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This is part of a special issue on the shaken baby debate. The editor's introduction, Waney Squier's proposition paper and ten responses — of which this paper is one — are available at <http://www.prometheusjournal.co.uk/product-category/volume-35-issue-5-2020/>.

RESPONSE

Has Squier been treated fairly?

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Born in the United States, I emigrated to Australia in 1969 to avoid conscription. My formal training is in physics, with a BA from Rice University and a PhD from Sydney University. I then worked for a decade at the Australian National University as an applied mathematician. Only in the late 1970s, while working in Canberra, did I become involved in environmental and peace activism. Since 1986, I have worked as a social scientist at the University of Wollongong. Now an emeritus professor at the University of Wollongong. I have written 17 books and hundreds of articles on nonviolence, dissent, scientific controversies, whistleblowing, democracy, information issues, and education.

Introduction

Waney Squier had a highly successful career as a medical specialist and researcher, is the author of numerous scientific publications, and was one of the most experienced figures in her field. But then her professional behaviour was questioned and she had to spend years defending a charge brought by the General Medical Council. The hearings damaged her reputation and her livelihood was threatened. She has been through a terrible ordeal.

The question I want to address here is whether Squier has been fairly treated. I address this indirectly by looking at the methods used against her, adopting two approaches. The first is to compare Squier's experiences with the patterns common in

cases of suppression of dissent in science. The second is to look for techniques commonly used to reduce outrage from injustice. Ultimately, it would require a much more in-depth investigation, perhaps equivalent in scale to the GMC hearings, to pass a more definitive judgement about fairness. My examination is more limited and hence my assessments are potentially open to challenge. Nevertheless, available evidence strongly suggests that Squier was unfairly treated.

Indicators of suppression

There are many cases in which scientists, doctors and other professionals have expressed views critical of orthodoxy and have suffered adverse actions as a result, a process I call ‘suppression of dissent’. Given that Squier’s saga is tied up with questions of expertise and credibility, it is only appropriate that I begin by saying something about my own work on this topic.

In the early 1980s, I first wrote about cases in which environmental researchers or teachers came under attack (Martin, 1981). Later, I studied suppression of dissent in several fields, including debates over nuclear power, pesticides, fluoridation and vaccination (Martin, 1999, 2015; see also Moran, 1998; Delborne, 2016). There are two essential features in cases of suppression of dissent. The first is a challenge to vested interests, which could be scientific orthodoxy or a powerful group. The second is adverse actions against the challenger (Martin *et al.*, 1986). Adverse actions include reprimands, censorship, denial of jobs and research grants, and dismissal, among others. Adverse actions, which in this framework can be called ‘reprisals’, usually target the challenger’s vulnerabilities.

At this basic level, Squier’s experience fits the pattern of other suppression cases. She was a conspicuous and influential challenger to a long-standing orthodox position about shaken baby syndrome (SBS), and she suffered serious adverse actions. But there is an important question to address: how can it be determined whether the adverse actions are justified? Only if they are unjustified is it appropriate to refer to them as reprisals.

In some cases, there is evidence of hostile intent by those taking the actions. Even without evidence of intent, there are a number of indicators that can be used to

judge whether adverse actions are likely to be reprisals: the double standard test, timing, the location of power, recipients of complaints, and openness to discussion (Martin, 2013, pp.39-41). The double standard test involves comparing the treatment of one person with that of another; namely, comparing the treatment of the target of adverse action with the treatment of others with similar performance, skills, credentials and other relevant characteristics. Applied to Squier, it involves comparing the way she was treated with the ways her peers have been treated. In her proposition paper, Squier compares her treatment by the GMC with the treatment of Richard Bonshek. He, like her, made comments about biomechanics, outside the area of his expertise. Squier was criticised, but Bonshek was not. She writes, “[Colin] Smith, the neuropathologist, similarly cited biomechanical literature to support his view, but criticised me for doing so”. As she notes, Bonshek and Smith supported the mainstream view, but she did not. This is a clear case of double standards. Squier provides examples of a different sort of double standard: when she testified for the prosecution in SBS cases, or provided expert evidence for medical negligence and other sorts of cases, her contributions were praised. Only when she testified for the defence in SBS cases was she subject to formal complaint.

The GMC, like some other official channels, is complaint-based, making it susceptible to being used as a tool in vendettas. The GMC normally does not extend its findings beyond the individuals brought before it. Imagine that the GMC, ruling that one or two practitioners operated outside their area of expertise, applied sanctions to every practitioner who did the same. This would have widespread ramifications. By restricting its sanctions to those against whom complaints are made, the GMC can suppress dissent without suppressing orthodoxy.

In my experience, the double standard test is the most reliable indicator of suppression. Other indicators are useful supplements. Consider the indicator of timing. In many cases, adverse actions begin immediately after a scientist speaks out. There was no such public trigger event in Squier’s case. However, she notes that efforts to discredit her were timed to coincide with an upcoming case in which she was to give evidence.

