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Challenging Academia
A Critical Space for Controversial Social Issues

Edited by

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About the Editors

Heather Piper Entering academic research following a career in Social Work, individually and with colleagues Heather Piper is responsible for over 40 refereed journal articles and a substantial number of monographs and edited collections. Her work is characterised by a contrarian perspective on mainstream approaches to a variety of issues, including citizenship education, animal abuse and human violence, women and violence, false allegations, intergenerational touch and *in loco parentis* relationships in the context of extreme concern around child abuse and protection, and ethical issues relating to such concerns.

Else-Marie Buch Leander is close to finishing a PhD on the unintended cultural, institutional, social, and discursive consequences of the current significant fear of child sexual abuse (CSA) in western societies. She particularly focuses on changes in practice in childcare institutions, the stigmatization of male childcare staff and the problematization of children's nudity and doctor games.

Preface to "Challenging Academia: A Critical Space for Controversial Social Issues"

The call for papers for this Special Issue was intended to attract authors who may have been prevented from or are fearful of researching, speaking, or writing on certain topics. Increasingly in recent years (and perhaps in some societies more than others) there have been many instances of "no platforming" in academic arenas, often supported by social media campaigns against some alleged "offence". Such instances include individuals and groups with a particular commitment and/or self-interest who have sought to silence academics, and others who may seek to question their particular view of a controversial issue; this has been especially evident in matters concerning gender and transgender individuals. Examples of such silencing include: Rachel Ara, a feminist artist, was due to talk at Oxford Brookes University (UK) in 2019, but her talk was cancelled as she was condemned for being a Trans Exclusionary Radical Feminist (TERF); Selina Todd, a Professor of Modern History, and others, have faced petitions for them to be sacked from Oxford University (UK) for being critical of gender self-identification, and were accused of being transphobic [1].

In some instances, journal referees and reviewers can exercise a form of censorship, as senior academics resist challenges to particular orthodoxies that they have a direct interest in protecting as the mainstream approach. Such cases of censoring have included the defence of concepts such as the cycle of abuse, i.e., the inevitability that those who harm animals when young will harm people when older, or that societal factors will always trump genetics—a contentious area, but one that is worth exploring, especially in relation to health issues. In some cases, powerful and well-resourced organisations with a particular self-interest exercise pressure on the academy and practitioners to ensure that certain behaviours prevail (e.g., some child care charities, unions etc who advocate that teachers, sport coaches, and child care workers must not touch children, even young ones in their care, or must touch them only in prescribed ways), this has been articulated in the US context by Johnson [2], and the UK by Piper et al. [3,4] and now by Buch-Leander et al. (see this Special Issue). Similarly, research applications frequently have to be reviewed by practitioners who hold particular views and who can prevent certain research from taking place by both negative reviews and/or the withholding of funds.

Beyond such actions based, at least in part, on personal, professional, or organisational self-interest, many restrictive trends have been explained as a consequence of identity politics, and the relatively new understanding that if someone says they experience something as true, or offensive, then this cannot be challenged. As a result, disagreements on secular issues are conceived in quasi-religious terms, with harsh outcomes for perceived "heretics." In response to such silencing, a group in the USA, the Heterodox Academy, has been established, with a focus on achieving viewpoint diversity, seeking to encourage academics to confront these issues. In the UK, *The Journal of Controversial Ideas* has been launched, which aims to publish papers submitted pseudonymously, "in order to protect [authors] from threats to their careers or physical safety". However, some regard such anonymity as a retrograde step which could become part of the problem rather than the solution.

We should acknowledge that this an arena of public perception and debate where certainty is hard to achieve, where grey areas proliferate, and in which participants will have very different perceptions and understandings. Further, we would not claim that the perceived problem derives from only one source, and there is certainly no basis for holding either "the left" or "the right" responsible. Some commentators who would place themselves in the latter category may complain

that "woke warriors" are "snowflakes" who seek to restrict open debate and scholarship, but may engage or collude in restrictive behaviour of their own, for instance, against those who seek to explore and highlight the degree to which the prosperity of many western democracies is based on wealth derived from slavery and self-interested colonialism. However, we believe there is a difference between situations where the substantial majority of expert opinion judges a particular area of work and argument (e.g., climate change denial) to be wholly beyond the pale, and where particular contributions are silenced through the actions of relatively small interest and pressure groups who manage to punch above their weight through single-minded moral outrage or disproportionate media coverage. Against this challenging background, this edition aims to help expand debate in "silenced" areas, and tackle areas that have been subject to "no platforming" or biased reviewing, and to challenge and intervene in defensive academic and professional practices resulting from fear.

The brief was necessarily eclectic and inclusive, but we were specifically hoping to attract papers addressing issues including "no platforming" (how can this be challenged and discouraged in so-called democracies?); transgender issues (e.g., should young children be encouraged to seek medical interventions? Should teachers and care workers be instructed to call young children "they"?); #metoo (has this movement had any negative consequences for women? Does it encourage vulnerability and victimhood and, if so, is this a price worth paying? Despite some good this movement has brought, has it also damaged men and the process of justice? Has it frozen sexual relations between the sexes?); national narratives (critical and/or revisionist accounts of, e.g., colonialism; is it appropriate to rename historic buildings and remove "offensive" public monuments?). Many of these issues have gathered publicity and pace in recent years.

To some extent, we were unsuccessful in attracting papers addressing such controversies, in spite of some direct targeting of authors we knew had raised and debated these issues, to their detriment. The fear factor was perhaps even greater even than we had expected. While preparing this preface, we noticed a timely and powerful article [5] which problematised the trend in some jurisdictions towards conflating sex and 'gender identity', thus removing sex as a discrete political and legal concept. It has profound consequences; when words change meaning or are conflated, concepts vanish. The anti-science denial of the difference between sex and 'gender identity' raises many problems. Women's oppression has been 'on the basis of sex', prompting the fight for sex-based rights which become harder to defend if permitted terminology erases women's material reality. Gender neutral terms cannot erase biology, but they can remove the analytical tools to understand and address it. In the UK cases of sexual abuse against children by women doubled between 2015 and 2019, from 1.5% to 3% of all cases, but around 38% of sexual offenders in women's prisons are transwomen. There are surely some fertile research areas here!

We did, however, attract a range of papers covering a number of areas (see below), and characterised by a broad international focus. While, on the face of it, many of these papers were less controversial than we had anticipated, nevertheless, a key theme emerged in many: there is often a clear and identifiable (yet unacknowledged) contradiction between key practices in various professional and institutional settings and what is either normally expected, formally required or endorsed by the relevant professions or institutions, or even legal in the relevant national context. For example, it is an expectation that graduate and post-graduate study will include an element of criticality in order to reach the required level of scholarship, yet there are certain topics and perspectives being excluded from such academic scrutiny (see the published papers for examples).

With some submitted papers which did attempt to address controversial areas, we had our own difficulties at the reviewing stage. At least one excellent paper was rejected; it challenged Sweden's

response to the Covid virus and was clearly deemed heretical by one reviewer who considered it in mid-2020. However, the early, low-key response to the pandemic in Sweden is now acknowledged as flawed even at the governmental level. A paper that was eventually published attracted diametrically opposed reviewer's comments, ranging from "the project [was] poorly conceived and executed" (and this reviewer additionally raised confidential ethical concerns) to "I would like to express my appreciation … in which critical thinking is applied to both the training and the method of the proper discipline of [named discipline]". Another paper, also eventually published, attracted two very positive sets of reviewers' comments, including one who stated that the paper was addressing a previously taboo area, but a third which claimed "the insufficiency of the text is of such a degree and nature that no revision will make it fit for a publication in an academic context". While differing reviewer's opinions are always to be expected, the extent and severity of the gatekeeping for this Special Issue was greater than any experienced previously by the editors.

These difficulties, when viewed in retrospect and with the aid of the analytic overview proffered by Laurent Dubreuil in his post-scriptum, become easier to understand. The extent to which questions of identity now pervade understanding and debates within and beyond the academy can hardly be over-stated. Indeed, as he demonstrates, the consequences of the narrowing politics of identity can be discerned even in areas of research, policy, and practice where issues of identity are not immediately obvious. In combination with longer-standing restrictive practices, based on inflexibility, defensiveness, and sometimes self-interest, this reality suggests a difficult future experience for academics and researchers determined to swim against the tide of mainstream assumptions and opinions.

However, to end on a more optimistic note, it has been widely noted that, over time, things that seem set in stone do change as, in the words of Plato, "All is flux: nothing stays still". Similarly, Leonard Cohen keeps us cheerful with his reminder that 'There is a crack, a crack in everything. That's how the light gets in…" We hope that change and illumination is not too slow in coming to many contested areas, and that academic debate from all perspectives is encouraged for the good of us all.

Articles

Stuart Waiton, in "The Vulnerable Subject", draws on a variety of theorists to explore the history, development, and current primacy of the conception of the individual in society as always vulnerable and potentially subject to victimhood, and he discusses some policies and practices which derive from this. With a range of examples, and a particular focus on the law and criminal justice, he argues that the identification of a substantial proportion of the population as victims, subject to trauma and abuse, has significant negative implications. Individualisation grows, collective activity is undermined, and the government is increasingly presented as planning for the avoidance of harm. This matches the experience of many professionals and workers, whose jobs from the 1980s onwards became less driven by making progress and more by the avoidance of risk. A linked development has been that this approach has allowed determinedly censorious groups to reduce their reliance on arguments based on morality by adopting arguments based on the avoidance of alleged harm (e.g., harm caused by pornography or prostitution). Since causing "offence" by presenting critical ideas regarding these processes has become conflated with committing harm and abuse, how are their negative consequences to be identified and challenged? How can universities be encouraged to support real freedom of thought, writing, and research in these areas? Is it possible to recover a conception of management and government based on the achievement of positive ends for robust and self-confident individuals and communities, rather than merely avoiding harm and victimhood

for vulnerable individuals?

Jane Fenton and Mark Smith, in "'You Can't Say That!': Critical Thinking, Identity Politics, and the Social Work Academy", develop and exemplify a point made elsewhere in this collection. Long-standing ideals and regulatory requirements are paid lip service (in this case, regarding the necessity of understanding heterodox ideas, and of critical thought, in order to achieve a graduate or master's status generally, and more specifically in social work) while contested ideas about policy and practice are treated and taught as unquestionable. Critique or deviation is dangerous to academic and professional progress. It is normal for universities and professions to change their teaching on the basis of data and evidence, but this new reality has been prompted by pressure from groups promoting a form of identity politics which prioritises "lived experience", and avoiding "offence". To question particular ideas is to promote "hate speech". As a result, new social workers enter the profession accepting particular ideas as obvious, and are unwilling to exercise critical judgement in complex and contested situations. The focus has moved towards individual and cultural recognition, and away from issues of redistribution. Empathy is valued over more appropriate characteristics such as rational compassion. How have the priorities of social work been changed in such fundamental yet unacknowledged ways? Does the individualisation of the social work agenda further the purposes of neoliberalism? Why have both universities and the profession of social work permitted and colluded in these developments? While the focus of this article is specific, the concepts and argument are more generally applicable across disciplines and organisations.

Jens Stilhoff Sörensen and Erik J. Olsson, in their paper "Shadow Management: Neoliberalism and the Erosion of Democratic Legitimacy through Ombudsmen with Case Studies from Swedish Higher Education", challenge a frequently taken-for-granted trend in public sector management, which, while certainly mainstream, is arguably also unacknowledged and clandestine. Managerial and regulatory mechanisms presented as guardians of democratic transparency and the rule of law have quietly adopted practices which obscure what is happening: move on quickly, there is nothing to see here! While the material is largely drawn from Swedish higher education, the analysis and critique will spark a general recognition in many public sector staff and middle managers: "Ah yes! That's why I've felt uncomfortable for years." Managerial logic and practice intrinsic to neoliberalism have been imposed on public sector bodies without any formal acknowledgement that the resulting arrangements run counter to established norms, legal requirements, and professional behaviour. To avoid admitting to this fundamental change, key practices and mechanisms which should protect the law and professional activity have been subverted, even up to the work of sectoral and state ombudsman. The contrarian illumination of this bad faith and hypocrisy, and its negative consequences, is both valuable and timely. How should the identified contradictions be illuminated and inserted into public awareness and debate? Within the academy, how are senior managers and regulators to be held accountable for their failure to acknowledge or act on these shortcomings?

Else-Marie Buch Leander, Karen Pallesgaard Munk, and Per Lindsø Larsen, in their paper "Guidelines for Preventing Child Sexual Abuse and Wrongful Allegations against Staff at Danish Childcare Facilities" comprehensively describe one of the most substantial empirical research projects conducted on the multiple effects, unintended consequences, and contradictions resulting from the widespread adoption of documented guidelines for avoiding child sexual abuse (CSA). The work focused on Danish childcare settings, but the reported experiences and outcomes will resonate widely. Drawing on a number of theoretical frameworks, the project outcomes are discussed and illuminated. A theme of other articles here is replicated in that the adoption of a simplistic regulatory

approach to avoiding CSA and protecting staff from suspicion, combined with what Foucault calls the "real procedures" limiting the professional behaviours of male workers. Guidelines specifically aimed at men actually breaks Danish law in relation to employment rights and gender equality. Can the pretence that CSA can be avoided, and staff-protected, by the imposition of essentially performative restrictions be sustained? While CSA must obviously be avoided, proscribing affection, spontaneity, and key elements of humanity in childcare settings is a high price to pay, for both children and staff. How are we to promote principles of intergenerational trust and affection, and professional responsibility, if relations between children and non-parental adults are treated as risky and potentially toxic?

Erik J. Olsson and Jens Stilhoff Sörensen, in "What Price Equality? The Academic Cost of Government Supervised Gender Mainstreaming at Swedish Universities", challenge what has become a taken for granted "good" in many societies and various institutional contexts: the authoritative encouragement or effective imposition of gender mainstreaming. With contextual exposition and reference to key documentation and practices, they outline consequential tensions in Swedish Universities. In particular, they question how this development is compatible with more long-standing, taken-for-granted principles: institutional autonomy and academic freedom. The national and institutional promotion of one "good" has had unacknowledged, unintentional, or perhaps insufficiently considered, negative consequences for others. Significant questions are raised. How explicitly should particular principles and targets be prioritised over others? Is it possible to avoid real or apparent unfairness to some when introducing new policies and practices to support greater equality for others? Do Swedish Universities rate so high in terms of gender equality essentially because they rate so low for institutional autonomy?

Gustavo González-Calvo's article "Narrative Reflections on Masculinity and Fatherhood during Covid-19 Confinement in Spain" is a response to a situation, and the resultant issues, which could barely have been predicted when the concept and brief for this Special Edition were developed. It crosses boundaries with subversive effect; while presenting as an exercise in narrative reflection, it challenges the reader to reflect on the experience of the body, the person, and their family, during a severe pandemic lockdown, in relation to more overarching individual, academic, social, environmental and economic questions. In doing so, it critiques orthodox assumptions and practices. What are the limits and implications of narrative research in this special context? Why are the limits of a biomedical approach so rarely acknowledged? Should the current hegemony of epidemiology be countered through advancing concepts such as "manufactured risk" and how it relates to individual experience? Should a reconsideration of societal, economic, and environmental policies and practices be required as a response to the pandemic? Have mainstream responses to our situation exposed a much more savage societal approach to the vulnerable, the poor, the elderly, than we would like to admit? While many wish for "a return to normal", and others prepare to embrace a "new normal", should we be pressing for something else entirely? Written very early on in the pandemic, the article will make for uncomfortable/apocalyptic reading for many.

Review Papers

Sean T. Stevens, Lee Jussim, and Nathan Honeycutt, in "Scholarship Suppression: Theoretical Perspectives and Emerging Trends", provide a wide-ranging discussion of suppression of academic scholarship as a result of both self-censorship and the action (or inaction) of other academics. While focused on the context and experience of academia in the USA, the theoretical discussion is wide-ranging, and the issues and events referred to will be recognised internationally. As J.S. Mill

noted, merely offending people should not be a block to free speech, and all silencing of discussion is an assumption of infallibility; suppression is distinct from justified objection even when pretending to be the same thing. While the reality of suppression and bullying is less extreme than during the era of McCarthyism, aspects of current society make them particularly visceral and personal. In the age of "outrage mobs" and social media, has free academic enquiry become a victim of free speech? How can scholars protect themselves and their work from disproportionate attacks from inside and outside the academy? Given that universities formally endorse academic freedoms, how are senior academics and administrators to be held to account when they fail to defend it when it is uncomfortable to do so? This Special Edition is premised on the ideas developed in this article: rejection of scholarship is quality control, even when imperfect, but suppression is a distinct phenomenon and one which impoverishes the knowledge base.

Rooshey Hasnain, Glenn T. Fujiura, John E. Capua, Tuyen Thi Thanh Bui, and Safiy Khan, in "Disaggregating the Asian "Other": Heterogeneity and Methodological Issues in Research on Asian Americans with Disabilities", offer a detailed and powerful critique of the common practice in both research and policy-making of treating "American Asians" as a homogenous category. While a similar case might be made in relation to other reified categories based on false premises which, in fact, mask massive internal variations, and also in relation to a number of distinct research and policy contexts, their particular focus is on how this false and misrepresented homogeneity has extremely negative real world consequences for many American Asians with disabilities. These problems are hardly surprising, since the multifaceted variations within the category are as wide as those outside it, and the authors argue for fine-grained community-based research and practice as the route to improved understanding and provision. In research and governmental systems, which increasingly deal in big data, how are key variations between particular social, religious, and ethnic groups to be represented and responded to? Particularly in a federal system, where the nature and quality of health and social care provision is substantially a matter for relatively local determination, how can wide variations between particular groups be understood and accommodated? How should research approaches and policy react to the reality of rapidly increasing heterogeneity in many national populations, driven by global upheavals and rising levels of precarity?

Concept Paper
Johan Lundberg, in "The Return of the Clan in Sweden", for the most part, draws from and refers to the Swedish experience, but the issues which he discusses may be applicable to many national and international contexts. He argues that Sweden, and by extension other western liberal states, exhibits a blinkered approach to cultural, social, and legal differences which arise from state-based and clan-based conceptions of the individual, society, and morality. This causes extreme tensions in areas including legal practice and family relations. In part, this blind spot arises from a taken-for-granted assumption of the normality and general acceptability of the post-enlightenment State, which has existed for hundreds of years, but has been exacerbated by the rise of particular approaches to multiculturalism and (post) colonialism which make it very difficult even to raise such ideas and issues. As a result, internal contradictions tend not to be openly addressed, and international understanding is hindered. How can the ability to raise issues which offend particular world views be protected? How fervently should western liberal democracies defend and impose the philosophical and legal principles on which they have long been based? How can tensions between divergent conceptions of the individual and their relationship to larger social entities be dealt with in multicultural societies?

Opinion Piece

Eva O.L. Lantsoght, Miguel Abambres, Tiago Ribiero, and Ana Sousa, in "Interviewing and Hiring Practices in Brazilian Academia: Proposals Towards Improvement" present an account and a critique of structural and behavioural elements of the mandatory processes by which Brazilian academics are assessed for employment and which also have implications for research funding, productivity, and quality. They argue that the inward-looking, inflexible, and mechanistic procedures and requirements which must be applied in both public and private universities have significant negative consequences for the quality and international standing of Brazilian higher education and scholarship, while also challenging internationally accepted principles of diversity and equity. It appears significant that the authors, with a range of academic specialisms, work outside Brazil, and that their previous writing on this sensitive topic has not been published there. How can academics challenge administrative and personnel practices when they are biased against outsiders and minorities? How can the rights and prospects of academics who challenge a well-defended and inflexible status quo be protected? How might the international higher education community encourage extreme outliers to reconsider taken-for-granted procedures which have demonstrable negative effects for both institutions and individuals?

