

A letter from CMAJ's editorial board to the CMA

On Sept. 17 an editorial entitled "Quebec's Bill 114" appeared in *CMAJ* addressing the appropriateness of physician staffing of a Quebec emergency department.¹ The editorial considered implications for patient care and the resultant provincial legislation mandating certain physicians to report to the emergency department for periods of duty as specified by chief hospital administrators. In a response on Oct. 29 in *CMAJ*, Dana Hanson, President of the Canadian Medical Association, suggested that the editorial had "serious flaws," and went further to indicate that the editorial's conclusion was "repugnant" and called for a retraction.² Other comments by members of the CMA board and provincial associations conveyed to the editor indicated that the editorial was unacceptable.

These actions are a threat to the editorial independence of the journal and represent a clear and present danger. As the principal peer-reviewed national medical publication in Canada, *CMAJ* provides a unique and independent forum for high-quality peer-reviewed work and an opportunity for debate and dialogue around central issues relevant to health policy, medical practitioners, other health care providers and a general public readership. Arising from this independence and the competence and integrity of the editorial staff comes well-deserved trust and respect. Excellent journals should be at the heart of medical debate and provide thoughtful, informed synthesis and both balanced and prudent opinion.

Whether or not one agrees with the opinions stated in the Sept. 17 editorial is not the fundamental issue here: rather, it is the right to articulate such an opinion without concern for retribution by an organization or corporation that holds ownership or operating responsibility for the journal. Regrettably, editorial independence has been at centre stage in the past 3 years given the disputes between the medical associations

who are owners of the *Journal of the American Medical Association* and the *New England Journal of Medicine*, and their editors. In both instances, these disputes led to the dispatch of the then editors.^{3,4}

We hope that this path can be avoided for *CMAJ*. The journal has prospered under the leadership of John Hoey and his excellent editorial staff. We admire and strongly support the high quality of their work and reject the suggestion of Dr. Hanson that the editorial deserves censure or retraction. Yet we also fully support and acknowledge the appropriateness of spirited debate on this and other subjects.

As members of the editorial board of the *Canadian Medical Association Journal*, we write to vigorously uphold the need for unequivocal editorial independence of *CMAJ*. We wish to express our concern about the demand of the President of the organization (of which many of us are members) concerning editorial retraction. As is evident from other communication and the correspondence on this issue, there is confusion about the relationship between the Canadian Medical Association, which owns and operates the journal, and the editorial content of the journal. To quote from the masthead:

all editorial matter in *CMAJ* represents the opinions of the authors and not necessarily those of the Canadian Medical Association (CMA). The CMA assumes no responsibility or liability for damages arising from any error, omission or from the use of any information or advice contained in the *CMAJ* including editorials, studies, reports, letters and advertisements.

As was articulated by one of us previously,

when a membership society's journal gains international respect because of the sound scientific material it publishes, its rational, thoughtful commentaries and the editor's freedom to select the content, the journal in some sense transcends its local ownership and becomes the property of the worldwide professional community and the public. In such instances the journal's owners have a formidable public responsibility as stewards.⁵

The CMA has a right to be proud of *CMAJ*'s reputation achieved under Dr. Hoey's direction. We believe that preserving editorial independence is key to its continuing success.

Nota : la traduction française de cette lettre est affichée sur le site www.jamc.ca.

Paul W. Armstrong
Neil R. Cashman
Deborah J. Cook
David H. Feeny
William A. Ghali
Frank R. de Gruijl
Judith G. Hall
Carol P. Herbert
Neill Iscoe
Alejandro R. Jadad
Jerome P. Kassirer
Finlay A. McAlister
Allison J. McGeer
Harriet L. MacMillan
David Moher
Susan Phillips
Donald A. Redelmeier
Martin T. Schechter
Sander J.O. Veldhuyzen van Zanten
Salim Yusuf
 Members, *CMAJ* editorial board

References

1. Quebec's Bill 114 [editorial]. *CMAJ* 2002;167(6):617.
2. Hanson D. Questions of trust [letter]. *CMAJ* 2002;167(9):986.
3. Horton R. The sacking of *JAMA* [editorial]. *Lancet* 1999;353(9149):252-3.
4. Horton R. An unwilling exit from the *NEJM* [editorial]. *Lancet* 1999;354(9176):358.
5. Kassirer JP. Editorial independence [editorial]. *N Engl J Med* 1999;340(21):1671-2.

[The President of the CMA responds:]

I would like to take this opportunity to assure the *CMAJ* editorial board that I share their appreciation for the quality of *CMAJ* and the position of the journal as the premiere peer-reviewed national medical publication in Canada.

