

## Evading responsibility to readers and third parties: How an international bioethics journal failed to correct the record of publication

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Short title: Failure to correct the record of publication

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Précis: A journal declined to correct the record of publication although a correction was warranted and duly submitted by the authors.

### Summary

The *Journal of Bioethical Inquiry* declined to correct the record of publication to the satisfaction of a reader whose professional interests were threatened by misleading information. The journal published letters from the reader in question and the authors of the inaccurate information, but these letters did not satisfactorily correct the record. A second correction (clarification) by the authors was submitted with the approval of the reader, but the editor rejected it. The publisher is a member of the Committee on Publication Ethics (COPE), which found, in response to a complaint submitted by the reader, that the journal had “taken all necessary measures”—a judgment I do not agree with in the light of my analysis of the content of the documents in question, COPE’s code of conduct for editors, other current international guidelines for good editorial practice, and information obtained from all stakeholders in the case. The chair of the editorial board and the publisher have framed the issue in terms of the lack of a legal obligation to act, given that no “factual errors” were involved, whereas the author of this report frames it as an instance of editorial misconduct, i.e., dereliction of editorial responsibility and failure to take all reasonable steps to correct the record. I discuss the implications of the case with reference to editorial ethics and individuals’ vulnerability to potentially damaging misinformation published in international research journals. To correct the record—albeit in a manner inconsistent with current international guidelines—the final clarification is published in this report, with the authors’ permission.

**Key words:** / **Concept cloud:** accountability, bioethics, COPE, correction, editor, editorial accountability, editorial ethics, editorial misconduct, EMWA, erratum, ICMJE, journal, medical writing, publication ethics, transparency, WAME, written communication

## Background

The *Journal of Bioethical Inquiry* (JBI) published negative implications about professional ethics at Dianthus Medical Ltd., a small business directed by Adam Jacobs. [1,2] [Spielmanns and Parry 2010, Jacobs TWS 2011]. Jacobs, a medical writer, trainer and previous President of EMWA, is well known among his peers as a pioneer in ethics. To set the record straight, he published a brief letter in JBI, in which he explained that his company does not engage in ghostwriting [3] [Jacobs JBI 2010]. The counter-reply from Spielmanns and Parry was much longer and did not clarify that the information they has previously published might be misleading [4] [S&P JBI letter 2010]. Neither of these two publications was linked on the journal's website to the original article by Spielmanns and Parry.

The editor of the journal initially informed Jacobs, Spielmanns and Parry that further clarification could be published as a letter to the editor, provided that the information was of interest to readers. Jacobs submitted a second brief letter but the journal rejected it. The authors of the original article also submitted a second letter (which was read and approved by Jacobs) to clarify that they had no evidence for their implication that Dianthus Medical provided “ghostwriting” services. The editor rejected this letter because she felt that no further correction was needed.

The medical writer complained to the Committee on Publication Ethics (COPE), which examined the case and found that the journal had already done all it needed to do [2,5] [Jacobs TWS 2011, Barbour TWS 2011]. Although COPE is a valuable resource, I feel their decision in this case is not consistent with their own recommendations regarding editors' responsibility to correct the record of publication. Despite the potential issues with COPE's decision, the editors of JBI and the journal's publisher, Springer, appear to have used it to justify their subsequent inaction. Later attempts by Jacobs and myself independently to convince the journal to fully correct the record for the sake of good editorial practice and transparency were unsuccessful. This article details these unsuccessful efforts, and proposes that more strenuous efforts are needed to hold editors accountable for their actions, especially when these actions (or failures to act) have to potential to harm others. The final clarification, which should have been published in JBI, appears at the end of this report.

## Timeline / Box x

Jan 2010 - Spielmanns and Parry's article [1] [S&P 2010] is published in *Journal of Bioethical Inquiry* (JBI). In the section headed “Ghostwriting” the authors express concerns based on language that appears on the Dianthus Medical website.

June 2010 - A letter from Jacobs and rebuttal from Spielmanns and Parry are published in JBI [3,4] [Jacobs JBI 2010, S&P JBI letter 2010].

Early June 2010 - Spielmanns and Parry submit a brief clarification, with Jacobs' agreement, that they had no evidence of inadequate acknowledgment of medical writers working with Jacobs' company. Kate Cregan, the editor, advises them that the information cannot be linked to their original article, and should be submitted as a letter. [email Spielmanns to Jacobs and Parry 8 June 2010].

June – July 2010 - Via email, Jacobs, Spielmanns and Parry discuss with Cregan how to resolve the situation.

Early July 2010 - Cregan advises Spielmanns, Parry and Jacobs that “a further letter (and response) would be considered” as long as there was “debate to be had of interest to our readers” [email Cregan to Jacobs, Spielmanns and Parry 7 July 2010].

29 July 2010 - Jacobs submits his second letter to JBI. Cregan rejects it in early August. [email Jacobs to Shashok 5 Oct 2011].

Late July – Early Aug 2010 - Cregan rejects Spielmanns and Parry's second letter because their original article “contained no factual errors” and the two previously published letters “resolved any confusion” [email Spielmanns to de Kiejzer and Parry 11 Aug 2010].