The above offers a brief commentary on the articles finally included in this Special Edition, and we hope readers will find their eclectic nature and argumentative approach a source of interest and a prompt for further thought and research. We are immensely grateful to all those who submitted papers for possible inclusion, in particular, Laurent Dubreuil, for the work of the many reviewers, and for the opportunity provided to us by Societies to edit and help develop some very interesting work.

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Article

The Vulnerable Subject

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Abstract: Academic freedom is formally supported but often challenged, through activities like no-platforming and through a sentiment of sensitivity and an understanding that ideas can be harmful. This development is discussed here as a reflection of the rise of the 'vulnerable subject.' This paper demonstrates the growing importance of vulnerability as the central human characteristic in (post) modern times and with reference to law and justice practices explains the 'collapse of the harm principle.' Developed through Frank Furedi's theory of diminished subjectivity this paper demonstrates the extent to which the vulnerable subject has been institutionalised and adopted as a new (fragmented) norm. Within the framework of diminished subjectivity, the inner logic of vulnerability has a spiralling dynamic—once adopted as a norm, the vulnerable subject's answer to the question 'vulnerable to what?' constantly expands, drawing in ever more areas of life, behaviour, relationships as well as words and ideas into a regulatory framework. Concerns about overcriminalisation are understood here to be a product of this vulnerable subject, something that cannot be resolved at the level of law but must relate to the wider cultural and political sense of human progress and a defence of the robust liberal subject in society.

Keywords: criminalisation; harm; law; criminal justice; freedom; risk; abuse; liberal; victim; vulnerability

1. Introduction

Concerns about academic freedom and free speech on campus have resulted in reactions from the British government and from Barack Obama in the United States. There is talk of a 'snowflake generation' and growing questions about the apparent need for safe spaces or the need for university practices to incorporate an awareness of microaggression [1]. There are also calls from academics to be supported in areas of research regarding controversial topics like transgender rights [2].

Outside of universities, in both the UK and US there are similar concerns being raised about issues like hate crime and the potentially censorious developments within law and policing practices that limit speech and to some extent thought [3].

Critical responses to these developments relate, at times and at a 'populist' level, to the idea of 'political correctness gone mad' and there is a concern about identity-based activists enforcing their will on society and undermining once liberal institutions [4]. More generally and perhaps more usefully there have been discussions about what Tana Dineen has called the *Manufacture of Victims*, that help to situate these developments in a broader context, albeit, with a preponderance to once again see a different *will* at fault, that of psychologists or of *what the psychology industry is doing to people*, as Dineen's subtitle asserts [5].

While at times useful and relevant, these critical voices tend to give too much weight to the role of activism and willing actors in creating a climate of regulation and limits. Aggressive victimhood is a reality but behind it lies the more difficult and fundamental problem not of the wrongheaded willing actor but the loss of will itself, something that is explained most usefully through the idea of diminished subjectivity [6] and what we will call the vulnerable subject. In this Baudrillardian [7] meets Bauman [8] nightmare, we find the black hole of the silent majority (or the loss of a public) meets the pilotless aeroplane (or the loss of a meaningful elite) in a perfect subjectless storm.

The focus on identity politics can be useful but also misses the universal aspect of the vulnerable subject. Vulnerability is not only associated with the caricatured 'vulnerable groups' but has become a framework for the state and institutions to connect with the public in general.

The aim of this paper is to examine the emergence and centrality of vulnerability as a core human characteristic in general and to unpick more specifically the emerging significance of vulnerability within the field of law and in criminal justice practices. We do this, firstly through an examination of the growing use of the term 'vulnerability' itself, in books. Then through a study of various areas and organisations where the term vulnerable, vulnerability and vulnerable groups, is used. And within this we focus on law and criminal justice organisations. Theories related to the idea of a culture of limits and the growth of risk management are adopted to make sense of these developments, with the idea of diminished subjectivity being central to how we interpret the growth of the idea of vulnerability as an essential human condition in the later part of the twentieth century and into the new millennium.

There is a struggle within law between the historically robust legal subject and the new, fragile vulnerable subject that appears to be replacing it—a subject that has the tendency to accelerate the criminalizing process and to potentially undermine justice. Within legal theory itself there is a clear sense that aspects of justice are being warped or lost, in part because of the drive towards ever further criminalisation. There is also a sense of confusion about how to explain this development. Here we suggest that this can be best understood through the idea of the vulnerable subject, a fragile subject that, once incorporated into criminal justice processes, helps to undermine the classical liberal idea of the legal and crucially, robust, human subject.

This confusion in legal theory is in part explained by the semi-conscious (rather than ideologically driven) transformation, over time, of many liberal categories that has resulted in not only their loss of meaning but in many categories coming to mean the opposite of what they once did. Talk of tolerance comes from the same people arguing for zero-tolerance policies, while the promotion of freedom becomes associated with the idea of freedom from fear or in other words with policing and the regulation of other people.

Perhaps the most insightful legal theorist, Peter Ramsay, in his book *The Insecurity State*, has defined the modern legal framework as one predicated upon the idea of 'vulnerable autonomy' [9]. The prior and dominant term being that of vulnerability, something that in practice undermines the very essence of individual autonomy. His subtitle, *Vulnerable Autonomy and the Right to Security in the Criminal Law*, hints at another modern transformation in liberal categories, that of rights, a shift that sees rights increasingly developed by institutions as a form of protections rather than as the basis for individual freedom.

2. The Vulnerable Person

Vulnerable: Adjective: exposed to the possibility of being attacked or harmed, either physically or emotionally.

Synonyms: in danger, in peril, in jeopardy, at risk, endangered, unsafe, unprotected, ill protected, unguarded.

In 2017, the BBC reported on a little known police database in Scotland that was breaching data protection laws. The Vulnerable Person Database or VPD had been set up in 2013 to provide a 'holistic' approach to adult and child protection and wellbeing. Within four years one in 13 Scots was on the list. Many on the list do not know they are on it or know that they have been defined as vulnerable. One such individual, John Naples-Campbell, despite having reported suffering 'homophobic abuse' shouted at him was 'shocked' to find that he was on the list, explaining to the BBC that, 'I don't see myself as a vulnerable person' [10].

The database was set up in anticipation of the Child and Young Person Scotland Act 2014 that controversially included the creation of a 'Named Person,' what some called a 'state guardian' for every child in Scotland. Under the Named Person scheme every child would have a state named individual to oversee their 'wellbeing' from birth (or before birth through the use of health visitors

as the initially designated Named Person). The Named Person scheme has also been found guilty of breaching data protection laws by the UK Supreme Court and is currently being revised.

Asked about the VPD, Detective Chief Inspector Conway explained that Police Scotland were acting legally in terms of their *core* purpose, of 'improving safety and wellbeing.' Legal expert, Professor Jim Murdoch, likewise explained to the BBC that it was a very positive sign because public authorities have a duty to protect the vulnerable. Who 'the vulnerable' are however is unclear. For Police Scotland, at least, the numbers of vulnerable Scots has been growing year on year.

3. The Rise and Rise of Vulnerability

Using Google Ngrams (a search through Google looking at books from 1800 to 2000) we find that the use of the term 'vulnerable' remained fairly constant from 1800 until 1929 when it started to increase. The use of the term in books accelerated from the late 1960s and continues to rise[1].

It is worth noting that Google Ngrams is both useful and potentially problematic because simply through the use of the graphs that show frequency of word use, like the word 'vulnerable,' you get no sense of how these words are being used or what they relate to without studying the actual texts from which they came. It is possible for example that the use of the term vulnerable relates to something completely unrelated to what is being discussed here. Hopefully, further examples and evidence in the paper strongly suggests this is not the case. In this respect Ngrams is heavily interpretive and needs further work and different methods of analysis and understanding to be of use. This said, clear trends can be seen in the terms analysed below, with very similar patterns of word usage and growth of usage suggesting a clear and growing significance in the idea of human vulnerability.

Looking at the term 'vulnerable communities' we find it is first used (within this data source) in an American research monograph discussing depressed areas in *The Plantation South* in 1935. However, this term was rarely used until 1970 when there was an exponential increase up to 1990 when we see a further accelerated use of the term (NB in 2015 Google had scanned 25 million books having estimated in 2010 that there were 130 million books worldwide). Between 1970 and the year 2000 there had been a 30 fold increase in the use of the term 'vulnerable communities.' See Figure 1.

Searching the term 'vulnerable groups' (above) we find the odd use of the term but the first recorded document is in a journal, the *National Negro Health News* published by the Federal Security Agency U.S. Public Health Service in 1942 used for 'guidance in planning and conducting the community health program' [11]. In particular the term 'vulnerable groups' (with the accompanying speech marks) related to the need to improve the food supply for key sections of the black population, specifically 'pregnant women, infants, school children (especially adolescents) workers in heavy industries and the poor, particularly those with large families.' Again, the term was rarely used until the 1960s when it increased slightly, accelerating from 1970 and then again in the late 1980s. To give a sense of the increase of books that use the term 'vulnerable groups,' there were 136 times more uses of the term in Google books in 2000 as there was in 1960.

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[1]   Google Ngrams is a database developed from a collection of books between 1500 and 2000 that allows a search for names or terms within these books. The calculation takes into account the volume of books at any one time so as to provide a map of the relative use of terms over time. Only when there are at least 40 books using the term in any one year does it appear in the graph. Note that Ngrams has been criticised for its lack of accuracy, in part due to its use of optical character recognition that can produce reading errors. Some of the books in Google Ngrams can be accessed via an Ngrams search, allowing for the texts themselves to be studied, thus allowing these terms to be situated and analysed in the context within which they were written. More than one term can be searched within the same graph, allowing a comparison between the use of terms and to demonstrate similarities in usage. For example, a search for vulnerable children and self esteem shows the greater use of the latter term but a very similar, indeed almost identical graph shape. For a discussion of the use of Ngrams as a research tool see https://firstmonday.org/ojs/index.php/fm/article/view/5567/5535 (accessed on 29 August 2019).
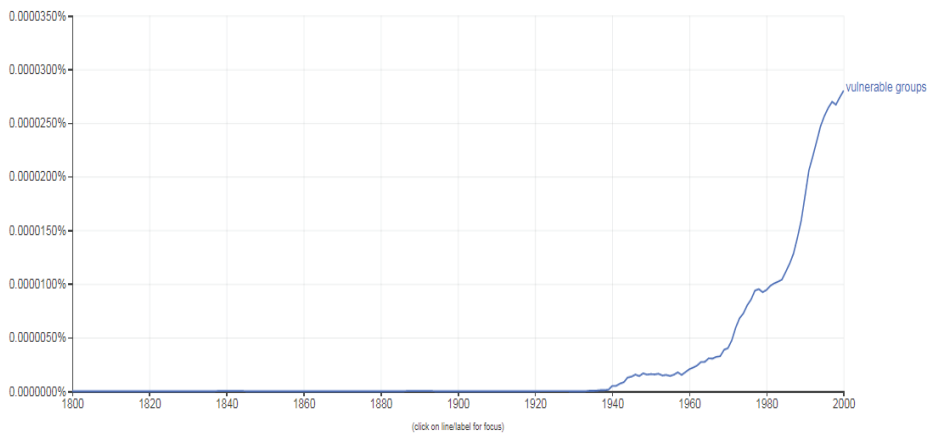
Figure 1. Vulnerable Groups.

Based on these findings we can argue that the term 'vulnerable' is used far more today than at any other time in the last 200 years. The use of the term was constant throughout the nineteenth century and into the 1920s. We use the term thirteen times more than we did then. Until the 1930s and only very infrequently was the term used with reference to a particular group or community. From the 1970s this began to change and today a vast array of groups are labelled as being vulnerable simply by being part of a certain defined group.

The idea of vulnerability is now used in relation to more issues and experiences, it has also become used to define or label certain sections of society, in particular those sections of society that are understood to have suffered political oppression or other forms of inequality, as well as other groups who are incorporated into this politicised category, like the disabled [12]. More generally, studying the use of the term in these books and in other documents, policies and best practice guides we find that children, for example, have become discussed, relatively unquestioningly as vulnerable, as have the elderly, as have students.

The term has historically related to economic conditions and ill-health and to environmental issues. Increasingly, as we will demonstrate, it relates to mental health matters, to abuse and to our fragility in relation to other people. Looking at the issue of poverty, it is noticeable that only specific sections of the poor were originally identified as being part of a vulnerable group, only certain black people who were poor but for example who were also part of a particular population in America and who were also part of a 'large family.' Today in comparison, living in poverty itself is assumed to mean you are vulnerable, where, for example in the discussion about vulnerable children we find this definition of poverty and vulnerability refers not to absolute poverty or food poverty, but, in the case of the UK Department of Health approach, four million vulnerable children are so labelled because they live in families with less than half the average household income [13]. Again, questions can be raised about the extent to which these individuals and families would consider themselves to be vulnerable that is, at risk, in jeopardy and so forth, and the extent to which vulnerability has become a label given to individuals and groups.

4. Institutionalising Vulnerability

Demonstrating a growing interest and concern about the vulnerable, in the UK, we also see an increasing use of the terms vulnerable and vulnerable groups in the development of policy. For example, the Housing Act 1996 (Section 218A), the 'vulnerable victim' is defined as someone who experiences repeat victimisation from other people, like antisocial behaviour. The Metropolitan Police Service have developed a Vulnerability Assessment Framework which explains that vulnerability can

relate to vulnerable victims, witnesses, suspects or members of the public. The Safeguarding Vulnerable Groups Act was passed in 2006 and helped to further develop a criminal records check and database to assess people working with or volunteering to work with children and 'vulnerable adults.' Noticeably, criminal record checks had already been established to protect children (a designated vulnerable group themselves) and between 2002 and 2006 the number of people being checked had doubled and stood at ten million [14]. We also find 'vulnerability', in the government's anti-terrorist Prevent Strategy, that impacts on many institutions, including universities who must be watchful regarding student extremism. Here, vulnerability is understood in terms of people who may adopt or be influenced by certain ideas [15]; rather than making subjective decisions themselves, they are being 'radicalised.'

The Clergy have their own policy regarding vulnerability spelled out in their Safeguarding and Clergy Discipline Measure 2016. The Solicitors Regulatory Authority has guidance notes on 'how to identify people who may be vulnerable' and the 'benefits of considering vulnerability' helping those in the trade to become aware of the significance of vulnerability. Here we find the vulnerable include those on low incomes, who have a low level of literacy or have certain life experiences, like sufferings a bereavement [16].

At the level of international policies and practices the United Nations has a variety of documents, policies and practices explaining the importance of engaging with and supporting vulnerable groups and populations [17]. The Human Rights Act, an international convention to protect human rights that was incorporated into UK law in 1998 is also associated with the issue of vulnerability and the protection of the vulnerable. In their pamphlet on Eight reasons why the Human Rights Act makes the UK a better place, Amnesty International explained (point 2) that this act is 'Protecting us at our most vulnerable.' Points 3 and 4 discussed the protection of women from domestic violence and 'making it safer to be gay' [18].

Looking at the university sector we find that universities have a variety of policies regarding vulnerable students often based within 'Student Wellbeing,' with vulnerability relating to 'academic, personal or practical issues.' Some have their own email system for example, vulnerable-students@contacts.bham.ac.uk. The National Union of Students have a number of reports and initiatives that discuss vulnerability in a variety of contexts, including religious beliefs, crime, gambling, a living wage campaign, housing, fishing policies (that talks about vulnerable fish), drugs and educational funding.

The report looking at the experience of students with faith and beliefs is called the Isolation and Vulnerability Report. Within the report we find 30 mentions of the term 'vulnerable' and 57 uses of the term 'vulnerability.' The opening paragraph of the report explains that, 'This research presents the findings of a nationwide survey on students' experiences of isolation and vulnerability, with a particular focus on how students of faith and belief experience instances of isolation or vulnerability on campus' [19].

In 2018, the National Union of Students (NUS) announced a partnership with Gamban—an app that helps users block access to online gambling. Here the claim was made that one-in-eight undergraduates had missed lectures or seminars because of gambling. The report explained that, 'Many of these students are amongst the most vulnerable—and gambling addiction can be both a cause of and trigger for further mental health issues' [20]. More action was 'desperately' needed to protect students from betting companies who were 'preying on student vulnerabilities.'

The meaning of vulnerability is often taken for granted rather than defined and the term appears to come with a moral dimension that demands action and support. Different organisations—health, social care, the police and so on, use the term in differing ways, with for example social care relating more to poverty compared to the police and their focus upon victims of crime. However, even within this context, how the police think about crime has been altered by their wider adoption of the idea of vulnerability and vulnerable groups. While within social care and services the idea of poverty, a once stand-alone issue, has itself become a vulnerability label, with another vulnerable group—the poor—being constructed around this more therapeutic understanding of the fragile self. In this respect

all of these organisations are helping to transform the way issues and individuals are understood and treated.

This list of just a fraction of the discussions and policies related to vulnerable people and groups gives a flavour of the vast numbers of people and array of organisations engaging with the vulnerable. Understanding or being aware of vulnerability has become a form of good practice. For some organisations like the NUS, vulnerability appears to be something of a starting point when relating to and developing services for students or initiating campaigns. For the police, engaging with the wellbeing of vulnerable people has become a 'core' purpose. At a number of levels and within a number of institutions being aware of the vulnerable and developing practices to engage with the vulnerable subject has become their raison d'être. Issues of safety, safeguarding, protection and prevention and the support necessarily implied through the label of vulnerability gives a regulatory dimension to many of these practices and issues. To be aware, to engage with and to protect the vulnerable is to be good.

5. A Theory of the Vulnerable Subject

The rise of vulnerability as a framework for understanding the nature of people can best be understood through the idea of diminished subjectivity. This concept, initially developed by sociologist Frank Furedi, carries two interconnected ideas—that of the diminished elite and of the diminished individual subject [6]. Related to both are discussions that developed in earlier decades of the twentieth century but came to fruition in the 1990s, discussions about the end or death of class, of politics, of left and right, of culture and of big ideas or metanarratives. Condensing these discussions, Furedi discussed the 'loss of meaning,' amongst the elite and indeed throughout Western society and its various institutions [21]. By the 1990s, socialism was 'dead' but as James Heartfield noted, without the left to oppose, the right appeared to implode [22], and, for Jacoby, this also meant that liberalism lost its backbone [23]. The confusion for many was the presumption that the end of the Cold War internationally and of the labour movement in the UK, there would be an inevitable rise of (Thatcherite) individualism. The reality, however, was far more dialectical and the collapse of a collective sentiment, organisations and interests (on both left and right) did not result in a confident sense of individualism and individual autonomy. As social beings, it turned out that the robust liberal individual was built upon a collective sense of meaning and existence. To his surprise and confusion, the modern day Robinson Crusoe, without a sense of nation, religion, class or human progress, soon found himself on the therapist's couch [24].

Choosing his categories very carefully, Furedi argued that Western society had become individuated rather than individualised. Socialism was dead but liberal individualism was dying. The categories that helped to explain, inspire and frame much of life since the Enlightenment were being transformed, one of these was the very idea of the human subject—a subject that by 2018 would need a Gamban mobile app to help it not to gamble and miss lectures. This was a subject more prone to be done to than to be a doer—a subject at risk, rather than one that took risks—the vulnerable subject.

6. The Diminishing Subject

At a certain, practical level, for almost two hundred years, the idea of the robust subject was taken for granted. The competence and capacity of the individual was and to a large extent still is the basis of modern living. Without the adherence to contracts - of work, education, marriage, sales, legal and so on, the world would come to a standstill [22]. David Garland's first book discussing the nature of English prison life in the nineteenth century, illustrates well the classical expectation of the individual subject to accept their punishment rather than being reformed by others [25]. Despite the harshness this could entail there was a respect for THE individual, the rational 'man' who made choices and could live with the consequences. This was John Stuart Mill's responsible person, responsible not in that all their actions were good ones but that when they were not they knew that they were responsible for them—there was no need for a Gamban app—indeed the very idea of one would be

seen as a degradation of what was the key to liberal society, your sense of personal capacity—your subjectivity [26].

