CAFAS Update No. 51

3 July 2006

Council for Academic Freedom & Academic Standards

http://www.cafas.org.uk

Next Meeting:	***Saturday 15 July 2006*** ***2.00pm*** ***Room 253*** ***Birkbeck College*** ***Malet Street*** ***London WC1***

Underground: Goodge Street, Euston Square, Euston, Russell Square, Holborn

While Rome burns: Collusion with pharmaceutical scientific fraud and the prognosis for dispassionate academic discourse

Aubrey Blumsohn

The battleground

Universities exist for only one reason: to add to human knowledge and to disseminate that knowledge through publication and teaching. While
our unions are fighting important battles over academic pay we are starting to lose the battle over what it means to be an academic and the raison d'être of a university. The chief battleground of this war is in medicine.

The factors underlying the dubious role of medicine in this struggle are no mystery – pharmaceutical, biotech and agricultural companies have managed to develop an extraordinary stranglehold over academic life, scientific journals, governments, universities and common sense (1-6). It is therefore also no surprise that important recent books on the corporate corruption of academic discourse are devoted in large part to biomedicine (3,4). Likewise, recent popular and highly readable books about corruption in medicine are not written by disaffected new-age hippies, but by previous Editors in Chief of the New England Journal of Medicine (1,5).

All academics should be watching closely. The muddle of academic medicine will inevitably continue to spill over into the rest of academic life. It is hard to see how appropriate safeguards for dispassionate and honest academic discourse can be sustained when medicine so flagrantly disregards them.

For this reason, academic trade unions across the Atlantic (especially the CAUT) have devoted considerable and specific attention to the problem of academic freedom in medicine. They have supported many academics under pressure and have compiled relevant and extensive guidance running into several volumes, many of which are available online (7,8,9). Sadly the AUT has not been as far sighted.

Beneath the radar

Much of the subversion of medicine has been taking place quietly beneath the radar for at least 20 years. The quiet Anschluss of universities by industry has occurred through what Paul Dieppe calls "complicity theory" (2). It works like this:

> *"All those with a vested interest in an enterprise get sucked into the rhetoric associated with it, and they soon `believe' in everything that is going on within that enterprise. If personal financial gain is involved, corruption may also occur. … …If this goes on for long enough, everyone starts to believe that they are doing the right thing when they accept company largesse, and to believe in the drugs. And they do not realize that their ability to look at data critically, and at drug use objectively, has been compromised."*

These subtle compromises have already had calamitous consequences for patients and for public trust in science. There have also been some spectacular explosions.

Many explosions

In September 2004 Merck Pharmaceuticals withdrew its financial blockbuster Vioxx, a painkiller, from the market. It has been estimated that at least 50,000 patients have died in the US alone or have suffered a heart attack or stroke as a result of this drug. At the time of withdrawal, sales of the drug were around $7 million per day.

All drugs have side effects – that is not the problem. The problem is that Merck reportedly stacked the deck in their favour and disobeyed the rules of science. We learn that they hid away or distorted bits of the jigsaw of information guiding clinical decision-making so that patients and doctors could not make rational judgments. They used University academics to do this for them.

Merck carried out studies which were carefully designed to avoid exposing the risks of the drug instead of trying to challenge the nul hypothesis of no-risk. They selected research volunteers who were less likely to experience predictable adverse events. They designed studies which were too short to allow adverse effects to become manifest. They failed to include a placebo arm in studies when it was appropriate to do so. They tried to create as wide a market as possible even when it was obvious that a problem was going to arise (and perhaps precisely in order to maximize profits prior to legal challenge). Richard Horton, editor of the Lancet, wrote: "With Vioxx, Merck and the F.D.A. acted out of ruthless, short-sighted, and irresponsible self-interest."

And they cheated – not declaring some worrying data in one publication, and through use of statistical sleight of hand in another.

Many fingers have pointed at Merck. They face thousands of court cases and have already lost three. No individual within that company has been prosecuted for what seems to be a corporate scientific crime. But Merck could not have achieved this without the collusion of its paid academic “thought leaders”, government drug regulatory bodies and medical journals. Misleading and selective publications were fronted by University academics, but data analyses and “key messages” were from Merck. It appears likely that university authors had not sought to check the analysis of data presented in their names, despite clear reasons to think that they should have done so. The company used these paid academics to give their research a veneer of credibility while undermining the very basis of that credibility. Academics were also carefully selected, and Merck arranged to sideline researchers who were asking awkward questions.

Similar concerns have been raised about many other drugs. It is for example becoming increasing apparent that scientific findings relating to the risk of suicide with some commonly used antidepressants have been distorted. University academics were again involved in fronting misleading science. Incomplete information was provided by companies to authoring academics and the regulators, and this information was simply accepted with blind faith. Manipulated "scientific" information was written by companies as if it derived from University academics (as happened in Sheffield). It is also apparent that the drug regulator (The Medicines and Healthcare products Regulatory Agency, MHRA) failed to properly investigate, and provided gobbledegook responses to the mounting barrage of concern from patient support groups and public policy analysts. Patients believe that key players within the MHRA including Sir Alasdair Breckenridge previously worked for Glaxo Smith Kline the maker of Seroxat. It is worth paying a visit to some of these patient support websites, to marvel at their tireless efforts to get answers to simple questions (10). As doctors and as researchers we should be ashamed.

In the trenches: Shot at dawn

There are numerous spectacular examples of industrial interference with research in medicine that have profoundly altered the lives of individual researchers (1,3,4,5). Some of these cases have set important precedents.

In 1997, David Kern, a professor of Medicine at Brown University in the USA discovered a new occupational lung disease affecting individuals in an important local industry. On notifying the company of his plans to publish a scientific paper and to disseminate these findings (as was his professional and moral obligation) the company threatened to sue him. A week after presenting his findings at an academic meeting, Brown University notified him that his teaching and research positions were being eliminated.

In 1990, Betty Dong, a researcher at University of California San Francisco was funded by Boots Pharmaceuticals to carry out research on a widely use thyroid treatment (Synthroid). She discovered that the Boots drug was no more effective than three other much cheaper competitors. When she tried to publish her findings Boots threatened to sue, and the publication was withdrawn. She received no institutional support. Nine years later, the story was exposed in the lay press and Dong’s paper was published. In 1999/2000 the company paid $170 million to settle class action lawsuits. However it has been estimated that the company made a profit of $3billion in inflated costs during the nine year delay.