Late July 2010 - Cregan advises Jacobs, Spielmans and Parry that she “will not be entering into any further correspondence on the subject” [email Cregan to Jacobs, Spielmans and Parry 29 July 2010].

Early Aug 2010 - Spielmans and Parry appeal to Maja de Kiejzer, Springer’s Publishing Editor for JBI, to ask whether it is possible to publish their second letter [email Spielmans to de Kiejzer and Parry 11 Aug 2010]. This correspondence does not result in a positive reply from Springer [email Spielmans to Shashok 19 Oct 2011].

14 Oct 2010 - Jacobs submits a complaint to COPE since the journal involved is published by Springer, a member of COPE.

January 2011 Kate Cregan steps down as Editor of JBI, and is replaced by Coeditors Michael Ashby and Leigh E. Rich.

11 April 2011 - COPE finds that JBI has “satisfactorily dealt with the issues at hand” [2,5] [Jacobs TWS 2011, Barbour 2011].

20 April 2011 - COPE declines Jacobs’ request for information on how they reached their decision [2] [Jacobs TWS 2011].

June – Oct 2011 - Jacobs continues to correspond with JBI and Springer to attempt to resolve the issue.

June 2011 - Jacobs publishes a summary of the case in *The Write Stuff* (TWS)[2] [Jacobs TWS 2011] and blogs about it [6] [Jacobs blog], and a justification by Virginia Barbour of COPE’s procedure is published in the same issue of TWS [5] [Barbour 2011].

16 June 2011 - The author of the present report reads the TWS articles and all three items published in JBI.

27 June 2011 - Shashok emails Cregan, Ashby and Rich, members of the JBI editorial board, Springer’s Executive Vice President for Corporate Communications Eric Merkel-Sobotta and Springer’s legal counsel Hendrik-Jan Stoker with her concerns over JBI’s position.

July 2011 - WAME’s Ethics Committee agrees to review the case.

3 July 2011 - Paul Komesaroff, Chair of JBI’s Editorial Board, identifies himself to Shashok as “the only person at the Journal authorised to enter into correspondence on this matter”.

18 July 2011 - Ashby advises Jacobs he has “no independent views on the matter” [Ashby M 2011, personal communication, email to Jacobs 18 July 2011] and refers him to the chair of the editorial board.

19 July 2011 - Komesaroff breaks off correspondence with Shashok after she copies members of the editorial board and Springer’s management in to her reply to an email from him.

23 July 2011 - Shashok contacts Spielmans and Parry to request information.

10 Aug 2011 - Komesaroff breaks off correspondence with Jacobs because he feels Jacobs has not agreed to his conditions for engaging in discussion. The main issue appears to be their disagreement over whether the information published in Spielmans and Parry’s article is or is not defamatory.

23 Aug 2011 - Shashok emails the owners of the journal with her concerns but gets no reply.

24 Aug 2011 - Shashok emails members of Springer’s senior management but gets no reply except a referral to Springer’s legal counsel.

26 Aug 2011 - Shashok clarifies her role in the matter to Springer’s legal counsel and asks him if Springer is unable to support JBI in publishing an appropriate correction and linking it to the original S&P article. No reply has been received as of this writing.

Sept 2011 - Springer’s legal counsel and Jacobs attempt via email to understand Komesaroff’s conditions for re-establishing dialog.

Oct 2011 - WAME’s Ethics Committee issues their report [7] ??K reference Xx xxxx 2011 Spielmans and Parry’s final clarification to correct the record is published in this article on the European Medical Writers Association (EMWA) website.

### Context, language, facts and errors

To understand why Jacobs was dissatisfied with JBI's behavior, I reviewed the language in Spielmans and Parry's article [1] [S&P 2010], Jacobs' brief letter [3] [Jacobs JBI 2010], and Spielmans and Parry's long response [4] [S&P letter 2010]. Although Spielmans and Parry rightly criticized ghostwriting, they did not define it for readers, nor did they refer readers to professional guidelines developed by medical writers. These guidelines, which Jacobs himself played a key role in developing [8] [Jacobs and Wager 2005], strongly discourage ghostwriting and encourage transparency in making the role of medical writers known to readers. Nevertheless, Spielmans and Parry cited Jacobs' small company, Dianthus Medical Limited, in the context of their critique of unethical medical writing practices.

Jacobs published a brief letter to point out that his company does not practice or condone ghostwriting. The language in Spielmans and Parry's long letter in response failed to clarify for readers that the information they provided on Dianthus Medical, although free from actual errors of fact, could nonetheless lead readers to believe that this company's ethics were suboptimal. In a few places the language in their letter implied that they remained sceptical of Jacob's explanation, and in a few places they appeared to raise further doubts regarding professional practices at Dianthus Medical.