Fast forward to the twentieth century and we find a beginning of the crisis of subjectivity in the discussion of 'the crisis of man.'

> "In the middle decades of the twentieth century, American intellectuals of manifold types, from disparate and even hostile groups, converged on a perception of danger. The world had entered a new crisis by 1933, the implications of which would echo for nearly three decades to follow—not just the crisis of the liberal state or capitalist economy generally and not only the imminent paroxysm of the political world system in world war. The threat was now to "man." "Man" was in "crisis"". [27]

As yet, something only embodied within a section of the intelligentsia, there was an intertwining collapsing sense of human progress, of Western civilization—a sense of the 'end of history' and ultimately with the very idea of individual human capacity. The promises and excitement of a rational, dynamic, heavenly world that was made by and helped to make the liberal subject, were being dashed on collapsing economies, class conflict, with war and with a loss of meaning, discussed in the work of Emile Durkheim and especially Max Weber.

Mark Greif's book about this crisis is focused upon literature and literary critics of the twentieth century. One such critic, Lionel Trilling summed up this sense of crisis in his discussion about the death of the novel. Unclear as to what had caused this apparent death, Trilling surmised that past writers like Shakespeare and Swift had often written about the depravity of human beings. But within a cultural climate that sensed a positive progression in society, these writings 'could never prove their case against man' and indeed, the very act of writing such magnificent works of fiction they actually enhanced this sense of human beauty and progress [27] (p. 106).

For Trilling, the novel was of such importance because, as he argued, 'the novel . . . has been, of all literary forms, the most devoted to the celebration and investigation of the human will,' this will he believed was dying [27] (p. 106). The challenge laid down by Trilling, to rediscover America and the human subject, inspired the likes of Ernest Hemmingway to write his great novel *Old Man and the Sea* in 1952.

Written as an attempt to rediscover or save the human subject, Hemmingway does a remarkable job in portraying the beauty of man in his struggle with a giant fish, but, Greif notes, he is only able to do this by stripping man from society, by portraying the man of maximum isolation—a Robinson Crusoe - in a basic struggle with nature. In many respects, Greif observes, this was not even the man of the mind but man as body [27] (p. 125). (Much as Mel Gibbon's controversial attempt to celebrate the passion of the Christ, was drowned in the physicality rather than spirituality of Jesus' death).

Hemmingway's attempt to rescue man was a brave one but in this tale of man against nature, Greif rightly notes, 'this leaves the question of the rest of the world,' of society, of 'civilisation' [27] (p. 125). At the end of the novel, Hemmingway generates a Christian allegory, as the man struggles to shore with his cross-like mast draped over his shoulders. Rather than man, it turns out, we had to turn once again to God for salvation.

7. The 'Death' of the Subject

Fast forward again, this time to the early twenty first century and we find French philosopher Jean Baudrillard discussing *The Spirit of Terrorism* in which, in his usually abstract way, he explains that with 9/11, the terrorists did it, 'but we wished for it' [28]. In part, Baudrillard is explaining or perhaps expressing a more pervasive sense of Western self-loathing, one that the 'Lost Generation' of intellectuals had earlier grappled with. The crisis of 'man' had gone mainstream.

For Furedi and writers like Christopher Lasch, Zaki Laïdi and István Mészáros, the Cold War is understood to have been the fragile ever crumbling foundation that kept liberalism on a life support system—the 'free world' appearing to have some sense of credibility and meaning in comparison

to what Ronald Reagan called the 'evil empire.' Once gone, however, the 'West' had to stand on its own two feet and soon found that the sins of the father were not only exposed but were all that could be seen.

The 'fiction' of the rational, progressive, robust human subject, something that as Heartfield notes had developed in the critical writings of Michel Foucault and others, was all that could be seen—the liberal subject, the active 'man,' the robust individual, was the author of the Holocaust; the collective/class subject the creator of the gulags.

More particularly, as Heartfield observed, the end of the cold war brought an end to the politics of left and right and to politics with meaning and substance. With no big ideas in politics we ended up with what he calls a process without a subject—a form of politics based on nothing more than the visionless management of the present—a kind of politics as HR—with little or no connection to a collective public or wider ideological basis of meaning and purpose. Politics no longer reflected the collective will of different sections of society but became a process expressed most clearly by its lack of an 'ism' and the empty numerical definition of the 'third way' [22] (p. 180).

Interconnected with the 'death' of politics and what Philip Reiff called the impoverishment of Western culture was the crisis of 'man' in terms of both humanity and also the individual human subject [29]. Alongside the diminished collective will we find, not the individualised robust individual but the individuated vulnerable subject. A diminished, degraded and damaged subject that was constructed over time helped by a new type of activism and anti-Enlightenment intellectualism.

Since the 1970s, Joel Best argues, American society has adopted a particular form of campaigning, specifically related to and developed through the idea of the victim [30]. All sides of politics he notes began to adopt this approach as a way to frame a winning argument—victims of crime being drawn against victims of welfare cuts, for example. Feminist ideas were seminal in this respect but were not alone in the new representation of groups as victims. From the perspective of diminished subjectivity, the victim is the logical creation of a society that is losing a positive sense of both collective and individual capacity. As politics and indeed society lose their relationship with an active public, society is itself increasingly experienced as something out there, not of our making, something that is being done to us not made by us. This operates at both an elite and individual level, developed through an elite that lacks ideas or a sense of direction, with a mass of people, a 'silent majority' [7] who fragment, becoming individuated and relatively powerless to forces in society they no longer understand.

Studying the moral panic around 'senseless violence' in the Netherlands, in 2008, Willem Schinkel astutely observed that in cases of serious violence it has become rare for the perpetrator to become known, rather, it was the victim that captured the imagination. Rather than society cohering, developing a collective sense of us and them around a 'folk devil,' it was now simply left with a scar, a sense of meaninglessness, a story of victimhood and yet another example of being 'done to' [31]. It was the vulnerable subject that now engaged the public sensibility.

Defining the period in the 1990s, Furedi called it the *Culture of Fear*. This was a culture, he argued that had a diminished sense of capacity, consequently, the energies of society rather than being used to change the world or to defend past gains were increasingly directed at ensuring everything is *safe* [6]—society was hunkering down. The anxious, directionless elite, unable to project into the future, engaged with the public sense of atomic fragility and a new form of governing developed attempting to do little more than 'prevent harm.' With few, if any, clear absolutes that could cohere society, safety became the new absolute, a prefix for everything from sex to play that meant it was good.

In these anxious times, ideas, institutions and norms began to change, no longer predicated upon the assumption of the robust liberal subject but of the vulnerable diminished subject—one that needed to be protected from an ever growing array of experiences. A consciousness of risk developed, predicated in part on a loss of public trust but driven by an elite self-loathing and abandonment of Enlightenment ideals. Almost everything, Furedi argues, became interpreted through a framework of risk management, while relationships and interactions were newly seen through the prism of abuse [6].

8. The Growth of Abuse

"Abuse is a moralised concept that represents the functional equivalent of sin. The association of abuse with victimisation emerged as an idea in the 1970s and became a defining dimension of human experience in the 1980s. Since that time abuse has become normalised to the point that it serves as the cultural exemplar of evil. The narrative of abuse has facilitated the formation of an ideology of evil through which a variety of problems are given meaning." [32]

Written in an easily accessible style, Furedi's *Culture of Fear* is nevertheless vast in scope and follows the tradition of Christopher Lasch, who in his *Culture of Narcissism: American Life in an Age of Diminished Expectations* presented a similar picture of what he called a survivalist mentality [33]. For us, the usefulness of Furedi's work in particular is the examination of 'victimhood' as a new identity and of the connected and growing concern with 'abuse.'

For Furedi, a growing sense of and understanding of 'risk' developed in the 1980s often with reference to the environment [34] (in the 'outside' world) and was replicated by the growing preoccupation with 'abuse' or the 'defilement' of the individual (the inner world) [6] (p. 73). Abuse, in many respects, is the natural bedfellow of the vulnerable subject and, Furedi argues, it was normalised in the 1980s—the human (like the planet) as damaged goods—the human both degraded and degrading. Here we find a growing number of experiences explained through the idea of abuse, reflecting not the growth of harm but rather expressing the outlook of the new vulnerable subject. The abuse idea was helped by the focus upon it, from academics, policy makers and institutions, who discovered growing abuse or new forms of it.

Using Ngrams, we find, for example, the term 'homophobic abuse' barely existed until 1979 when the use of the term rose exponentially. Clearly violence and ill treatment of gay people existed and arguably existed far more before this date but the idea of this ill-treatment being framed through or in terms of 'abuse' was yet to develop[2]. Similar findings can be found with the term 'domestic abuse' and also 'elder abuse' the use of which rises exponentially from the late 1970s, with the early idea of 'child abuse' developing from the late 1960s.

For Furedi, there are a number of dimensions to this growth of 'abuse'—the specific term abuse itself is important in terms of its connotations of defilement and contamination. Firstly, there is a tendency for academics and campaigners to search for or 'discover' abuse, both in the present and the past and within this a tendency to exaggerate the scale of it. This is assisted by a reinterpretation of experiences that would previously not have been thought about as abusive or at least not with the use of this particular term.

At the most extreme, Furedi notes, we find sociological theory developing that problematises everyday activities and reinterprets them through the prism of abuse. With a profound sense of vulnerability more and more activities and experiences are reinterpreted and presented in theory as forms of violence. Feminists like Catharine MacKinnon for example found that the extreme act of rape is difficult to distinguish from sexual intercourse [6] (p. 82). Similarly, Furedi notes that the logic of this approach was becoming relatively mainstream within sociology, with Anthony Giddens for example describing the 'clear' link between rape and murder of women which, 'often contains the same core elements as non-violent heterosexual encounters, the subduing and conquest of the sexual object' [6] (p. 84). As Furedi notes, reducing actions to core elements means we can find the most unlikely links, like between eating and cannibalism.

As such we find not a necessary rise in violence or harm but a tendency to discover this in many, even most forms of human relationships. A key problem being that it was no longer simply those on the right who were seeing humanity in this more degraded form but those associated with the left.

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[2] This can be partly explained due to the relatively modern term homophobia but a similar result is found for 'homosexual abuse,' the point being that the term abuse was becoming more important and significant.

As a result, there were few left to defend 'man.' Indeed, the very act of doing so could increasingly be interpreted as an act of abuse itself.

Examining the growth of the 'cycle of abuse' theory, a theory that predicts that once abused you will similarly go on to abuse others, Furedi notes that more radical voices have adopted this understanding, something that when aired by conservatives in terms of a 'cycle of poverty' has always been dismissed as deterministic and reactionary [6] (p. 87).

This way of understanding human experience, Furedi argues, is a new one. Victimhood appears to carry weight and often receives institutional recognition and support. At the very least the claim of victimhood seems difficult and at times impossible to question, despite its often subjective dimension. And it leaves scars. One aspect of the modern idea of abuse is that it is assumed to leave a lasting legacy. The legacy of abuse is also something that is understood to be carried on through future generations, almost genetically transferred, as 'second generations of' various forms of 'abusive' experiences emerge to claim the mantle of victimhood.

A key dimension of this development is the emergence of the victim label and in particular the development of a victim identity. This Furedi traces back initially to criminologists and other policy experts in the late 1960s who began to use the language of victimhood to define people's experiences—the point being that the sense of 'victimhood' can only emerge if society defines your experiences in this way. Rather than having experienced a crime, you become a 'victim of crime' [6] (p. 98). Victimhood is not simply a thing it is an interpretation and a labelling and one that was emerging at the time when a 'survivalist' mentality was developing both within individuals and more importantly within Western elites, academics and institutions.

For us, the point of note or argument is to suggest that the rise of the victim and of 'abuse' emerged within a wider political and cultural climate, a culture of limits that lacked the intellectual and moral resources to carry society forward and consequently began to see the world through the prism of damage limitation. The natural subject for this time was not the robust, dynamic, risk taking liberal subject but the done to, at risk, vulnerable subject. A subject that was being increasingly 'recognised,' constructed and institutionalised through a new therapeutic etiquette and form of best practice. Consequently, groups in society, black people, women, homosexuals and also the working class, once seen as potential active allies in a political battle for change were reinterpreted as vulnerable victims. For Furedi, by the mid 1990s, a political climate had been created in which defending people from victimisation had 'become everyone's point of reference' [6] (p. 103).

Discussing the meaning of the term abuse, Furedi notes that its importance is that it 'evokes the notion of moral pollution,' of being invaded, 'to the point that those who have been polluted will never be the same again,' something that, 'affect[s] the spirit, identity and emotional integrity of the person.' The use of the term abuse, in the eighteenth and much of the nineteenth century was interpreted through the grammar of morality, carrying the connotation of pollution, often referring to the pollution of the self through, for example, the perceived degradation of the act of masturbation [32] (pp. 54–55). See Figure 2.

Interpreting the above Ngrams graph of the term abuse, what I would suggest we are witnessing in 1800 is the use of the term abuse that is carried by the language of Christian morality. This more traditional form of meaning continued to make sense of experiences and continued to have meaning until around 1840 when the modern transformation of society, the development and centrality of science and a more secular and liberal outlook was becoming more significant. In this respect, the declining use of the term abuse for the next 130 years reflected the decline of Christian morality and the rise of the modern liberal subject.

By around 1970 however, we see the rise and rise of the use of the term abuse, reflecting the decline of the liberal subject and the emergence of the vulnerable subject. This we would suggests can be understood as the formation of a new form of moralising about humanity as abusive and defiling (with the focus being less on self-abuse than the abuse of others [32]).

Just as the old Christian, moral language was losing its potential to limit individuals and society, a new etiquette or awareness of the harm of mankind broke onto the scene and became far more prevalent than the old moralisers of abuse ever did. It is within this context that a new master framework for engaging with the public developed around the idea of vulnerability and harm reduction.
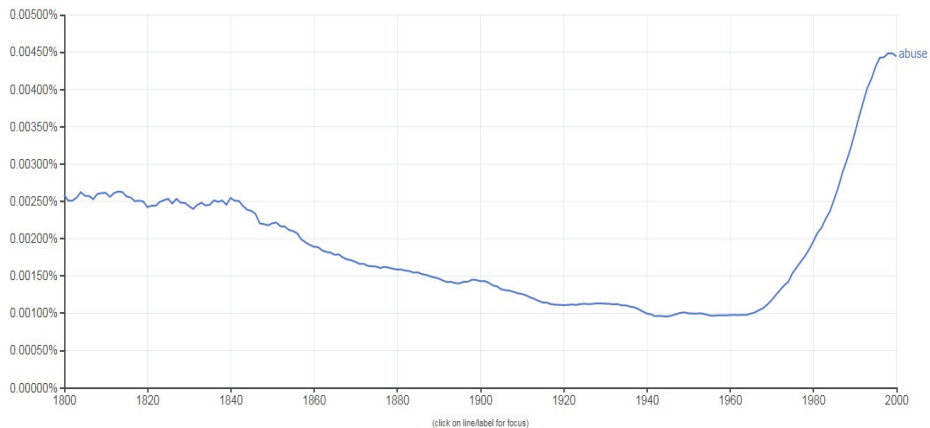

Figure 2. Abuse.

9. The Vulnerable Subject in Law

"I consider that the striking of a fair balance between the demands of the general interest of the community (the community in this case being *represented by weak and vulnerable people* who claim that they are victims of anti-social behaviour which violates their rights) and the requirements of the protection of the defendant's rights requires the scales to come down in favour of the protection of the community and of permitting the use of hearsay evidence in applications for anti-social behaviour orders." [9] (p. 60)

In attempting to look at the importance of the vulnerable subject in law, policing and the criminal justice system, the above quote from Lord Hutton in 2002, gives a sense of how things have changed. The flexibility allowed to the justice system when dealing with anti-social behaviour (as opposed to murder, for example) allows the growing centrality of vulnerability to be more overtly expressed. Here for example, we find Hutton describe 'the community' being engaged by the criminal justice system, as represented by 'weak and vulnerable people.'

Below we will look at certain changes in law and to discussions within legal theory, particularly about the harm principle that in various ways help to illustrate the growing importance of the vulnerable subject.

One such discussion relates to the problem of overcriminalisation, a process of proliferating and accelerating law making where an increasing array of experiences and behaviours are criminalised. The below quote from Andrew Ashworth gives a useful sense of this process and the accompanying concern by some legal theorists.

"The number of offences in English criminal law continues to grow year by year. Politicians, pressure groups, journalists and others often express themselves as if the creation of a new criminal offence is the natural or the only appropriate response to a particular event or series of events giving rise to social concern . . . There is little sense that the decision to introduce a new offence should only be made after certain conditions have been satisfied, little sense that making conduct criminal is a step of considerable social significance . . . [F]rom any principled viewpoint there are important issues-of how the criminal law ought to be shaped,

of what its social significance should be, of when it should be used and when not-which are simply not being addressed in the majority of instances." [35]

Various explanations are found to explain these developments and the focus, understandably, is often on opportunistic politicians and their use of 'penal populism.' But penal populism, can itself be seen as another example of the diminished (moral and political) subject, a lost sense of the capacity to either change the individual or to change society without the use of force [36]. For this paper, the central importance of overcriminalisation can best be understood as a product of the emerging vulnerable subject that needs ever more protections from the ever-obliging (post) modern criminal justice system.

10. Unprincipled Harm

By 1999, in his seminal paper, Bernard E. Harcourt was bemoaning what he called the Collapse of the Harm Principle. John Stuart Mill's liberal principle had framed the limits for state interference in the lives of the individual. If there was no harm to another individual from a particular action, in the main, that action should not be regulated by law. This was a principle extended in the 1960s when liberal critics challenged the moralising aspect of laws against homosexuality, obscenity and prostitution—homosexuality harms no one and should, they argued, be decriminalised.

The harm principle, in theory, acted as a limiting principle to the enforcement of morality and thus freed the liberal subject from moralistic legal regulation. By the 1970s, in legal theory and to some extent in society, the liberals appeared to have won, with, for example, the decriminalisation of homosexuality and legalisation of hard-core pornography. But then something changed. Conservatives and feminists like Catharine MacKinnon changed the rules of the game and began to use the harm principle to criminalise increasing forms of 'abusive' and damaging behaviour. There was a triumph of the universalisation of harm, as Harcourt puts it and many more things began to be defined as harmful.

This did not mean that the moralists had won, rather, as Christopher Lasch argued, the moral right and their increasing reliance on 'law and order' reflected the collapse of moral ideas and arguments [37]. Now, the moralists dropped their morality and their moral arguments and instead of arguing that pornography or prostitution was morally wrong they simply argued that they were harmful. Rather than defending the moral subject, it was the vulnerable subject that became the heart (if not the soul) of their argument (and understanding).

These arguments, in an increasing number of areas of life, held sway and more things began to be criminalised. Harm, Harcourt noted, has become the principle argument for state intervention, rather than a barrier to it—the harm principle (from a liberal perspective) is therefore dead.

James Q Wilson, with his and George Kelling's 'broken windows' theory helped to promote the idea that communities were vulnerable to a variety of nuisance behaviour that could bring down a neighbourhood and increase serious crime levels. Despite Wilson's own moral background, he did not use moral arguments to criminalise public space, he talked about victims of crime and harm to defenceless and vulnerable communities.