In 2000, Professor David Healy, a psychiatrist accepted an offer of an academic position at the University of Toronto. After mentioning his concerns about a possible link between the use of SSRI antidepressants and suicide at an academic meeting, he was fired from his post. At the time, the center was recipient of a $1.5-million gift from Eli Lilly, the manufacturer of Prozac. The questions he raised have since assumed overwhelming importance.

A few years earlier, Nancy Olivieri, a paediatric haematologist at Toronto University was threatened with legal action by a company (Apotex) when she wished to publish results from a clinical trial against the interests of the sponsor. The University of Toronto fired her. It emerged that the University and hospital had been courting Apotex for grants totally $55 million. Her case formed part of the background to the recent film “The Constant Gardener”.

In many such cases the involved University attempted to trivialize the academic problem, harassed the academics involved, and even colluded with the company to allow scientific fraud and suppression of findings to be obscured.

Skulduggery: Collusion of government in pharmaceutical scientific fraud

Reams of discussion and internet traffic have been devoted to the behaviour and attitude of the MHRA, the UK government drug regulatory agency (10,11). Many have accused it of colluding with or ignoring industrial scientific fraud, and of acting based on severe conflicts of interest. It has been accused of failing to properly examine raw data in drug licensing applications, and of acting against the public interest. Many believe that the actions and omissions of the agency have led to deaths resulting from undisclosed, delayed or undiscovered information about pharmaceuticals in the UK.

In 2005, an extensive report of the House of Commons Health Select Committee raised many concerns about the MHRA. The Report pointed out that the agency fails to properly scrutinise data before licensing drugs (showing the same reckless disregard for patients as do academics who front company interpretations of data in the journals). It pointed out that the MHRA is 100% funded by the companies it supposedly regulates. It pointed out that user reports of often serious problems had been systematically discounted or ignored. It recommended a fundamental review of the agency.

Yet nothing has happened. Despite widespread parliamentary, professional and public concern and anger about the MHRA, no meaningful steps have yet been taken by the government to safeguard pharmaceutical science, the public interest or public health by carrying forward the required review or promised criminal investigations. Those "investigations" which have been carried out have been self-investigations (such as the self investigation of the MHRA following the recent TGN1412 disaster in London in which 6 healthy volunteers were damaged) which most observers feel have been a sham.

Astonishingly, the department of health seems now to be asserting (correspondence as of last week) that the MHRA does not in fact have any legal remit to investigate scientific fraud or ghostwriting by companies in studies involving pharmaceuticals, or in the use of such science in promotional material.

Things are no better across the Atlantic (6). While lawmakers search for ways to ensure that companies do not hide adverse data, the Bush administration continues to act to help drug companies escape accountability for corporate scientific crimes. Two weeks ago the FDA (Food and Drug administration) announced an astonishing preemption rule that would disallow lawsuits against drug makers if a drug has been approved by the FDA – even in the case of scientific fraud or withholding of information by a company (6). Never in recent history has there been such a flagrant attempt by government to shield private enterprise against litigation for corporate criminality.

With governments setting the standard for scientific conduct, it is hardly surprising that industry recruited academic "thought leaders" (perhaps academic prostitutes) continue to function with impunity.

Sheffield

It is not my intention here to discuss my own personal battle with P&G at Sheffield (12) or the many people who have helped and supported me.

The Vice Chancellor in Sheffield referred in correspondence with CAFAS to an investigation by the MHRA. This was instituted following parliamentary discussion about Sheffield. The University are aware that there is no such investigation (or at least one fitting the definition of an investigation). The MHRA declined to accept any documentary evidence from me. Even more astonishingly they claimed that the agency has no legal remit to investigate scientific fraud in pharmaceutical research after they have licensed a drug, that they have no remit to investigate ghostwriting by companies on behalf of University Academics, and also that they have no procedure for investigation of scientific fraud. Finally they claimed that the fact that a scientist obtained some raw data pertaining to information written in his name without the consent of a company is "illegal"! Woe be to us all.

The single MHRA investigator who apparently declined to investigate appears to have no scientific publications and the agency has refused to reveal what qualifications he has to others questioning his role in another case (TGN1412). That MHRA officers understand little of medicine was apparent from a press statement noting the disinclination of the MHRA to investigate (discussed at 11).

Those who have followed this story will realise that Procter and Gamble eventually supplied the raw data underlying material written in my name about the drug Actonel. These data, and many documents and dozens of tape recordings show evidence of scientific fraud. The fraud is not subtle – it would be quite evident to the "average man on a bus" Two excellent statisticians have been involved and have confirmed the obvious – Professor Martin Bland for the BBC using data it was claimed I "stole" from P&G and later Professor Jane Hutton. Yet even the obvious is possible to fuzz for at least a period of time.

The University of Sheffield is apparently involved in some sort of investigation of part of the data, but I am not involved. Quite what they are investigating, and who is doing such an investigation is by no means clear.

Journals: The operational tactics

The problems of medicine could not happen without the complicity of medical journals, most of whom receive extensive advertising and "reprint" income from industry. Anyone interested in the functioning of journals might wish to peruse my collated correspondence with the editor of *The Journal of Bone and Mineral Research* which I have placed online (13). Initially polite correspondence became angry and confused as I became depressed dealing with the endless distortion of reality that is part and parcel of pharmaceutical science.

The whole structure of science in pharmaceutical medicine has failed, and the MHRA, journals and clinical academics have colluded in that failure. Other academics should take heed.