Spielmans and Parry's JBI article analyzes serious issues in medical research publishing and contains much valuable information. However, in citing the Dianthus Medical website in the context of a section subtitled "Ghostwriting" they appeared to suggest that this company exemplified the unethical professional practices they rightly criticized. Their letter in response to Jacobs failed to correct the published record to Jacobs' satisfaction. Fortunately, subsequent correspondence between Jacobs, Spielmans and Parry was collegial and constructive, and quickly resolved the situation. Through the summer of 2010 they worked together with Kate Cregan, editor of JBI at the time, to reach a solution that would satisfy all parties involved. Cregan advised the authors to submit their additional clarifications as a second letter to the editor and response [emails copied to me from Jacobs 6 Oct 2011, email Cregan to Jacobs, Spielmans and Parry 7 July 2010], and Jacobs duly submitted a second letter to the editor—which Cregan rejected. Spielmans and Parry submitted a second 1-paragraph letter (the wording of which was agreed with Jacobs) to clarify that they "found no evidence that Dianthus Medical writers fail to properly acknowledge their role in drafting and editing various manuscripts". Cregan also declined to publish this clarification [Spielmans email to me 25 July 2011].

The JBI is published by Springer, and according to the publisher's website, "[a]fter online publication, further changes can only be made in the form of an Erratum, which will be hyperlinked to the article." [9] [Springer. Journal Manuscript Guidelines]. Unfortunately, there is no link from JBI's Instructions to Authors to Springer's policy on publishing errata. The journal's website contains no information about an appeals process and no information about how to submit a correction as an erratum. Cregan advised Jacobs, Spielmans and Parry that an Erratum could not be published in this case, despite Springer's policy. Apparently, information that does not contain an unequivocal error of fact does not qualify for an erratum in the journals Springer publishes.

At some time during the summer of 2010 Cregan changed her mind about publishing a more clearly-worded correction (i.e., the second letter from Spielmans and Parry), because she felt their article contained "no factual errors" and that the letter and response that had already been published "resolved any confusion" [Spielmans & Parry, email to Maja de Keijzer 11 Aug 2010; copied to Jacobs 20 Aug 2010, copied to Shashok by Jacobs 19 Sept 2011]. Although the article contained no actual errors of fact, the context in which Dianthus Medical was cited would have led at least some readers to the wrong conclusion about Jacobs' business—which is why British legal authorities felt the text was defamatory [2] [Jacobs TWS 2011]. So to set the record straight JBI should have published Spielmans' and Parry's second letter. Moreover,

JBI's website should have linked the two letters (from Jacobs and the response from Spielmans and Parry) to the article that triggered the controversy.

If the publisher is able to publish and link an erratum, why was JBI so resistant to linking the published letters with Spielmans and Parry's article? By failing to fully correct the published record, JBI and Springer send the message that they are comfortable with publishing misleading statements about professionals involved in science, technical and medical publishing. Their failure to act is inconsistent with the guidelines of the International Committee of Medical Journal Editors [10] [ICMJE], the World Association of Medical Editors [11] [WAME], the Council of Science Editors [12] and COPE [13,14] [COPE CoC, COPE Rees guidelines] (see excerpts from these guidelines in Appendix 1 / Box x).

The stakeholders in the issue may have found it difficult to understand what was being requested of them because of confusion over the terms "correction", "erratum" and "clarification". Regardless of the terms used, however, the practical outcome for readers of JBI remains the same: no access to full correction of the published record.

### **Lack of transparency at JBI—Who's in charge?**

Attempts to motivate JBI to correct the record were hampered by a lack of transparency regarding the appropriate procedures to follow. The previous and current editors did not respond to my email requests for information about the case. With the exception of the chair Dr Paul Komesaroff, the other members of the editorial board did not respond to my emails.

The members of the JBI's editorial board are listed on the journal's website [15] [Springer. JBI Editorial Board]. However, there is no information about the responsibilities of the editors, editorial board members or other journal staff, and there is no ombudsman. Because the duties of JBI's editorial board are not defined in any publicly accessible source, whether the board members share part of the responsibility for JBI's failure to correct the record remains open to debate.

An old call for editors from 2007 [16] [JBI Editor in Chief Position Description] described the responsibilities of the Editor-in-Chief in clear terms. Unfortunately there is no way to know whether those responsibilities still apply to the Coeditors whose term began in January 2011. My correspondence with Komesaroff during 2011 suggests that the chair of the editorial board has assumed a number of key editorial responsibilities. The current co-editors' lack of response to my attempts to contact them, together with Ashby's astonishing statement to Jacobs that he has "no independent views on the matter" [Ashby M 2011, personal communication, email to Jacobs 18 July 2011], further suggest that the current co-editors have relinquished or evaded some of their responsibilities. Such "dereliction of editorial duty" raises questions about who is ultimately responsible for editing the journal, and should concern potential authors and readers. Interestingly, JBI is not the only bioethics journal that has been criticized for shortcomings in editorial transparency and accountability [17] [Schwitzer 2011].

The owners of JBI are not identified on the journal's website [18] [Springer. Journal of Bioethical Inquiry, Homepage]. The links under Additional Information to The Australian Bioethics Association and The Australian Institute of Health Law and (presumably) Ethics return, respectively, an error message and a link to what appears to be an unrelated website, although the link to The Otago Bioethics Centre works. There is no information about the relationship between these institutions and the journal, nor is it stated on the journal's website that JBI is currently "an incorporated company [...] with two shareholders—AABHL and the Otago Bioethics Centre/University of Otago" [email from Malcolm Parker to Shashok Aug 18 2011]. "AABHL" stands for the Australian Association of Bioethics and Health Law, created in 2010. A few officers of AABHL are members of the editorial board of JBI [19] [AABHL Committee Members].