MacKinnon, likewise, adopted the harm argument—pornography was harmful for the women involved in making it, harmful to the women who were assaulted by men who used it and harmful to women in general who had their second class position in society reinforced. This, an argument that had not existed in the 1960s, Harcourt argues, emerged in the 1970s and once again transformed the idea of harm into an argument for regulation and criminalisation. This time, rather than the 'community' being represented as vulnerable, it was women who were victims and in need of protection.

Conservatives and progressives, Harcourt concluded, are now making harm arguments. All sorts of harms that were previously seen as merely a nuisance are now seen as needing legal intervention. The focus today is no longer on whether certain actions cause harm, 'it is about types of harm, the amount of harm and our willingness, as a society, to bear the harms' [38].

11. Managing Emotions

Harcourt is unsure what to make of the collapse of the harm principle, trying in the end to suggest that this collapse may 'ultimately be beneficial,' something that 'helps us realize that there is probably harm in most human activities' [38] (p. 193). For the purpose of this paper, the conclusion is rather different and indeed the fact that Harcourt, in 1999, can end with this idea that most human activities probably cause harm is in itself something that could only make sense once the vulnerable subject had taken hold.

Within the criminal justice systems of most Western nations, this elevated sense of harm has been reflected in a variety of legal and policing practices and policies that increasingly engage with the 'vulnerable public' [36] (p. 45). Indeed, within politics, alongside the concern about vulnerability, vulnerable groups and vulnerable communities the 'victim of crime' has become increasingly central, from the 1970s in the USA and particularly from the 1990s in the UK. These changes have themselves been reflected within criminology, for example, in Jonathan Simon's 'governing through crime' thesis where he examines the centrality of the crime victim for not only crime agencies but for institutions across American society. Perhaps the most influential criminologist, David Garland, has similarly focused on what he calls a 'culture of control' in the UK and US, usefully identifying the victim of crime and indeed the victim more generally as a symbolic figure, 'a more representative character, whose experience is taken to be common and collective, rather than individual and atypical' [39].

With the vulnerable subject at the heart of this development, the spiralling dimension of harm discussed by Harcourt can be identified within new laws and practices where vulnerability is increasingly conceptualised in relation to not only physical but to mental and emotional harm. And the role of the state increasingly comes to be that of protecting the vulnerable.

In Scotland, we can see this in a relatively early discussion about hate crime by the Association of Chief Police Officers in Scotland (ACPOS).

Having rarely discussed crimes through the prism of hate, in 2004 a Working Group on Hate Crime was established and a guidance manual on hate crime was written in 2010. The manual is noticeably therapeutic in its language, with the forward explaining that, 'all crime can produce post-traumatic stress (PTS) in victims,' but adding that, 'it is recognised that PTS lasts longer in victims of hate crime' [40]. The additional trauma suffered by victims of hate crime is central to the argument presented in the document about why hate crime needs to be a priority for the Scottish police service. At one level, the document can also be seen as representing and promoting a cultural shift towards an understanding that all victims of crime should be seen as vulnerable but also that some people are more vulnerable than others.

The report is particularly interesting in its use of evidence to prove the case that PTS can last for up to five years amongst victims of hate crime compared with other crimes. The one piece of evidence used to back up this claim is from America, relating to attacks on lesbian women and gay men. The vast majority of the attacks are clearly directed at the individuals due to their sexual orientation, some had, as the report explains, a surprising level of 'physically and psychologically brutality' [41]. The 'brutal' targeting of individuals for attack due to their sexual orientation can understandably have a significant impact upon an individual. However, moving from this one piece of research to then discuss all gay people as vulnerable and all hate crimes as doubly traumatising is problematic.

The relatively unquestioned idea of 'hate crime' today is interesting given the historical development of the term and the strong evidence of the politicised and indeed moralised nature of the concept. Paul Coleman for example traces the origin of the idea (and more particularly the idea of hate speech) to the Soviet Union under Joseph Stalin and the desire to have the state determine correct and legally acceptable forms of speech, something that Western nations rejected at the time as illiberal and authoritarian [42]. In more recent times, the idea of 'hate crime' developed in the United States in the 1980s and, in part, due to their first amendment right to freedom of expression, it has also been strongly criticized as a basis for punishment [43]. In the UK, in relation to race and racism there have been various criticisms of the use of 'hate crime' laws and initiatives and indeed of the

presumed trauma created by these crimes or what are often non-crimes or incidents [44]. For Adrian Hart, a major concern is the policing of young people in schools by teachers, who it is assumed are harmed by unpleasant and sometimes simply 'incorrect' comments and words and recorded as being involved in hateful behaviour, even at nursery school age.

Perhaps the most useful work examining the impact of hate crime legislation is that of James B. Jacobs and Kimberly Potter. Writing again about developments in America, they note that the majority of hate crimes are committed by teenagers. Many others involve poor young white and black (due to the colour-blind nature of hate crime legislation) young men involved in disputes or fights who shout an obscenity. Many of these incidents, they believe are questionable in terms of the definition of 'hate.' Their work also raises questions about the presumed and universal understanding of trauma experienced by those found guilty of so called 'hate' crimes [45].

Policing in the UK has moved away, somewhat, from a focus on property and physical violence and moved into new realms, of policing speech and of protecting people from emotional harm [35]. In Scotland, for example, a new law has been passed criminalising 'coercive and controlling behaviour,' types of behaviour that includes, 'belittling' and acting in a 'demeaning' way [46].

Discussing the growing concern with and the management of emotions, particularly in universities, Greg Lukianoff and Jonathan Haidt in their book *The Coddling of the American Mind* usefully examine the growing concept creep of the term trauma. Australian psychologist Nick Haslam, they note, has studied the changing use of terms like trauma, bullying and abuse and has noted that these concepts have both crept 'downwards' thus applying to less severe situations and also 'outwards' to incorporate new but conceptually related phenomena.

Pre the 1980s the term trauma for example, was used in psychology to relate to physical trauma, like a brain injury. In the eighties 'post-traumatic stress disorder' became the first none physical trauma. This was understood to be caused by an 'extraordinary and terrifying experience,' 'outside the range of usual human experience' [47]. It was stressed in these early definitions that this was *not* based on a subjective standard but related to the most extreme of experiences like war, rape or torture. But by the early 2000, 'the concept of "trauma" within parts of the therapeutic community had crept down so far that it included anything "experienced by an individual as physically or emotionally harmful"' that had a lasting effect on their well-being [47] (p. 26).

Key to this change for Haslam is the subjective dimension of this. For Lukianoff and Haidt, this is also of significance because individuals themselves, rather than just mental health professionals, started to think in these terms and use this concept of 'trauma' as a way to understand their experiences.

12. Some Thoughts and Conclusions about the Vulnerable Subject

Books like that of Greg Lukianoff and Jonathan Haidt are usefully attempting to grapple with what we have described here as the rise of the vulnerable subject, a subject or, diminished subject that has become the increasingly dominant framework for institutional practices and approaches regarding the management and regulation of human interactions. The presumption of human autonomy and the presumption of human capacity necessarily continues but as Ramsay has argued, this is now understood to be a vulnerable autonomy, something that is normalised and arguably encouraged by political, legal and cultural expectations and beliefs about what makes us human and indeed of what makes us good. Awareness of ones and one another's vulnerability has, to a large extent, become a new form of 'morality' or at least a form of etiquette that informs us about how we should relate to each other and indeed about how we should understand our experiences. To some extent this has also changed the nature of law and of policing.

Within this context the presumption about the human condition is that we are vulnerable and that, as Harcourt reluctantly observed, we should recognise that perhaps all human interactions involve the possibility of harm. To be human, in this respect, is to be at risk. To be at risk means a transformation of the idea of freedom and in particular means a transformation in the relationship we have with

freedom and regulation, with the latter increasingly understood to be the basis of our individual or individuated freedom.

As such, what we are witnessing is the construction of a new form of wellbeing state [48] and a presumption of the need to protect the vulnerable subject from an increasing array of harms that are understood to be potentially abusive, damaging and traumatising. This moves us away, as Michael Fitzpatrick has argued, from a relationship of the state with citizens, into a therapeutic relationship with clients or patients [49]. Rather than being citizens with wills and necessary freedoms we consequently move to a situation where people are conceptualized as in need of support, with their lives understood through the prism of risk management and support developed through the interventionist policies and practices all aimed to prevent harm to the vulnerable subject.

Work on the diminished subject suggests that there is a strong relationship between the depth of meaning that exists in and about society and the robust nature of individuals themselves. This is not simply a matter of ideas but equally about the extent to which society is collective or fragmented; something that is itself tightly bound up with the weakness or strength of meaning that gives rise to comradeship, communities or indeed to dynamic political organisations.

The argument here is that the declining sense of meaning generated by twentieth century society sporadically and then fundamentally gave rise to a diminished and degraded sense of humanity, opening the door to a new intellectual, cultural and then political elite with a diminished sense of human possibilities and a new culture of limits. This wider sense of limits encouraged a view of 'man' that was itself diminished, a vulnerable subject constantly at risk of harm. All activities, in both public and private and perhaps especially our relationships with one another come to be influenced by this dominant cultural form that helps to reinforce the idea of vulnerability[3].

This is a very different subject to the one promoted by J.S. Mill. As Harcourt noted, Mill's harm principle was not a standalone principle, it was not a technocratic or legalistic outlook but one based on a far larger and enlightened vision of 'man' as a 'progressive being,' based on a belief in 'human flourishing.' As Lionel Trilling pointed out, Mill's time of writing was still a time when the case against 'man' had yet to be proven. Indeed, the case for 'man' was significant, and, Mill's vision of 'man' was of a 'noble and beautiful object of contemplation,' uplifted by 'high thoughts and elevated feelings' [26].

These 'elevated' ideas of humanity, ones that would have been central to the ethos of university life, sound pompous and otherworldly today—naïve, arrogant or perhaps even dangerously deluded—an outlook that could lead to 'othering,' domination, oppression and the abuse of power.

One of Mill's great liberal principles was that of tolerance—a perspective that encouraged the need for open debate, judgement and contestation of ideas and behaviours that were to be tolerated rather than regulated or criminalized—a basis for the belief in academic freedom and freedom of speech—indeed, a contestation of ideas was one of the ways in which humanity and individuals could elevate themselves. Today, like many other liberal principles, the meaning of tolerance has been transformed and now represents a demand that you withhold judgement and respect other people's cultures and identities in case you cause offence. In many respects, tolerance is about an awareness of the potential harm that your words and ideas can have for the fragile feelings of the vulnerable subject [50].

The vulnerable subject is a more static subject, rather than a transforming one. One that has a more limited and fragile sense of self, that is threatened, rather than developed, by difficult experiences and indeed by difficult and challenging ideas. A diminished subject that experiences not only life but also

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[3] Almost every human activity comes with a risk but only recently has this sense of risk come to dominate and to often swamp the sense of possibility and potential of new developments and technologies. The internet, for example, is one area where we can see a growing tendency to treat this remarkable technology as problematic and dangerous, a new risk to be managed, demonstrated by the growing number of books written about online threats. See 'Top ten books about the dangers of the web'. Available Online: https://www.theguardian.com/books/2016/mar/16/top-10-books-about-the-dangers-of-the-web.

knowledge as potentially harmful, abusive and traumatising, as something that needs to be restrained within our culture of limits.

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'You Can't Say That!': Critical Thinking, Identity Politics, and the Social Work Academy

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Abstract: Recent years have witnessed an eruption of what have been termed culture wars, often converging around the messier aspects of interpersonal relationships and corresponding identity issues that are complex, sensitive, and contested. These are emotive topics that are often colonised by activist groups, and consequently have become enveloped in particular regimes of truth and assertive identity politics. They are often also, by their nature, the kind of issues that are central to social work practice. This can lead to pressure on social workers and social work students to think that these orthodoxies ought to underpin and define the profession, which in turn can lead to the silencing of alternative opinions and the closing down of dissent. This article seeks to locate identity politics in a political and cultural context. It goes on to set out classic arguments for free speech, viewpoint diversity, and for the need for social work to embrace and engage with such. It explores the notion that the closing down of debate about contentious issues, the disincentives that exist to expressing controversial opinions, and the uncritical adoption of ideological orthodoxies work against the development of the critical thinking skills that are essential for social work practice.

Keywords: critical thinking; identity politics; academic freedom; free speech; victimhood; anti-discriminatory practice

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1. Introduction

We write this article as social work academics concerned about threats to free speech in the social work academy and in increasingly managerial and regulated practice contexts. The particular prompt for writing stems from the experience of one of the authors (Mark) who, at different points, has been subject to negative professional and press attention for questioning dominant narratives of historical abuse in residential child care. The views that elicit such negative coverage are based on extensive personal and academic experience and are published, largely, in peer-reviewed journals [1–4]. Indeed, questioning the construction of historical abuse narratives resonates with emerging international research [5–7]. It assumes a particular currency and necessity in the UK in the wake of the conviction in 2019 of Carl Beech [8] for perverting the course of justice in respect of false allegations made against a series of public figures. The Beech case destabilises current public and criminal justice policy around the default position of 'believing' those claiming to be victims of abuse, and highlights the need to be able to question such dictums, regardless of the contemporary cultural potency they have come to assume.

The reaction to Mark's published views provides a particular illumination of the cultures of the social work and child-care establishments when confronted with any view that might question orthodoxies around child abuse. It is an experience shared by others who have sought to ask such questions. Sikes [9], for instance, found herself in what she calls the eye of a storm of criticism and hostile publicity for seeking to problematise schoolteacher/pupil relationships, while Sikes and

Piper [10] discuss the difficulties they encountered from a university ethics committee in seeking approval for research into false allegations made against teachers. One reviewer admitted that he could not countenance approving a proposal that did not take for granted the truth of any allegation of abuse made by a child. The Beech case, inter alia, highlights the reality of false allegations and the consequences of these for those who are subject to them. These are issues that, in the interests of natural and social justice, academics—and indeed, social workers—ought to be concerned about.

Concerns about the implications of questioning the basis of abuse claims are set against a backcloth of wider disquiet experienced by the authors as to how to prepare students to negotiate contested identity issues in an increasingly regulated and foreclosing professional context. While the social work academy has previously engaged with questions of identity and identity politics [11,12], these sorties have been overtaken by recent cultural shifts, which highlight the threat posed to free speech and to viewpoint diversity by revivalist outbreaks of identity politics [13]. In this article, we seek to re-engage social work with debates around identity in the light of these cultural shifts. Our argument is that to practise ethically and effectively requires that social workers need to be aware of and to engage with identity politics and not fall back on default positions that they may feel pressured or socialised to adopt in respect of what is the right thing to say or do in particular circumstances. Rather, they ought to approach complex social issues with a critical spirit, recognising that there are rarely easy answers and around which a variety of positions might be taken.

The article covers a lot of ground and, as a result, does so with a broad brush, identifying rather than always elaborating many of the ideas presented. Some of the connections made are at this point speculative and themselves open to question; the intention is to outline current cultural trends and to suggest their relevance to social work. The article begins by locating identity politics in the civil rights struggles of the 1960s and how these have since morphed from concerns around structural disadvantage affecting major societal groupings to the expression of a myriad of personal and minority group identity claims. We suggest that identity politics are compatible with a neoliberal worldview and its focus on individualism rather than on society. They also create victims among those who feel their particular identity positions are not respected, and this culture of victimhood has deleterious implications for erstwhile assumptions of the importance of free speech. We go on to re-state classical assertions of the need and justification for free speech and academic freedom. We argue that free speech is a prerequisite for critical thinking, a skill that is consistently called for in social work education, but which is often lacking in academic engagement and in professional practice. We conclude by asserting the need for social work academics to engage with and to engage their students in a range of heterodox ideas where contentious and difficult issues can be freely debated.

2. Background

Fukuyama [14] suggests that the subject of modern identity politics was born from the 1960s struggles of marginalised groups for equality and dignity, and the idea that, even when laws were changed, "the psychological burdens of discrimination, prejudice, disrespect or simple invisibility remained ingrained in social consciousness". Echoing Furedi's [15] critique of therapy culture, Fukuyama identifies the merging of those ideas with institutions that had absorbed the central idea that raising self-esteem was intrinsic to well-being, culminating in a fight for the recognition of inner worth based on group identity. A key development in the identity politics movement is described as follows:

> Each marginalized group . . . could demand that society treat its members identically to the way that the dominant groups in society were treated, or it could assert a separate identity for its members and demand respect for them as *different* from the mainstream society. Over time the latter strategy tended to win out. [15]

This led to the notion that each group's 'difference' meant that outsiders could not appreciate nor understand their unique experiential history and 'lived experience'.

The manifestations of this focus on identity are increasingly apparent in febrile conflicts between the (new) left and the (alt) right, and are amplified by social media. These are played out on a number of different fronts: in universities (particularly but not exclusively American at this point), we witness shout-outs, no-platforming, and claims around abusive sexual cultures and oppressive institutional responses to these [16,17]. The 'left' version of such expression has elicited a popular reaction against what is seen as their excessive political correctness, much of which has been channelled through academic commentators such as Jordan Peterson. Peterson speaks out against what he identifies as increasingly foreclosing and stultifying academic and cultural climates, which circumscribe what is and isn't allowed to be said. The polarising nature of such clashes can be discerned politically in developments such as the election of Donald Trump in the US and, in the UK, the Brexit vote, both of which can be framed as a reaction to the power of what is identified as a free-floating liberal elite.

The anger of the populist right, which these developments may act as a proxy for, is more likely the result of free-market economics that have increased competition, leading to economic inequality and relative poverty [18], and have stripped communities of well paid, secure jobs and replaced them with low status, precarious, and poorly paid zero-hour contract work. The stressful effects of loss of status and increasing inequality have, of course, been well documented [19,20]. The situation is exacerbated when people must compete for scarce resources and therefore blame those they are competing against, which is often, in the current climate, immigrants. To voice their concerns means that they are immediately, in the orthodoxy of identity politics, called 'racist' and further disenfranchised from legitimate political debate. This cultural and existential angst in which erstwhile centres of authority or legitimacy no longer hold means that the ensuing social conflict is visceral, with little room for compromise or common ground.

The culture wars are also fought out on an epistemological front. Traditional conceptions of knowledge are increasingly deconstructed and argued to derive from and to reflect the interests of privileged social groupings, generally those of white males and correspondingly, to fail to accommodate other knowledges and particularly those that derive from 'lived experience'. This latter knowledge source is particularly relevant to professions such as social work, where there is a recognition of multiple sources of knowledge, including that which comes from experience and a desire to include lived and co-constructed knowledge within its canon. Of course, knowledge is rarely neutral, and to imagine it to be so can mask power imbalances in its construction and utilisation. Post-structuralist and feminist perspectives, rightly, draw attention to knowledge's relationship with dominant power structures and the need to deconstruct these to recognise the condition and advance the rights of traditionally oppressed groups. On the other hand, the movement to question traditional power and knowledge structures has in many instances allowed this process to degenerate into mere solipsism, which denies any valid ground for understanding beyond that of personal experience and diminishes the need for facts or for questioning or critique.

Identifying the destructive nature of the tendency to portray what might previously had been identified as legitimate debate, in the terminology of war, Bruno Latour, doyen of Science and Technology Studies, bewails the current rush to deconstruction and iconoclasm, asking "What has become of the critical spirit? Has it run out of steam?" [21]. It is such a critical spirit that we argue ought to be fundamental to social work, but which is under threat from a focus on identity politics but also from managerial and regulatory structures and cultures that seek to circumscribe what social workers might say (and perhaps even think). Our concern, as social work academics, is that the profession is largely unaware of and insufficiently engaged with the ramifications of these major cultural disruptions. Yet, the nature of social work places it at the centre of some of the issues these movements converge around.

