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## Journal Editors Owe Readers Timely Action on Retractions

Reprinted from *THE SCIENTIST* ® 3(3): 10, 6 February 1989.

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It is a truism that we live in a litigious age. More than ever before, it seems, neighbor is inclined to sue neighbor—and at the drop of a hat. As I know all too well, proprietors and managers in business spend inordinate time with lawyers. Frequently, business people must appear in court to deal with what can only be described as nuisance suits. Physicians, too, have been forced into a defensive posture. Many are ordering more diagnostic tests than their patients really need to avoid malpractice or negligence suits.

Should we be surprised, then, that such fears have seeped into the world of science?

In particular, many journal editors have exhibited a reluctance to print retractions to articles that have appeared in their publications because they fear defamation suits by an author or coauthor. Unfortunately, in several cases, the editor's obligation to correct the scientific record has been outweighed by such fears.

In my view, that is a serious failure of duty. The editor should fight for freedom of expression and owes at least that much to the scientific community. In fact, the law is largely on the side of the editor in

most cases.

Barbara Mishkin, an attorney with the firm of Hogan & Hartson in Washington, D.C., recently examined this problem in *Professional Ethics Report*, a newsletter published by the Office of Scientific Freedom and Responsibility and the Professional Society Ethics Group of the American Association for the Advancement of Science. Mishkin stated: "In my view, the editors' fear of liability is greatly exaggerated. The 'fair reporting' privilege protects publication of facts that are of legitimate interest to those who would be expected to read them. Scientists who rely on the research of others, as well as professionals who rely on recent scientific developments, clearly need to know if research was not performed as reported, or if the data were fabricated or are otherwise unreliable."

"Moreover," she continued, "due diligence in reviewing articles for publication affords additional protection, and most scientific journals submit manuscripts to peer review prior to publication. Accordingly, unless a journal publishes an article submitted by someone known to be unreliable or malicious, and so long as standard reviewing

procedures are allowed, it is unlikely that a journal would be held liable for printing a critique of a previously published article." ("Professional Journals: The Responsibility to Correct the Record," *Professional Ethics Report*, Fall 1988, pages 4-5.)

Disagreement, debate, retractions—they are all part of the normal process of give and take in the advancement of scientific knowledge. A free and open environment for discussion is fundamental to that process.

Journal editors, as those who are charged with maintaining this forum of discussion and debate, ought to be champions of free expression. They should print retractions from coauthors where appropriate and those from academic or government officials.

If an author objects, let the editor print those objections. That is the solution proposed, Mishkin noted,

by a study group of lawyers, judges, and journalists attending a recent meeting of the Council of Biology Editors. The libel law could be reformed to include "a provision by which publishers could avoid libel suits altogether by printing a timely and conspicuous reply to a critical article or commentary." (*Ibid.*, page 5.)

Last summer, *The Scientist* opened up its pages to those who were unable to get their retraction notices published. ("Why *The Scientist* Welcomes Corrections," *The Scientist*, July 25, page 12.) We repeat that offer now. The timely notification of errors and retractions is essential for the efficiency of the scientific enterprise.

We are committed to this goal and encourage all science editors to live up to their responsibility in this matter. ■