Both Komesaroff and Springer seemed to view my suggestion to publish and link a satisfactory correction as a threat of legal action rather than a proposal that, if followed, would have resolved the issue to the satisfaction of the aggrieved party, the authors of the article that triggered the problem, and, one hopes, the journal's readers, with minimal damage to the journal's reputation. Why were JBI and Springer so resistant to this proposal? Their inflexibility may be related to the fact that they perceived no risk of legal action [2] [Jacobs TWS 2011], and thus preferred to do nothing.

### **Communication failure**

Paul Komesaroff, who has served as chair of JBI's editorial board since at least 2007, identified himself to me as "the only person at the journal authorised to enter correspondence on this matter" [Komesaroff email to me 3 July 2011] and initially reiterated his willingness to participate in "reasoned discussion" and "open and respectful dialogue" about the case. However, he had a condition for agreeing to correspond with me: that I address only him and not involve anyone else at JBI.

I felt that this non-transparent approach would leave members of the editorial board in the dark would not be helpful to the journal, and so copied my reply to Komesaroff (without including his email addressed to me) to the previous editor-in-chief, the current co-editors and members of the editorial board in the belief that they would be concerned about editorial policy at JBI. My assumption was that these stakeholders would wish to participate in discussions aimed at resolving the matter in a way that would reflect favourably on all parties involved. Komesaroff, however, viewed my correspondence with other stakeholders as a violation of his condition for entering into correspondence with me, and as "an attempt to exert pressure on them to provide a favourable response to Mr Jacobs' demands". He was upset enough to unilaterally terminate our correspondence [Komesaroff email to me 20 July 2011].

Komesaroff's angry reaction suggests that up until that time, members of the editorial board were unaware of the issues surrounding JBI's reluctance to fully correct the record of publication. Was the risk that some of them might have had a "favourable response to Mr Jacobs' demands" [Komesaroff email to me 20 Jul 2011] something the chair of the board wished to avoid? My understanding of correspondence between Jacobs and the journal suggests that Jacobs presented reasonable requests, not "demands", to JBI.

When Komesaroff terminated our correspondence I contacted the journals' owners and publisher to repeat my concerns, but the only response these emails elicited was a referral to Springer's legal counsel Hendrik-Jan Stoker. The lack of response from JBI's owners, and the publisher's framing of the issue in terms of legal obligation rather than ethical responsibility, suggests that the only thing that might have induced the journal to publish an appropriate correction was legal action—which is not an option available to most individuals [20] [Teixeira and Fontes da Costa 2010], and which Jacobs' had already stated for the record that he was not contemplating [2] [Jacobs TWS 2011]. Perhaps understandably given his duties, Stoker was more interested in receiving assurances that I was not Jacobs' legal counsel than in advising the journal on editorial policy. As of this writing, Stoker has not responded to my question whether Springer is unable to support JBI in 1) publishing a complete correction to the false and misleading information about Dianthus Medical Limited, and 2) clearly linking correspondence and other publications arising from Spielmans and Parry's article [1] [S&P 2010] so that readers who access the article online will know about the subsequent letter and response.

### **The Committee on Publication Ethics (COPE) finding**

In October 2010 Jacobs submitted a complaint to COPE about JBI's failure to correct the record of publication. The outcome of COPE's investigation, as reported in TWS

[2,5] [Jacobs 2011; Barbour 2011], was that JBI had “satisfactorily dealt with the issues at hand”.

The COPE committee that examined Jacobs’ complaint may have been deprived of insights into medical writing and Jacobs’ role as a leader in professional ethics for medical writers, because the chair of COPE, who has worked closely with Jacobs in developing a code of ethics for medical writers, recused herself from the case due to conflict of interest [5] [Barbour 2011]. There can be no question that recusation was the right thing to do under the circumstances. Nonetheless, in the absence of insights their chair could have contributed, COPE may have been too lenient with JBI. Media attention to issues with ghostwriting and medical writing is intense, and the many articles that have appeared in journals and the lay press with a negative slant against medical writers [21,22] [Shashok Jacobs TWS 2007; The PLoS Medicine Editors 2009] may have influenced committee members’ understanding of the case. Were any members of the committee that examined Jacobs’ complaint biased by their personal involvement in current debates about medical writers and ghostwriting? Did JBI tell COPE about its reasons for rejecting the second letters submitted first by Jacobs and then by Spielmans and Parry? These questions are impossible to answer because the names of the committee members, as well as the evidence the committee was provided, are not available to the public, and there is no written report of COPE’s investigation [5] [Barbour 2011; Wager email to Shashok 28 June 2011 “no written report”].

Advice on editorial ethics issued by COPE itself counsels editors to link items that correct information in a previously published article, so that readers will be aware of the correction [13,14] [COPE CoC, COPE Rees guidelines]. Yet although JBI failed to take this step, COPE found that it had “satisfactorily dealt with the issues at hand”—an ambiguous phrase since judgments on whether the outcome was “satisfactory” or not depend on one’s point of view.