Foremost among these issues are the views expressed by groups that reflect particular waves or interpretations of feminist thinking—currently what might be identified as fourth-wave feminism. This seeks to identify interlocking and intersectional aspects of female domination within patriarchal systems. Social work has historically and rightly been influenced by feminist thinking. Thus, in

thinking they are being feminist, social work students and social workers can be pushed to adopt fourth-wave positions on domestic abuse, for instance, and to unquestioningly accept notions of patriarchy or coercive control [22] and wholly unconvincing notions that this latter construct can only operate in the direction of male oppression of women. Without going into the detail in this article, such assertions are empirically, conceptually, and ethically problematic. Moreover, by promoting recourse to punishing offenders (or perpetrators as the language goes), such doctrines contribute to punitive and carceral responses to social problems [23]. In fact, understanding domestic violence as simply a manifestation of the patriarchy is as reductionist and one-dimensional as blaming Muslim neighbours for the lack of good jobs in a decaying community [24]. Yet, current positions become reduced to a standpoint assertion—"It's feminist because I say so!"—which diminishes the depth and sophistication of feminist thinking and what it can offer to social analysis and what it has offered to social work [25]. Our position is that both the identity politics of the left, some of which might be thought to resonate with social work values, and the right, which are at odds with them, stifle good thinking and understanding.

3. Neoliberalism and Identity Politics

The kind of identity politics outlined above sit comfortably within a neoliberal worldview, the expression of which might be traced back the elections of Margaret Thatcher in the UK and Ronald Reagan in the US. The political movements these elections represented fractured the post-war consensus of embedded liberalism or social democracy characterised by a system of governmental restraint and regulation, which kept corporate and business excesses in check and allowed for areas of life to be considered beyond the reach of the market (health and social care, for example) [26]. This political norm was supplanted by neoliberalism, which embraces free market economics, removes regulation and restraint, and opens up civic life to the creation of markets [18]. Economically, it re-distributes wealth in favour of the rich, increasing economic inequality and poverty [27].

This political shift to the right failed to provoke a broad-based economic or class-based analysis or response from the political left, even whilst "the major factors influencing the human condition . . . across the world remain grounded in poverty and breaches of human rights" [28]. The response that did emerge was a version of identity politics which, in many respects, reframed understandings of social justice away from structural and collective concerns towards a focus on validating the identities of minorities. The resultant identity politics, as Lilla [13] says "became the de facto creed of two generations of liberal politicians, professors, schoolteachers, journalists, movement activists" [13], as well as officials of the Democratic Party in the US and the Labour Party in the UK. Social justice became reduced to "a pseudo-politics of self-regard and increasingly narrow and exclusionary self-definition that is now cultivated in our colleges and universities" [13]. While clothed in progressive credentials, a predominant focus on identity is not, in fact, radical or liberatory, but may also reflect the narcissism [29] and individualism [13] of neoliberal worldviews.

Michaels [30] suggests that while the response to problems caused by economic inequality requires that we do something about it, the solution to differences based on diversity is to celebrate those differences. A politics of the self fails to look for connections between people in embracing the common aim of a better society, and provides "an intellectual patina to radical individualism" [13]. The current fixation with identity has come to exhaust political discourse, marginalising issues of class, the economy, and the common good. Without an economic lens, the fight for social justice is anchored in issues of racial, gender, and sexual diversity, allowing the capitalist project to march on uncontested [31]. It has produced a generation of those who may claim liberal and progressive credentials that are "narcissistically unaware of conditions outside their self-defined groups" [32], resulting in a politics that demands rights shorn of any corresponding obligations placed upon its citizens.

4. Identity Politics and a Victimhood Narrative

In contemporary culture, rather than engage with competing or unpopular ideas through a civil and progressive exchange, as envisaged in classical Enlightenment thought [33–35], ideas themselves have become suspect, recast as microaggressions if they are deemed to question or offend a particularly held fast belief. By this way of thinking, speech alone becomes a form of violence or hatred, and has to be closed down. Schulman [36] observes a shift in how the word "abuse" is deployed to shut down dissent and evade the work of negotiation and repair in the course of everyday human conflicts.

This state of affairs results in what Campbell and Manning [17] identify as a victimhood culture. This has academic implications; for some, the mission of universities has been redefined, moving away from critiquing and advancing knowledge towards promoting the claims of particular identity groups. In this context, opinions that might be at odds with a person's own account of themselves are amplified to 'hate' (phobia) of the group the person belongs to, and concomitant calls for protection from said 'hate' and the harm that might be said to result.

Arguably, such protectiveness helps nobody, least of all those who would wish to be protected from views they do not like. It does not prepare students for the real-life situations they will have to face as they enter the working world. It certainly does not prepare them for social work, where personal slights and value clashes are everyday occurrences. Moreover, it is not good for students' mental health, encouraging them to operate in states of anxiety verging on depression [37,38]. So, while protecting them from words and ideas that may or may not cause some kind of emotional discomfort is only a momentary solution, in the long run, it actually harms the students and, ultimately, the profession they enter into. This susceptibility to 'harm' is psychologically compatible with thinking in terms of victim identity. Žižek [39], in one of his many critiques of identity politics, notes that for one's voice to gain authority in contemporary culture, one has to legitimize oneself as being some kind of victim of power. However, defining problems in terms of victimhood or vulnerability can act to repackage structural issues as individual ones in need of therapeutic rather than political interventions [40]. For example, Kipnis [16] objects to what has become the dominant feminist position regarding women's vulnerability, especially when applied to female students on university campuses. She challenges the view of women as passive, without desire or agency and objects, to the view of men as sexual predators and in need of control or education. This identity politics type of feminism, again, allows structural and economic barriers to women's agency to go unrecognised, obscured behind agendas of vulnerability and protection.

As well as masking structural inequalities, the claim to speak from a particular identity position, often forwarded by self-appointed protectors of the non-powerful in academia and in civil society, is calculated to assert the moral superiority of that identity and to inhibit questions. Debate is now reduced to whoever has "invoked the morally superior identity and expressed the most outrage at being questioned" [13].

5. The Case for Free Speech and Threats to It

The current difficulties in the academy in raising certain issues leads us to a reassertion of the need for free speech. The kind of critical thinking required to negotiate complex social (work) issues demands it—it requires permission to step outwith the consensus, to take risks, and to move beyond established frames of reference [41]. While arguments for free speech can be traced back to the Ancient Greeks, the classical liberal position on it derives from the work of J.S. Mill [42], who presumed against the state's right to prescribe what people are allowed to say or hear; there ought to exist, he stated, "the fullest liberty of professing and discussing, as a matter of ethical conviction, any doctrine, however immoral it may be considered". The only limitation Mill conceded to free speech was to prevent harm to others. His conception of harm was of a risk to bodily security or public order. In fact, his defence of free speech presupposed that some views might be considered unpalatable—offence was not a defence against the right to free speech.

Mill saw critical thinking as a bulwark against state tyranny. He considered lack of critical thought, or "holding fast to something"—a "common-sense" belief in an ideology or "truth" in terms of conformity. He railed against the mediocre conformism, increasingly evident in civic society that is capable of "enslaving the soul itself" [43]. Moreover, according to Mill, those who seek to silence dissenters do themselves an injustice. They should welcome debate; if they are confident in their arguments, they ought to allow their possible refutation as this process of contradicting and disproving one's opinion "is the very condition which justifies us in assuming its truth for purposes of action" [42]. Arendt [44] reinforced this argument in her censure of those beset by the "mere habit of holding fast to something. Much more reliable", she argued, "will be the doubters and skeptics, not because skepticism is good or doubting wholesome, but because they are used to examine things and to make up their own minds" [44].

It can be difficult to stand against conformism in contemporary culture, amplified as it is through social media; once a critical mass of people uncritically follow perceived wisdom or "common sense" around any particular issue, then questioning that narrative becomes risky in respect to adverse publicity and reputational damage. For example, Dreger [45] outlines her experiences as a researcher and activist of becoming embroiled in the sexual politics of transgender individuals and groups. She used that experience as a springboard to seek out other academics who had researched topics related to human identity and who had been vilified for their findings, discovering "a whole fraternity of beleaguered and bandaged academics who had produced scholarship offensive to one identity group or another and who had consequently been the subject of various forms of shout-down" [45] (p. 108). Other recent examples include Hill [46], who explored the controversial subject of greater male than female variability in IQ, inevitably meaning that there are more men represented in the very high echelons of IQ tests, but also more in the very low categories (there is no difference in mean IQ). Although the same trend can be seen in other studies (for example, Deary et al. [47] found the same in their analysis of over 80,000 Scottish children who took an IQ test, aged 11, in 1932), Hill's analysis was so unpalatable that academic scandal and controversy ensued culminating in the rejection of the paper, after acceptance, and the actual removal of the paper from another online journal after being published. A more recent example is Lisa Littman's study, which found social media and peer pressure contribute significantly to gender dysphoria among young girls. Once again, the article was removed from the university web site due to a backlash from the trans community [48].

A further example of negative reactions to non-conforming ideas is evident in the phenomenon of 'no-platforming'. This has spread to the UK from the USA, a prominent example being when feminist writer Germaine Greer was 'no-platformed' at Cardiff University for her views on transsexual women. The expressed justification was that Greer's views constituted hate speech [49], when in actuality, Greer was simply questioning the basis for self-identity. Can calling yourself a woman be sufficient to actually be a woman even in the face of biological evidence to the contrary? If the answer to that is 'yes', then the consequences for scientific discourse and epistemologies of facts and knowledge are profound.

The closing down of non-conformist speech and exploration of those consequences, on the basis of protection from 'hate', has led to a culture of what Lukianoff and Haidt [37] identify as "vindictive protectiveness", with deleterious implications for free inquiry. In fact, inquiry itself becomes redundant, because activists "believe they possess the full truth already" [17]. In short, the above are consequences of the epistemological wars pointed to earlier. Where research findings are in contradiction to a group or a group representative's "lived experience" and beliefs, reactions can be powerful. Such is the adoption of the orthodoxies by the institutions of contemporary society, that dissenting research voices can be silenced and potentially new and illuminating information removed from public access or indeed scrutiny.

6. Critical Thinking in the University: Academic Freedom

The rights to freedom of thought and speech espoused by Mill and the dangers of conformity highlighted by Arendt provide a compelling justification for the doctrine of academic freedom. This was recognised in law in the UK in the 1988 Education Reform Act. More recent legislation in Scotland, the Higher Education Governance (Scotland) Act 2016 (26 (4), confers "freedom within the law to: hold and express opinions, question and test established ideas or received wisdom, develop and advance new ideas or innovative proposals, and present controversial or unpopular points of view". However, the scope for universities to adhere to such principles can be compromised by political and civic cultures that would seek to limit it. In Mark's case, a tweet in response to his university's statement of support for academic freedom suggested that this was all very well but . . . this seems to be the position of swathes of civil society to viewpoints that challenge received positions on matters of identity.

Yet, there are good reasons why universities might seek to safeguard and not to qualify academic freedom. Williams asserts that free speech is at the heart of the idea of a university, being integral to its "collective enterprise to critique and advance knowledge" [50]. It renders knowledge provisional and contingent and subject to change in light of shifting circumstances, thus offering the prospect of paradigm shifts, when the weight of evidence for new ways of thinking begins to tip the balance away from erstwhile, outdated and unhelpful forms of knowledge [51].

While there should be few restrictions to the kind of ideas one might hold and argue, in reality, and in practice, we would recognise some bounds. Indeed, Mill [42], himself, while recognising the primacy of free speech, is predisposed against gratuitous offence. As social work academics, we would wish views to be expressed responsibly and sensitively and to contribute towards some social good. The essence of free speech is that we open up our views to others in what Habermas [35] identifies as the public sphere, which accommodates a multiplicity of viewpoints. Houston [52] introduces a further dimension to applying Habermas' discourse ethics by suggesting that these can be complemented by an orientation that draws on Honneth's [53] concept of recognition. Indeed, Honneth's concept of recognition is a quality that would seem to be consistent with most social workers' values. However, these considerations are not an obstacle to or an argument against free speech, but rather offer pointers as to how we might exercise that right ethically, and so that it might have positive effect.

So, what constitutes knowledge and what is or isn't allowed to be said should not merely reflect the 'held-fast' views of activist or establishment groups. When arguments are well grounded and soundly constructed, and where they highlight and might offer possible alternative solutions to wicked social problems, we have a duty as academics to surface them. Failing to do so teaches students to stick to the "language rules" [44] whilst not critically thinking about the complexity of human experience. Merely sticking to the "language rules" in social work practice may be understandable in an increasingly regulated professional landscape, but it does not make for good social work.

7. Identity Politics and Social Work

There are particular features of social work that make its alignment with the worst excesses of identity politics possible. For example, the anti-discriminatory practice (ADP) movement, which emerged in the early 1990s, in practical expression, focussed primarily on discrimination at personal and declaratory rather than structural levels [12]. This resonated with identity politics thinking from a relatively early stage in the development of social work knowledge. Through such a lens, social injustice was perceived as a problem of "cultural injustice" rather than of economic inequality. Therefore, it followed that cultural recognition should be the remedy [12]. This meant that social work was well positioned to absorb the increasing domination of identity politics, their political orthodoxies, and their emphasis on "lived experience". Garrett [54] points out that "keywords, such as 'difference', 'diversity', and 'multiculturalism' are malleable and can be *put to work* for forces which represent—in the broadest terms—the political left or right". Nevertheless, this focus on diversity became entrenched in social work under the mantra of "valuing difference" [55].

The identity of the abused care leaver is one that social work has valorised. It is rooted in personal experience or the interpretation thereof, but is also one that has been co-opted because of its political currency by particular individuals and advocacy groups. Thus, it has assumed a cultural potency in recent years. Nevertheless, its emotional appeal should not exempt it from academic critique. An aspect of Mark's own experience involved tweets from care leaver advocates stating that the only response to narratives of abuse was "I believe you". This is problematic, ethically and intellectually, as the Beech trial highlights, but also because while narrative approaches to research hold an understandable appeal in social work, they should not be employed at the expense of proper analysis or different interpretation [56,57].

Furthermore, social work is increasingly concerned with protection agendas, which were already explored in terms of women earlier [16], and the management and fear of risk [58]. The shift from helping families in difficulty to protecting children from risk, with parents often redefined as risk factors, has been well documented [59,60], and has led to the casting of children and young people as always in need of protection and/or of being subject to long-lasting harm. Questioning that orthodoxy has become almost impossible in the current climate.

The implications of this state of affairs for social work are addressed by Webb [11]. Picking up on the Axel Honneth/Nancy Fraser debate around the respective social and structural claims for recognition and redistribution, Webb identifies with Fraser's [61] argument that claims for cultural recognition are "serving less to supplement, complicate, and enrich redistributive struggles than to marginalize, eclipse and displace them" [61]. Webb's own position is clear: he argues that the "ethical predilection based on recognition of the Other in terms of diversity and 'the right to difference' should be simply abandoned" [62] (p. 309). We would not go so far as Webb in dismissing ideas of recognition, and certainly not the version articulated by Honneth, but do agree on the need for this to be located within a redistributive political frame. Yet, there is evidence to suggest that social work has lost further ground in achieving the balance between recognition and redistribution. Fenton [63], for example, found that the newest generation of social work students appear to have internalised a neoliberal ethos of individualism—recognising individual 'rights' to identity while expressing punitive attitudes to the poor, unemployed and 'undeserving'.

McLaughlin suggests that these attitudinal tendencies can lead to:

> Social workers demonstrating their 'anti-oppressive' credentials by admonishing the asylum seeker for using sexist language, while at the same time refusing them services, or taking their children from them, because they are not considered 'one of us'. [64] (p. 56)

Another consequence of adopting an identity-based political viewpoint alongside a punitive attitude to poor or unemployed people is that social work risks dismissing and cutting itself off from the people it works with and their worldviews and concerns that may not reflect the 'taken for granted' identity views of a social (work) elite (see, for example, Hochschild's [65] evocative ethnography of a Trump supporting community in Louisianna). A further example is given in Winlow, Hall, and Treadwell's [24] exploration of the rise of English nationalism in northern England. The over-riding feelings of the interviewees, who were members of the English Defence League, were anti-immigration and anti-Muslim, alongside a profound hatred of the liberal left who were viewed as having abandoned traditional working class communities that had been devastated by de-industrialisation and austerity, and focussing instead on giving support to, and promoting the rights of, different identity groups. Simply reacting with disapproval to the racist language/attitudes of the people in those communities, while having no critical understanding of the economic forces that have brought about grim circumstances for them means that understanding and relationship-building, which are core to social work, will be extremely difficult.

So, a preoccupation with identity politics among social work students means that in order to 'be' anti-discriminatory, the ideological positions adopted by activist groups are often accepted as the 'correct' position to take, as ADP is put to work for certain ideological positions as well as for

neoliberalism. Students who differ from that ideological positioning can find themselves keeping quiet in class and not taking part in debate [66]. This is unsurprising, given the consequences for students who might disagree with the orthodoxy. For example, Felix Ngole was removed from his social work programme (in a finding later overturned) for expressing reservations about same-sex marriage on Facebook [67,68]. His view was in keeping with his values as a Christian, and he insisted he would not treat people any differently, and yet articulating his belief was enough to remove his right to practice.

8. Critical Thinking in Social Work

Paradoxically, while prevailing managerial climates and adherence to particular identity-based 'truths' inhibit critical thinking, the skill is currently recognised in educational and professional discourse as being an essential one. Various regulatory and qualifications frameworks determine that practitioners ought to be able "to gather, analyse, critically evaluate and use information", and "to use research, reasoning and problem solving skills to determine appropriate actions" [69] and to "critically identify, define, conceptualise, and analyse complex/professional level problems and issues" [70]. The framework for honours degree courses states that social workers should be able to "critically evaluate arguments, assumptions, abstract concepts and data (that may be incomplete), to make judgements, and to frame appropriate questions to achieve a solution" [71].

In setting out these requirements, these bodies are merely reflecting what the literature on learning and teaching in higher education says about the nature of "graduateness" [72]. Graduates ought to understand and balance how ideas relate to one another. By Masters level, they should operate at a level of extended abstract thinking where they can theorise, hypothesise, reflect, and generally play with ideas [73]. Such qualities are claimed to prepare graduates as agents of social good in an unknown future [74].

The core disposition to be acquired through higher education and one which, according to Barnett [75], is fundamental to moral commitment and social engagement, is a capacity to cope with epistemological uncertainty and complexity, which, together, he suggests, result in an existential experience of 'strangeness'. Increasingly, the literature on professional formation identifies the importance of the Aristotelean intellectual virtue of practical reasoning, which involves critical thinking but also the development of a certain kind of person, one "disposed towards questioning and criticizing for the sake of more informed and responsible engagement" [76] (xvi). Qualities of critical reasoning are especially important in social work where workers are daily confronted with issues where there are no formulaic or easy answers [77]. Properly, then, most social work programmes list 'critical thinking' as an explicit learning outcome.

However, Sheppard et al.'s [78] study of 12 social work programmes in England and Wales suggests that they do not achieve this. Whilst finding that social work graduands scored more highly than a UK population normative sample on interpersonal characteristics such as insight and altruism, the researchers also found that they scored significantly lower than the normative sample on assertiveness and on critical thinking, with approximately one-third of the sample scoring very poorly on critical thinking tests. These findings add weight to a previous study [79], which demonstrated that although interpersonal skills were predictive of success or failure on social work programmes, critical thinking skills were not.

At one level, Sheppard et al.'s findings may reflect an historical resistance in UK social work to theory and good thinking [25,80]. At a more personal level, social workers are exhorted, and are likely to be predisposed to be empathetic. Yet, Bloom [81] argues that empathy is a poor moral guide, and that decisions guided by it may have deleterious consequences. He proposes instead what he calls rational compassion, which requires critical thinking. This historical resistance towards ideas and dispositional orientation among social workers towards empathetic engagement is compounded in more recent years by what Houston identifies as the "iron cage of regulation" within which "ethics have been conflated with rules, procedures, codes of practice and standards" [52] (p. 1288). Whittaker and Reimer [82] provide some evidence for this from their research, which found that, when reflecting

on an ethical dilemma, social work students were motivated, primarily, to comply with rules and procedures. Fazzi [83] also found that social work students in Italy were less imaginative and creative in their responses to social work problems after their programme of study then before it. They had, in effect, learned codified and standard responses.