A third indicator is the location of power. Suppression of dissent is normally the work of a powerful individual or group - an employer, a government, an industry, a boss - acting against an individual who lacks similar backing. Because power is required to suppress dissent, the location of power is revealing. In Squier's case, her opponents had far more power. As she describes it, at one point she was opposed by "a team whose members included the police, the Crown Prosecution Service, lead and junior prosecution counsel, and medical prosecution experts in pathology, paediatrics and ophthalmology". When powerful groups are involved, there can be a pattern of suppression, with many individuals in a field targeted in similar ways (Martin, 1999). Squier refers to colleagues who, like her, sometimes testified for the defence in SBS cases and who were also targeted for attack. She tells of being approached by colleagues who were sympathetic, but fearful of assisting parents because of the risk to their careers.

A fourth indicator can be expressed as a question: To whom are complaints made? In an intellectual dispute, the expected process is open and respectful dialogue. If someone's views are seen as wrong or offensive, the way to address them is by contacting the person to raise concerns or perhaps by writing a rebuttal in a scholarly publication. In suppression cases, though, this sort of open and direct engagement with ideas and their proponents is often lacking. Instead, complaints are made to a target's employer, professional association, publisher or regulatory agency, but not directly to the target. This is exactly what happened in Squier's case: complaints were made to the GMC, not directly to her.

A fifth indicator involves willingness to discuss the issues. In an open intellectual engagement, disputing parties will talk with each other in personal conversations, email exchanges, public debates and online forums. This is the sort of give and take that characterises the search for common ground or a clarification of differences and assumptions. In suppression cases, on the other hand, it is more common for attackers to avoid such open discussion. This seems to apply to Squier's critics.

Putting these indicators together, a typical case of suppression of dissent involves a scientist who speaks out on an issue in a way that threatens some group

with vested interests (indicator: power). Immediately after speaking out, adverse actions are taken (indicator: timing), specifically complaints to the scientist's employer (indicator: location of complaints) without first directly engaging with or even informing the scientist (indicator: openness to discussion). The allegations against the scientist involve a number of seeming shortcomings. However, no complaints are made about other scientists whose performance is no better and who have the same shortcomings (indicator: double standards).

In Squier's case, evidence relevant to these indicators suggests that it is plausible that her treatment involved suppression of dissent. This does not prove that she was suppressed, but puts the onus of proof on those who would say she has been treated fairly. To be subject to reprisals for dissenting from orthodoxy is to be treated unfairly. I now turn to a different way of judging whether treatment is fair.

Outrage management techniques

When people believe something is unfair, such as censorship, beating of peaceful protesters, or massacres, they may become upset or outraged. To prevent or reduce this reaction, powerful perpetrators have several options. Five techniques commonly used by such perpetrators to reduce public outrage are covering up the action, devaluing the target, reinterpreting what happened, using official channels to give a misleading appearance of fairness, and intimidating people (so they are afraid to express their concern). These same five techniques of reducing public outrage are found in numerous areas, ranging from whistleblowing to torture (Martin, 2007).

In workplaces, a worker being fired is sometimes seen as unjust, hence the term 'unfair dismissal'. In such cases, the technique of cover-up might involve not telling co-workers that the worker has been dismissed. Rumours might be spread that the worker is incompetent, alcoholic or mentally ill; this is the technique of devaluation. Management might give an explanation for the dismissal; for example, a financial squeeze or job restructure; this is the technique of reinterpretation. If the worker takes the matter to court, alleging unfair dismissal, many people may believe that any injustice will be addressed. However, most courts are slow, focus on technicalities and rely on experts, allowing outrage to die down. The worker might

win a small settlement, but seldom are managers held to account: the injustice is not addressed in any substantive way. The result is that when perpetrators are powerful, official channels often give only an illusion of justice. Finally, employees are often afraid to raise concerns about dismissals, their own or those of co-workers, fearing for their own jobs or getting unfavourable references. This reflects the technique of intimidation.

If the way Squier has been treated can be perceived as unfair, then it is plausible that those involved in her treatment might have used some of the five methods that reduce outrage. This does not require conscious intent on their part to anticipate others' outrage and attempt to inhibit it. In most cases, it is reasonable to assume that those taking actions believe what they are doing is justified.

In this framework, it is also possible to work backwards: if there is evidence of techniques for reducing outrage, this is indication that perpetrators are concerned, consciously or otherwise, that actions taken will be seen as unjust. This is the approach I use here. Drawing on Squier's account, I looked for evidence of each of the five usual methods for reducing public outrage about injustice.

In terms of outrage management, cover-up refers to hiding, disguising or not revealing information that might raise concerns about actions taken. When complaints were made to the GMC, the complainers did not notify her first. (This harks back to the suppression indicator of recipients of complaints.) Colin Welsh gave a talk at a conference about his team's approach to SBS cases. Squier, requesting Welsh's slides from the police and through a Freedom of Information request, could obtain only a heavily redacted copy.