At this time COPE does not publish information on their website about the “complaints” it investigates, although it does provide information on the “cases” it handles. In the absence of information on their internal procedures, it is hard to fathom how COPE reached the conclusion that the journal had “satisfactorily dealt with the issues at hand” [2] [Jacobs TWS 2011], when a careful reading of COPE’s code of conduct suggests otherwise [13,14] [COPE CoC Appendix I / Box x]. Almost all cases COPE has examined to date have involved editors’ complaints against authors. In the first complaint to COPE in which a reader’s professional reputation and interests were threatened, it is probably not surprising that COPE may have given more credence to the journal’s point of view rather than the aggrieved party and the authors—whose request to publish a more informative clarification was refused [Spielmans & Parry, email to Maja de Keijzer 11 Aug 2010; copied to Jacobs 20 Aug 2010, copied to Shashok by Jacobs 19 Sept 2011; Spielmans email to me 25 Jul 2011].

In a case COPE examined in 2007, the committee advised that “[t]he editorial board has an obligation to ask the editor-in-chief for an explanation of his actions” [23] [COPE. Editorial misconduct. Case number: 07-01]. But COPE appears to have overlooked its own precedent when it examined Jacobs’ complaint against JBI. The lack of information on JBI’s website about editorial roles and responsibilities, ownership, and the journal’s policy regarding corrections is in violation of the good editorial practice guidelines issued by COPE [13,14] [COPE CoC] and other organizations for journal editors [10-12] [ICMJE, WAME, CSE]. These shortcomings leave interested parties in the dark about editorial responsibility and accountability at JBI. My correspondence with Komesaroff, along with the silence of the journal’s editors and editorial board members, suggest a worrisome lack of clarity in the lines of editorial communication and authority at JBI.

Springer and the JBI editors apparently felt that COPE’s finding exempted them from taking further action [email Stoker to me 26 Aug 2011]. Nonetheless, it is debatable whether COPE’s decision regarding Jacobs’ complaint exonerates the

journal or the publisher from their responsibility to provide readers with truthful information. Although Spielmans and Parry's article contained no actual errors of fact, the language they used could be understood to imply a criticism of professional ethics—a criticism that was in fact baseless in the case of Dianthus Medical Ltd, as Spielmans and Parry wished to point out for the record. The outcome of COPE's investigation thus appears to have contributed to inaccurate and potentially damaging implications about the professional ethics of a third party remaining in the literature, uncorrected.

### **The World Association of Medical Editors (WAME) Ethics Committee finding**

An anonymized 1-page summary of this case was submitted for review to WAME's Ethics Committee after Jacobs' and Barbour's articles appeared in TWS [2,5] [Jacobs TWS 2011, Barbour 2011]. This committee reported that the summary did not provide "the details they would need to come to a conclusion about the adequacy of the published record" and noted further that "to engage in such an exercise would be outside the Committee's mandate." However, based on the same summary, the committee "believe[d] the editor has taken reasonable measures to address the 'misleading' information" [7].

The committee's report states, "It is not reasonable to expect an editor to continue publishing letters or take other corrective actions until one or more parties are satisfied the matter has been resolved to their satisfaction" [7]. Editors understandably want to avoid protracted negotiations with authors, since the time and resources needed to arrive at a "satisfactory" solution may not be available. However, this situation means that the decision to terminate efforts to correct the record becomes a matter of convenience for the editor rather than a matter of responsibility to readers.

Regarding readers' access to corrections, the committee found that two published letters "should be linked to the original paper, [...] if it is technically possible to do so (e.g., journal's online system allow for this)." As noted above, Springer's legal counsel has not answered my question of whether the publisher can support JBI in providing the necessary links between Spielmans and Parry's article and the two letters that were subsequently published. This, however, should not be difficult to achieve given the resources at Springer's disposal [24] [Springer Financial Information 2011].

### **Editorial interference with post-publication peer review and science's mechanism of self-correction**

An efficient way to correct the record is to publish letters to the editor with readers' criticisms and refutations of the claims made in published articles. Yet some journals do not do enough to allow this mechanism to operate effectively [25,26] [Altman 2005, Lee and Bero 2006]. Letters from readers who pointed out methodological errors in an article that appeared in a general medical journal initiated intense debate over the nature of peer review, and led pharmacologist and science columnist David Colquhoun to criticize the entire peer review system as corrupt [27] [Colquhoun 2011]. In the case Colquhoun reported, the journal's editor, Roger Jones, accepted responsibility for the decision to publish the article, and engaged in public debate over the case—even though it meant subjecting himself to some rough verbal treatment on the internet. Interestingly, he considered the ensuing debate over the merits and defects of the article and the journal's peer review system to reflect a failure of post-publication peer review, whereas Colquhoun pointed out that the volume and intensity of readers' responses represented, in fact, the success of the self-correcting process.

Editors can find it hard to cope with the inevitable errors in deciding what gets published. They should, however, take solace in fact that science's self-assessment (peer review) and self-correction mechanisms (errata, corrections, letters to the editor, rapid responses, online comments, blog postings, etc.) are intended to allow multiple points of view to contribute to the development of sound knowledge, not to unequivocally and infallibly distinguish between truth and non-truth.