References

1. Angell M (2005). The Truth About The Drug Companies: How They Deceive Us and What To Do About It. London: Random House
2. Dieppe P. Complicity theory: an explanation for the `coxib problem'? J R Soc Med 2006;99:273-274.
3. Washburn J. (2005) University, Inc: The Corporate Corruption of Higher Education. Basic Books. ISBN: 0465090516
4. Krimsky S (2004). Science in the Private Interest: Has the Lure of Profits Corrupted Biomedical Research? Rowman & Littlefield Publishers. ISBN: 0742543714.
5. Kassirer J (2004). On the Take: How Medicine's Complicity with Big Business Can Endanger Your Health. Oxford University Press Inc, USA.
6. Pringle E. (2006) Big Pharma Research Racket Is Killing People. http://www.sierratimes.com/06/06/24/75_7_241_211_29304.htm
7. http://www.caut.ca/en/issues/academicfreedom/default.asp
8. The Olivieri Report: http://www.caut.ca/en/issues/academicfreedom/OlivieriInquiryReport.pdf
9. Canadian Association of University Teachers (CAUT) : Defending Medicine: Clinical Faculty and Academic Freedom (2004) Defending Academic Medicine http://www.caut.ca/en/issues/academicfreedom/DefendingMedicine.pdf
10. http://www.seroxat.pwp.blueyonder.co.uk/
11. www.thejabberwock.org/mhra.htm
12. http://www.slate.com/id/2133061/
13. www.thejabberwock.org\jbmrs.htm

Dr Aubrey Blumsohn
MBBCh, BSc (hons), MSC, PhD, MRCPath
Sheffield, 30 June 2006
ablumsohn-1@yahoo.co.uk

Compilers' Note

You will find details of Aubrey Blumsohn's case and further references in *Cafas Updates 49 & 50*. Following the January meeting, the Cafas Chair wrote on behalf of the Council to the Vice Chancellor of the University of Sheffield on this matter.

We also wrote to the University to obtain its view on specific questions, 10 March 2006, receiving a reply, 5 April 2006. We sought clarification, 17 May 2006. This letter and the University's reply, 21 June 2006, are below. They seem to be self-explanatory.

Royal Society Report

Members of CAFAS may recall that, about three years ago, I and many others contributed a report to a committee of the Royal Society about communicating the results of scientific research to the public. That committee, chaired by Patrick Bateson, has at last released its report which can be read at **http://www.royalsoc.ac.uk/page.asp?id=4686**

I understood that it was due out at the end of 2004 so it is very late - even though the preface describes it as "timely." I find its content anodyne and disappointing.

At one time this report was being touted as an investigation into peer review, though the touting was not necessarily by the RS itself. Still, the conclusion that there should be further discussion of whether peer review should be anonymous seems to suggest a divided committee. Perhaps some people are beginning to get the point.

John Hewitt

COMMENT

On the 29 July the *Financial Times* carried a report on how drugs companies are involved in biased underreporting of negative results of clinical trials of their drugs. It cited an article by Sir Iain Chalmers in the latest edition of the Journal of the Royal Society of Medicine in which it was claimed that companies and doctors are engaged in "scientific misconduct". **http://www.rsmpress.co.uk/0607JRSM.pdf**
When it is considered that this "misconduct" has led to the deaths of thousands of people "misconduct" is a little tame.
What Sir Iain does not mention is the extent to which academics and universities are involved in this kind of "misconduct". The Blumsohn case at Sheffield shows how academics are prepared to go along with it but also how some, a principled minority, are fighting it.
Erik Ringmar's piece on the LSE is another example of the pernicious effect the government's funding policy is having on academic life. As he points out the commercialisation of education destroys academic freedom. Most academics put their heads down. His main support came from the students. But until academics get off their knees their lives will not be worth living.

OCTOBER MEETING
Saturday
21 October 2006 at 2.00pm
Birkbeck College, London

Why do we join the Higher Education Unions (NATFHE & AUT)?

Dr Claudius D'Silva, Academics for Ethnic Minorities

At this moment in time at the height of the Lecturer's dispute with the University Employers and the amalgamation of the above two Unions it is worth questioning why we blindly join the above Unions not related to our welfare or profession unlike organisations like the BMA.

Over the last decade NATFHE & the AUT have shown little concern in maintaining academic standards as seen by the changing face of education. Most academics joined the Union not because they could obtain significant pay awards and higher standards of living but as an insurance against a bullying, harassing culture that flourishes in Government controlled organisations such as Education and Health. This culture flourishes because of the lack of justice due to the conflict of interest that the government is both the employer and controller of the judicial/tribunal process including the appointment procedures in relation to the judiciary and lay members.

The changes in the education system have made many VC's fat cats based on the financial incentives offered and the significant growth in the size of their organisations which have resulted in the reduction/destruction of the UK research base. As guardians of academic standards we have been forced as a result of our professionalism to toil harder to achieve even higher standards of teaching and research within a declining education system. Those who raised objections to this Orwellian culture were warned that their jobs would be on the line as in the case of members of De-Montfort University or were subjected to institutionalised discrimination. Many who raised issues via the University grievance procedures, in regard to academic freedom, discrimination, harassment and victimisation found that the Unions like the state pension schemes failed to provide them the security they wanted.

My experience and those of other NATFHE & AUT members who have challenged the system have found that the Unions are the problem in having failed to provide their members the support they needed and expected. Dr Aubrey Blumsohn is one academic whose integrity cost him his job by whistleblowing on the misconduct of Procter & Gamble in a drugs trial. The AUT failed to provide him with relevant legal advice or any support in relation to the issues of academic freedom that were raised. Blumsohn having raised the issue with his management found himself suspended. Similar experiences have been reported by NATFHE members [regarding] local branch officials who discouraged them from using the grievance procedure in the view that resolution would require the use of the courts or Employment Tribunals. Many of the regional branches stonewalled members' processing of legal aid applications and failed to assign caseworkers to progress matters. Where legal advice was obtained their own in-house solicitor undermined its legal merits as in the cases of Deman vs Greenwich University & D'Silva vs Manchester Metropolitan University which they won. In the latter case it was without representation or the claimant's witnesses giving evidence.

