it. The practice continues to be appreciated by the senior ghosts who get a chance to beef up their vitae without much effort, but it also benefits the junior authors by facilitating the consideration of their manuscripts by good journals. But gift or ghost authorship becomes a much serious problem if accusations of fraud and misconduct emerge, at which point the senior authors typically try to turn into real ghosts and disappear, undermining the determination of responsibility.

Such disappearing acts show that the construction of the author as the individual holder of the duty of responsibility can fall dramatically apart when authorship becomes multiple. It may be worth speculating whether the author function could have taken a radically different form when it first emerged from Renaissance book censorship practices had large-scale coauthorship been the norm for heretical texts at that time. What we do know, however, is that a new species of ghost has recently emerged, one that continues to problematize the attribution of responsibility while also making visible a growing feature of scientific authorship: the connection between authorship and brands – institutional brands (Biagioli, 2019).

In March 2012, the Spanish newspaper *El Pais* reported that:

> The Ethics Committee of the CSIC [Consejo Superior de Investigaciones Científicas] is chasing a ghost. A ghost with a good curriculum vitae, with at least six scientific publications in international journals. It signs itself as Javier Grande, and has appeared as a researcher at two public institutions, the Museo Nacional de Ciencias Naturales and the Instituto de Investigación en Recursos Cinegéticos. In the publications he appears to be an associate of Jesús Ángel Lemus Loarte. (Méndez, 2012; see also Keith, 2015)

Javier Grande is indeed associated with Jesús Ángel Lemus Loarte, who has invented Grande out of thin air to make him his co-author. This is not, however, a case of ghost authorship of the kind discussed above, nor is it comparable to the ghostliness of Hermes Trismegistus. Nor does it involve ghostwriting – invisible authors whose work is published under the name of the person who has commissioned and paid for it (Menell et al.,
Javier Grande has not written a line because he is a real ghost, not an author who has opted for a more low-profile existence. So why did Jesús Loarte invent him? Most likely because Grande ‘worked’ at the Museo Nacional de Ciencias Naturales and at the Instituto de Investigación en Recursos Cinegéticos and perhaps ‘had’ some skills that Loarte wanted to bring to his team.

Loarte probably tried to improve the chances of having his articles published in good journals (whose editors may sometime be skeptical of submissions from junior researchers from lesser known institutions), and to project an image of quality in the eyes of potential readers. He created a collaborator who, while unknown and unknowable, was associated with well-known Spanish research entities specializing in the field represented by Loarte’s publications – wildlife biology and especially the effects of pollutants on avian predators. He may have created a ghost to borrow his (made-up) affiliations to (real) institutions. Similarly, in 2012 and 2013 Rodrigo JG Lopes from the University of Coimbra published three articles in Applied Catalysis B: Environmental, which he co-authored with three imaginary scientists from Caltech: D Wilson, W Wang, and PL Richardson (Marcus, 2016).

Notice that, setting aside the obviously unethical nature of Loarte’s and Lopes’ schemes, the invention of these four ghosts – Grande, Wilson, Wang, and Richardson – points to an intriguing development in the author function in science: In some cases the name of the author’s institution has become as important and possibly more important than the name of the author. The name of the author is still there but does not refer to either an author or a person. It begins, instead, to work as a vector, as an intermediary that connects the publication to the name of the institution – not to Loarte’s and Lopes’ actual institutions, but those of the coauthors they have made up. We could see it as a way to add an additional institutional brand or endorsement to the article.

The university is real and the link is false and yet, to have any plausibility, the link can only be attempted through a proper noun, though a fake one. Lopes may have wished to be directly connected to the Caltech brand and draw credibility from its stationery, but in real life he could only establish an indirect partial connection to Caltech by inventing fake coauthors ‘connected’ to it. This ghostly scheme was specifically enabled by the bureaucratic mode of individuation typical of modern multi-authored articles. All co-authors are authors, but in practice only one – the corresponding author – receives and manages the correspondence related to the publication. Without this convention, Lopes’s scheme would have been a no-starter. Had he submitted a single-authored manuscript, the only way he could have conferred Caltech’s credibility onto his articles would have been by listing himself as a Caltech faculty – a rather risky move. Instead, by inventing fake collaborators and listing them as non-corresponding authors he could connect himself to Caltech by means of ghosts that would not turn him in, compete with him, and with generic enough names – Wilson, Wang, and Richardson – not to raise too many inquisitive eyebrows.

Another example of this name-borrowing trend does not involve names of well-known institutions but of well-known scientists. In 2016, a team of scientists from lower-ranking universities submitted a manuscript to a good operations research journal listing the name of a prominent Dutch economist as the lead or corresponding author. (The email address connected to the submission was not, however, from the corresponding
author’s institution, which raised the editors’ suspicions). Shortly after sending back the referee reports, the editors received a revised manuscript that now listed a new corresponding author – an Iranian scientist – and three other co-authors, also from Iranian universities. The name of the original prominent Dutch economist had disappeared from the byline. The editors (who had been playing along to see where this was going) asked about the reason for this new authorship arrangement and were told that, after extensive revisions of the text, the Dutch economist had decided that he no longer wished to be listed as an author (Crama et al., 2016). (The Dutch economist – whose name has been withheld to protect his privacy – stated that that was the third time in a year that somebody had fraudulently submitted an article under his name.)

That this name-borrowing scheme was crudely executed and quickly exposed does not make it less interesting for scholars, especially because it closely resembles, in a more radical form, an increasingly common pattern of authors who add other credible co-authors, real scholars from credible institutions, without informing them that their names have been volunteered for service on bylines of articles they did not know about (Committee on Publication Ethics, 2015).12 Also, these scientists’ scheme, while materially different from Loarte’s and Lopes’s, reflects a similar goal: A paper is represented to be the result of a fake collaboration for the purpose of facilitating its publication. In Loarte’s and Lopes’s schemes, fake co-authors with generic names are produced to borrow credibility from ‘their’ well-known institutions. The Iranian scientists, instead, used the name of a real prominent economist (rather than an affiliation with a famous institution) who was falsely presented as a co-author, only to be vanished as a ghost as soon as the scheme seemed to get traction. In both cases, credit-worthy names (of either persons or institutions) are borrowed through a fake multi-authored collaboration. (Curiously, analogous strategies are used today by musicians to maximize Spotify streaming numbers by listing famous collaborating ‘featured artists’ on their tracks – artists whose ‘presence’ is in fact limited to their names listed on the meta-data [Slattery, 2020]).13

All these cases seem to involve gifting rather than appropriating authorship, or plagiarism. These papers do not involve copying other people’s work but crediting other real or fictional authors for work they had not or could not have done. Taken at face value, these practices seem to amount to ‘reverse plagiarism’, the attribution of a work to an author who has not produced it. What does it say about that peculiar form of ownership involved in scientific authorship? This is where the difference between authorship-as-responsibility and authorship-as-ownership comes into play.