However, questioning an editorial decision can lead to a hostile response rather than openness to dialog [28] [Satyanarayana 2002]. For example, Leo and Lacasse were publicly attacked by the editors of JAMA for their attempts to point out missing information on conflicting interests in an article this journal had published [29] [Leo Society 2009]—an editorial error that placed the journal, a member of the ICMJE, in violation of its own guidelines. In a case with several parallels to the one described here at JBI, Light and Warburton encountered an interminable series of obstacles to their attempts to correct the record in the *Journal of Health Economics* [30] [Light and Warburton 2008]. They searched long and hard, without success, for an appropriate authority with whom they could raise their concerns over editorial misconduct at the journal, but were advised by eminent editors of other journals that they were powerless. Ultimately they turned to a litigator, and it was only the threat of legal action which led the editors to reconsider their stance—partially. Light and Warburton concluded sadly, “The editors of JHE violated, in our opinion, almost every ethical standard established for editors. Yet they remain accountable to no one” [30] [L & W 2008].

The lack of legal recourse authors and others face when their interests are harmed by editorial misconduct was explained in detail by Teixeira and Fontes da Costa, who provide insights from editors, experts in ethics, and legal documents regarding the responsibilities of editors and publishers [20] [Teixeira and Fontes de Costa 2010]. These researchers recommended that investigations into editorial misconduct should focus on finding “the most suitable course of action to protect the author against the damages caused by misconduct”. It goes without saying that not only researchers but other parties who might be harmed by editorial misconduct should also be able to request and obtain redress.

Editorial incompetence and abuse, in addition to their potential to harm individuals’ careers, have had a further unfortunate consequence with much broader implications for science research publishing. Cynicism among researchers is spreading, along with a tendency to consider journals and their publishers in the same ethically challenged class as airlines, telecoms companies and pharma companies as examples of concerns that abuse their customers most frequently and with the greatest impunity. In this connection, evidence recently came to light that some large biomedical journals may be compromised by economic conflicts of interests [31-33] [Lundh et al 2010, Monbiot 2011a 2011 b]. Investigations into health journals’ and their publishers’ sources of income have resulted in the suggestion that these stakeholders in knowledge dissemination should hold themselves to the same standards of transparency as the researchers who provide the content these concerns profit from so handsomely.

Symptoms that the research publication and evaluation system is becoming dysfunctional are reported almost daily in sources such as the Retraction Watch blog [34] [Retraction Watch]. Aside from the current shortcomings of peer review, what is especially worrying for the future of science journals is the fact that most editors are ignorant of current guidelines and apparently unconcerned about training themselves in good editorial practices [35] [Wager et al. 2009]. When editors and publishers fail to support the mechanisms of self-correction readers rely on, they may put the literature at increased risk of being contaminated with misleading information published through honest error, ignorance of good editorial practice, or intentional abuse of editorial prerogative.

Benatar, in his commentary on the 2011 seminar “The ethics of ghost authorship in biomedical research”, observed that participants were concerned over the leniency shown to faculty members for professional misbehaviour (plagiarism, specifically) and the general lack of accountability within institutions. Seminar participants also suggested that the current unresolved issues with accountability in research publication ethics might be “one of many signs of a profound and pervasive malaise within a progressively dysfunctional ‘global system’ ” [36] [Benatar 2011]—a system that has evolved under intense environmental pressure to publish. The

competition for funding awarded on the basis of researchers' publication record seems to have benefited commercial journal publishers at the expense of a decline in the overall quality of what gets published, and increasing ignorance of (or disregard for) standards of good editorial practice. Perhaps JBI's apparent lack of concern over correcting the record is a further symptom of system failure in science, technical and medical publishing.

### **When and how will journal editors be made accountable?**

Editors and publishers have been eager to claim the reputational enhancement provided by professional organizations such as CSE, COPE, ICMJE and WAME [36] [Colón R. *New editorial enhancements for Springer journals: COPE and CrossCheck. Society Zone, 2008*]. In contrast, some of them have been slow to take corrective measures when noncompliance with the advice these organizations provide is brought to their attention. Although WAME and COPE were created to satisfy editors' needs for sound practical guidance on best editorial practice, compliance with their recommended procedures is voluntary and unenforceable, and noncompliance with their recommendations usually results in no corrective action. Despite the ample availability of guidelines for good editorial practice, a survey published in 2009 found that "among medical journal editors, awareness of guidelines and organizations specifically aimed at such journals was remarkably low, with 55% of the healthcare editors reporting being unaware of the ethical guidance produced by the ICMJE" [35] [Wager et al. 2009]. Why do most editors remain ignorant of and unconcerned with good editorial ethics? The answer may be because they know there is no reliable mechanism through which they can be held accountable [20] [Teixeira and Fontes da Costa 2010].

The earliest call for medical journal editors to become more accountable dates back to 1989 [38] [Herxheimer 1989], who noted, "Editors are well defended by their position, by their editorial boards, and publishers. An author [or anyone else who may be harmed by what the journal has published, I would add] who has been treated badly stands alone" [cited in 27 Satyanarayana 2002]. The year 1994 saw publication of the oft-cited but never implemented call for an international scientific press council [39] [Altman Chalmers Herxheimer 1994]. In 2002, Ray, citing this article, stated, "Abuse of power and misconduct by medical editors is probably quite uncommon" [40] [Ray 2002]. Although no data are available, subsequent cases of editorial "dereliction of duty" suggest that editorial misconduct may be on the rise. The apparent increase may be related with the constant inflation in the number of journals. As a result of this phenomenon, there may be a shortage of qualified editors with enough altruism and sense of responsibility to their readership to devote their poorly-paid or unpaid time to professional development, editorial quality control and professional editorial ethics.