It is precisely to maintain and enhance the quality of the journal that the CMA Board of Directors recently approved the creation of an independent Journal Oversight Committee to clarify the mandate of the journal and the role of the editor and to help maintain the journal's editorial independence. This initiative builds on positive experience elsewhere. I am certain this and other

measures undertaken by the CMA in close collaboration with *CMAJ* will resolve any confusion about the relationship between the association and the journal it owns.

Thank you for giving me the opportunity to clarify this issue.

Dana Hanson

President
Canadian Medical Association
Ottawa, Ont.

[Réponse du président de l'AMC :]

Je tiens à profiter de l'occasion pour assurer au Conseil de rédaction du *JAMC* que j'apprécie comme eux la qualité du *JAMC* et la position du journal comme chef de file des publications nationales médicales critiquées par les pairs au Canada.

C'est précisément afin de préserver et d'améliorer la qualité du journal que le Conseil d'administration de l'AMC a récemment approuvé la création d'un Comité indépendant de surveillance du journal, chargé de préciser le mandat de la publication et le rôle du rédacteur en chef, et de contribuer à préserver l'indépendance rédactionnelle du journal. Cette initiative s'inspire des expériences positives réalisées ailleurs. Je suis persuadé que cette mesure et d'autres prises par l'AMC en étroite collaboration avec le *JAMC* dissiperont toute confusion au sujet de la relation entre l'Association et le journal qui lui appartient.

Je vous remercie de m'avoir donné l'occasion de préciser la question.

Dana Hanson

Le président
Association médicale canadienne
Ottawa (Ont.)

The ethics of editorializing

CMAJ's recent commentary on editorials¹ raises some important questions about the nature and scope of editorial freedom in writing opinion editorials in journals such as *CMAJ*. I suspect many Canadian physicians

would agree with some of the fundamental points the authors make. *CMAJ* should not become the political mouthpiece of the CMA. There should be no political censorship in a peer-reviewed academic journal. Provocative questions that enrich debate are a necessary and valuable contribution. *CMAJ* enjoys an international reputation for excellence not only for the quality of its scientific articles but also for its articles dealing with the social, humanitarian, ethical, legal and political aspects of health care. Ultimately, the concept of editorial freedom must be respected and protected.

The question, however, is not about the value or importance of the concept of editorial freedom but rather with its application in a given case. What are the corresponding editorial duties, obligations and responsibilities that bestow credibility and privilege on the notion of editorial freedom? As the eminent philosopher and medical ethicist Steven Toulmin argued in his seminal work, *The Abuse of Casuistry*, the application of ethics to real-life situations behooves us to resist the "tyranny of absolutes."² Editorial freedom is not an unqualified absolute that can be uncoupled from these other important considerations.

What criteria should we invoke to evaluate the judicious application of editorial privilege? Editors must be free to write challenging and provocative opinions that are well founded, unbiased, balanced, respectful and considerate of potential consequences. I would also argue, however, that editors should not be beyond scrutiny and should be held accountable for any abuses of privilege. Thus, if editorial opinions were to be misrepresented as facts, if they were self-serving in promoting a personal political agenda, if due process was manipulated to impede a balanced perspective through a timely response or if the reasonably anticipated consequences of inflammatory statements were harmful to innocent people, then I would argue that such an editor would have betrayed the trust that was invested in him or her and should be held accountable.

Editors of journals such as *CMAJ*

are privileged with significant power to influence change. This power can be applied judiciously or it can be abused. I believe editors should not use the notion of editorial freedom as a shield to make them immune from scrutiny and accountability.

Who should judge this and how should it be judged? The process and criteria should be clear and transparent. Perhaps in the specific case of the editorial dealing with Quebec's Bill 114, some of these considerations could apply. It may prove helpful to see how Canadian physicians, and particularly the editors themselves, would respond to such a challenge.

Postscript: I wish to point out that although I am the Chair of the CMA's Committee on Ethics, I have not discussed this issue with any of the committee members. The views expressed are my own.

Eugene Bereza

Associate Professor, Biomedical Ethics
Unit
Faculty of Medicine
McGill University
Montreal, Que.

References

1. Hoey J, Todkill AM. An editorial on editorials. *CMAJ* 2002;167(9):1006-7.
2. Jonson A, Toulmin S. *The abuse of casuistry: a history of moral reasoning*. Berkeley: University of California Press; 1990. p. 5.

Mandatory work in Quebec

Quebec's Bill 114,¹ which threatens doctors who refuse to work in emergency rooms with fines of up to \$5000, should be compared with US legislation stipulating fines of up to US\$50 000 for a similar infraction.² The existence of such coercive measures in the bastion of free enterprise might come as a surprise to Canadian physicians, but that is the law south of the border.

Emile Berger

Neurosurgeon
Montreal, Que.

References

1. Pengelley H. Quebec's decision to draft MDs to work in ERs creates storm. *CMAJ* 2002;167(5):530.