Whilst this paper does not suggest that this situation is solely a result of ideological orthodoxies and social work's adherence to them, it does make the point that such adherence contributes significantly to the lack of thinking and debate necessary to develop critical thinking skills. When these results are taken together with findings from Twenge [84] and al-Gharbi [85], who found that young people and students were more censorious of free speech than previous generations and felt that people had to be "protected from offence at all costs" [83] (p. 258), then a picture begins to emerge where students may find it easy to stick to approved tropes or language rules, which mean they do not have to think too deeply or critically about issues and where they can rest assured that they are not causing offence. In the light of Sheppard et al.'s findings about lack of assertiveness, the attraction of those tropes is even more apparent.

In summary, contemporary society confronts us with disincentives to good thinking, including increasing regulation, standardisation, and the pressure not to offend imposed by the rise of particular identity group orthodoxies, which foreground the interests of particular groupings and contribute to a closing down of debate on key areas of relevance to social work. These disincentives may be felt particularly acutely in the field of social work due to increasing regulation and traits in the new generation of social workers, including weak critical thinking skills, weak assertiveness skills, and a desire to protect people from offence as paramount [63].

9. Conclusions

It is our position that the social work profession and academy, in order to (co)-produce critical thinkers among its graduates and practitioners, cannot fail to engage with contentious issues—these are the profession's bread and butter. Contention, in the contemporary world, increasingly converges around issues of identity and victimhood. In social work, such issues often come to the fore around matters of sexuality and domestic and sexual violence, present and past, all framed within a protective metanarrative. However emotive such subjects are, a variety of lenses needs to be brought to bear on them, not to minimise or excuse wrongdoing, but to illuminate their inevitable ambiguity and complexity. It is only in so doing that we have any chance of maintaining an ethical stance and improving practice.

Currently, single, orthodox 'truths' that are driven by activist groups and compatible with neoliberal individualism dominate and subsume that ambiguity and complexity. These orthodoxies and the serious consequences of deviating from them, social work's framing of anti-discriminatory practice, censorship, and self-censorship combine to create a mix wherein critical thinking can be discouraged, and students learn the 'correct' things to believe and the 'correct' language rules.

Although it is acknowledged that social work practitioners in the current regulatory climate, must, for reasons of self-preservation rather than ethics, take care to abide by behavioural codes, whilst they are students, they should be encouraged to honestly share and explore opinions. It is only in this way that opinions can be challenged, discussed, critically considered and, perhaps, sometimes changed, and that the resultant critical spirit might filter through into practice. This is especially pertinent at a time when social work education is attracting students from increasingly diverse backgrounds with a corresponding diversity of views, as exemplified in the Ngole case (see [66]). The profession cannot respond to complex social and cultural issues merely by reciting politically correct orthodoxies, claiming that these reflect the kind of reductionist values embodied in professional body's codes or repeating the mantras of activist groups on questions of identity; instead, it needs to engage with the ontological, intellectual, and ethical issues raised by heterodox viewpoints.

All of this has implications for the kind of learning and teaching strategies that might be employed in preparing social workers to be critical thinkers and to be comfortable in the 'strangeness' that might

be their experience in encountering a range of views different from their own. Lea and Stierer [86] argue for the need to teach the conflicts in any particular discipline. In social work, this would involve questioning current doxa around, for instance, domestic violence and historical abuse, to help students realise that there are legitimate counter-arguments to dominant ones.

Kreber [70] identifies the need for pedagogies that provoke students to critically reflect on their assumptions, beliefs, and values so that they might move beyond frames of reference that limit how they make meaning of their experiences. Moreover, teaching ought to require and encourage students to take risks, take a stance, and 'go public' with their knowledge claims, subjecting these, willingly, to the critical scrutiny of others [70]. For students to dare do so, academics, in turn, need to be supported to model such risk-taking through going public on matters of concern, which can be viewed as heretical in ideological orthodox cultures that seek to close down legitimate debate.

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Shadow Management: Neoliberalism and the Erosion of Democratic Legitimacy through Ombudsmen with Case Studies from Swedish Higher Education

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Abstract: We argue that the neoliberal tradition and new public management reforms of the public sector effectively erode the core (liberal) democratic values of the rule of law and transparency. The tension between public law and managerially-influenced governmental policy is in practice resolved by the emergence of what we call "shadow management" in public administration, whereby managerial decisions that clash with constitutional and administrative law are dealt with in internal memos or consultancy reports and hidden from public view. The consequence is a duality in the public sector, which potentially reduces public trust in institutions and undermines their democratic legitimacy. Finally, we argue that when governmental neoliberal policy clashes with legal requirements, the likely effect is that the popular institution of the (governmental or parliamentary) ombudsman, originally introduced for legal supervision over civil servants, takes on the new deceptive role of providing pseudo-legal justification for neoliberal reform, making neoliberalism and ombudsmen a particularly problematic combination from a democratic and legal perspective. We support our contentions by a case study of Swedish higher education and hypothesize that the mechanisms we highlight are general in nature.

Keywords: neoliberalism; shadow management; new public management; ombudsman; rule of law; transparency; higher education

1. Introduction

Neoliberalism has provided the ideological framework behind the transformation of the Western liberal state since the 1980s. Apart from deregulation and privatization its dominant feature has been a subjection of the public sector to market logic or market-imitating principles. The wide range of reforms initiated since the 1980s to re-shape the public sector in this new image has been conveniently subsumed under the label 'new public management', or *NPM*, [1–4]. While, like neoliberalism, hardly a well-defined term it has been guided by a re-conceptualization of the relationship between public sector and citizens in terms of producer and consumers, the conviction that market principles provide more efficient forms of governing and control, signaling the introduction of the 'three M's': Markets, measures, and managers [5,6]. As the view of the state, and its role, underwent a transformation in Western (liberal) political imaginary, so did its role in international development policy. Neoliberal reform has been central to international (Western) development policy since the 1980s and became the underpinning rationality for promoting 'good governance' [7–11]. While this export idea has come under pressure from an emerging actually existing alternative with China's growing role in development, the conception has remained that it provides the bedrock of a well-functioning and

transparent state and it is crucial to democratic development.[1] Indeed, it provides the core for much of what remains of liberal development theory and practice.

The conception that economic and political liberalization go hand in hand, and the assumption that economic liberalization supports democracy has a long tradition in liberal theory and is deep-rooted in democratization theory [12–16]. Although the conception has been challenged, and although part of the Marxian-inspired left have always claimed that market liberalism is incompatible with true democracy, the actual inversion of the idea, i.e., that liberal notions and conceptions of democracy are damaged or destroyed by liberal development itself, has not been fully explored from a liberal conception.[2] In this article, we aim to pursue such a course, arguing that the neoliberal tradition and new public management reforms of the public sector effectively erode core (liberal) democratic traditions and undermine good governance, in the sense of transparency and the rule of law. We do so by first outlining key characteristics of neoliberalism and new public management, in the sense, we conceive of it, and then move on to empirically illustrate how reforms in Sweden systematically challenge the transparency of the public sector and the rule of law in a core liberal state, essentially through the emergence of an illiberal practice in the form of what we call 'shadow management'. We depart from a theoretical review of how NPM transforms the public sector and from empirical observations drawn from the Swedish higher education sector. The empirical observations are derived from case studies by the government-independent watchdog Academic Rights Watch (ARW), which monitors academic freedom in Sweden. ARW has documented over a hundred cases in detail in a database available online (www.academicrightswatch.se).[3] This documentation, which mainly consists of public records, is aimed at violations against academic freedom, including freedom of speech. However, in this material, we also observed the phenomenon we call 'shadow management' (see Section 3 for a definition). While we were critical about major aspects of new public management (managerialism in the public sector) especially in higher education already from the theoretical point of view, deeming its principles in conflict with core values in the public sector, with academic freedom and in governing the university, it was the observations in the empirical cases that led us to induce our hypothesis that NPM generates the emergence of shadow management. We hypothesize: (i) That this is a general trend, of which we have only documented in detail some examples and in one sector (higher education), and (ii) that the emergence of this practice can be tested against the 'controlling institutions', which provide checks and balances for the public sector in Sweden. While every single case of shadow management practice is a problem with regard to transparency, the rule of law and the constitution, and a pattern of increase is particularly worrying, it is only through the lack of response by the controlling institutions that we really get systematic erosion in the core of the liberal state. Corruption and nepotism may be incidents in the best of governing structures, but as long as there are checks and balances, functioning control institutions and people are held accountable, the public trust in the institutions can be safeguarded. Hence, addressing the effect of NPM on the controlling institutions is an important part of this study. In the Swedish case, it is of special interest to demonstrate how the institutions of the Parliamentary Ombudsman and governmental Chancellor of Justice work, since they have been international export products for securing democratic functioning. A crucial finding concerns how those legal institutions introduced to safeguard the constitution, the rule of law, and democracy fail to fulfil their purpose and instead operate to undermine and strategically reinterpret NPM values. While there have been

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[1] This connection has been regularly repeated in numerous international documents on development, for example, by the World Bank.

[2] The idea has also been questioned within democratization theory but remains a die-hard assumption within liberal development policy and especially US Foreign policy (for a questioning and nuances see for example [17,18].

[3] The documentation is too large to address in detail here, whence we have selected a few cases which we consider to the representative of the overall picture. The detailed documentation is available online at www.academicrightswatch.se. While this material is in Swedish, some cases are summarized in English and available at www.academicrightswatch.com and there is also a summary report in English of about two dozen cases from 2013: 'Academic Freedom 2013' (available from the aforementioned website).

indications that NPM leads to more complaints to ombudsmen and a decline in the percentage of complaints that are actually investigated (Hood and Dixson, 2015, Ch. 6) [4], to our knowledge, the dilemmas and complex choices facing ombudsmen and other officials under neoliberalism have not been fully appreciated. For the positioning of our research in relation to other work on and criticism of the institution of ombudsmen, we refer to Section 7 below.

2. Neoliberalism and Its Misconceptions

Neoliberalism has been widely misconstrued as a mere extension of liberalism embracing laissez-faire, various civil and individual rights and constraints upon government intervention. A common misdiagnosis and misconception of neoliberalism is that it reduces government and, by liberating the economy from government intervention, dispels distortions and corruption associated with political meddling in the market. In fact, in many cases, it does the opposite. The trend that mass surveillance of citizens has reached a previously unseen historical peak in the neoliberal state can only partially be attributed to technological development. A strong intrusive state is clearly at the very foundation of neoliberalism and recent explorations into its theory and practice have begun to provide more clarity into its nature [19–23]. Neoliberalism constitutes a break from classical liberalism in several senses. A crucial difference is that neoliberalism views the 'free' or 'self-regulated' market as the best model for all social relations. The foundation for this is the neoliberal understanding of knowledge and the conception that the market is superior to any human or collective of humans in processing information [24–27]. The market is a superior information processor, and as such, all interference in it will be illegitimate [28]. Neoliberalism typically also rejects the idea of the market as something natural. Instead, it considers the market as an artificial construct, something that has to be introduced through a political decision and by legislation (a foundational theoretical text is [24]).

Michael Sandel has suggested a distinction between market economy and market society [29]. In a market economy the market is an important sphere that can support the development of a society, provide economic growth (that may be distributed in various ways), channel and make use of entrepreneurship, skills, and creativity, but must be kept within limits and have democratic political regulation, since an untamed market tends to generate social effects that may be unwanted, such as deep inequality and economic and social injustice. Hence, the market is an important instrument but neither a goal in itself nor an overarching principle for society as a whole. Some areas and values will typically be safeguarded from the market and economic profit. In a market society, by contrast, the market becomes the model for all social relations and the market premises are introduced at all levels of society, including the public sector, in education, culture, etc.

Market society, by definition, transforms all values to market, and ultimately economic, values. In doing so, it, again by definition, corrupts other values. It is a value-transforming machine. In a market society, the market will trump the very foundation of democracy and human choice is reduced to consumer choice.

Neoliberalism transforms democracy in a number of dimensions, but most concretely, it affects democratic governance and culture through the philosophy underpinning the array of reforms that have become known under the label 'new public management' [4,6,30]. While the label new public management (NPM) is a loose umbrella term encompassing an array of different reforms in different sectors and countries that have been implemented with different organizational models in mind (with different labels such as 'lean' or 'command and control', or 'systems view'), it is underpinned by the idea that the public sector needs to introduce forms of steering and control that exist in the private market, which, it is assumed, provides for more efficiency and thereby better service. The basic idea is simple. The public sector provides services in much the same manner as private companies do. These services are paid for and utilized by the citizens, in a similar way as with customers to a company. Through competition, privatization, opening up for private actors to implement services, separate budgets and result accounting for different units within agencies, institutions, municipalities, etc., and by goal setting and control of the goals through measurement, the public sector is assumed to

become more cost-efficient and flexible as well as more effective in meeting citizen needs. The citizens, in this context, are thought of as 'customers' or 'users' (the actual customer may be a municipal agency, etc., providing service to the 'users'). Hence, the language itself is a reflection of this philosophy, or ideology, which constitutes a break from the classical public administration model. The classical model was based on rule-governance (the rules are the foundation, and each service or agency receives an estimated lump budget sum), and the assumption that the public sector had a unique, special role in serving the citizens and thereby also democracy (the 'public'). Constituting the very architecture of the democratic state, it should be governed by its own principles and rationality that are different from those of the market [31–33].

An immediate consequence of NPM is that all activity must be possible to evaluate in numerical and economic terms. Another consequence is that professional judgment (for example, by physicians or teachers) will be subordinated to the evaluations by the administrative control, thereby in a sense, leading to both a form of de-professionalization and a build-up of bureaucracy. Arguably, a further effect is that there is more room for direct political and ideological goal setting and setting of specific targets, within a variety of areas that concern either the activity in question or is more general and ideological (i.e., a specific goal for a school or hospital, or a more general goal like promoting gender equality or an 'environmentally certified' institution). The reason the space for direct political and ideological goal setting is wider, is because the space for the actual profession is diminished. Hence, actual specific professional influence has to stand back for political directions, which may not be directly related to the activity in question but to broader ideological motives).[4]

However, the most problematic aspect from a democratic perspective is that public agencies and institutions suddenly start to behave as if they were private companies, focusing on their 'brand name' (or reputation) and issuing policies against the backdrop of this new rationality. As we will see, this also creates conflicting goals, forcing authorities and government agencies to choose between following the law or the government directives.

3. The Emergence of Shadow Management

In the Swedish case, constitutional law, such as freedom of speech and freedom to disclose information (a right for public servants to whistle-blowing), and the laws regulating the function and operation of the public sector (ultimately resting on the constitution), were developed in relation to the building of democratic institutions. They are interwoven with the public sector as an instrument for democracy. This is one of the foundations for how the public sector shall be governed. The other foundation for the governing of the public sector is the government directives and instructions (Regleringsbrev), which are now guided by the demands of management philosophy, with managerial demands for market-imitating behavior, result-orientation, competition, and measurability, with inbuilt frequent auditing, evaluation and control.[5] The latter (managerial philosophy) contains goals and demands that are sometimes in tension with the former (the constitution). To take an obvious example,

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4   To provide a concrete example, which is also empirically confirmed in informal discussions with several regional politicians in Sweden: *Profession-oriented goals* relate to the actual activity, such as health care within the health sector, whereas *political-ideological goals* would relate to other goals set for that sector, for example related to identity politics (such as promoting diversity, gender equality) or sustainable development, etc. This also explains why NPM has an attraction within the green and left parties, although it comes from neoliberal premises (the Green Party in Sweden has for example been a strong advocate of NPM, since it enables them to better pursue identity political goals within the public administration, universities, etc.). In the Swedish case, virtually all public service and public agency institutions now have a range of goals related to identity politics. Often, an agency or a region may have several dozen goals that reach well outside the actual activity. Often, these goals are unnecessary since the issue is anyway covered by law (such as non-discrimination, etc.). With too many goals, the risk of goal-conflicts increase and the focus is diluted.

5   A clear expression of how the public sector is now guided by managerial demands is found in the views of the Swedish Agency for Government Employers (Arbetsgivarverket [34]), which is the governmental authority responsible for negotiating with the trade unions on employment issues on behalf of government agencies. While several documents show the same managerial-oriented trend, a good single source is its strategy for state employment policy "*Strategi för den statliga arbetsgivarpolitiken*" (2013). See also the analysis of its policy in [35].

freedom of speech and freedom to disclose information is not unproblematically combined with a managerial concern for protecting the organization's brand name.

NPM may, due to its pre-programmed tension with constitutional requirements, seem a highly implausible philosophy to begin with. Nevertheless, this type of reform started to be implemented during the second half of the 1980s by the Social Democratic government, led by then PM Ingvar Carlsson, and supported by Finance Minister Kjell Olof Feldt and chief economist Klas Eklund. In 1988, the Parliament brought a decision about a general transition in the form of governing the public sector from 'rule-oriented' towards 'goal-' or 'result'- oriented, and the following three years this policy change spread to the regional and municipal levels [36]. The economic crisis that hit Sweden in the 1990s propelled this development even further, regardless which party constellation was in power, and by 1995 a study by Christopher Hood estimated that Sweden, along with UK and Ireland, was among the most diligent of countries in transitioning to NPM [2].

As we shall argue, the conflict between the core constitutional guarantees (of openness, transparency and full disclosure of information, freedom of speech, freedom of disclosure of information)[6] and managerially-influenced government goals and instructions, is, in practice, solved by the introduction of shadow management, whereby sensitive errands and managerial decisions that may be unconstitutional or otherwise illegal are dealt with in internal memos and secret consultancy reports. The consequence is a duality in the public sector, which damages public trust in institutions and erodes their democratic legitimacy.[7]

According to Swedish law, public agencies must fulfill a high degree of transparency, for example, in recruitment and staff issues, as enshrined in constitutional and administrative law. Freedom of speech must not be restricted except in ways that are specified in the law. In the private sector, by contrast, the legal requirements on transparency are not as demanding. There, freedom of speech may be restricted by the company, which can also hire staff in much the way it chooses to. This condition has led to criticism that employees in the private sector do not enjoy the same protection of freedom of speech and freedom to disclose information as public servants.

What happens in cases where the new kind of governance, required by the government, is incompatible with constitutional and administrative law? Which one has to give way? One possibility is that the authorities and public agencies rebel against government directives and decide to follow the law. However, public agency leaders are under a legal duty to obey governmental directives or face the risk of being dismissed. Another possibility is to ignore the law and follow the governmental directives. This, however, risks leading to exposure in media, which tends to pick up on legal irregularities. In the worst case, it could activate a much feared 'media drive' against the public agency leadership, whereby the government sooner or later would have to step in and show decisiveness, typically by replacing the leadership of the agency in question. In practice, therefore, this is also not really an option.

In order to manage this dilemma, public agencies (authorities) and their jurists have discovered a 'third way'. Towards the public, they must appear to follow the law and constitution, but inwards and hidden from public view, a quite different practice has developed, namely a shadow practice, which operates much like in the private sector. By appearing to obey the law, the media and public

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6   Enshrined in the two constitutional laws 'Regeringsformen' (the Instrument of Government) and 'Yttrandefrihetsgrundlagen' (The Freedom of Expression Act). The other two (of four) constitutional laws, not relevant in the present context, are 'Successionsordningen' (The Order of Succession), regulating the Royal House, and 'Tryckfrihetsförordningen' (Freedom of Press Act).