Names over content?

Under copyright law, it would make little sense to share the property of the work with joint authors (real or fictional) who did not make an actual contribution toward its production. That would simply reduce one’s share of the revenue from the sale or licensing of the work. But that is not the case in scientific authorship, where adding authors does not translate into a precise percentival diminution of one’s share of credit. But there are ways in which co-authorship contributes to (rather than diminish) the value of one’s work. And that goes beyond obvious knowledge-producing advantages such as pooling
together different skills to enable work that no single author could have produced by themselves. In terms of credit alone, single-authored articles still count more than articles co-authored with other ten people, but researchers receive more credit from ten articles with ten co-authors than from one single-authored article. More articles make a researcher look more active (even if their contributions to each of them may have been minimal), but the main and very tangible advantage of that business model is that it accrues more citations.

Hypothetically, if the name of one single author is recognizable by 200 people, the names of ten co-authors are likely to be collectively recognizable by, say, 1000 people (subtracting the overlaps). This means that an article with ten authors will attract many more readers and potential citations just because of the visibility brought by the many authors’ names attached to it, independent of the quality of its content (Fanelli, 2020: esp. 117–119). More names make a bigger billboard. The recent but fast-growing emphasis on metrics of academic evaluation that emphasize impact (which mostly means citations) is placing a large premium on the work’s visibility, which closely correlates with the visibility of the names of the journal, of the authors, and of their institutions (Biagioli, 2016). Merton’s Matthew Effect shows that, to some extent, this has always been the case (Merton, 1968). We now see, however, a more systematic and pervasive concern with maximizing not just the quantitative output – publish or perish – but the visibility and citation count of a publication, which is often taken to be related to the rank of the journal in which it was published. The names attached to a publication have thus assumed an advertisement function, which is becoming increasingly brand-like – and in some cases directly brand-based, as we will see.

If adding the names of real co-authors or fake co-authors with prestigious affiliations facilitates access to quality publication venues and post-publication visibility, that is a small ‘fee’ to pay for maximizing future credit. Even better, if the co-author is fictional, then there is no cost involved (beyond the risk of getting caught). But if, from the point of view of impact maximization, it would seem obviously advantageous to add co-authors’ names to the byline, that practice confounds the determination of responsibility. While handing out co-authorship credit may look like a gift (which indeed would be the case in a copyright scenario), it is in fact a form of name-borrowing in the case of scientific authorship. The semblance of a gift is an optical illusion created by taking somebody’s name and attaching it to another work that is falsely represented as being a collaboration. This is comparable to attaching the Prada logo on a counterfeit bag you have just produced in your garage and saying that you mean it as a homage to the Prada brand, when it may in fact harm it.14

We are witnessing, therefore, the emergence of new forms of authorship manipulation that reflect the new metrics-based global economy of scholarly publishing – an economy that is inherently rankings-based and where rankings (especially those of universities) function as tools for the establishment of institutional academic brands, which are particularly valuable in today’s global higher education markets. It should not be surprising, therefore, to see that new forms of misconduct involving the manipulation of authorial names (which used to be generically subsumed under the term ‘plagiarism’) are in fact camouflaged attempts at brand appropriation. Lopes is effectively engaging in ‘passing off’, trying to make his article appear as a ‘Caltech article’.
Traditional academic plagiarism involved the appropriation of *works*, but this new variety takes *names*. Still, this does not precisely amount to appropriation, given that the authors’ names that are improperly added are, in fact, names of ghosts – made up rather than stolen. What is actually appropriated is ‘Caltech’, that is, the name of the (real) institution, not the names of the (ghostly) coauthors. Rather than plagiarism, this resembles trademark infringement. Content plagiarism was emblematic of the publish or perish period when what mattered the most was the quantity of publications. Name plagiarism may instead be an index of the new metrics-informed ‘have impact or perish’ regime, where citations have become the premier performance indicator, and where citations follow from visibility and attention.

There are evident global dynamics at play behind these innovative author functions and a comparison with the rationale of the traditional ghost or gift authorship may help to tease them out. Those older practices were predicated on the assumption that journal editors would recognize the name of the advisor or senior collaborator of the junior leading author, and take a benign attitude toward the submission. But with the massive quantitative and geographical expansion of the scientific community, there are very many scientists whose advisors or senior collaborators are not well known beyond the science community and journals of their specific country. The new global impact-based publication requirements, however, expect a scientist to publish not in local journals and languages but in Anglophone high-impact ‘international’ journals because it is the citations in those journals that ultimately find their way into the calculation of the much-coveted global university rankings. Traditional ghost or gift authorship would not gain these scientists much leverage with the journals they are expected or even required to publish in, as they would add to the byline names that the editors would not be likely to recognize.

But if the names of their advisors and co-PIs may not be known to the editors of international Anglophone journals, what other easily recognizable and respected names can they attach to their articles? Those of internationally known *institutions*. Everyone knows Caltech and one can try to borrow some of that brand recognition through a co-author ‘connected’ to Caltech – a connection an editor is likely to notice. (As we will see, names of prominent medical centers can play a similar role in ghost-based biomedical publications.) Borrowing an institutional name may lend a publication *some* distinctiveness, if only just enough to make it survive the first step of the editorial selection process. Names of institutions have much better (and more long-lasting) brand recognition than names of individual scholars, and their growing role indicates that the author function that used to be only about names of individual persons with addresses is now becoming hybridized with the brand of the author’s institutions or those they fraudulently claim.15 As we have seen, this is specific to, and made possible by, multi-authorship and is incentivized by the stresses generated by the increasingly global scale of science, and by the vast multiplication of journals – a sea of ‘genericness’ populated by many outsiders anxiously trying to confer some distinctiveness to their work so that it can gain access to more distinctive networks of publication and dissemination. The hybridization between scientific authorship and brand, however, is not simply driven by external pressures but crucially enabled by the logic of those two constructs, and by their conceptual compatibility.16