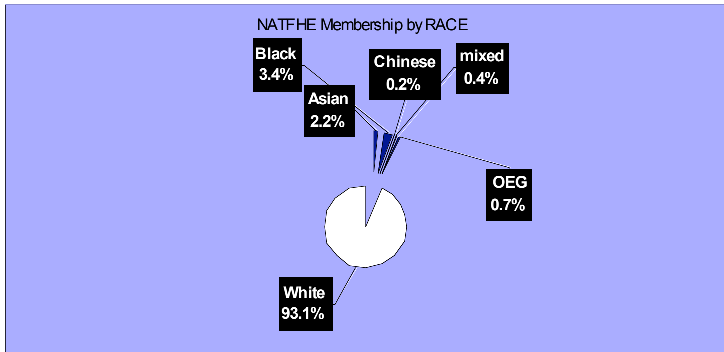
The recent case in the London Tribunal of Deman vs NATFHE (Feb 2006) has thrown light on NATFHE's funding of legal cases (see Table 1). NATFHE has a 68,000 membership of which only 39,380 have declared their ethnic origins (See Scheme 1). The majority of the union is predominantly white (93%) as is its Leadership (79%).

On average local branches send 322 cases/year (0.5%) for legal representation which the solicitors office reduce to ~18 (0.026%) that are offered representation by the Union, distributed mainly in the four main areas, Disability discrimination (DDA), Unfair dismissal (UFD), Race relations Act (RRA) and Statutory dispute agreement (SDA). The ethnicity of the lucky 0.005%, the two members who received legal representation in race discrimination cases between 2002 –2004 were divided equally between white (white Irish; WI) and black members (black Caribbean; BC).

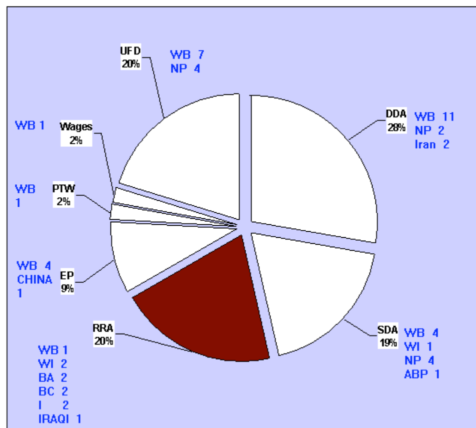
Table 1. Percentage of NATFHE members receiving legal representation

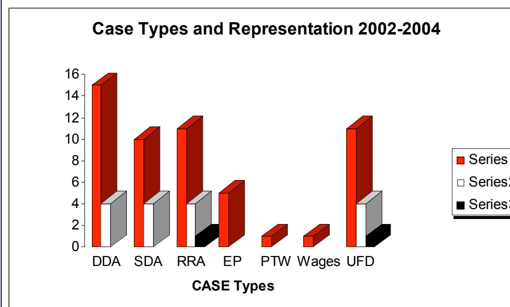
	Number of Members	% of Membership	Estimated Annual Budget based on subscription (£145/y)
NATFHE MEMBERS	68,000	100	9,860,000
NATFHE MEMBERS KNOWN ETHNICITY	39,380	57.9	
AVERAGE Request for representation/year Between 2002-2004	322	0.47	
AVERAGE Request offered representation/year Between 2002-2004	18	0.026	
Average cases to Tribunal or EAT Between 2002-2004	3.33	0.005	
Amount of money allocated for cases excluding stress . Based on £20K=70% budget			26,000 (0.26%)

Scheme 1.



Scheme 2





CASE TYPES AND ETHNICITY FOR THOSE RECEIVING REPRESENTATION FROM NATFHE 2002 -2004

Series 1: Cases by Type (as Above)
Series 2: Cases with NATFHE on Record (withdrew or settled).
Series 3: Cases with NATHFE on Record (Series 2), withdrew due to lack of a settlement.

Of these per year only three (0.005%) will proceed to Tribunal or the EAT whilst the remainder if not settled will have their legal representation withdrawn based on NATFHE's loosely worded legal scheme. Table 2 shows the ethnicity of cases proceeded to tribunal or EAT.

Table 2: Ethnicity of those cases that proceeded to Tribunal or EAT

	WB	WI	I	Iraqi	ABP	Iran	China	BA	BC	NP
ETHNICITY OF THOSE WHERE NATFHE WAS ON RECORD & SETTLED BEFORE THE HEARING 2002-2004	7	1	2					1		2
ETHNICITY OF THOSE WHERE NATFHE WAS ON RECORD & WITHDREW BEFORE THE HEARING 2002-2004				1						2
2002-2004 ETHNICITY OF NATFHE Cases that went to Tribunal or EAT 2002-2004	5	**1**					1		**1**	1

In view that the Unions have a duty to tackle discrimination in the work place their loosely worded legal scheme, generic replies to merits allows them the option to discriminate and victimise their members on one pretext or another e.g. late delivery of documents, failure to abide by the terms of the scheme etc.

In his case Mr Deman challenged the list of claims brought against NATFHE between 1997-2005 related to discrimination. In fact there were 15 claims. Five by Farhard Sharokni (Lecturer Feb 2000) of which two were settled, two won. Two claims by Halikiopolous both settled, Titterington (withdrawn), Verma (settled), Deman (subject of an EAT appeal), two cases by D'Silva (heard, decision pending), Vogler (withdrawn) and Proctor (lost at hearing). However despite these convictions the Union failed to implement the CRE code of conduct in regard to the monitoring of legal aid to its members or keeping statistics in regard to this matter but expects employers to do what they as guardians of their members rights fail to do.

In the cases of Deman vs NATFHE and D'Silva vs NATFHE the Union claimed their cases against their respective employers the University of Greenwich and Manchester Metropolitan University had no merits, using solicitors and barristers of their choice. However both parties fought on without Union support and won their cases. In the case of D'Silva, he won 50% of his case without being represented, giving evidence or attending the Tribunal.

For those who paid Union fees for over a decade to find out that the Union was sabotaging their only chance of obtaining justice against a harassing, bullying employer, this represents the final straw in a decade of injustice & deceit.

(Natfhe & the AUT are now the 'University & College Union')

D'Silva vs NATFHE

London Employment Tribunal, Kingsway

June 26th –July 7th 2006

Sukumar Sengupta

The Cafas Chair, John Fernandes, accompanied Sukumar Sengupta to a meeting, 23 March 2006, with an officer of the London Borough of Tower Hamlets Education Authority. The intention was to resolve outstanding issues. *(See Update 50)*

Although the LBTHEA had all the information, and were given a summary in advance, the officer could not give answers. They promised to look into the matter and give a response. The Cafas Chair has written to them again to remind them of this.