Devaluation is a powerful technique of outrage management: the lower a person's status, the less the concern about what is done to the person. For example, the murder of an esteemed humanitarian generates much greater public anger than the murder of a paedophile. Judge King's "harsh comments" about Squier's evidence might be considered devaluation or could be considered fair because they were about her evidence rather than her. A more obvious example of devaluation was Welsh's effort to find anything about defence witnesses that could be questioned. More

generally, the GMC undertaking a fitness-to-practice hearing is likely to damage a professional's reputation even if there are no adverse findings. This is because some people believe that if a complaint has been made and an investigation undertaken, there is probably something wrong. The complaints to the GMC, and the GMC taking them seriously, were powerful devaluation techniques.

The tactic of reinterpretation involves explaining events in ways that do not involve an injustice, or suggest a less serious injustice. This tactic can involve lying about events, minimising the consequences of actions, blaming others, and framing actions in favourable ways. One example of reinterpretation is to say, as Colin Smith did in his report, that Squier was not measuring up to the standard expected of an expert. The issue was reframed as being about her expertise, not about preventing her from being a defence witness. The presence of double standards, described earlier, also involves the reinterpretation technique of reframing.

Official channels include, among others, grievance procedures, ombudsmen, anti-corruption commissions, police and courts. When a powerful group is responsible for an injustice, official channels may serve primarily to dampen public outrage, and provide only an illusion of justice. The GMC is an example of an official channel: it is supposed to deal with serious transgressions by health workers. However, in Squier's case it was actually the tool of attack. Squier reveals her initial belief in the benevolence of official channels when she says that, following adverse comments by judges, the only way to clear her reputation was to resort to the GMC.

The tactic of intimidation operates to discourage action that might be triggered by feelings of outrage. Intimidation tactics can be directed against the target and anyone who might be involved. In Squier's case, the GMC hearings operated as a powerful form of intimidation. Doctors who sympathise with Squier's views might well be reluctant to speak out on her behalf lest they also be targeted by complaints to the GMC (Powers, 2017). As noted earlier in relation to the location of power, Squier tells of being approached by colleagues who share her concerns about SBS diagnoses, but who are reluctant to express their views publicly for fear of the effects on their careers.

In summary, five types of tactics are commonly used by powerful perpetrators to reduce public outrage over injustice: cover-up, devaluation, reinterpretation, official channels and intimidation. In Squier's case, there is evidence that all five of these tactics have been used, making it plausible that what her antagonists have done to her might readily be seen, by others, as unjust. On the other hand, if most people were to see the actions against Squier as right and proper, there would be no need to redact documents, make adverse comments about her and so forth.

Discussion

I have used two frameworks for assessing whether adverse actions should be considered unfair: the methods commonly used against dissidents, and the methods commonly used by powerful perpetrators to reduce public outrage over injustice. Application of each framework to Squier's case leads to the same conclusion: the evidence is compatible with her having been treated unfairly.

There are two important qualifications to this conclusion. The first qualification is that definitive evidence of suppression of dissent is seldom available. Perpetrators are usually sincere in their actions, feeling them to be justified. Open admissions of the aim of suppressing dissent are rare. So, the most that can be said is that the indicators suggest suppression. That is why I say the evidence is compatible with, rather than proves, that Squier was treated unfairly.

The second qualification is that I have relied primarily on Squier's account. This might on the surface seem to compromise my analysis, given that alternative accounts are possible and Squier's may be self-serving. However, my aim has not been to judge whether Squier's views about SBS are correct, but whether she has been treated fairly. Many of her claims are unlikely to be contested; for example, that documents were redacted, that her testimony for the defence was questioned, but not her testimony for the prosecution, and that complaints were made to the GMC. Nevertheless, it is possible that my conclusions could be challenged by the introduction of additional evidence. For example, my assessment that Squier was subject to a double standard could be challenged by providing evidence that the GMC has acted on complaints about doctors who testified for the prosecution in SBS cases.

Suppression has serious impacts on targets and sends a warning to others. Countering suppression requires people to speak up. Many supporters have spoken out on Squier's behalf (Mansfield *et al.*, 2016), challenging the GMC. To the extent that the attacks on Squier generate greater sympathy for her and draw attention to shortcomings in SBS claims, the attacks may backfire.

For those who wish to oppose injustice, the outrage management model provides guidance. Challenging the attackers is a matter of looking at each technique that reduces outrage and countering it. This leads to five methods for increasing outrage over injustice: exposing the action, validating the target, interpreting the events as an injustice, avoiding or discrediting official channels and mobilising support instead, and resisting intimidation. In her account of her treatment, Squier uses several methods of increasing outrage. Rather than acquiescing and disappearing from public view, she has written a comprehensive account of the actions taken against her, thus exposing them to wider view. In doing this, she is resisting intimidation, providing a model for others who might follow.

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