Both scientific authorship and brands are not about property but about association or attribution (Ginsburg, 2005). While we tend to think of trademarks as intellectual
property, marks are in fact used, not owned. Trademark law does not protect property in marks but the relation one establishes, when engaging in commerce, between a certain good and a mark signifying its origin – a relation the consumer expects to be an index of reliable quality. Similarly, while copyright construes the author as the owner of the intellectual property in the work, scientific authorship construes the author as the point of origin (but not the owner) of the claims presented in the publication, as well as the person who ensures the integrity of those claims. That is functionally and conceptually comparable to the brand. The brand does confer distinctiveness to a good, but the rationale for its legal protection hinges on the fact that trademarks protect quality by protecting the investment that the producer has made in producing a good of reliable quality – an investment one would be disinclined to make if copycats were allowed to sell cheaper-quality knockoffs of that same good under the same brand name. Trademarks are thus justified as means for supporting business responsibility, as much as the 16th-century notion of the author was a tool to establish responsibility about texts. This, and the fact that both brands and scientific authorship concern attribution or individuation, may explain why we begin to see them hybridize.

Authors and/as brands

I now turn to a very different kind of ghosts, a kind that specifically populate articles published in biomedical journals. These articles appear to be authored by academics, connected to reputable medical centers named on the bylines. But the articles are in fact written by unnamed professional writers and are authored by the pharmaceutical corporations that commissioned and paid for them. (Simply put, these publications represent a corporate attempt to co-opt the genre of scientific publication to advertise pharmaceutical products.) The first phase of these articles’ production is framed by copyright law, while its final segment – its publication and circulation – falls under the norms of scientific authorship. What we find here are the same three constructs discussed above – copyright, scientific authorship, and brands – though intersected in a different fashion, creating new effects and author functions that strain the notions of credit and responsibility in new ways.

These publications have been extensively studied by Sismondo (2009, 2018) and various medical and legal scholars (Bosch et al., 2012; Fugh-Berman, 2005, 2010; Langdon-Neuner, 2008; Ross et al., 2008; Steinman et al., 2006), typically with a focus on the well-organized system through which these articles are planned and produced, the staggering conflicts of interest they generate, and the related policy and health safety challenges they pose. I draw from the work of these authors, but focus specifically on the role of copyright law and branding effects whose emergence is visible in the midst, or perhaps because, of corporate malfeasance.

A common arrangement behind the production of a wide range of products, from software to political speeches and the autobiographies of the rich and famous, ghostwriting cuts across high and low tech. While associated with opacity and subterfuge in the eyes of some, ghostwriting is perfectly legal in the US, where it is regulated by the work for hire doctrine, a branch of copyright law. Basically, if an individual or corporation hires a person to produce a certain work according to expectations set by the employer,
the employer is the legal author and copyright owner of that work. The employer does not need to transfer copyright to the employer, who owns it ab initio. Because a variety of important industries operate according to the work for hire doctrine, it is a bit startling to find the World Association of Medical Editors declare ghostwriting ‘dishonest and unacceptable’ (World Association of Medical Editors, 2005) or to see the British Medical Journal state that ghostwriting ‘is absolutely unacceptable, … misleading, a form of fraud, and it would be good to see much stiffer penalties and legal liabilities for people who involve themselves in this’ (Fiona Godlee, quoted in Sample, 2011).

That ghostwriting is plainly lawful under copyright law but deemed dishonest, unacceptable and fraudulent in academic publications shows, again, that authorship as defined by copyright law and by scientific authorship are two very different constructs, especially around the issue of responsibility. Those who look at ghostwriting through the lens of work for hire law see a straightforward legal arrangement concerning intellectual property issues, but those who look at it through the lens of scientific authorship see authors listed on the byline who can hardly take any responsibility for a work whose production they may be unconnected to. Conversely, they see the names of those who are actually responsible for the data collection, data analysis, and writing completely removed from the publication. Wrong names in the right places, and right names in the wrong places – a manipulation that renders virtually invisible very significant conflicts of interest.

Editorial assistance in the writing of scientific articles is deemed acceptable when it affects the form but not the content of the work, like editing drafts written by academic authors to make them conform to standard English language. Biomedical ghostwriting is something altogether different, as described in a March 24, 1999 email disclosed during a lawsuit over the safety of Wyeth’s hormone replacement therapy drugs. It concerns journal articles Wyeth had commissioned to DesignWrite, a ‘medical education company’ (MEC):

Alice:

Here is our general approach to publication planning.

The first step is to choose the target journal best suited to the manuscript’s content, thus avoiding the possibility of manuscript rejection. We will then analyze the data [provided by Wyeth] and write the manuscript, recruit a suitable well-recognized [academic] expert to lend his/her name as author of the document, and secure his/her approval of its content. After the client [Wyeth] has reviewed and released the manuscript for submission, DesignWrite will see it through the necessary production stages creating camera-ready figures and tables and the text according to the journal guidelines-and submit the package (manuscript, art, cover letter, and any required forms and checklists) to the appropriate journal editor. Any revisions requested by the journal will be handled by DesignWrite in conjunction with the client and the author. Should the journal reject the manuscript, DesignWrite will restyle it for submission to another journal within 10 working days.

Notice that the pharmaceutical company Wyeth is presented as the ‘client’ – a suggestion that work for hire is involved. DesignWrite performs work under contract for Wyeth and, in the process, hires Alice and other free-lance writers with science backgrounds as
subcontractors. The person described in the quote as the ‘well-recognized expert’ lending ‘his/her name’ will eventually become the author of the article in the scientific authorship sense of the term. His/her status as author vis-à-vis copyright law and scientific authorship norms will remain, however, more complicated.

Articles produced in this fashion support a drug produced by the pharmaceutical company sponsoring and authoring these publications (see Sismondo, 2009). Pharmaceutical companies then purchase reprints of these articles, which are handed out to prescribing physicians by sales representatives during their visits to the doctors’ offices (see Greene, 2007). (Just for measure, in the early 2000s, Merck purchased 900,000 reprints of an article about their drug Vioxx from the New England Journal of Medicine (Smith, 2006). Unaware of the corporate authorship of these texts, the doctors think they are reading a scientific article when in fact they are reading something closer to an ad.

