



The BMJ

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Cite this as: *BMJ* 2023;382:p1576<http://dx.doi.org/10.1136/bmj.p1576>

## BMJ INVESTIGATION

## Row over medical journal's refusal to retract paper used to restrict abortion in US legal cases

A highly critiqued paper in a British journal has been cited in US legal cases to restrict access to abortion. Attempts to retract the paper by insiders at the journal have failed, leading to a row over editorial independence. **Madlen Davies** reports

Madlen Davies *investigations editor*

The *British Journal of Psychiatry* has been criticised over its decision not to retract a widely critiqued paper on abortion, which has been used in US legal cases to restrict access to the procedure. Three of the journal's international board members have resigned after the journal and its owner, the Royal College of Psychiatrists, ignored the advice of its own internal panel to retract the paper, *The BMJ* and *Newsnight* can reveal.

One former board member told *The BMJ* that the journal and the royal college feared being sued by the paper's author, as she threatened legal action after being notified her paper was being investigated. The paper, published in 2011, concluded that "women who had undergone an abortion experienced an 81% increased risk of mental health problems, and nearly 10% of the incidence of mental health problems was shown to be attributable to abortion."<sup>1</sup>

The author is Priscilla K Coleman, who was a professor of human development and family studies at Bowling Green State University, Ohio, between August 2002 and June 2022. Coleman has testified in at least 20 abortion related cases, all in favour of greater restrictions on the procedure,<sup>2</sup> and the paper was cited in recent US legal cases that restricted access to abortion and mifepristone, a drug used for medical abortion.<sup>3 4</sup>

The call to retract has been led by Chelsea Polis, senior scientist of epidemiology at the Center for Biomedical Research at the Population Council, a US based research organisation. In June 2022 a group of 16 researchers led by Polis wrote to the *British Journal of Psychiatry* saying that the paper had methodological issues that invalidated its conclusions. Some members of the group had written critiques or called for retraction after the paper was originally published in 2011.<sup>5 6</sup> Coleman disputes the methodological criticisms and says that the researchers are motivated by a desire to discredit her as a researcher and an expert witness for political reasons.

After the *British Journal of Psychiatry* contacted Coleman to inform her that an expression of concern would be added to her paper, her lawyers sent the journal a letter saying that such a notice would cause "serious harm and direct damage to her reputation." Coleman is currently suing the journal *Frontiers* after it retracted one of her earlier papers.

Alexander Tsai, an associate professor of psychiatry at Harvard Medical School, and Aileen O'Brien, a reader in psychiatry and education at St George's University of London, who both resigned from the *British Journal of Psychiatry* board in May, were part of an internal panel convened by the journal to investigate the paper, and which recommended retraction in December 2022. They think that the journal did not act on the recommendation because the Royal College of Psychiatrists could not confirm whether it had comprehensive legal cover for lawsuits filed in North America, they told *The BMJ*. Some members of the group that called for retraction think that the college has declined to retract for fear of being sued, raising questions about the journal's editorial independence from its owner and about the chilling effect of threats of legal action on scientific publishing.

"I think once people understand that all you have to do is send a strong legal letter if your paper is about to get retracted, and the journal's going to fold, then I would say it's an open question as to the reliability of the science published by the journal in general. And also more reason for me to not necessarily be affiliated with the journal anymore," Tsai told *The BMJ*. "A journal whose editors do not have the editorial freedom to retract science that is deemed unreliable is a journal that should be regarded by the scientific community as being unable to effectively police the quality of the science it publishes," he says.

"This isn't the way to settle science," Polis told *The BMJ*. "I find it really unfortunate and scary that the legal system is sometimes drawn on in this way . . . Every decision about whether an article should be retracted should always be based on scientific considerations, and any aberration from that is a real disservice to the public."

Coleman told *The BMJ* that most of the signatories of the retraction request letter have pro-choice views or are aligned with pro-choice or reproductive rights organisations and initiatives, whereas she has never held membership of any pro-life organisation. (Coleman was the founder of We Care, the World Expert Consortium for Abortion Research and Education, which she says was a "non-ideologically based organisation focused on research collaboration," but others have described members as having an anti-abortion stance.<sup>7</sup>)

“My interest in the issue was to produce and synthesise high quality scientific data on a highly contentious topic for the ultimate purpose of effectively serving the needs of women,” she told *The BMJ*. “It was not appropriate 11 years ago to submit incorrect commentary related to my article, and it is not appropriate today for activists to call for a retraction because they are uncomfortable with the results and the study is having a major impact in terms of informing clinical practice and policy,” she says.

