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“Public Health and Academic Freedom”

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In December 2015, Judy Wilyman received her PhD from the University of Wollongong. I was her principal supervisor. On 11 January, her thesis was posted on the university's digital repository, and soon the onslaught began. A hostile article appeared on the front page of the national newspaper *The Australian* (Loussikian 2016), the first of several attacking articles. As well, there were hostile blogs and tweets, a petition with more than 2000 signatures, and alteration of Wikipedia entries, among other actions.

Judy's thesis was titled "A Critical Analysis of the Australian Government's Rationale for its Vaccination Policy." It had been externally examined and gone through the other usual university processes. The articles in *The Australian* painted the thesis as some sort of shoddy and biased piece of work, and most commentators weighed in accordingly. Not only was the thesis criticized, but so too were Judy, myself as supervisor, and the university for having granted her a PhD.

The hostile reaction can be understood as reflecting an assumption that there could not possibly be a scholarly critique of vaccination orthodoxy. In Australia, health department officials and vaccination researchers have had a near monopoly on credibility based on degrees. To grant a PhD, a symbol of scholarly achievement, meant upsetting this monopoly.

One possible response would have been to contest the evidence and arguments in Judy's thesis. However, this would have meant accepting the possibility of disagreement. Most vaccination promoters have asserted their views on the basis of authority. Many refuse to debate critics, and some claim there is no debate, which is code for dismissing criticism as being outside the bounds of rationality. Instead of engaging with the evidence and arguments in Judy's thesis, vaccination proponents instead attacked everyone associated with it.

The Vice Chancellor of the University of Wollongong and other senior figures defended the university's processes, invoking academic freedom. In my role as Judy's supervisor and as a defender of free speech for vaccination critics, I took special interest in the attacks and wrote responses to several of them.² Here I examine one revealing response to Judy's thesis, written by two academics and published as a commentary in the journal *Vaccine*.

I drafted a reply and contacted the journal about submitting it. However, the editor-in-chief and the managing editor decided, without even seeing what I had written, that they would not consider any reply to a published commentary. The next section below is a reproduction of the reply I formulated; it tells a bit more about the issues. In the conclusion, I mention some of the implications of this episode.

² See <http://www.bmartin.cc/pubs/controversy.html#vaccination> for my publications and commentary on the vaccination controversy, including on Judy Wilyman's thesis.

Reply to Durrheim and Jones

Durrheim and Jones (2016) in their comment “Public health and the necessary limits of academic freedom?” argue that academic freedom should be constrained by consideration of possible adverse consequences for human health. On the basis of just two examples, they claim that current academic processes should be modified to provide additional rigour in “bolstering sound science.” These arguments sound superficially plausible but on closer inspection reveal several inadequacies. Durrheim and Jones appear to rely on newspaper articles rather than primary sources for documenting their two case studies, calling into question their value for motivating a reconsideration of academic processes. They present no precedents and no evidence for the effectiveness of the mechanisms they propose. Their criterion of “do no harm” is inadequately specified, and therefore applying their proposals generally might well lead to adverse consequences for both scholarship and human health.

Misrepresentations and Omissions

Durrheim and Jones, to justify restricting academic freedom, refer to just two cases. In each one, they cite no evidence-based sources, relying instead on newspaper articles, without reference to well known biases in media coverage, especially of controversial issues (Bennett, 2011; Davies, 2008). It is good scholarly practice in such instances to seek primary documentation, including the views from both sides of contentious cases.

Durrheim and Jones refer to claims, in a newspaper article, about bias in a course on alternative medicine taught at the University of Toronto by Beth Landau-Halpern. They do not mention seeing the report of the in-depth investigation into the course that cleared it of any problems. This case is hardly a solid foundation for motivating a reconsideration of university procedures.

Durrheim and Jones’ other case is the University of Wollongong’s award in 2015 of a PhD to Judy Wilyman (2015), for whom I was principal supervisor. For sources, they cite newspaper stories and the thesis itself (giving an incorrect web address). They assert that, “A central tenet of this work was an unsubstantiated claim that the World Health Organisation and the pharmaceutical industry were conspiring to promote vaccinations in the absence of evidence of safety and efficacy.” This is a serious misreading of the thesis: such a claim was not a central tenet of the thesis. The key themes of the thesis include the role of conflicts of interest in compromising vaccination research and the relevance of “undone science” (Frickel et al., 2010) — research not undertaken because the likely results might threaten the interests of powerful groups — to vaccination policy. Durrheim and Jones say that, “She contested the overwhelming scientific evidence of Human Papillomavirus vaccine benefits in preventing cervical cancer” despite citing not a single item of the “overwhelming scientific evidence” and failing to mention vaccine harms. They do not mention her peer-reviewed article about the HPV vaccine (Wilyman, 2013), nor that arguments about the HPV vaccine involve more than just scientific evidence but also economics, ethics and alternative strategies. In referring to the thesis, Durrheim and Jones do not justify their use of the emotive word “conspiring” nor an expression they apparently quote, “orchestrated hysteria,” neither of which appear in the thesis.

Missing from Durrheim and Jones' commentary is any mention of an Australian campaigning group, Stop the Australian (Anti-)Vaccination Network (SAVN), that since 2009 has been denigrating and censoring anyone who publicly criticises standard Australian vaccination policy. SAVN's techniques include unsupported claims, abusive online comments, numerous complaints to regulatory agencies and other bodies, and attempts at censorship and shutting down organisations (Martin 2013, 2015). For years prior to submission of her PhD, Judy Wilyman was a target of SAVN, and within a day after announcement of her graduation, a major campaign of denigration was initiated involving articles in the mass media, complaints to the University of Wollongong, a petition, and hostile blogs and tweets, among other techniques (Martin 2016).