The involvement of the academically affiliated researchers who eventually take authorship of these articles is occasionally significant but usually perfunctory, starting only during the final revision phase. By the time DesignWrite farms out the writing to the free-lancers, the name of the target journal is already attached to the title of the article, but not that of the author. It is only after the manuscript is further developed that ‘authors’ are proposed: ‘Jeff suggested we will contact [Dr] C Hammond to author raloxifene editorial rather than [Dr] Trudy [Busch]’; ‘J Pickar [from Wyeth] met with M Brincat. He has agreed to be author’, and so on. These authors were offered, and almost always accepted, honoraria ranging from $1,000 to $2,500 (see Steinman et al., 2006: 288; Ross et al., 2008). Critics of this kind of publications see honoraria as the main reason ‘authors’ accept to lend their names, but a different incentive may come from getting a free publication and the citations it may collect, as indicated in a deposition:

Q: -- then [Wyeth’s Dr Pickar] approached Brincat [about lending its name to a literature review article] and Brincat agreed to be an author; is that correct?

A: Yes that is correct because it mostly cited Dr Brincat research.

Q: OK.

I suggest we compare the creation of fake academic authors for these corporate texts (authors who, unlike Hermes, are real persons but perhaps more removed than him from the works that carry their names) to Lopes’s or Loarte’s fabrication of ghostly co-authors to facilitate the reception of their publications. (It also bears a partial resemblance to the use of the Dutch economist’s name during the manuscript submission process discussed earlier.) The main difference is that, in the biomedical ghostwriting case, the name of the pharmaceutical company disappears as the manuscript approaches publication, while Lopes and Luarte stay on as co-authors with their special ghostly friends. This difference, however, does not weaken the functional homology. In both cases names are borrowed or invented to facilitate publication and visibility. And in both cases the institutional affiliations of the ‘authors’ or ‘co-authors’ is crucially important, and for the same reason. The target readers of the published version of the ghostwritten article (the general practitioners being handed an offprint by the company’s representative) may not
recognize Dr Jane Smith’s name but will likely notice that she is at Johns Hopkins or some other well-known medical center.

As there are two names working together to make the article stand out in the eyes of its intended readers, should we see this as an ‘authored’ article, a ‘branded’ article, or both? And does the relative importance and distinctiveness of the author’s names and institutional affiliations vary in different contexts, for different readers? Pharmaceutical companies believe that general practitioners are particularly receptive to recommendations by ‘authors’ affiliated ‘with major academic medical centers’ or, even better, if they are ‘department chairs, vice chairs, and directors of academic clinical programs or divisions” (Steinman et al., 2006: 285). From their point of view, the longer the author’s name, titles and affiliations the better, suggesting that perhaps the personal name is becoming just one of the components of the author function today. More radically, it seems that the sheer length of the author’s composite name – the proper noun followed by institutional affiliations, directorships, etc. – may be turning, in some readers’ eyes, into a sign in and of itself.

The more titles and affiliations an author can list after their name, the more likely it would be for a reader to recognize one of them, and attribute some credibility to the article. At the same time, one does not need to know what any of those affiliations refer to in order to register that the author has many of them. That is, to a general reader the author listed on the byline of a ghostwritten article may appear to be an important person because they literally have one ‘big name’ – a composite sign comprising personal names, professional badges, and ‘institutional logos’. This resembles what Nakassis (2012) has termed ‘brandedness’. Placing several logos on the same product makes that product look distinctive even though those logos may be arbitrary – marks that, while displaying the form of the logo, may signify nothing specific. Accordingly, an author’s institutional affiliation may be the most readily recognizable and thus distinctive element of their composite name, but the overall distinctiveness that the author confers to the ghostwritten article may derive from some other element of their composite name, or all of them. Some readers may be able to recognize an author’s specific name, titles, and affiliations while others may just be impressed by their quantitative length, which could appear distinctive in and of itself, no matter what those words refer to.

**Plagiarism**

Because the name of the ghostwriters is erased from the authors’ byline in the published article, several commentators have categorized ghostwriting as plagiarism. According to this view – which resembles the ‘invisible technician’ narrative (Shapin, 1989) – the academic who puts their name on the pharma-commissioned and pharma-owned article is effectively appropriating the work of others whose authorship is erased together with their names. For instance: ‘Penn Medicine … considers ghostwriting to be the equivalent of plagiarism’ (Grassley, 2010: 8). ‘It’s arguable that ghostwriting is plagiarism … a form of institutionalized plagiarism’ (Jirik, 2006). ‘Isn’t ghostwriting a form of plagiarism, namely, taking authorship credit for an article that one has not written?’ (Krimsky, 2007: 452; also Anekwe (2010). Because these commentators focus exclusively on the problem of the untraceability of responsibility in these publications, they assume that the names of
those they take to be the ‘real’ authors (the ghostwriters) have been effectively erased by
those who want to displace them and usurp their authorial credit, that is, the academic
authors whose names end up on the article’s byline. Accordingly, it is these ‘authors’ who
plagiarize the ghostwriters.

This is a significant oversimplification. The text being allegedly appropriated is
legally authored by Wyeth, not the ghostwriters. So if one were to use the idiom of pla-
giarism, it would seem more appropriate to say that the academic authors are plagiarizing
Wyeth, not the ghostwriters. However, this is obviously not the case, given that Wyeth is
wilfully and emphatically erasing its own name from its publications while courting
academics to publish them under their names – a radical erasure that, however, has grown
more difficult to achieve since the exposure of ghostwriting practices. Still, should this
be described as plagiarism for hire? Pay-to-be-plagiarized? Or is it reverse plagiarism,
that is, not the appropriation but the attribution of one’s work to somebody else? Perhaps
one could even say that this is functionally analogous to pseudonymity (publishing one’s
work under a fictitious name), except that while pseudonymity typically involves using
a fictitious name as a defensive shield, the pharmaceutical companies need to use a pseu-
donym that is the name of an actual person – a ‘real pseudonym’ – because only a ‘real’
author could help cast their claims as scientifically credible. This also resonates with the
author function formalized by the Council of Trent, where the author was required to
have a body, not just a name – except that in this case the name of a real person is not
introduced to establish responsibility but rather to hide Wyeth’s. Wyeth wants to place
the name of an academic scientist on their own publications, and yet they need the
‘author’ to have a body in order to replace Wyeth, which does not want to appear as
author. More than the signified of the name, the body functions as its supplement.