In the nearly two decades since Altman and colleagues formally called for the creation of an international scientific press council to receive complaints about editorial misconduct [39] [Altman Chalmers Herxheimer 1994], essentially no progress has been made toward enforceable accountability for journal editors. They have been urged—but never obliged—to follow the guidelines published by their peers. But current guidelines are powerless to dissuade editors from behaving badly. Editors' lack of motivation to temper their power with an awareness of their responsibilities remains a serious impediment to editorial accountability. It is time to create a more powerful authority that can give teeth to current guidelines for good editorial conduct and provide an avenue for redress to authors, readers and other parties whose interests may be harmed by editorial misconduct or error.

### **The information JBI refused to publish**

Spielmanns and Parry submitted a final clarification, with Jacobs' agreement, to JBI, but this information was not published. Like Jacobs, Spielmanns and Parry, I urged JBI and Springer to correct the record fully, and to clearly link correspondence and other

publications arising from Spielmans and Parry's article so that readers would know about the subsequent clarifications. I provided the former and current editors, members of the editorial board, and top-level journal management at Springer with guidance from COPE, ICJME and WAME on how to do this, along with an explanation of why it was the right thing to do—a win-win resolution for all parties involved [?? link to letter emailed to JBI stakeholders].

After several months of correspondence, and almost two years after Spielmans and Parry's article was published, I have reached the conclusion neither the journal nor the publisher are prepared to fully correct the record. It is therefore gratifying that the European Medical Writers Association has agreed to provide readers with access to Spielmans and Parry's final clarification, reproduced below with the authors' permission [Spielmans email to me 28 Sept 2011]:

The section on ghostwriting (pg. 18) includes a passing reference to some wording on the website of the writing firm Dianthus Medical. To be clear, we found no evidence that Dianthus Medical writers fail to properly acknowledge their role in drafting and editing various manuscripts. Further discussion of important issues surrounding the intersection of medical writing, ghostwriting, and science is contained in the correspondence between Adam Jacobs and the authors of this paper.

### **Conclusions**

Individuals and small businesses are vulnerable to harm from potentially damaging views published about them in research journals, and there is no recognized mechanism of redress other than correcting the record of publication. Editors should do everything possible to support self-correction of the literature by authors and readers rather than interfering with this process. More strenuous efforts are needed to hold editors accountable for their actions, especially when these actions (or failures to act) have the potential to harm others. The failure of the international research community to create an "international scientific press council" to oversee good editorial ethics means that editors and publishers remain free to violate, with almost total impunity, the good practice guidelines they themselves have created.

### **Limitations**

I did not have access to the information from JBI that COPE used to reach its decision regarding Jacobs' complaint. My understanding of the case might have been different if I had had access to the same evidence COPE examined.

### **Conflicting interests statement**

I have known Dr Adam Jacobs, Director of Dianthus Medical Ltd., for years. We co-authored an article about medical writing and ghostwriting [21] [Shashok Jacobs 2007]. Like Dr Jacobs, I am self-employed and extremely concerned that by failing to correct the published record in this case, the *Journal of Bioethical Inquiry* and Springer send the message that they are comfortable with publishing misleading and potentially damaging statements about professionals involved in science, technical and medical publishing.

I have received compensation from COPE for the translation into Spanish or revision of the Spanish translations of some flowcharts, and contributed to COPE a draft for a new flowchart to provide guidance on how to report editorial misconduct. AuthorAID in the Eastern Mediterranean, a volunteer editorial organization I developed and co-coordinate, is a member of COPE.

### **Positive outcomes**

1. COPE will re-examine its internal procedures to improve transparency in their handling of complaints [5] [Barbour TWS 2011].

2. A draft flowchart was submitted to COPE to guide individuals who wish to report editorial misconduct or noncompliance by editors with COPE's guidelines.
3. I hope this case will reactivate the debate on the professional competence and accountability of journal editors, and stimulate real progress toward the creation of an international body with the authority and jurisdiction to hold editors accountable for their decisions and errors.

### Acknowledgments

I thank Adam Jacobs, Glen Spielmans and Peter Parry for providing details of their attempts to correct the record. Jacobs also contributed by alerting me to some relevant references, and Spielmans also contributed a key explanation regarding the distinctions between an erratum, a correction and a clarification. I thank Elizabeth Wager for information on COPE's handling of Jacobs' complaint, and am grateful to Paul Komesaroff for information he provided about editorial procedures at the *Journal of Bioethical Inquiry*. Thanks also go to Andrew Burd, Miguel Roig and Udo Schulenk for their enlightening feedback, which helped me to appreciate once again the importance of alternative viewpoints.

