### Academic freedom in publishing on gender-based violence and harassment

### Abstract

The edited collection *Sexual Misconduct in Academia* was published in 2023 by Routledge-Taylor & Francis Group but a few months later the book was withdrawn from publication. This commentary and criticism piece reports on a webinar that discussed issues arising from this situation, aiming to shed light on the use of Strategic Lawsuits Against Public Participation (SLAPPs) to silence authors publishing academic work about gender-based violence and harassment (GBVH). The authors of this commentary piece were panellists in the webinar. Two authors shared experiences of being targeted with complaints or threats about their academic work. A publisher’s perspective shed light on how these situations come about. The webinar also included discussion of activism and current developments in the European legal context to address this issue.

The webinar discussion revealed some of the ways in which higher education institutions (HEIs) and academic publishers are being caught up in silencing of academic authors. These include not only SLAPPS but also academic misconduct protocols within HEIs and publishers’ complaints processes. Ongoing activism is needed to ensure that survivors and other academics are able to exercise academic freedom in publishing on this topic.

# Keywords:

Sexual misconduct, gender-based violence, harassment, publishing, academic freedom

### Introduction

*Sexual Misconduct in Academia: Informing an Ethics of Care in the University*, was published in March 2023 by Routledge (Taylor & Francis Group). In August 2023, the book was withdrawn from publication after Routledge released a statement saying they had received “a series of legal threats from various parties” with regards to one chapter (chapter 12, “The Walls Spoke, but No One Else Would: Autoethnographic Notes on Sexual Power, Gatekeeping within Avant-Garde Academia,” by Lieselotte Viaene, Catarina Laranjeiro, and Miye Nadya Tom). In September 2023, an open letter signed by thousands of academics around the world called for Routledge to re-publish the book (‘Open Letter to Routledge - Taylor & Francis Group’ 2023). In June 2024, Routledge confirmed that it would be permanently withdrawing the book from publication, including 11 further chapters that were not subject to legal threats (Routledge 2023), despite an independent inquiry into the research centre in question that resulted in a public apology from the university to those victimised (Dixon 2024).

As author of the Afterward of the Routledge book, Anna Bull had been involved in discussions with the authors and editors about how to handle this situation, and on their behalf, led on writing and circulating the open letter to Routledge. These experiences had left her with questions about how this situation had arisen, how common it was, and how we could prevent or respond to similar issues occurring in future. More broadly, the situation raises a range of issues: the academic freedom of authors publishing work in this area; victim-survivors’ rights to publish academic material based on their experiences of sexual and gender-based violence (SGBV); and the role of publishers and higher education institutions in supporting victim-survivors’ to publish in this area. It needs to be understood in the context of a wider movement towards Strategic Lawsuits Against Public Participation (SLAPPs) being used to silence journalists and other survivors speaking out (Gray 2024; Robinson and Yoshida 2023) as well as increasing threats to academic freedom worldwide (Scholars at Risk 2024). However, the role of SLAPPs in academic publishing remains underdiscussed.

In order to better understand this issue, through research and campaigning organisation The 1752 Group – directed by Anna Bull and Adrija Dey – Anna Bull organised a webinar to discuss the implications of and issues arising from this situation. Entitled ‘Silencing Sexual Misconduct in Academia: Challenges in academic publishing’, this webinar took place in March 2024 and aimed to shed light on the use of SLAPPS in academic publishing from a variety of perspectives. Speakers were:

* **Chair: Anna Bull:** co-director of The 1752 Group and a Senior Lecturer in Education and Social Justice at the University of York.
* **Donya Ahmadi:** Assistant Professor of International Relations at the University of Groningen. Her research addresses an intersectional feminist critique of Iranian nationalism and she has published widely on this and related topics in academic journals and elsewhere*.*
* **Alex Petit-Thorne**: a doctoral candidate in anthropology at York University, Toronto. Their research focuses on queer community building and gender-based violence, and they authored a chapter entitled ‘Sexual Misconduct in Academic Liminal Spaces: Auto-ethnographic Reflections on Complaint and Institutional Response’ in the now-withdrawn Routledge book *Sexual Misconduct in Academia.*
* **Tom Dark:** Head of Editorial (Books) at Edinburgh University Press. He was previously Senior Commissioning Editor at Manchester University Press, with responsibility for social sciences and history, and has worked for Emerald Publishing.
* **Dirk Voorhoof:** an Emeritus Professor at the Human Rights Center at Ghent University, and a member of Legal Human Academy, the European Center for Press and Media Freedom (ECPMF), and the Global FOE&I Columbia experts network at Columbia University, New York. He has extensive involvement in advising the Council of Europe in relation to media law and freedom of expression, and is participating in  the Coalition Against SLAPPs in Europe ([CASE](https://1752group.us14.list-manage.com/track/click?u=f192891d6fb65d5b1e0ff2e42&id=3dd7ac5608&e=86c6f69d8f)).