SUBSCRIPTION

Dear Members!
Some of you have forgotten to pay your membership fee. Could you please be kind enough to check the date of your last payment on the address label? If you should find there "*" or "***!!!" could you please send a cheque without further delay as your contribution is absolutely crucial to the well being of CAFAS. Many thanks for your contribution.**

---

free speech & censorship at the LSE

Erik Ringmar, professor of Social and Cultural Studies, National Chiao Tung University, Taiwan.

On March 22, 2006, I gave a speech at the the Open Day events organised for prospective LSE students and their parents. Thinking about what to say in the morning, I panicked. As a foreigner I don't know much about the English school system. In fact, I don't even know much about the LSE undergraduate programme. Yes, I have been at the LSE for ten years, but I never bothered to learn anything about the various options, the requirements and the regulations. Emailing George Philip, convenor of the Department of Government where I work, I was told to rely on the official information they had provided. I was to be the "face" of the department and a "reassuring academic presence." All that is needed, George Philip told me, "is someone who knows how to operate Powerpoint."

What the event required was clearly someone not only with a Powerpoint presentation but also with a sales pitch. Someone who could tell the official story of the School and the department as it should be told, and to convince prospective students to choose the LSE over its rivals. In a world where students are worth 3000 pounds each, academics are forced to become salesmen. How else, after all, will our salaries get paid?

I'm not very good with Powerpoint, I'm not a “face” of anything except myself, and I never aim to provide reassuring presences. Above all, I'm not a salesman. I don't approve of the commercialisation of higher education and I resent the fact that academics are asked to deliver sales pitches. In the morning before the speech I tried to wiggle out of the responsibility through various excuses, but George Philip would have none of it. In the end, I decided to give the speech in my own fashion: to speak as truthfully as possible about what it is like to be an undergraduate student at an elite institution like the LSE. The LSE is a great place, surely it should be able to use the truth as a recruiting tool!

The speech in its entirety is available at http://ringmar.net/forgethefootnotes/?page_id=53/. It is basically a short catalogue of the good and bad things that undergraduate students have told me about the LSE over the course of the years. Yes, I did mention that undergrad teaching comes very far down on the list of priorities of most LSE academics, and I did say that the in-class experience of LSE students differs only little from the in-class experience of students at lesser universities. But I happen to believe that this is the truth. Above all, however, the speech is a celebration of our students. LSE's students are more than anything what makes the place unique. "We are," I said, "able to recruit some of the smartest, most interesting, intelligent, rich, successful and all-round attractive people on the planet."

> As an LSE student you will be a part of this extraordinary multicultural collection of bright and fun and ambitious people. These will be your friends and peers; you'll make girl and boyfriends among them. They are you! And for the rest of your life you will be a part of a network of LSE alumni spreading out across the globe.

This was not good enough for the LSE authorities. An administrator with responsibility for undergraduate recruitment who was present during the speech, denounced me to her boss, and before long the boss had been in touch with the convenor of my department. An investigation was quickly put together and witnesses were called. What I had said, George Philip insisted, "departed from the prepared message." I had "embarrassed colleagues and discouraged prospective undergraduate students from applying."

my blog

Meanwhile, I had been blogging about the whole business. I started my own blog, *Forget the Footnotes* — available here: http://ringmar.net/forgethefootnotes/ — in January 2006. During the first couple of weeks of its existence the page had perhaps ten visitors per day — family mainly, and a few students. The topics varied. I wrote about things I was reading and thinking, and about events that occurred in my life. Some entries were confessions, other boasts; I tried to be thought-provoking, I tried to be funny. Of course it was all very self-promotional.

Occasionally I blogged about the LSE. I lamented the fact that political science as a discipline increasingly is taken over by statisticians and by rational choice theorists. I poked fun at colleagues who spend most of their time designing models for predicting ministerial resignations. I reflected on the role of expert knowledge in social development and I concluded that an expert-producing institution like the LSE had much to answer for when it comes to problems of poverty and corruption. I pointed out that the vast majority of professors in my department are English and that the majority of junior faculty are non-English. What, I asked, can account for this discrepancy? Could there be an ethnic bias at work?

Regardless of the topic, I was fascinated by the new powers the blog had given me. For the first time, I had access to a medium through which I could speak in public, in my own time and my own manner, without the interference of editorial filters. Since the Enlightenment, people in Europe have claimed to believe in free speech yet the right to speak has always been restricted to a privileged few. Only people with privileges have had access to newspaper columns and TV channels. Internet technology and blogs are changing this. Now for the first time everyone with a broadband connection has access to a world-wide audience. The question is whether people of power and privilege will be in favour of freedom of speech also under these new circumstances.

LSE's reaction

As far as the LSE is concerned, the answer to this question soon became obvious. George Philip, the convenor of my department, wrote me an email on March 24, 2006, in which he reprimanded me for what I had said in the Open Day speech and in my blog. The blog, he argued, "makes statements that are enormously damaging to your own reputation … and potentially damaging to the School." For now, Philip hoped, an "informal oral warning" would be enough, together with my agreement to

1) "destroy/cancel your blog entirely and shut the whole thing down until further notice," and

2) "when representing the School in the future, doing so in a positive way that does not risk bringing the School into disrepute."

In addition, George Philip asked me to apologise to a list of people he claimed I had offended.

At a loss for what to do, I emailed colleagues in my department. The big professors got back to me quickly and publicly and they agreed with the convenor. Clearly, they concluded, I had overstepped the line and clearly there can be no such thing as a general right to blog. A few junior colleagues got back to me privately with statements of support. They didn't agree with what I had said, they pointed out, but they nevertheless defended my right to say it. Meanwhile most of my colleagues kept their heads down. Perhaps they had problems making up their minds on whether they were for or against free speech?