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## **Appendix 1 / Box x**

### **Editorial guidelines on publishing corrections**

#### **1. WAME (World Association of Medical Editors)**

Available at <http://www.wame.org/resources/publication-ethics-policies-for-medical-journals#eddecis>

Accessed 23 June 2011

#### **Publication Ethics Policies for Medical Journals**

##### **Editorial Decisions**

If a published paper is subsequently found to have errors or major flaws, the Editor should take responsibility for promptly correcting the written record in the journal. The specific content of the correction may address whether the errors originated with the author or the journal. The correction should be listed in the table of contents to ensure that it is linked to the article to which it pertains in public databases such as PubMed.

#### **2. ICMJE (International Committee of Medical Journal Editors)**

Available at [http://www.icmje.org/publishing\\_2corrections.html](http://www.icmje.org/publishing_2corrections.html)

Accessed 23 June 2011

**Uniform Requirements for Manuscripts Submitted to Biomedical Journals: Publishing and Editorial Issues Related to Publication in Biomedical Journals: Corrections, Retractions and “Expressions of Concern”**

Editors must assume initially that authors are reporting work based on honest observations. Nevertheless, two types of difficulty may arise.

First, errors may be noted in published articles that require the publication of a correction or erratum on part of the work. The corrections should appear on a numbered page, be listed in the Table of Contents, include the complete original citation, and link to the original article and vice versa if online.

### **3.1. COPE (Committee on Publication Ethics)**

Available at <http://www.publicationethics.org/files/short%20guide%20to%20ethical%20editing%20for%20new%20editors.pdf>  
 Accessed 23 June 2011

#### **Rees M, on behalf of COPE Council. A short guide to ethical editing for new editors. March 2011**

Editors are responsible for everything they publish and should therefore take all reasonable steps to ensure the quality of this material, recognising that journals and sections within journals will have different aims and standards.

Editors should always be willing to publish corrections, clarifications, retractions and apologies when needed.

Journals should have a published mechanism about how complaints and appeals are handled.

Journals should have a process for considering authors' appeals against editorial decisions. They should also have a published process for handling complaints (eg about journal processes). It can be helpful to appoint an independent ombudsman to advise on complaints that cannot be resolved internally [See: <http://publicationethics.org/annualreport/ombudsmansreports> ].

### **3.2. COPE (Committee on Publication Ethics)**

Available at <http://www.publicationethics.org/resources/code-conduct>  
 Accessed 23 June 2011

#### **Code of Conduct and Best Practice Guidelines for Journal Editors**

##### 1. General duties and responsibilities of editors

##### 1.1. Editors should be accountable for everything published in their journals

This means the editors should

##### 1.2. strive to meet the needs of readers and authors;

##### 1.4. have processes in place to assure the quality of the material they publish;

##### 1.5. champion freedom of expression;

##### 1.6. maintain the integrity of the academic record;

##### 1.8. always be willing to publish corrections, clarifications, retractions and apologies when needed.

##### 12. Ensuring the integrity of the academic record

##### 12.1. Errors, inaccurate or misleading statements must be corrected promptly and with due prominence.

##### 14. Encouraging debate

14.1. Editors should encourage and be willing to consider cogent criticisms of work published in their journal.

#### 15. Complaints

15.1. Editors should respond promptly to complaints and should ensure there is a way for dissatisfied complainants to take complaints further.

### **4. CSE White Paper on Promoting Integrity in Scientific Journal Publications, 2009 Update**

Available at <http://www.councilscienceeditors.org/i4a/pages/index.cfm?pageid=3331>.

Accessed on 23 June 2011

Note: This document focuses on author misconduct and does not refer to editorial misconduct

#### 2.1.7 Errata, Retractions, and Expressions of Concern

Editors have a responsibility to maintain the integrity of the literature by publishing errata or corrections identifying anything of significance, retractions, and expressions of concern as quickly as possible (see section 3.5). When appropriate, they should provide a forum (e.g., letters to the editors) for offering responsible alternative opinions.

Errors in published articles require a published correction or erratum. These corrections should be made in such a way that secondary publication services, such as PubMed, will identify them and associate them with the original publication. Many online journals provide a direct link between the original article and the correction published later.

Editors should monitor the number and types of errors that appear in their journals. This review can be done simultaneously with the evaluation of other journal statistics. Editors should take corrective measures when there is evidence of an increase in preventable errors.

### 3.5 Correcting the Literature

Correcting the literature is a critical part of the research enterprise for a variety of reasons. First, it addresses unreliable information that is part of the public record. Second, corrections enable the researcher to identify and use correct information, thereby saving time and resources. Third, corrections enhance a journal's reputation for taking a proactive role in publishing accurate information for its readership.

### **5. Springer's policy on publishing an erratum**

Springer Home/For authors/Journal authors/Journal manuscript guidelines/Can I still make corrections to my article after it has been published Online First? Available at <http://www.springer.com/authors/journal+authors?SGWID=0-154202-12-417499-0>.

Accessed 5 Sept 2011

The online publication represents the official publication of research results. It is not simply a prepublication service on the part of the publisher. As soon as an article is published online, it is citable and quotable. If changes are then made, confusion can easily arise, with authors citing different versions of the same publication.

Springer has therefore decided not to make systematic use of the technical possibilities that an online publication offers and not to simply replace a published document with an updated one. After online publication, further changes can only be made in the form of an Erratum, which will be hyperlinked to the article.