These partial definitional matches and mismatches suggest that we are talking neither
about traditional plagiarism nor about ghostwriting as construed by the work for hire
doctrine. Again, a better (but still partial) analogy may be with the articles published by
some scientists listing other co-authors without telling them. Like the tricky scientists
who enlists unaware co-authors, Wyeth is ‘giving away’ a publication to other authors so
as to facilitate its publication according to its marketing plans. Wyeth and the scheming
authors discussed above are not plagiarizing a text, but rather plagiarizing (or unethically
enlisting) other people’s names. If so, this resembles a trademark violation, that is, the
use of a name or mark that confuses buyers about the origin of a product – not a far-
fetched analogy given that we are looking at publications that want to look like articles
but actually function as camouflaged commercial speech for selling goods by means of
what appears to be false advertisement. We are thus observing a radically new configura-
tion of the ‘author’ emerge from the intersection of different regimes of authorship, dif-
ferent modes of production (academic and corporate), different kinds of products
(knowledge and advertisement) that are all individuated by names whose function strad-
dles the line between proper nouns, corporate name in disguise, and trademarks.

Laundering by law

Some of the complex intersections between these regimes can be appreciated by tracing
the role of copyright law in one specific case. In an October 11, 1999 email, Wyeth’s
Gerald Burr told a professional writer in the company’s employ that:
My understanding is that Maggie wants to shop around for a few Asian physicians to recruit as authors of some of the papers you wrote. I told her that it would be probably possible if these physicians [sic] took your drafts [already offered to other authors] and worked with you to put their ‘spin’ on it.26

This email follows a previous exchange between Burr and Maggie Crowley who asked: ‘Gerry can I plagiarize the review articles Karen wrote, I have a local co-authors [sic] and would like to get some mileage out of them’27 To that Burr replied:

You can’t just put another name on the article, but you can plagiarize the way we did when we wrote papers in college. What you need to do is give your potential authors [DesignWrite’s] draft, not the final publication. Then you have your authors modify it for publication under their own name. Wyeth owns Karen’s draft, not the final publication.28

I take Burr to say that Wyeth owns the copyright in the manuscript it commissioned from DesignWrite, which Karen, in turn, similarly produced for DesignWrite under a work-for-hire arrangement. Because Wyeth owns the copyright in the ‘master version’, the law gives it the right to grant a permission to another party to produce a so-called ‘derivative work’ based on that master, the way a writer can grant a film studio a license to make a movie based on the novel she has written. In Wyeth’s case, the derivative work is what the academic authors produce by spinning, expanding or editing the original version of the article made available by the company. It does not matter that the changes are small insofar as Wyeth agrees that they constitute a derivative work. It is the derivative work that Wyeth is happy to let the ‘author’ own the copyright on – a copyright that the author will, in due course, transfer to the journal. This is supported by a mention in the deposition of a DesignWrite employee that: ‘this was … a manuscript that was, at that time, before the journal owns it, is owned by Dr. Warren [the academic author under which the article was published].29

Copyright law provides Wyeth with a simple and elegant instrument for knowledge laundering.30 By allowing ‘authors’ to spin off derivative works of the master version and by letting them own the copyright in them, Wyeth remains in full control of its marketing message while legally exiting the stage as the publication reaches the journal. Wyeth never interacts with the journal and, technically speaking, is not even hiding behind the ‘author’. It does not need to. The ‘author’ of the article does not interact with the journal as a sub rosa agent of the company but as the lawful author and owner of their manuscript. This is the first of two plain copyright transactions through which the laundering unfolds. It is at this junction that the derivative work provision of copyright law has transformed a ‘dirty’ corporate text with an academic’s name artificially assigned to it by Wyeth into a text that is fully authored and owned by that academic.

The final step in the laundering process is also framed by copyright. Having submitted the manuscript, the author signs the copyright transfer to the journal – ‘since you have to sign the copyright page … and mail it to them’.31 Following that transfer, the journal publishes it under its banner, turning it into public knowledge and placing Wyeth not one but two full steps removed from the action.32 But also notice that, perhaps perversely, peer review is itself part of the laundering. Unaware of the genealogy of the
manuscript, the journal referees evaluate the manuscript as any other manuscript, that is, as ‘noncommercial speech’. If they return a positive report that leads the editors to accept the submission, their review effectively confirm that the text is knowledge, not advertisement, thus formally enabling the product of work for hire authorship and an advertisement scheme to be rebranded as scientific authorship. In other words, peer review provides a portal between two radically different regimes of authorship. That is probably why pharmaceutical companies emphasize, when they need to defend themselves, that their publications have been peer reviewed.\textsuperscript{33}

What may be surprising about this knowledge laundering scheme is that, according to copyright law, there is nothing unlawful about it. Property in a text does not hinge on responsibility. Responsibility becomes an issue only at the end of this publication trajectory, when the article and the author cross the threshold between the property-based copyright regime of authorship and the responsibility-based system of scientific authorship. It is only at that point that accusations of plagiarism, conflict of interest, and fraud fly – accusations that, however, have now become informed by ethical norms and conventions, not laws (though see Stern and Lemmens, 2011).

\textbf{Looks like knowledge}

Copyright arrangements frame the remarkably different forms of authorship articulated by Wyeth, the authors, and the ghostwriters. They are also fundamental to Wyeth’s branding strategies that, in turn, create new hybrids between authors’ names and brand names, or between authors and influencers. Holding the copyright in the master while at the same time letting the copyright in the derivative editions go to their respective ‘authors’ allows Wyeth to maintain a coherent global marketing and branding strategy while also keeping open the option of customizing it to local markets by publishing articles authored by recognizable players in those medical communities. That’s what Burr has in mind in this specific case when saying that, ‘Maggie wants to shop around for a few Asian physicians as authors of some of the papers you wrote’ – a paper that had already been ‘spinned’ by some other US doctors. Maggie is even blunter: ‘I have a local co-authors [sic] and would like to get some mileage out of them’.\textsuperscript{34} This is a repeat of Wyeth’s standard ghostwriting strategy – pick an ‘opinion leader’ willing to appear to author a corporate text – except that it is customized to a different country, mobilizing different names. The goal in this case is to have prescribing physicians in that country view scholarly articles supportive of a Wyeth drug written by local doctors associated with locally recognizable medical centers. (It is not clear, in fact, whether that specific physician would necessarily recognize the name and institution of a US or European academic author.\textsuperscript{35}) The recycling of Wyeth’s original article in local national contexts creates, however, some interesting unintended consequences.