Hoping for a clarification of the rules that apply to bloggers, I contacted Sir Howard Davies, director of the LSE. This is what he said:

> "I entirely support your convenor's views. I looked at the blog and it seemed to me to be damaging to the school and to contain criticisms of your colleagues, and of the school's promotions procedures, which are inappropriate. You accuse the school of systematic discrimination against non-British staff which I reject, and you say teaching is ignored in promotion decisions, which I know to be untrue."
>
> "Your further messages to your colleagues and to me are disingenuous. The issue here is not a policy on blogging, it is whether a colleague can publicly abuse his employer and his colleagues without consequences. I further understand that you repeated these slurs to parents and prospective students, which is further cause for complaint. I think you should reflect carefully on your behaviour which I find most disappointing."

Very worried about these events, I temporarily took the blog down. However I eventually decided to defy the departmental ban and the director and to stand up for my right to free speech. On April 17, I put the blog back up. Surely a School that prides itself on its commitment to free speech cannot limit the free speech of its own staff. That would be hypocrisy.

the legal position

There is no official LSE policy governing blogging for student and staff. However, the School's "Code of Practice on Free Speech" incorporates explicitly the Universal Declaration of Human Rights of the United Nations, 1948:

> "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his or her choice."

In fact, as the same LSE Code makes clear:

> "Action by any member of the School or other person contrary to this Code, will be regarded as a serious disciplinary offence and, subject to the circumstances of the case, may be the subject of proceedings under the relevant disciplinary regulations, as promulgated from time to time."

It is obvious that George Philip and Howard Davies are in violation of this code. They both denied me my academic freedom and they both sought to close down my blog. These are regarded as "serious disciplinary offences" by the LSE's own rules! At the same time, as numerous people have assured me, there is no point in trying pursuing the issue legally. What LSE committee would ever go after a convenor or the director of the School itself? Don't be naive!

Eventually George Philip seems to have realised that he had no legal leg to stand on. First he sent me a message saying that I could put my blog back up again but only once he had given me permission. A few days later he grudgingly acknowledged that I had the right to maintain my own blog on my own web-space.

Instead of trying to close down the blog, they tried to dig up dirt on me in preparation for some kind of process. Apparently George Philip was convinced I had gone mad, and rumours to that effect started circulating in the department. One day a motorcycle courier delivered a confidential invitation for me to go on a medical leave. Needless to say I declined. One of my teaching assistants reported:

> you might be interested to know that I recently received an email from [the Government Department] asking me the way to provide them with feedback about the way you were supervising undergraduate teaching (how often you met with me, whether you monitored me, etc.). I don't know if it is a regular procedure or a way of trying to intimidate you, but I made sure that nothing of what I replied could be held against you.

This kind of behaviour is threatening and intimidating. Although the LSE has stopped trying to close down my blog, neither George Philip nor Howard Davies has retracted their threats and I have not been given an apology. Clearly I am still under surveillance. There is one computer at the LSE that has checked out my blog over 850 times, and there are several other computers that have clocked up many hundreds of hits. These could of course be fans, but somehow I doubt it.

This is not free speech as it usually is understood. For one thing it means that LSE staff has to devote time to the reading and censoring of blogs. It also means that blog authors can be subject to arbitrary treatment and harassment by people with repressive inclinations. Free speech requires the freedom from fear. At the LSE that cannot be guaranteed under present conditions. The only satisfactory long-term solution is that the LSE institutes that which Howard Davies explicitly denied the need for — a policy on blogging which acknowledges the general right of staff and students to write freely about whatever topics they choose.

my 15 minutes of fame

The only thing that kept me going throughout this ordeal was the reaction of LSE students. I initially contacted my undergraduates with a copy of my Open Day speech since I wanted to know whether my version of their experiences was reasonably accurate. Their reaction was very strongly worded. For once, they next to unanimously agreed, an LSE academic had spoken the truth about what it's like to study at the LSE.

Before long I started getting droves of encouraging emails, and the number of hits on my blog increased dramatically. A petition on the *Facebook* web site — ”In Support of Erik Ringmar” — soon had over 380 signatures. The student newspaper, *The Beaver*, had a powerfully written article and an editorial defending the right of academics to free speech. This is where *The Guardian* and the *Times Higher Educational Supplement* picked up the story with headlines like “A Blog too Far at the LSE” and “Lecturer's Blog Sparks Free Speech Row.” On May 4, 2006, my blog had over 5000 visitors and my Open Day speech has now been read by some 3200 people! Prospective students have contacted me from as far afield as Nigeria, insisting that they very much want to attend a university where teachers are free to speak their minds.

There is much to be learned from this story. I draw the following conclusions:

- academic freedom and the freedom of speech are currently under threat from the commercialisation of education. We must reaffirm these rights before we all are turned into salesmen.

- new media, notably blogs, make genuine freedom of speech possible for the first time. Even the most pro-free speech institutions are not ready do cope with the consequences. A reaffirmation of these rights is urgently required. Students and staff must be protected from intimidation.

- academics rarely practice what they preach. Taken as a whole, my colleagues showed their repressive tendencies and their cowardice. My downfall was silently watched by hundreds of LSE

staff members who only asked what the implications would be for themselves and their careers.

- students are the only ones idealistic, or naive, enough to take the official statements regarding rights seriously. The LSE students analysed the situation in a second and never hesitated to stand up for my rights (in some cases, to some considerable danger to their own careers). Ironically this only proved the point I initially had made in my Open Day speech: that its students are LSE's greatest asset.

The List

Majzoub B Ali

I am not on The List. It is official!
Essex County Council Schools' HR Services Manager, sent me an email on Monday 05 June 2006 that contains the following:

> 'I confirm that your name does not appear on The List and that it does appear on Index B.'

However, the ECC HR Senior Consultant wrote to me on Tuesday 19 February 2002 stating that my name was on ECC List 98. The entry was actually made some six years earlier, on 3 March 1995 by an unidentified person.

Essex County Cllr Swatantra Nandanwar wrote to me on Saturday 24 July 2004 the following:

> 'I discussed with Mr Philip Roberts your situation on Tuesday 20 July. Out of that discussion it emerged that you are no longer on the List.
> Were you aware that your case was audited on 3 July 2003 and you were removed from the List and transferred to Index B?'