A spokesperson for the Royal College of Psychiatrists did not respond directly to the accusation that it declined to retract for fear of legal action. The spokesperson said that the paper was investigated by the editor of the *British Journal of Psychiatry* between 2011 and 2012, who decided that the article should not be retracted but that the letters critiquing it could be published online alongside it. The more recent complaint was “very similar in substance” to those made in 2011, they said.

“After careful consideration, given the distance in time since the original article was published, the widely available public debate on the paper, including the letters of complaint already available alongside the article online, and the fact that the article has already been subject to a full investigation, it has been decided to reject the request for the article to be retracted,” they told *The BMJ*.

The *British Journal of Psychiatry*’s editor, Kamaldeep Bhui, did not respond to *The BMJ*’s request for comment but has recently published a paper, which included Tsai and O’Brien as co-authors, about the importance of editorial independence of journals.<sup>8</sup>

## A hotly debated paper

Since Coleman’s meta-analysis was published in the *British Journal of Psychiatry* in 2011, 10 letters critiquing it have been published (nine in the *British Journal of Psychiatry* and one in *Contraception*), including two calling for it to be retracted.<sup>9–18</sup> A review of the evidence by the Royal College of Psychiatrists in 2011 said: “A number of methodological problems with the meta-analysis conducted in the Coleman review have been identified, which brings into question both the results and conclusions.”<sup>19</sup> Coleman says this review misrepresented her article.

Since 2011, the paper has been cited more than 300 times,<sup>20</sup> including as evidence in the landmark US Supreme Court’s case in June 2022, which ruled that there was no constitutional right to abortion in the US.<sup>3</sup> It was also cited in April 2023 in a US District Court ruling to invalidate US Food and Drug Administration approval of use of mifepristone, a drug used for medical abortion.<sup>4</sup>

In light of the impact the paper was having, and because the *British Journal of Psychiatry* had formed a new research integrity group<sup>21</sup> in May 2022, Polis and 15 other researchers wrote to the journal’s editor in June 2022 asking for it to be retracted, arguing that it met the Committee on Publication Ethics (COPE) criteria for retraction; that there is “clear evidence that the findings are unreliable.”<sup>22</sup>

The *British Journal of Psychiatry* convened an internal panel to investigate the paper in the same month, including Tsai and O’Brien. In December 2022, the panel formally recommended to the journal’s editor that it should be retracted.

## Retraction request declined

Four months later, in April 2023, Polis and colleagues received an email from the director of strategic communications at the Royal College of Psychiatrists, rather than the editor of the *British Journal of Psychiatry* editor, informing them of the decision not to retract Coleman’s paper. The researchers wrote back, questioning the journal’s editorial independence and the lack of scientific

explanation in the college’s response. “We have been advised that the decision not to retract has been made at the college level, rather than by the editorial board . . . We are concerned that this suggests a lack of editorial independence,” they wrote in an email in May 2023.

“We note that the explanation for the refusal to retract lacks mention of scientific methodology or research integrity, and refers only to time since publication, the existence of public debate, and the article being subject to a previous investigation—factors unrelated to the reliability of the information published,” they added. In May 2023 they received a response from the college re-iterating the decision not to retract.

“It should have been the scientific editor commenting on it, and it should have been based on science,” Diana Greene Foster, a demographer and professor at the University of California, San Francisco, who was part of the group calling for retraction, told *The BMJ*. Tsai, O’Brien, and another member of the editorial board handed in their resignation in May. “The journal asked us for our opinion. We gave them our opinion. The journal couldn’t act based on our opinion because it wasn’t backed by legal cover from the college. This lack of freedom meant it didn’t seem like there was a point for me to continue to serve on the editorial board,” Tsai told *The BMJ*.

Provenance and peer review: Commissioned; peer reviewed.

This feature has been funded by the BMJ Investigations Unit. For details see [bmj.com/investigations](https://bmj.com/investigations).

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