The full discussion is available online to view (The 1752 Group 2024b). This short article draws out key points from the discussion.[[1]](#endnote-1)

### Academics’ experiences of challenges in publishing on SGBV

In the webinar, Anna asked Alex and Donya about their respective experiences publishing on the topic of SGBV and challenges they faced as academics writing publicly about this issue. Alex had written a chapter—entitled ‘Sexual Misconduct in Academic Liminal Spaces: Autoethnographic Reflections on Complaint and Institutional Response’—in the now-withdrawn Routledge book. Alex explained that the chapter was about their experiences of sexual harassment and stalking as a graduate student at a Canadian institution, and academic writing was an important tool in bringing this experience out of the “whisper network” into the realm of formal academic knowledge. Alex described the institutional betrayal (Smith and Freyd 2014) they experienced as a result of their university’s response and explained that writing this chapter would, they hoped, let others know that their experiences are not unique, but rather part of institutional patterns of violence. Alex wrote this piece to ensure that harmful institutional responses are not swept under the rug, and to enable others to find this knowledge in the future.

Alex described how withdrawal of the Routledge book had affected them. Writing about sexual misconduct is emotionally and psychologically taxing to begin with, and when survivors write about their experiences, Alex explained, people may have already tried to silence them previously. Being further silenced through the publishing process was therefore triggering. As an early career researcher and graduate student, their career has also been impacted. They can no longer list the chapter as a publication on their curriculum vitae, and have also lost the time dedicated to writing this chapter – a particular problem for graduate students, who have a limited window to publish before entering a precarious academic job market. Alex concluded that Routledge’s withdrawal of the book sends a troubling message to both survivors and early career researchers.

Donya has also experienced challenges with academic publishing on SGBV. In 2023, she published an academic article in *Women’s Studies International Forum* about the #MeToo movement in Iran (Ahmadi 2023) In this article, as part of her wider analysis, she named a man who had been discussed online during the #MeToo movement. After publication, Donya was subjected to personal threats of being sued for defamation; the journal received a complaint about the article and the publisher opened an investigation; and her university received a complaint about her article and subsequently opened a disciplinary investigation into scientific misconduct against her.

These experiences had a profound impact on her; she had to take sick leave and she described how the situation has been horrendous on a psychological, physical, and material level. She had to research the legal issues that her situation brought up, find and pay for a lawyer, and faced backlash and retaliation for speaking out. She spent time and energy on this issue that was hugely disproportionate to the claims raised; she mentioned the man once in a single sentence, yet this naming had (at the time of the panel in March 2023) cost her three months of time and effort, thousands of euros in legal costs, and a semester of teaching and research. She described becoming paranoid about everything she writes and taking extra time and attention in reviewing her work to avoid this situation occurring again. However, the ability to reflect on and theorise this experience as a scholar was empowering, she argued, as it allowed her to analyse her experience and to stand above and outside of it, rather than feeling like a victim. Furthermore, having provided further evidence to the journal supporting the claim she has made in the article, it has not been withdrawn, unlike Alex’s still-unpublished chapter.

### An academic publisher’s perspective

 Panellist Tom Dark from Edinburgh University Press commented that he was not surprised by what Alex and Donya experienced; while publishers are well-equipped to deal with issues such as plagiarism and conflict between authors, it appears that they are now facing a broader set of challenges. Industry bodies such as the Committee on Publication Ethics (COPE) have not yet produced guidance in this area. While, as Tom noted, accusations of libel and defamation against authors are issues publishers are more familiar with, responses vary hugely across the academic publishing landscape; for example, larger publishers may have in-house legal departments but smaller ones do not.

 The broader context to the issues raised in this webinar, Tom described, is the exponential growth in volume of publishing within the industry in recent years; publishers may have limited time to work with authors and to understand their work. There is a risk, therefore, that publishers lose sight of their duty of care to the author. He suggested that publishers need to spend more time in the early stages of publication familiarising themselves with the work and possible risks to the author, so they can avoid complaint or lawsuits appearing later.

### The UK/European political and legal context

 There is a wider context to the silencing of academics and journalists writing about SGBV, as panellist Dirk Voorhoof explained; organisations and scholars in Europe have seen a significant increase in abusive lawsuits (i.e. lawsuits used to silence or intimidate people whose voices should be heard in the public interest) in the last four to five years. In 2020, the Coalition Against SLAPPs (Strategic Lawsuit Against Public Participation) in Europe (CASE) began a programme to gather more information about abusive lawsuits and respond to them; these lawsuits have been weaponised against investigative journalists, human rights activists, environmentalists, local action groups, academics, and sexual harassment survivors, and come with enormous emotional and financial costs. SLAPPs continue to rise in Europe with CASE having identified a total of 1,049 in the period 2010-2023 (CASE 2024).