It is hardly sufficient to base recommendations for changes to academic processes on just two examples, drawing on potentially inaccurate and one-sided newspaper articles and not presenting evidence from the other sides in the disputes.

Evidence to Justify Limits on Academic Freedom?

Although Durrheim and Jones cite various sources about academic freedom, they do not ground their recommendations in research in the field. They present a quote about academic freedom from Fuller but give an incorrect source (Fuller 2009), not citing the correct source, a newspaper article (Corbyn et al., 2010). They say UK universities "signed up to" the government's anti-terrorist "Prevent duty" and that Oxford's Vice-Chancellor supports the policy, when actually the Prevent duty is a statutory requirement imposed on universities (University of Oxford 2015) and Oxford's Vice-Chancellor was quoted as expressing concerns about its consequences (Espinoza 2016).

Durrheim and Jones say that, "True scholars will always demonstrate a willingness to consider other opinions and to engage in robust academic dialogue, while being open to their position being proven false through compelling counter-evidence." They then simply assert that their two case studies "demonstrate that this ideal cannot be guaranteed through current processes." Even if there were better evidence of shortcomings in academic processes, any case for restricting academic freedom needs to consider counter-examples and possible adverse consequences.

Measures they recommend include "multidisciplinary panels of reviewers/examiners for confirming candidature and examining research students; external independent examiners with recognised content expertise; ..." Of the two cases on which they base their recommendations, only one involves a thesis, so their suggestions have a very small evidentiary rationale.

Durrheim and Jones seem to assume that their strictures apply only to criticisms of normal vaccination policy, but the logic of their argument based on the principle of "First do no harm" could be applied more widely. Critics of conventional vaccination policy are also concerned about harm to human health, but have a different assessment from the mainstream. Durrheim and Jones' recommendations might just as well apply to studies

supportive of vaccination, such as most of those published in *Vaccine*. Should they be subject to multidisciplinary panels of reviewers/examiners, including social scientists?

Durrheim and Jones say, “Where academic contributions are recognised to have the potential to cause harm to health, an effective risk management strategy should be in place to mitigate against public health risk from that harm.” By using a passive construction (“are recognised”), they avoid saying who makes the decision about a potential to harm health, nor what to do when claims about harm are contested. They use examples only concerning vaccination, but make recommendations that are more general. Consider for example research on pesticides, for which most of the benefits are economic, with possible (and contested) health impacts. Should pesticide research be put under special scrutiny because of potential harm to human health? What about studies of climate change, genetic modification, electromagnetic radiation and industrial chemicals? These all involve possible harms to human health. Pharmaceutical drugs (Götzsche 2013) and even some common surgical procedures (Harris 2016) can be claimed to harm health. There are other impacts on human health, for example inequality (Wilkinson and Pickett 2009) and war. Should military-related research be subject to risk management strategies?

Durrheim and Jones claim there are potential social harms from publication of “unsubstantiated and non-rigorously peer-reviewed academic contributions.” However, they provide no evidence of any such harms: they seem to assume that members of the public are incapable of making informed judgements and need to be protected from allegedly low-quality academic outputs by “ideologists” who “influence students and the unsuspecting public.” Given that Durrheim and Jones are part of the overwhelmingly dominant viewpoint on vaccination policy, this seems to concede far too much influence to the expression of contrary views, especially given that within Australia, vaccination rates are high and stable (Beard et al., 2016).

Durrheim and Jones do not give adequate consideration to the commonly expressed benefits of allowing or even encouraging the expression of views contrary to the mainstream, including defending against tyranny, allowing beliefs to be tested and error rectified, and enabling citizens to participate in the democratic process and develop their capacities (Barendt 2005). The attack on the thesis of Judy Wilyman, and the wider campaign to suppress public criticism of vaccination in Australia, arguably show a heightened need to defend academic freedom and free speech. Rather than attempting to put controls on the research and speech of critics, the promotion of vaccination is on far sounder ground in providing evidence and arguments and helping the public to better understand the formulation of health policy.

Conclusion

Durrheim and Jones seem to be exercised by someone in the social sciences analyzing vaccination policy. In making recommendations that limit academic freedom, Durrheim and Jones have moved from their medical home territory into a social science field and demonstrated their own shortcomings in it: they give incorrect citations, misinterpret their sources, rely on uncorroborated newspaper accounts, generalize from an inadequate number of case studies, give no precedents or evidence for the effectiveness of their proposals, and take no account of possible adverse effects of their recommendations. They imply that

universities have used the rhetoric of academic freedom to protect allegedly poor scholarship, yet in their commentary they do not demonstrate the high standards they are supposedly defending. They seem to demand greater “oversight” of criticisms of vaccination but no such oversight of support for it.

Durrheim and Jones’ commentary is one of many examples showing the lengths vaccination supporters will go to avoid a robust debate with critics. It is possible to understand this as being based on an assumption by vaccination proponents that they are holders of the truth and should have authority to control any dissent from orthodoxy. It is a reflection of how deeply positivism infiltrates public controversies and how crucial protection from informed critique is to the epistemologically dominant position.

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