I am now trying to find out the criteria that have to be met before I am transferred from Index B to The List. Watch this space. Meanwhile:
1. Between 1970 and 2000:
* Essex County Council kept a **secret** blacklist of teachers dubbed ECC List 98
* No record was kept of the Essex County Council officers who **secretly** entered names on the list
* No record was kept of the Essex County Council officers who **secretly** checked that the entries were accurate
* No individual whose name was on ECC List 98 was notified and given the right to make representations
2. A copy of ECC List 98 did transfer to Southend from Essex County Council at the time of the establishment of Southend as a unitary authority.
According to Southend-on-Sea Borough Council Director of Children and Learning, Southend BC just filed ECC List 98 when it got it. His actual words in an email on Wednesday 07 June 2006 are:

> 'The list that transferred from Essex has been filed and has not actively been used.'

Southend and Thurrock were part of Essex County Council prior to the local government reorganisation in the late 90s. Both of them opted to become unitary authorities - Southend on Wednesday 1 April 1998 and Thurrock on Tuesday 30 November 1999.
Southend confirmed in writing that ECC List 98 did transfer to it; Thurrock is yet to respond to my enquiries.
MajzoubBAli@gmail.com

LETTER

From Sushant Varma

I was wondering if readers of this publication could tell as many people as they can, particularly student union presidents, about the existence of my website called www.examfraud.co.uk -

<http//www.examfraud.co.uk>
It shows why there is a need for anonymous marking (concentrating on undergraduate courses relating to professions allied to medicine.)
- The flaws in the current system of anonymous marking
- How anonymous marking failed to protect me- a case study
- A better system- the unconditional return of exam scripts

The unconditional return of exam scripts has numerous benefits:
- It protects the examining body against allegations of bias - hence reducing student -complaints;
- It provides feedback;
- If there has been a mistake it is easier to rectify;
- If you have failed it is easier to accept;
- It simplifies any appeals process;
- It gives a much more humane method of giving results back- in medical schools they traditionally put pass and fail lists up on a notice board by name.

I think it is better that the results are given to you in person by your tutor with a copy of your papers.

Sushant Varma
Sheffield S10

Reviewers Wanted

As readers of my web site "SexandPhilosophy.co.uk" will know, my current scientific work is on evolutionary theory. I am something of a dissenter about this field and feel that genes should NOT be treated as the foundation of evolution. My alternative approach is to describe evolution in terms of data and to treat genes as formatting some of the data on DNA. I call this data-based, gene free approach to evolution "Bioepistemic Evolution" - reflecting the fact that it arises from epistemology and scientific philosophy as well as from biology.

In principle, I think that bioepistemic evolution should be applicable to all forms of evolution, not just biology. So far I have applied it to the analysis of social organization, the origins of humanity's unusual sexual traits and to the nature of humour - you can read some of this work on my web site.

More recently, my thoughts have turned to "prebiotic evolution" - the evolutionary processes that created life from the primordial soup.

This too is, was if you prefer, an example of gene free evolution, so it makes sense to try to apply bioepistemic evolution to understanding it.

So, I have been constructing a picture of prebiosis based on bioepistemic evolution and, last February, the Royal Society allowed me give a poster about it during a meeting on the conditions for the emergence of life on the early earth. The work, "The Evolution of Prebiotic Oscillations," does seem original and I have been further developing it. I now want to find a few people who would be willing and able to read the paper with a critical eye, pointing out anything from bad style and typos to illogicalities in the reasoning. It has become quite long, about 17,000 words, though I don't think I waste many of them.

Obviously, my preference will be people, with expertise in a relevant area - chemistry, biochemistry, evolutionary theory and IT - but the main thing is an ability to follow a reasoning flow and to possess an eye for detail. If you know somebody suitable, who would be willing to give this some time, or if you are such a person, please contact me at john.hewitt22@ntlworld.com.

For others, who would just like to read it, expect a first version to appear on my web once some reviewers have read it.

Sincerely
John Hewitt

ACADEMIC FREEDOM IN MEDICAL RESEARCH

I am currently writing a dissertation as part of my course at Cambridge University and one of the issues involved is academic freedom. However, I am interested in such a freedom outside the sanctity of institutions such as universities and colleges. I am currently trying to formulate a possible argument that could support medical researchers who, in the current situation are bombarded with regulations, arduous processes, principles and many other obstacles. In order to further my research I am trying to find out the current legal framework surrounding the right to research and right to academic freedom in the UK that lies outside the boundaries of the 'academy', (namely universities, colleges and the like).

I am interested in pinpointing from where such rights to carry out research actually derive and the scope of any such right. If anyone is aware of the present legal position surrounding this area any kind of response would be very much appreciated. Thank you for your help, it's nice to know that there are others who are interested in this area.
Zabrina Shield, zshield@hotmail.com

NOTICES

NEXT MEETING

Saturday 15 July 2006: 2.00 pm
Room 253, Birkbeck College
Officers' meeting Room 253 at 1 pm

Agenda

1. Apologies
2. Minutes
3. Matters arising
4. Academic Freedom
5. AOB

Informal lunch and chat from 12.00 in the Junior Common Room, 4th floor, extension wing, Birkbeck College, Malet Street. All welcome.

Committee

Chair:
John Fernandes
76 Bois Hall Rd, Addlestone Surrey KT15 2JN
01932 840 928: Shakti81@aol.com
Secretary:
Dr John Hewitt
33 Hillyfields, Dunstable, Beds LU6 3NS
john.hewitt22@ntlworld.com

Membership Secretary & Treasurer:
Dr Eva Link
17 Highcliffe, Clivesdon Court, London W13 8DP
02089982569; rekgemL1982@yahoo.co.uk
Founding Member:
Colwyn Williamson
3 Canterbury Road, Swansea SA2 0DD
Tel: 01792 517473, m:07970 838 276
colwynwilliamson@hotmail.com
Founding Member
Michael Cohen
50 Queens Road, Mumbles, Swansea SA3 4AN'
m: 07917 670555, Mike.cohen4@btinternet.com
Cafas Update Compilers:
Pat Brady
3 Ingleby Way, Chislehurst, Bromley BR7 6DD
0208 467 2549; patrickbrady@onetel.net
Geraldine Thorpe
7 Benn Street, London E9 5SU; 020 8 986 3004;
geraldine.thorpe@onetel.net
Auditor:
Majzoub Ali
36 Viking Court, Gunfleet, Shoeburyness, Southend-on-Sea SS3 9PT; 01702587995; MajzoubBAli@gmail.com