Across Europe there is significant variation in legislation to tackle abusive lawsuits: in many EU countries, there is no notion of a SLAPP or definition of an abusive lawsuit. The EU, however, has now its anti-SLAPP Directive and member states have two years (until 7 May 2026) for the transposition of the guarantees against SLAPPs into their national legislation (Official Journal of the European Union 2024). Also, the Council of Europe is demanding its 46 member states implement the 5 April 2024 Recommendation of the Committee of Ministers “on countering the use of strategic lawsuits against public participation” (Council of Europe 2024). Dirk argued for the necessity of fighting against abusive lawsuits in order to protect democracy and defend academic and journalistic freedom. This follows the European Court of Human Rights’ position that under democracies, people must not be afraid to share ideas and information, and society must be open to discussion and criticism (Council of Europe 2024). Dirk noted the need for case law as further support for whistleblowers and other vulnerable people speaking truth to power. Nevertheless, he described feeling positive about the direction of work to address anti-abusive lawsuits in Europe.

### Positive changes to support publishing about SGBV

 Picking up on the theme of positive change, Anna asked the panel what needs to change, and what support academics and survivors need to be able to publish in this area. Alex described a positive experience of academic publishing about experiences of SGBV within university contexts, with the journal *Anthropologica*. The journal editors were very hands-on to ensure that any risks were mitigated and to support Alex. It is notable that a priority for *Anthropologica* is career development for early career researchers; in line with this, the editors offered extra support to ensure Alex as graduate student could publish their work, and Alex felt very supported throughout the process.

 Alex also discussed their recent work on the American Anthropology Association’s Sexual Harassment Policy Working Group. About a dozen flagship journals publish under this Association’s auspices, including some of the largest journals. The Association’s sexual harassment policy now states that ‘all AAA journals must have a clear policy regarding access to publishing and sexual harassment and violence’ (‘American Anthropological Association’s Policy on Sexual Harassment and Sexual Assault’ n.d., 10). This move speaks to a growing commitment to ethical publication practices from the professional society.

 For Donya, an issue was the weaponization of disciplinary or scientific integrity processes. She argued that her experience showed how they could be used to punish people who have spoken out about topics in the public interest, similarly to how Dirk described abusive lawsuits being used. She highlighted the relative lack of rights and protection for survivors in institutional—as opposed to extra-institutional —processes; being a tenured member of staff in the Netherlands with enough savings to pay for a lawyer gave her the privilege enabled her to fight against the allegations, which would be much less possible for those with uncertain migration status, on precarious contracts, or in other vulnerable positions. In terms of ways forward, she commented that she has previously worked with independent publishers when publishing more radical work. However, receiving legal threats could be even more challenging for these independent publishers than for large publishers (such as Routledge) because they may not have the financial or legal resources to counter them.

 Tom emphasised that many publishers do want to publish critical work. In order to do so, he argued that it is possible for publishers to work with authors to attempt to minimise risks without compromising the message of the work. In order to do this, transparency and trust between publishers and authors are paramount.

 Indeed, Dirk argued, publishers should not fear abusive lawsuits because such proceedings are in fact usually won by the defendant. More generally, publishers should consider proportionality when responding to abusive lawsuits. The Routledge response of withdrawing an entire book based on complaints against a single chapter is an example of a disproportionate response; he argued they had other options open to them, such as adding a note on the book’s website to alert readers to the fact that complaints had been received about points in one chapter, while exploring ways forward. Higher education institutions also need to support academic staff and graduate students in publishing; he suggested universities should build up legal and financial support to fight against SLAPPs. Dirk also urged academics to become involved in the anti-SLAPP movement in Europe and to get involved with CASE.

 Donya and Alex discussed the support they received while dealing with these issues. Donya had a lot of support through the Iranian women’s movement and from students and colleagues at her university, notably in a petition set up by her students. This petition resulted in many of her colleagues discussing her case and supporting her (Fabrizi 2024); this public support was a turning point for her because the confidentiality required by the university during its investigation had previously isolated her and made her feel ashamed. Even with her support networks, however, it still took her some time to access a lawyer who understood her situation.

Alex also had support from colleagues, peers, and eventually the public. This public support was crucial for them, but they acknowledged that activism can come with a cost for those engaged in it. Like Donya, Alex was able to access legal counsel, but acknowledged that not everyone is able to. Institutions, however, are more likely to have the resources to fight these cases. Alex urged universities to take these risks seriously, to protect staff and graduate students and those supporting them, and to offer material support in cases of litigation.

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1. An earlier version of this commentary and criticism piece was published in the report (The 1752 Group 2024a). We would like to acknowledge the contribution of Erin Shannon to drafting the summary of the webinar discussion. [↑](#endnote-ref-1)