7   For the connection between the functioning (and non-corruption) of institutions and trust in them, as well as the connection between trust in institutions and social trust is well-researched, in a Swedish context see for example: [37–39].

scrutiny can be kept at bay, while the governmental directives to apply managerial (NPM) practices are met in the background.[8]

By shadow management, we mean administrative practices for parallel treatment of issues sensitive with respect to law and regulations, and which addresses these issues without transparency, i.e., in the 'shadow'. Thus, 'shadow management' denotes management or public administration with a parallel structure or parallel set of practices invisible to an outsider, where all errands and cases that do not fit the relevant legal requirements are dealt with, in direct or possible violation of the law, especially constitutional and administrative law.[9] By not registering such cases and just dealing with them internally, they are difficult to find for an external reviewer and are, therefore, rarely subject to independent scrutiny. This leads to cultivation of informal practices, networks, and routines that are not recorded or regulated. The public sector ceases to be transparent or conform to the rule of law. For instance, fairly regular cases in which there is a minimal risk of irregularity or illegality are archived and presented to the public on display, as a law-abiding façade. Cases which are in potential violation of constitutional or administrative law are no longer recorded or archived, but addressed and dealt with in internal memos, secret consultancy reports, or labeled 'working material', which does not legally require archiving. This is particularly the case with regard to basic civil and administrative rights, which are not prioritized or part of the architecture in the NPM system.[10] For example, decisions that may interfere with the basic rights of individuals are, at best, stored locally in the departments rather than in the central university registry, which makes it practically impossible to make them subject to scrutiny. An outsider would not even know what to look for in the first place, since there is no trace of the documents in question in the central records or archives. In administrative terms, these documents 'do not exist' or they exist only for those in the administration who already know where to look.[11] To give a few illustrations of these, we will briefly summarize five cases from the documentation we draw upon.

4. Cases of Shadow Management in the Higher Education Sector

In 2006, a student at a major university undertook to study, from an organizational-theory perspective, a failed reorganization process, which shocked the Business School in which he studied and led to deep personal conflicts and deterioration of quality (e.g., loss of international accreditation).[12] The student concluded in his Master thesis that the Vice Chancellor of the university was ultimately responsible for the failures. As a consequence, the university refused to register the student's grade ("pass with distinction"). The grade was registered only after the student had filed a complaint to the regional Administrative Appeal Court. At the end of 2013, the student's Master thesis was still missing in the public electronic database on the department's website, in violation of the department's publication practice.[13]

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[8] This would also be the 'rational' way to react to the dilemma introduced by NPM in the public sector. NPM creates a new rationality which creates shadow management, a new structure of rationality which, as shown below, affects even the Ombudsman under the parliament.

[9] The fact that an organization can have a 'shadow' hidden from and in complete or partial conflict with the official image of the organization has been observed by several authors. According to [40], p. 387, for example, "Organization Shadow is understood as facts which organizations wish to deny about themselves, due to the threat posed to self-image and self-understanding and, more generally, the need to be viewed in a favourable light by others". In the few works in which the term 'shadow management' has been used before (e.g., [41,42], it signifies a situation in which someone other than those formally in charge are actually managing an organization. As should be clear from how we define the term, this is not the meaning intended here.

[10] Although such rights are not logically incompatible with NPM, there is, in practice, great tension between the former and the latter, since they have different goals (the traditional goal of the 'Weberian'-model of public administration was to serve the public, equal treatment etc., whereas the goal of the private sector, and imitations of it, is to maximize profit/minimize costs).

[11] Finding this material is usually dependent on whistle-blowers, as in many of the cases, the ARW documentation.

[12] This case is detailed under the date 9 Dec 2013 on the ARW website documentation: http://academicrightswatch.se/?p=798.

[13] It was immediately made public following a complaint by ARW to the new Vice Chancellor, which is detailed under the date 26 Jan 2014 in the website documentation: http://academicrightswatch.se/?p=845.

A similar case involving a senior researcher played out at a Swedish university of agriculture.[14] The professor had, for many years, published articles critical of Swedish forestry policy in the university's public electronic database. He also criticized studies made by some of his colleagues for legitimizing government policy in the face of what he took to be evidence to the contrary. This criticism culminated in 2012 in an article in which a scientific investigation attributed to the university was attacked for relying on "insufficient scientific methodology", meaning that the article became a potential threat to the university "brand". The professor archived the article in the database as usual. However, this time, someone with sufficient formal authority interfered with and deleted all his latest publications in the public database, which was thus cleansed of material that the university leadership might find disturbing.

Another particularly instructive example of shadow management is the handling of a memo issued by one of Sweden's largest universities prohibiting researchers in a department from expressing "excessive criticism" among colleagues, following a conflict that was interpreted as a threat to the psycho-social workplace environment.[15] The prohibition, in effect, gives the manager level greater power and control over staff in perfect accordance with managerial or neoliberal principles. After all, the prohibition only concerns excessive criticism among colleagues. The regulation means, in practice, that serious criticism can only be given top-down and not between employees at the same level. Such an arbitrary restriction, issued by a public authority, runs the risk of infringing on the freedom of speech as regulated in Article 10 of the European Convention of Human Rights (ECHR). The vagueness of the prohibition makes it open to arbitrary interpretation, and therefore, likely to be legally unacceptable according to ECHR case law. For the point we wish to make, it suffices to concur that the prohibition, at least potentially, infringes on freedom of speech, and therefore, is an important document that should be registered in the public archives for critical assessment. However, the memo was never officially registered or archived at the university in question.

The case with the memo is instructive also for another reason since it documents how internal tensions arise within the leadership of a public institution about what should be registered and archived and what not, which, on our analysis, is what can be expected to happen when NPM clashes with legal constraints. On request, the Head of Administration decided that the potentially troublesome memo should be registered in the central archives, but the decision was not executed at the lower levels in the hierarchy, possibly due to the interference of another high-level official.

A variation on this problem is the practice of registering dubious documents in the official archives but then, in violation of the Swedish constitution, denying access to them when they are requested by a citizen. This happened to a professor at a university college in central Sweden who, following a conflict with the university leadership that ultimately led to his dismissal, wanted to know what was stored in his files.[16] This case, too, concerned freedom of speech, since the employee had originally irritated the university leadership by informing students about the existence of diverging views regarding the suitability of moving an educational program to a new location. When some concerned students protested against the treatment of the professor, the Vice Chancellor proposed at a meeting that their critical note be "accidentally" left behind in her office for the purpose of avoiding registration in the central archive.[17]

Our fifth and final example concerns public agency communication policy, which is a related area where neoliberal policy tends to clash with fundamental law. Communication policies usually stipulate what employees may or may not say, internally or externally. The phenomenon can only

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[14] This case is detailed on 7 February 2015 in the ARW website documentation: http://academicrightswatch.se/?p=1376.
[15] This case is detailed on 27 December 2012 in the ARW website documentation: http://academicrightswatch.se/?p=194.
[16] This case is detailed on 4 April 2014 in the ARW website documentation: http://academicrightswatch.se/?p=914.
[17] This is the account given by the students. An administrative officer later explained away the event as a "misunderstanding" since, as she explained, leaving the document in the office would still mean that the document was officially received, and therefore, should, by Swedish law, be archived in the Registry. The Vice Chancellor herself has, to the best of our knowledge, not commented on the event.

be understood against the backdrop of the pseudo-market conditions created by neoliberal policy, whereby publically funded universities are required to compete with each other for students and resources. Thus, the ultimate purpose of a communication policy is to protect the brand name of the university and thus to ensure that the university remains competitive on this pseudo market. Needless to say, there is little legal room for the university to act in this regard since freedom of speech is protected in the constitution. Thus, communication policies tend either to directly violate the constitution or to create uncertainty as to what can be said or not. This phenomenon has now become widespread among state, as well as municipal, authorities. To the extent that these rules are stored only internally, e.g., in the intranet of a public agency, or elsewhere where outsiders cannot access them, or cannot be expected to search for them, they are part of a practice of shadow management. Generally, they illustrate the duality and uncertainty that is generated by introducing NPM ideology in the public sphere.

In 2013, ARW began to review internal communication policies issued at Swedish universities. The starting point was the policy of a university college in mid-Sweden whose communication policy contained a number of peculiar formulations (also from a linguistic point of view), including exhortations to "communicate internally before externally". All employees were also expected to "stand behind and represent the decisions taken". Again, rules like these run the risk of infringing on free speech, which is a constitutionally protected right.

However, the set of practices we call shadow management could not emerge and consolidate in the universities or public sector without the intermarriage with the controlling judicial institutions that either ignore or help legitimize them.

5. A New Dual Role of the Ombudsman?

Sweden is noted for having introduced the function of an ombudsman as part of the public system of checks and balances.[18] Many other countries now have ombudsmen, which handle various complaints from citizens. The governmental ombudsman in Sweden, the Chancellor of Justice, can even settle damage claims against the state. When state policy is in line with the law, the ombudsmen can perform an important role in a democracy by considering complaints against the state from the general public and public employees in a quick, free, and non-bureaucratic way, without the complaint having to go through the courts.

However, when state policy is in tension with the law, as is the case when neoliberal governmental policy is introduced in the public sector, the ombudsmen can be expected to reinforce neoliberal policy rather than constitutional or administrative law.[19] The reason is that the head ombudsmen in Sweden are appointed by either the parliament or the government. Here, we will focus on the Chancellor of Justice, the governmental ombudsman. If the Head of the Chancellor of Justice, who bears the same name as her institution and needs to sign every non-trivial decision, does not settle complaints in a way that is seen by the government as "adequate", he or she will run the risk of being replaced by someone who is seen as "more competent" or "flexible" in her decision-making.[20] This is not a big concern in the normal state of things when policy and law cohere, but, again, it becomes one if state policy is in conflict with the part of the legal system overseen by the ombudsman because then "adequate" may, from a governmental perspective, very well mean "in accordance with state policy" rather than "in accordance with the law". In this abnormal situation, the ombudsmen in practice take on a whole new role, namely that of defending state policy against the law.

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[18] See Jägerskiöld (1961) [43] for the history of the Swedish (parliamentary) ombudsman.

[19] See also Hood, C (2015) [4]: Ch. 5.

[20] Cf. Bull (2000) [44], p. 342: "Another worry about these 'lesser' ombudsmen is that they are not as independent as the Parliament's ombudsman. They are all agencies under the government. This means that the government may choose to replace any one of them as it sees fit and that the government controls their budgets. This close connection between the ombudsmen and the government does not promote the status of the ombudsmen." This is true not only of the "lesser ombudsmen", such as the discrimination ombudsman, but also of the Chancellor of Justice.

The obvious strategy for resolving this conflict, consciously or subconsciously, is, in effect, for the ombudsmen to reinterpret the law so that state policy conforms to it, which amounts to proclaiming through various pseudo-legal discursive strategies that the conflict between state policy and law was only apparent. In general, one would expect conflicting decisions and generally fragmentary decision-making from the ombudsman in such cases since the situation will be interpreted differently by different employees at the ombudsman, whereby some lower officials will attempt to abide by the law while others, in particular the head ombudsman, will focus on implementing the directives from above.[21] In particular, it will be increasingly difficult to retain consistency over different decisions and over time. One would also expect that doubtful decisions defending neoliberal policy should not be made directly available for public scrutiny, e.g., on the ombudsman's homepage. Rather, these decisions will be made in the background and the relevant documents silently conferred to the internal archives.

A potentially detrimental consequence is that the decisions by the Chancellor of Justice tend to be seen as precedents for the courts, which, in turn, makes it possible for the government to influence, via the Chancellor, the rulings in the courts in a particularly expedient fashion. Following the Chancellor's decisions, laws will then, in practice, be reinterpreted in courts in ways that systematically favour governmental neoliberalism. Similar observations apply to the Parliamentary Ombudsman, although this institution is not organized directly under the government, but as the name indicates, under the parliament. The latter is a detail of little practical consequence since, in a parliamentary democracy such as Sweden's, the government normally is in the majority in the parliament.

A further way in which the new emerging practices are legitimized is through shallow investigation. In Sweden, the Chancellor of Justice is supposed to regularly check the recording and archiving practice of public authorities. However, in order to expose the universities and colleges, months of excavation in the archives would be required, coupled with an investigation and questioning of witnesses. It is highly unlikely that the Chancellor of Justice, a relatively understaffed agency considering its mission to oversee hundreds of government agencies, could meet this task. Following the necessarily shallow investigations of the Chancellor of Justice, it will appear as if all is operating according to regulations, and the practice will be legitimized.

6. The Case of the Swedish Ombudsman

Following our analysis, one should expect that the ombudsmen would not take action but instead produce pseudo-legal justifications for neoliberally inspired decisions that are in conflict with legal prescriptions. Moreover, we would expect there to be inconsistencies and tensions within and across decisions made by the same ombudsman. Finally, it is likely that all problematic decisions, which in effect, conflict with legal requirements, should be missing from the public database on the ombudsman homepage containing "decision which the Chancellor of Justice judges to be of general interest".[22] These expectations were, in many cases, confirmed. Below are some salient examples.

The case of the memo with the neoliberal speech prohibition against "excessive criticism" among colleagues was reported by two affected researchers to the Chancellor of Justice, who, as expected, went to great lengths to defend it, against all odds, as lawful. A central premise in the Chancellor's argumentation was the claim that a prohibition against excessive criticism is not a prohibition against speech with particular content, but only against speech of a certain form. However, the falsity of this premise should be obvious. Moreover, Article 10 of the ECHR explicitly forbids not only restrictions

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[21]   In Sweden, an ombudsman, or other higher official, who is perceived by the government to have served the state particularly well can expect to be awarded, under pompous circumstances, a gold medal by the Swedish king. The current Chancellor of Justice received the most prestigious medal in 2016. Arguably, the royal medals serve, among other things, as an incentive for high officials to remain loyal to state policy.

[22]   Quoted from the Chancellor of Justice homepage (http://jk.se/Beslut.aspx as of November 22, 2015), our translation from Swedish.

of speech with particular content, but explicitly also "formalities" that have a chilling effect on free speech (and which cannot be defended as necessary in a democratic society).[23] Thus, a case could be made that the Chancellor's claim that the prohibition in question only concerns form and not content was not only inaccurate but also irrelevant.

At any rate, the Chancellor acted, in confirmation of our expectations, as a defender of neoliberal speech regulation in the public sector rather than as a guardian of the law. Her decision has conferred pseudo-legal legitimacy upon the prohibition in question. Other public authorities can now use the same prohibition to strengthen their managerial rule in violation of the constitution, with scrupulous reference to the Chancellor's authoritative evaluation. The case illustrates the expedience with which a neoliberally oriented government can introduce managerial principles with apparent legal justification in the public sphere through the system of the ombudsmen. Without the ombudsmen, the government would have to influence the courts to achieve the same authoritative effect, which is far more difficult and time-consuming and, above all, politically risky.

The case of the professor who was denied access to his own files was dismissed by both the Parliamentary Ombudsmen and the Chancellor of Justice, in both cases without motivation. The case of the troublesome communication policy at the university college was considered by the Chancellor of Justice, who found several passages problematic from a constitutional standpoint, including those already mentioned. The Chancellor also issued an important general recommendation in her statement: That, namely, communication policies may only regulate official speech that is made on behalf of the public authority in question, in our case, a university, and not speech that employees make as citizens. Surprisingly (but then again perhaps not), she resolved nevertheless not to issue "criticism" in the particular case, leaving the actual applicability and seriousness of her recommendation in some doubt.

Two further cases may, in conclusion, serve to illustrate the expected conflict in the Chancellor's decision-making over time. Both cases involve attempts by universities to sanction academic whistleblowing and yet, although the cases are strikingly similar, the Chancellor accepted one complaint and rejected the other. A detailed analysis showed that logically contradictory principles for freedom of speech were appealed to in the two cases. In the first case, from 2013, it was ruled that fundamental legislation was not violated with reference to the neoliberal principle that civil servants need to be loyal to the employer not only in implementing decisions taken at higher levels but also in refraining from public criticism of those decisions.[24] In the second case, from 2015, it was ruled instead that fundamental legislation had, in fact, been violated, with reference to the conflicting principle that while public officials have to be loyal in the implementation of decisions, this loyalty does not extend to their speech behavior.[25] The latter principle coincides with the standard legal interpretation of the relevant parts of the Swedish constitution. There is no reference in the latter ruling to the earlier one.

Finally, our hypothesis was that only the Chancellor decisions that are in accordance with the constitution and other relevant laws should appear in the public electronic database on the Chancellor's homepage. We expected decisions that try to confer pseudo-legal legitimacy on principles of neoliberal governance rather to be part of the Chancellor's practice of shadow management. Thus, we expected to find the last decision from 2015 in the database but not the earlier 2013 decision. We also expected not to find the ruling on the problematic memo in the database. As for the communication policy, we lacked a clear prediction. On the one hand, the Chancellor criticized what was, in effect, an attempt

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[23] Article 10 of the ECHR (our emphasis): "1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises. 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions, or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

[24] This case with the Chancellor of Justice is filed under the registration number: Dnr 5416-13-40.

[25] This case with the Chancellor of Justice is filed under the registration number: Dnr 8322-14-30.

by the university college to blur the distinction between the public and the private, in the service of neoliberal policy, and she also, in a surprising move, issued general guidelines that could block such future attempts. This would count in favor of open public access. On the other hand, the Chancellor did not formally criticize the university college or demand that the policy be revised. This tension in the decision, which could be interpreted as a minor concession to neoliberalism, would count in favor of no open access.

As a matter of fact, all our predictions turned out to be true. As for the communication policy decision, the Chancellor chose, after all, not to make it openly accessible on the homepage. While the ruling affects speech policies at some 300 public agencies, it was thus "judged not to be of general interest".

7. Discussion and Conclusions

We have argued that the neoliberal tradition and new public management reforms of the public sector effectively erode the core (liberal) democratic values of the rule of law and transparency. The tension between public law and managerially-influenced governmental policy is, in practice, resolved by introducing what we referred to as "shadow management" in public administration, whereby managerial decisions that clash with constitutional and administrative law are dealt with in internal memos or consultancy reports and hidden from public view. The consequence is the rise of a double standard in the public sector, which potentially reduces public trust in institutions undermining their democratic legitimacy. While our case study came from the Swedish higher education sector, we conjecture that the phenomena identified are general in nature. However, further research from other sectors and countries would be needed to establish this general claim.

The institution of the ombudsman, while playing an important role of supervising state agencies in the normal state of things, has been criticized from a number of perspectives in the literature [44]. One concern is that the role of the main ombudsmen in Sweden is not only to supervise the administrative agencies but also to supervise the courts. This can lead to peculiar situations where the ombudsman is prosecuting someone before a court, and the same court is under the ombudsman's supervision regarding how the case is handled, potentially threatening the independence of the court. Internationally, however, ombudsmen rarely play the role of overseeing the courts.

The second type of criticism is, in a sense, the opposite of the first. The point, which we touched upon above, is that the Ombudsmen do not have enough power in their hands to actually play a regulating role. Recent statistics indicate that the Parliamentary Ombudsman dismisses 50 percent of the complaints without any investigation. Of the actually investigated cases, less than 10 percent result in some form of "criticism". A public official who is criticized can, in principle, carry on "business as usual" without there being any form of severe consequence. Only a few cases per year actually lead to prosecution.

Finally, the institution of the ombudsman, as it is interpreted in Sweden, has been criticized for political dependence on either the parliament or the government. It has, therefore, been suggested that at least the Parliamentary Ombudsman should be converted to a public Ombudsman free of political dependence [44].