David Regan Appeal
Coordinator: Dr Janet Collett
University of Sussex, Brighton BN1 9QN; 01273 473 717
j.i.collett@sussex.ac.uk; jcollett@oeb.harvard.edu
Students' Complaints:
Dr Harold Hillman
3 Merrow Dene, 76 Epsom Road, Guildford GU1 2BX
01483568332; harold.hillman@btinternet.com
Website
Dr John Hewitt
33 Hillyfields, Dunstable, Beds LU6 3NS
john.hewitt22@ntlworld.com;
http://www.ahabitoflies.co.uk
Health & Safety Spokesperson:
Dr David Heathcote
Dept of Applied Psychology, Bournemouth University BH12 5BB; 01202595283; dheathco@bournemouth.ac.uk

---

CONSTITUTION

CAFAS' aims are outlined on the membership form. The full constitution can be obtained from the Secretary or www.cafas.org.uk.

CAFAS depends on subscriptions and an active membership. It meets in January, April, July and October.

NEAR

Cafas has linked to the Network for Education and Academic Rights (NEAR).

CAFAS - ISBN Publisher

Cafas holds the ISBN Publisher Prefix 0-9550782. Copies of publications can be obtained from the membership secretary.

CAFAS Council for Academic Freedom & Academic Standards

PATRONS: Professors Geoffrey Alderman (Middlesex), Michelle Barrett (City), David Beetham, Leeds, Jennifer Birkett (Birmingham), Noam Chomsky (MIT, USA), G A Cohen (Oxford), J B Deregowski (Aberdeen), Michael Dummett (Oxford), Terry Eagleton (Manchester), Chris Freeman (Sussex), John Griffith (LSE), Reuben Hasson (York, Canada), David Howell (Manchester), Richard Hyman (LSE), J F Lamb (St Andrews), David McLellan (Goldsmiths), T J Reed (Oxford), Hilary Rose (Bradford), Steven Rose (Open), John Saville (Hull), Phil Scraton (Queens, Belfast), Stan Smith (Dundee), John Westergaard (Sheffield)

17 May 2006

Cafas Update
7 Benn Street
London E9 5SU

Professor Robert Boucher
Vice-Chancellor's Office
The University of Sheffield
Firth Court, Western Bank
Sheffield S10 2TN

Dear Vice-Chancellor

P&G's 'Bill of Rights for Researchers' & Review of the University's Handling of Dr Aubrey Blumsohn's Case

Thank you for your letter of 5 April 2006 regarding matters of Dr Aubrey Blumsohn's case.

As indicated in our letter of 9 March 2006, we are writing a report for the Council for Academic Freedom and Academic Standard's newsletter, *Cafas Update*, and would like this to be as even-handed as possible. We would therefore be grateful if you could kindly address the particular question in our letter of 9 March that you appear to have overlooked. This was not confined to Dr Blumsohn but was one of general concern, namely, what steps has the University taken to implement and enshrine as university policy the new 'Bill of Rights for Researchers' that followed in the wake of Procter & Gamble Pharmaceuticals' public commitment to openness?

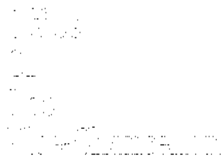
We also note from your letter that "a review group chaired by a senior academic has now been established to review the manner in which the University has to date attempted to deal with this complex matter". We are, of course, delighted to hear of this review, but cannot but note that it seems belated; in addition, it seems strange to us that Dr Blumsohn informs us that he is unaware of this review and has not been asked to provide any information to the group. We are also informed that the University has not accepted any involvement of the new Research Integrity Body, chaired by Professor Sir Ian Kennedy; if this is indeed so, we find the decision puzzling. In view of the general importance of this matter, we would be grateful if you would let us know how the University can be assured that this group will receive proper information, who will choose its "external" and "internal" academic membership, whether such a review will take place in public, whether its findings will be made public and what time scale is envisioned to assess how the University has acted.

We would appreciate any information from the University on these matters and thank you for your time.

Yours sincerely

Geraldine Thorpe & Patrick Brady
Co-compilers

The University Of Sheffield.



Geraldine Thorpe
CAFAS
7 Benn Street
London
E9 5SU

Vice-Chancellor
Professor Robert Boucher, CBE, FREng

Firth Court
Western Bank
Sheffield
S10 2TN

21 June 2006
RFB/RA

Telephone: +44 (0) 114 222 1006
Fax: +44 (0) 114 222 1001
Email: t.eyre@sheffield.ac.uk

Dear Ms Thorpe

Thank you for the letter of 17 May 2006 regarding Dr Aubrey Blumsohn and P&G's Bill of Rights.

The University will be considering the content of the new 'Bill of Rights' for future research contract arrangements. Once the Bill of Rights is in the public domain we would envisage establishing a working group, the purpose of which will be to analyse the Bill and work towards integrating its component parts into the University's policies. As such, the University looks forward to the publication of the Bill of Rights.

You will appreciate that the University and Dr Blumsohn have only recently compromised their differences upon mutually satisfactory terms. It would seem an appropriate time to now review the manner in which the University had dealt with this complex matter. The output of the review will be used by the University to reflect upon and action any procedural changes as deemed necessary. It is for the external chair of the review group to determine how they choose to investigate and whom they wish to meet.

The University welcomes the new Panel for Research Integrity in Health and Biomedical Sciences. However it is our understanding that the remit of this panel will not be to investigate specific misconduct allegations. However, it is the case that the Medicines and Healthcare products Regulatory Agency (MHRA) are in the process of investigating the concerns raised by Dr Blumsohn. The University is fully supporting and co-operating with this investigation.

Yours sincerely,

Defending-Academic-Freedom JISCMail List
Details are on Cafas' website.
Cafas website http://www.cafas.org

CAFAS *Update* Deadline: 30 September 2006

Please send letters, news items and articles to:
patrickbrady@onetel.net
geraldine.thorpe@onetel.net
Deadline: 30 September 2006

***CAFAS Update* seeks to provide an open forum for opinion and discussion. Items do not necessarily reflect the views of the Council.**