Trademark scholars have discussed strategies comparable to this type of pharmaceutical ghostwriting in terms of ‘stealth branding’, scenarios in which the branding or the product endorsement is particularly powerful precisely because it does not appear to be an advertisement: ‘Today, branding opportunities can be cloaked within ordinary noncommercial expression, as corporate sponsorship extends further and further toward
resembling user-generated content, making it difficult to discern when content is sponsored and when it is not (Katyal, 2010: 799). Stealth branding strategies may go as far as to appropriate the ‘antibrand’ style and imagery of critical responses to brands, as when Starbucks opens stores that look precisely like the kind of local independent coffee shop where people contemptuous of Starbucks would like to go. There they will find the same bad coffee but an ambiance that will make them feel a lot better paying for it.

The crucial common denominator to all these strategies is to pass off advertisements as something altogether different, that is, manipulating the form but not the object of the branding strategy. The coffee remains exactly the same, but is placed in a ‘local’, ‘non-corporate’ store. This applies equally well to medical ghostwritten publications where the content of the article may be overlapping with or analogous to that of a marketing brochure, except that it is delivered in a radically different genre and medium – the journal article. That is typical of stealth branding. As it tries not to look like advertising, stealth branding moves to media or spaces that are not commonly associated with advertising. Transforming a pharmaceutical ad into a scholarly article is formally comparable to commissioning public graffiti that look like graffiti but in fact deliver a brand message, or paying an influencer to say nice things about your product in what looks like a private video she has shared with friends about her last vacation. In sum, replace ‘non-commercial expression’ or ‘user-generated content’ with ‘scientific articles’, and ‘influencers’ with ‘authors’ and you get close to Wyeth’s strategy.

The type of (completely lawful) passing off involved in stealth branding requires the choreographing of different elements – genre, setting, style, actors, message. The success of biomedical ghostwriting-based branding, however, seems to hinge mostly on the actor. Because the publication has to take the form of the journal article (so as to look like truthful science – the perfect ‘antibrand’ genre), much of the strategy is preset. The only variable is the name and identity of the apparent author, which is what creates value in a specific market. The author should be a ‘perfect influencer’, somebody who influences without seeming to wanting to, or to be doing it for money. In fact, you do not even need to be familiar with this author, nor do you need to hear her speak authoritatively on medical matters, wearing a white coat. All you see – and all that matters – is her name. She is a name crucially connected to another name (that of her hospital or medical school) and crucially disconnected from yet another name (that of the sponsoring pharmaceutical company).

In sum, we are not just looking at a type of stealth marketing that uses journal articles as advertisements, but an extreme (and possibly pioneering) form of branding by antibranding. It mobilizes the genre of truth (the academic article) and the figure of the author of true knowledge (the scientist) to produce marketing effects that are typically achieved through diametrically opposed fictional genres (c.f. Proctor, 1996: 102). From the point of view of medium and genre, the article’s titlepage looks nothing like a billboard, but it functions perfectly like a billboard because of that. While one looks like a compact publication and the other like a huge screen, they are both ads, except that they are executed in different genres according to different designs – one is brand-based, the other antibrand-based. One looks like a scientific article but is in fact a disguised advertisement featuring a doctor’s name and institutional affiliation as an
academic ‘logo’, while the other does look like a conventional ad populated by corporate logos and possibly by the image of the same doctor endorsing the drug.

There is, however, an interesting glitch that shows the inherent limit of the branding-by-antibranding strategy, exposing it for what it is. It can be glimpsed from Burr’s remark that Wyeth might ‘piss off any of the US authors’ by letting other physicians in other countries publish other derivative articles based on the Wyeth’s master, which had already been ‘spun’ by some US doctors. Burr is probably referring to the fact that Dr X in the US may be upset to see Dr Y from a different country publish, in English, an article that may be uncannily similar to the one already published by Dr X in a US journal. And Dr X could hardly accuse Dr Y of being a plagiarist, as that accusation could kick some real dirt to the surface.

Because there are no obvious global medical stars whose endorsement one could enroll for a traditional global advertising campaign – if only George Clooney were a real doctor! – the ghostwritten articles described in the exchange between Gerald Burr and Maggie Crowley were branded and rebranded at the national level. That strategy can work well if the local markets do not overlap, thus ensuring that different authors’ names appear on very similar texts but in different countries. If, however, the markets happen to overlap, then some authors may get ‘pissed off’ when their articles start looking strangely similar to those published by other medical researchers. It was Wyeth’s goal to have very similar articles published in different country under the name of different academic authors that ended up producing the appearance of plagiarism. Except that in this case what looks like plagiarism is completely unrelated to copyright infringement because all these very similar articles were lawfully authored and owned by their authors. They are all original derivative works. The optics of plagiarism is thus the symptom of something altogether different: the unintended consequence of a branding-by-antibrand strategy that requires the simultaneous mobilization of locally-tailored scientific articles in different national contexts. It is interesting that both here and in the previous example where a perception of plagiarism resulted from the unmarked intersection of two authorship regimes, plagiarism seems to function as authorship’s ‘canary in the mine’ – the discursive sentinel species alerting us that something strange is taking place, though not necessarily plagiarism.

Taken as a whole, these various articles share obvious family resemblances that, as in the case of the hermetic corpus, point to a common origin, that is, to a common author. But we certainly do not refer to them as the ‘Wyeth corpus’. Hermes functioned as an ghostly author who had a name but not a body, but Wyeth’s author function seems virtually opposite to that. Wyeth is no ghost, except that it can function as an author only if its name is not prominently named, that is, only if it manages to become a ghost while also maintaining a very real and profitable parallel life as a corporate body. The many ‘authors’ who ‘wrote’ the various versions of Wyeth’s master article may appear to have plagiarized each other, while in fact they ‘plagiarized’ a ghost who wanted to be plagiarized (and even paid to be plagiarized) for branding purposes. That we struggle to find the right figure or figures to make sense of these scenarios suggests that we are witnessing the co-emergence of new author functions and new forms of research misconduct driven by (and possibly) new advertising and branding strategies as well as new ways of intersecting copyright-based and responsibility-based figures of the author.
Conclusion

In case we needed additional proof that reports of the death of the author have been greatly exaggerated, we only need to look at the material briefly described here. The author function is mutating faster and more creatively than ever before, and is doing so by mobilizing a variety of ghosts. Foucault discussed ghostly authorial figures, but suggested that their age had come to an end with print, the Council of Trent, and the legal requirement that authors and printers be persons with identifying names and traceable bodies and addresses.

The dizzying ways in which names are used, highlighted, suppressed, borrowed or stolen in today’s scholarly publications points to the continuing and expanding role of ‘ghosts’, though not of Hermes’ mythical or mythifying genre. We find ghostwriters, ghost authors, ghostly co-authors with false affiliations to real institutions, real people who are mobilized through their doubles (enlisted in publications they do not know about), real people whose names are first used and then made to disappear like ghosts after they had fulfilled their function, people who stand in for brands, influencers shadow-playing authors, and pharmaceutical companies that can fully control the publication of the articles they want published only by making themselves disappear. Traditional concepts of anonymity and pseudonymity do not even come close to capturing these complex authorial configurations and assemblages that do not involve the plain erasure or substitution of authorial names, but stage more intricate arrangements where erasure or addition is always somehow partial and ambiguous, typically mobilizing several names. Even the individuation of discourse no longer seem to be what Foucault described as the result of the relation between a proper noun and a work or corpus. That process can now simultaneously require names of different kinds, some ghostly and some embodied.

All these shifts, occlusions, ghosts, inventions, and recombinations of the author function would be impossible without multiauthorship, visible or invisible. Single authorship would provide too narrow a stage to accommodate all these moves, relations, gyrations and displacements. Multiauthorship, moreover, does not mean collaboration – an identity we often take for granted. The presence of many names of authors and co-authors (or of their institutions) does not necessarily reflect the actual presence of collaborative work and agency. For instance, much of what we have seen has to do with names of authors, not actual authors, nor actual persons. An ongoing theme has been how some names of persons function like trademarks in several ways, one being that they perform like signs of an origin that is not simply unknown but can only be effective by remaining unknown. But being unknown does not imply haunting. Many of the ghosts we have seen are either made up or underpaid. If there is a common denominator underneath the absences, obfuscations, and ghosts that we have seen is that they create value by mobilizing names to signify an origin while simultaneously creating ambiguities about who, what, or where that origin actually is.

Can the concept of the ‘author function’ still capture the heterogeneous configurations of multiple authors, embodied and ghostly, visible or hidden, legal and illegal that we have just seen? And can ‘author’ and ‘discourse’ still be the central terms of analysis if they are becoming folded with the function of brands and advertisements, if articles can turn into camouflaged billboards? These new authorial scenarios and effects suggest that
it may be time to revisit the question with which Foucault ended his essay: ‘What difference does it make who is speaking?’ Fifty years later, questions about the new author functions concern less who is speaking than whether speaking itself is still central to the processes of individuation the author is now part of.

The figure of the author no longer individuates an oeuvre the way ‘Hermes’ did for the hermetic corpus. (That is now done by the Orcid ID number.) No longer treated as part of a corpus, scientific publications are now valued individually by the number of citations they each receive. Conversely, in the age of metrics, the concept of the author’s oeuvre is being replaced by the total amount of citations they have on Google Scholar. And the author function seems to have mutated enough to migrate beyond discourse, becoming part of a set of practices – like branding – that are crucially about the individuation of goods, not just discourse. Individuation seems to be merging with ‘distinctiveness’ – the capacity to be noticed, to have ‘impact’. If so, should we still treat authors’ names as an unique category or should we instead study them as parts of assemblages that, articulating proper nouns with fake names, brands, and names of universities and hospitals, are creating effects that move well beyond Foucault’s horizon?

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Notes

1. For a recent assessment of this ancient debate see Bull (2018: 14–18), which agrees with Foucault’s reading of Hermes’ author function.
2. ‘These differences may result from the fact that an author’s name … performs a certain role with regard to narrative discourse, assuring a classificatory function. Such a name permits one to group together a certain number of texts, define them, differentiate them from and contrast them to others. In addition, it establishes a relationship among the texts. Hermes Trismegistus did not exist, nor did Hippocrates - in the sense that Balzac existed - but the fact that several texts have been placed under the same name indicates that there has been established among them a relationship of homogeneity, filiation, authentication of some texts by the use of others, reciprocal explication, or concomitant utilization’. (Foucault, 1984: 107)
3. ‘These aspects of an individual which we designate as making him an author are only a projection, in more or less psychologizing terms, of the operations we force texts to undergo, the
connections we make, the traits we establish as pertinent, the continuities we recognize, or the exclusions we practice’. (Foucault, 1984: 110)

4. The literature on copyright history is vast. A starting point is Rose (1993) and, for a more specific focus on science publishing, Johns (2000).

5. There is an interesting connection between scientific authorship and the doctrine of moral rights of authors, which also construes authorship in non-economic terms.

6. Interestingly, a virtually opposite scenarios characterized the early modern period (e.g. Chang, 2010).

7. Situations in which authors try to relinquish or refuse their joint-authorship status are very rare (and financially counterintuitive) in copyright contexts, where authorship is solely connected to property, not responsibility.

8. What if the heretics had turned out to be a writing collective, filling a book’s title page with dozens of names? Overwhelmed by the prospect of having to track down multitudes of felons for each and every book, might church and state have just thrown the towel and declared all printing forbidden? Or could they have mandated single authorship only, no matter how many contributors a heretical book might have had?


10. In a hypothetical scenario in which Lopez did not make up co-authors with ties to Caltech but attributed himself such affiliation, he would probably have struggled to secure a Caltech email, thus using some other email address to correspond with the journal. In that case, the journal editor might have probably googled his name (given that he was listed as the corresponding author), thus realizing that he was nowhere near Caltech. A similar case is described in Dalmeet Singh Chawla (2016). Collaborations, therefore, bring together not only different skills and expertises, but also a whole network of names of people and their institutions, thus creating the possibility for truly creative credit assemblages – all of them based on names, not property.

11. Curiously, the genericness of the fictional co-authors’ names fits well with the logic of trademark law: you want to have a distinctive mark – ‘Caltech’ – but not necessarily distinctive faculty names – e.g. ‘Einstein’ – that would distract the reader from the Caltech brand. In fact, the genericness of ‘Wilson’, ‘Wang’, and ‘Richardson’ does not get in the way of the distinctiveness of ‘Caltech’.

12. Other forms of fake co-authors and impersonations are discussed in Marcus and Oransky (2016), and Paulus (2016). See also a case of an author using aliases to ‘author’ articles loaded with citation to his work, possibly to avoid detection of the self-citing pattern in Marcus (2020).

13. I would not have found this without Noah Crousore.

14. That kind of gift, in fact, is often a gift to a ghost – a gift that costs nothing to the giver because the imaginary coauthor will never be able to take and use it. Alternatively it is a ‘gift’ to a real author or co-author who had no interest in that gift, or whose reputation may be harmed by it. They look like gifts, but create value only for the giver.

15. Is this just the result of misconduct or should we indeed think of the author function in science as something that shares in the logic of the brand? Because of the role of institutions (infrastructure, funding, training, etc.), the scientific author is arguably more embedded in their institution than, say, a poet in the coffee shop where she writes. Should the institution be a co-author, as effectively these manipulations suggest it is?

16. The shift from traditional ghost authorship to the actual fabrication of ghosts as authors indicates that, while in both cases the byline of a publication is being loaded with authors that are in some sense fake, fakeness means different things. In one case we have a real person who is a fake author because s/he does not perform the duties of authorship. In the latter, instead,
we see the introduction of names unconnected to bodies, and yet names that establish a link with other names – names of institutions. In the first case the byline connects to a person, in the latter it connects to a brand.

17. And ‘Prada’ or ‘Coke’ can just be a name. One does not need to know what exactly Prada or Coke are and were they are located. In trademark law, ‘origin’ does not mean physical, material origin but a mark signifying an origin. As a result, it is intriguing to see that the logic of the ancient author function continues to live in the modern brand. The modern brand functions like ‘Hermes’ – a name that signifies an origin – but an origin that may be and remain unknown. (In the US, the law defines a trademark as, ‘any word, name, symbol, or device, or any combination thereof … used … to identify and distinguish his or her goods, including a unique product, from those manufactured or sold by others and to indicate the source of the goods, even if that source is unknown’ § 45 (15 U.S.C. § 1127), emphasis added).

18. US law defines ‘work made for hire’ as: (1) a work prepared by an employee within the scope of his or her employment; or (2) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire. 17 U.S.C. § 101.

19. Reproduced in Grassley (2010). See also Cullen (1997) and this transcript of an invitation to ‘author’ a ghostwritten article:

Dear Dr. ___: Thank you for agreeing to review the enclosed article titled ___. As mentioned during our phone conversation, ___ is working with ___ on publishing this paper. We’d like to submit this article for publication as soon as possible. Please give the article a cursory review and let me know within a few days if you are interested in authoring this paper. If so, please send any revisions to me by Friday, September 6th. Please feel free to take complete editorial control, adding, changing, or deleting whatever you feel is necessary. (We’d like the neurosurgery section to be expanded (sic) a bit.) Indicate your changes on the enclosed copy. We will make these changes and return a manuscript, styled according to the journal’s guidelines, for you to submit. ___ will obtain permission from the publishers to use borrowed figures/graphics. If you prefer to work from a disk, please let us know. We’ve targeted Journal of Clinical Anesthesia as the journal for this article. If you have another journal in mind, please let me know. ___ will pay you $1000 for authoring this article. If you have any questions, please call. My direct line is ___. I’m looking forward to talking to you. Thank you. Sincerely yours. Managing Editor.


22. Letter from Leigh A Becky to Nancy Kohler, June 18, 1997. UCSF DIC, at: https://www.industrydocuments.ucsf.edu/drug/results/#q=xfa00a10&h=%7B%22hideDuplicates%22%3Atrue%2C%22hideFolders%22%3Atrue%7D&subsite=drug&cache=true&count=1 (on last page); and ‘Grant Request: Article Series in Support of Epilepsy Education’, December 12 1996 at: https://www.industrydocuments.ucsf.edu/drug/docs/#id=jzmd0217.

23. Deposition of Karen D Mittleman, May 2, 2006. UCSF DIC, p. 125. One could think it inappropriate for a scientist to publish an article that carries so many references to his own work. In this case, however, what Wyeth’s ghostwriters have produced is a systematic literature review of a certain field, an article that probably carries a very high number of citations overall, which probably makes Dr. Brincat’s apparent self-citations more acceptable.

24. The analogy is that in both cases the name is mobilized to facilitate a publication that is not produced by the person that name refers to. The difference is that in one case the name is dropped before the article is published (and the economist did not know his name was used) while in the other instance the name stays on and the scientists agree to that.
25. ‘Another important segment was … influential physicians identified in part by their affiliation with major academic medical centers. For example, in 2 documents Parke-Davis identified 40 potential thought leaders in the northeastern United States, including 26 current or future department chairs, vice chairs, and directors of academic clinical programs or divisions’. The documents produced by the Pempro litigation also indicate that the ‘key opinion leaders’ recruited as authors tended to be institutionally (rather than scientifically) prominent (see e.g. the Deposition of Karen D Mittleman).

30. The figure of ‘laundering’ has been invoked before (Horton, 2004; Nelson and Sismondo, 2020).
32. It will be interesting to see what impact open access arrangements, which leave copyrights to authors, will have on corporate ghostwriting strategies. Because ghostwriting-based strategies are heavily dependent on the reputation of the journal (which is easily appreciated by prescribing physicians), they may not easily transfer to the open access model.

33. On the importance that the pharmaceutical industry attributed to having its ghostwritten publications published in peer-reviewed venues see ‘Grant Request: Article Series in Support of Epilepsy Education’, December 12 1996 at: https://www.industrydocuments.ucsf.edu/drug/results/#q=epa00a10&h=%7B%22hideDuplicates%22%3Atrue%2C%22hideFolders%22%3Atrue%7D&subsite=drug&cache=true&count=1.
35. More precisely, that local physician might be impressed by the article’s ‘brandedness’, that is, the length and variety of that foreign author’s ‘composite name’ (if indeed that author had such a name), but would not necessarily recognize the specific distinctiveness of its various parts.
36. This is different from maximizing the power of branding by pretending not to play the branding game like, say, an exclusive restaurant or club without any exterior signage, or even a name. In this case, the apparent and very conspicuous absence of marks actually enhances the brand power of the absent brand – only those in the know understand how exclusive that absent brand is. Here, instead, we have plenty of ‘signage’ – author’s names, articles’ titles, institutions, etc. – except that they function as brands only by appearing not to be brands.
37. It seems that Wyeth’s strategy predates what has come to be known as stealth branding and the appropriation of antibrand for branding purposes.

References


**Author biography**

Mario Biagioli is Distinguished Professor of Law and Communication at UCLA. Most of his current research is at the intersection of STS and intellectual property law. He has edited, most recently, *From Russia with Code* (Duke 2019) (with Vincent Lepinay), *Gaming the Metrics* (MIT 2020) (with Alexandra Lippman), and *Academic Brands* (Cambridge 2022) (with Madhavi Sunder).