The critique we have raised against the Swedish ombudsmen connects to, but also importantly deepens and extends, the last type of objection. We argued that when governmental neoliberal policy clashes with legal requirements, the likely effect is that the ombudsmen, including the governmental Chancellor of Justice, become double-edged swords. Rather than monitoring law-abidingness in the public sector, the ombudsmen take on the new deceptive role of providing pseudo-legal justification for neoliberal reform, making neoliberalism and ombudsmen a particularly dangerous mix from a democratic and legal perspective. We supported our contentions by a case study of Swedish higher education, drawing on documentation and public records collected by an NGO, and hypothesized that the mechanisms we highlight are general in nature, leaving the assessment of the wider validity of the hypothesis for future research. While it is not the purpose of this article to provide policy

recommendations, we would conclude that the market principles inherent in NPM are highly unsuited to many parts of the public sector, including higher education.

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Guidelines for Preventing Child Sexual Abuse and Wrongful Allegations against Staff at Danish Childcare Facilities

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Abstract: Since the 1980s, the fear of child sexual abuse (CSA) has become a major cultural feature of a large part of the Western world. Internationally, the unintended consequences of the fear surrounding CSA are rarely investigated and doing so is often controversial. The purpose of this study was to investigate how this widespread fear of CSA has influenced practices and teacher–child relationships at childcare institutions. This is the first study of Danish childcare facilities' guidelines for protecting children against CSA, and staff against wrongful allegations of CSA. Examples of such guidelines include staff being forbidden to have children sit on their lap, or male staff being forbidden to change diapers. This mixed methods survey, which involved the participation of 2051 directors and teachers from approximately one-quarter of Danish childcare facilities, showed that the majority of institutions had guidelines that were aimed mostly at protecting staff from wrongful allegations. The study revealed that the guidelines were a sign that male workers were being stigmatized, and that some institutions had discriminatory guidelines that applied exclusively to men. Furthermore, the guidelines conflicted with staff's trusting relationships with children, and the task of caring for them.

Keywords: Early Childhood Education and Care; child sexual abuse; prevention policies; no touch; teacher–child relationships; male childcare workers; stigma; discrimination; fear; panopticon; moral panic

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1. Introduction

Since the early 1980s, the Western world has paid increasing attention to the sexual abuse of children (CSA), and over the past 35 years, in a large part of the Western world, including Denmark, the fear of CSA has become a major cultural feature [1–10], and, at times, the focus of a moral panic [11–16]. This widespread fear of CSA has created another fear, namely the fear of being wrongly accused, which is particularly significant in professions that involve working with children [4,6,9,17–26]. Being wrongly accused of CSA represents a significant threat to individuals, as it is an allegation that has vast personal costs, largely because it is virtually impossible to be cleared of this charge [17,19,24,27]. Despite the habitually volatile nature of a moral panic, some moral panics, such as one about CSA, become "routinized" or "institutionalized," which means that they influence society's institutions and interpersonal norms [14] (p. 41). The purpose of this study was to investigate how the fear surrounding CSA internationally has influenced practices and teacher–child relationships at Danish childcare institutions. The long-term impact of moral panics is often ignored, in part because strong feelings and a strong consensus are key characteristics [14]. This makes them controversial to investigate, and, in particular, to introduce perspectives other than that of the moral panic itself. Hence, our study is one of few empirical studies, worldwide, of the unintended consequences of contemporary

society's significant focus on CSA. It is important to emphasize that our study does not imply that the fear of CSA is wrong, or that strong CSA prevention is not essential in any society. This should go without saying. Instead, our study directs attention to the proportions of this fear, and its unintended consequences with regard to a specific setting, namely the childcare institution.

This study is the first study of Danish childcare facilities' guidelines for protecting children from sexual abuse and staff from wrongful allegations of CSA. Examples of such guidelines are that doors must be kept open when staff help children with toileting, or that staff are forbidden to have children sit on their lap. This study was conducted in 2012 at approximately one-quarter of Danish preschool institutions and before-and-after-school clubs (BASCs). The majority of institutions had such guidelines, and our study reveals that their principal goal was protecting staff from wrongful allegations, and that they significantly influence daily practices and teacher–child relationships, and have unintended, adverse consequences for children and staff, particularly male staff[1].

This study was informed by an earlier controlled study that we conducted in 2010 at Danish preschool institutions and BASCs, which strongly indicated that both institutional and social changes had occurred that were not justified by the actual risk of CSA at such facilities [21]. In 2003, the Danish National Institute of Social Research concluded, based on a cohort study of 5000 Danish children born in 1995, "that extremely few children had been exposed to sexual abuse or sexual acts by adults in Early Childhood Education and Care institutions" [28] (p. 8). Furthermore, the Danish Union of Early Childhood and Youth Educators (BUPL) informed us that between 2008 and 2015, three childcare teachers were convicted of CSA,[2] and The Danish Union of Public Employees (FOA), informed us that between 2012 and 2015, two childcare assistants were convicted of CSA.[3] These numbers do not give a complete picture, but they indicate a low risk of children being sexually abused at Danish childcare facilities, where the vetting of staff has been mandatory since 2005. Yet, our 2010 study indicated that a climate of fear had resulted from an increased focus on CSA in society: 68.7% of teachers felt that the risk of wrongful allegations of CSA had increased in recent years; 8.5% of male teachers had considered leaving the profession because of the risk of wrongful allegations; 12.7% of teachers had become more suspicious of their colleagues; 47% of the control group participants had become more suspicious of other people's behavior towards children in recent years. As a result of the increased focus on CSA, 56.3% of male teachers and 21.1% of female teachers had changed their conduct towards children, keeping a greater distance from them. In their responses to open-ended questions, many childcare professionals mentioned formal and informal guidelines at their institutions to protect against wrongful allegations of CSA [21]. These responses provided us with the basis for the hypothesis that such guidelines, although previously more or less unknown to the Danish public, had a strong influence on pedagogical practices and teacher–child relationships at childcare facilities, especially with regard to male staff's working conditions and relationships to children. Hence, the purpose of the study presented in this article was to investigate these guidelines and this hypothesis in greater detail. Our aim was to investigate the pervasiveness of formal and informal staff guidelines for preventing CSA and wrongful allegations of CSA, what the guidelines addressed, why they were established, and whether the institutions had guidelines that applied exclusively to male staff. A further aim was to investigate how directors and teachers experienced the guidelines, and how they affected the children, the staff—in particular, male staff—and the daily practices and social relations at the institutions.

This study joins a small group of studies from the United Kingdom [4,16,29–31] and the United States [6,9,32,33] that indicated that guidelines for protecting children from CSA and staff from wrongful allegations are pervasive at British and American preschool institutions. These studies showed that guidelines in the United Kingdom and the United States mainly addressed touch between

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[1] The study is called *The Guideline Study 2012*, in Danish, *Retningslinjeundersøgelsen 2012*. For a report on the study in Danish, see [20].
[2] BUPL informed us that until 2008, they did not regularly keep track of this type of conviction.
[3] FOA informed us that until 2012, they did not keep track of this type of conviction.

staff and children, visibility at the institutions, and the presence of two staff members during certain tasks. Both in the United Kingdom and in the United States, guidelines were more about protecting staff than protecting children, and a gender inequality that stigmatized male teachers, who at times followed special guidelines, existed in both countries [4,6,9,16,29–33]. A study by Piper and Stronach investigated touch practices at British preschools and schools, and is the most comprehensive study of childcare facilities' guidelines for protecting children from CSA and staff from wrongful allegations in the English-language literature [16]. The study showed that in general, touch was either prohibited by so called no touch policies or limited by detailed "technical" and "depersonalised" guidelines [16] (p. 38), which complicated daily practices. The most pervasive guideline was to never be alone with a child. The survey indicated a "nightmare of surveillance" (p. 38) and a "microregulation of professional behaviours" at British preschools and schools (p. 45). The unanimous conclusion of the UK and the USA studies was that the concrete guidelines and the fear of wrongful allegations have impoverished practice and relationships for children and staff. As this article will show, our findings share striking similarities to the British and American findings. Both the nature of the guidelines for protecting children from CSA and staff from wrongful allegations at childcare institutions, and their unintended consequences—and thus, the important questions that they raise, which we discuss in this paper—are international.

We have structured our article as follows. In "Historical background," we begin by offering new insights into the historical origins of Danish childcare facilities' guidelines for protecting children from CSA and staff from wrongful allegations of CSA. In the "Materials and Methods" section, we present our data, and the theoretical framework that we use to analyze our data in this article. This framework builds on a variety of interdisciplinary theories and concepts, and has Michel Foucault's theory of the panopticon as its main construct [34]. This is followed by the presentation of our results. After that, we analyze and discuss our findings, focusing first on the unintended consequences of the guidelines for staff, principally the discrimination against male staff, and then on the unintended consequences of the guidelines for the children, principally guidelines' adverse influence on staff's relationships with children. We also examine a new ruling by the Danish Board of Equal Treatment concerning special guidelines for male staff at childcare facilities.

Historical Background

In Denmark, the moral panic over CSA at childcare facilities began in 1997/1998, during the important "Vadstrupgaard case," in which a male teaching assistant was sentenced to three and a half years in prison for the sexual abuse of 20 children at a kindergarten. This first major public case of this sort elicited a public outcry in Danish society, and undermined trust in Danish childcare facilities [35,36]. However, some claimed that the case was a miscarriage of justice, arguing that there was no concrete evidence, that the police made major mistakes in their investigation when interviewing the children, and finally, that the children's testimony was uncritically believed during the case [36–39]. In the aftermath of the Vadstrupgaard case, CSA received significant attention from the media, the public, politicians, and children's organizations, and considerable juridical, political, and institutional efforts have been made since to prevent CSA in Danish society. For instance, the vetting of childcare staff became possible in 2001 and was mandated by law in 2005.

In the years following the Vadstrupgaard case, the number of allegations of CSA against childcare staff increased dramatically. Before this case, allegations of CSA were rare at Danish childcare institutions; BUPL rarely received more than one such report per year. In the two years immediately following the Vadstrupgaard case, from 1998 to 2000, BUPL received twenty-five reports, only one of which ended with a conviction. BUPL considered it probable that more members were accused of CSA during that period, since at that time the union did not centrally register all allegations against members. During that period, the Danish Union of Early Childhood and Youth Educator assistants (PMF) received 35 reports of such cases, two of which ended in convictions. In the majority of the reports registered with both unions, the allegations against members did not lead to charges being

pressed [40]. In those years, several cases were publicized by the media, and newspaper articles from that period spoke of the "many cases" of CSA in Danish childcare institutions [39,41–45], and experts and stakeholders discussed whether a huge problem and taboo had been exposed, or whether this reflected a general hysteria [36,42,46].

The existence of a "before and after Vadstrupgaard" is illustrated by the contrasting ways in which male workers in Early Childhood Education and Care (ECEC) were discussed before and after the case. A 1996 discussion paper for the European Commission Network on Childcare, "Men as workers in Childcare Services," stated, "A particular argument against employing men is that men may sexually abuse children. This argument is particularly prominent in the United Kingdom. It does not appear at all in the Danish debates" [47] (p. 23). However, after the Vadstrupgaard case, the association between men and the risk of CSA at childcare facilities became central to the public debate in Denmark. In a newspaper article, a leading Danish psychologist claimed that "pedophiles are everywhere" and "quickly find their way to preschool institutions," and warned against naïvely hiring men at childcare facilities [41] (p. 24). Other articles reported that worried parents were uneasy about male childcare workers, or raised the question of whether men should care for children professionally at all (e.g., [42,44,48]). Meanwhile, experts and leading figures from unions, teachers' colleges, the police, politics, and child welfare organizations warned against the "stigmatization" and "hysteria" evolving around male childcare workers [43,44,49–53]. The male childcare workers spoke of their fears or were presented in the media as perplexed about their new stigmatization and the risk of wrongful allegations. Male students in ECEC programs reported feeling vulnerable before practicums, and teachers' colleges around the country held seminars on how to ensure workplace security [42–45,50–54].

In the newspaper articles cited above, and in the literature of that time, we found indications that it was in the aftermath of the Vadstrupgaard case that guidelines to protect against CSA and wrongful allegations were introduced to Danish childcare facilities.[4] They grew out of an interaction between a bottom-up movement by perplexed institutions that wished to protect themselves and the children in their care, and the influences of agents eager to help the institutions and their male workers. A 2000 anthology that addressed the Vadstrupgaard case, read, "In crèches, kindergartens and BASCs all over the country, staff discuss new workflows with the aim of ensuring that male teachers, in particular, are not alone with the children at any time" [36] (p. 11). Newspaper articles reported on institutions that established guidelines for staff, or special guidelines for men [42,46,50,51]. According to BUPL and PMF, many male childcare professionals asked the unions for guidelines that described which behaviors were appropriate around children and, in particular, those that would protect against wrongful allegations; for instance, the men asked whether it was appropriate to have a child sit on the lap [43,54]. PMF advised the men to keep in mind the risk of misconstruction, particularly in physical matters, and recommended that two colleagues be present [43]. The director of BUPL stated that male staff began to question their behavior, wondering whether to close the bathroom door while toileting [52]. In 1998, the municipality of Gladsaxe hosted a meeting for male childcare workers, during which a BUPL representative advised male staff on how to avoid misconstruction. For instance, the men were advised that hugging children was acceptable, but kissing was not [43]. However, in a 1999 pamphlet, BUPL and PMF jointly warned against control mechanisms, gendered practices, and the reduction of physical contact at childcare facilities, instead recommending strong leadership and an open culture [56]. These historical sources reveal how the guidelines that were well established at the majority of institutions in our survey in 2012 began cropping up in the years after Vadstrupgaard.

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4   In point of fact, a touch policy existed in Danish public primary and lower secondary education for a number of years. In 1929, The Danish Ministry of Education sent out a so-called "Touch Circular," prohibiting all kinds of touch—friendly or unfriendly—between teachers and pupils, unless it was absolutely necessary. The policy was withdrawn in 1987 [55].

2. Materials and Methods

2.1. Participants

The participants in the study presented here were 2051 directors and teachers from 1457 Danish childcare facilities. The institutions were public and private preschool institutions for children aged 0 to 6 years,[5] and public BASCs for children aged approximately 6 to 10 years; 1131 preschool institutions and 326 BASCs participated. The preschool institutions included crèches, kindergartens,[6] and so-called integrated institutions with both crèches and kindergartens. Participants included 1374 directors (67%) and 677 teachers (33%); 456 participants were men (22%) and 1595 were women (78%). The directors' ages were between 31 and 70, and the teachers' ages were between 20 and 68; 50.2% of directors and teachers were over 50.

2.2. Procedure

We e-mailed our online survey to 4716 (74%) of Denmark's approximately 6400 preschool institutions and BASCs. We selected the institutions randomly, adjusting only to represent both urban and rural areas in all parts of Denmark. BUPL provided the list of institutions. We supplemented this with institutions from municipalities in Denmark underrepresented on BUPL's list. We obtained the e-mail addresses of these institutions from the municipalities in which they operated. As we were unable to obtain teachers' e-mail addresses, we sent the invitations to participate to the directors, and invited them to respond to the questionnaire and to pass on the survey link to as many of their teachers as possible. Initially, substantially more directors than teachers answered our survey, and through the directors, we targeted the teachers with three reminders. This reduced the difference between the numbers of directors and teachers participating in our survey, although a considerable difference remained in the final result (1374 directors versus 677 teachers). The percentage of male survey participants was high (22%), relative to the percentage of male pedagogues at a national level (12%), which is important, as the concern under discussion is particularly sensitive for male childcare workers [21].

Our questionnaire had a 30.9% response rate, which represents 23% of all preschool institutions and BASCs in Denmark. The pilot study had a 20% response rate, and when we contacted the unresponsive institutions, they all explained that they were pressed for time and received many surveys. Guided by the pilot study, we made the questionnaire easier to answer, which, with the reminders, may account for the improved response rate of the final survey.

2.3. Measures

Our survey included questions about formal and informal guidelines for staff and rules for children for preventing CSA and wrongful allegations of CSA at the institutions. As the data collected was extensive, we address only the guidelines for staff in this article, and have presented our findings concerning the rules for children in a separate article [57].

We used a mixed-method survey [58,59] that included both mandatory, closed-ended questions, and optional, open-ended questions. The purpose of the quantitative questions was to establish the prevalence of guidelines for preventing CSA and wrongful allegations of CSA (henceforth, "the guidelines") at Danish childcare facilities, and to be able to generalize findings from a large sample concerning purposes, practices, consequences, and experiences related to the guidelines. For the analysis of the quantitative results, we used Statistical Package Social Sciences (SPSS), version 23.

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[5]   In Denmark, children begin elementary school at the age of 6.
[6]   In Denmark, crèches are for children aged approximately 0–3 years old, and kindergartens are for children aged approximately 3–6 years old.

The purpose of the qualitative questions was to give participants the opportunity to elaborate on their views and experiences, and to tell their stories of the everyday practices surrounding the guidelines. Since no previous research described staff guidelines for preventing CSA and wrongful allegations of CSA in a Danish context, it was important that both directors and teachers provided information that we may not have thought to ask for, and it was important to address both formal and informal guidelines [59,60]. To analyze our survey's qualitative responses, we first used coding and thematic analysis [61] and next, the theoretical framework presented in Section 2.4.

To integrate our findings, we sometimes used data transformation [58]: some numeric findings were described verbally, and some qualitative findings were quantified, either verbally or numerically.

The quantitative and qualitative dimensions of this study were integrated through design, data collection, analysis, and interpretation of the findings, and this article's conclusions were based on the integrated analysis of quantitative and qualitative findings [58–60]. The low response rate is a weakness of our study; therefore, our analysis and conclusions attach considerable weight to the study's qualitative data, which, in contrast, is abundant. In all, 1682 of the 2051 participants made qualitative comments, ranging from one sentence to entire "pages." These many responses to the open-ended questions provided a detailed picture of the everyday practices surrounding the staff guidelines at the institutions, which counterbalanced the weaker response rate.

2.4. Theoretical Framework

The main theory underlying the theoretical framework that we use to analyze this article's findings is Foucault's governmental theory of *discipline* and its central figure, *the panopticon*, which Foucault developed from Jeremy Bentham's 1791 concept of the Panopticon prison building [34]. The panopticon has been mentioned previously in the literature as an image of the surveillance in childcare facilities as a result of the panic about CSA [6,9,16]. We employ Foucault's figure to develop an in-depth analysis of the guidelines in the broader context of his theory of discipline. Our analysis demonstrates how Foucault's 1977 theory of discipline, which he traced back to the 18th century, is vividly exemplified by the childcare institution of late modernity. We argue that the panopticon function is reinforced in today's childcare institution, and, developing Foucault's concept, we invent a new concept, *the multidimensional panopticon*. Our conceptual framework also draws on Axel Honneth's theory of *recognition* [62] to demonstrate the lack of recognition of male childcare workers. We also apply a theory of fear, primarily from Lars Svendsen's *Fear* [63] and Frank Furedi's *Culture of Fear* [3], to analyze the fear at childcare facilities, and its impact on teacher–child relationships. We also examine the unintended consequences of the guidelines on the children, through the lens of developmental psychology and Arlie R. Hochschild's concept of *feeling rules* [64]. We conclude this article by noting the importance of trust as *social capital* at childcare institutions [65].

3. Results

3.1. The Guidelines

Of the 1457 participating institutions, 58% (845) responded "yes" to whether they had guidelines for preventing CSA or wrongful allegations of CSA at the institution, 38.2% (557) responded "no," and 3.8% (55) responded "don't know." A number of respondents who stated in the closed-ended questions that there were no guidelines at their institutions nevertheless described guidelines in the open-ended responses, for instance, that doors were kept open. This indicated that the percentage of institutions with guidelines was higher than 58%.

At 74% of institutions that responded "yes" to whether they had guidelines, these were written (37%), or both written and oral (37%), whereas they were exclusively oral at 26% of institutions.

Optional, qualitative descriptions of the guidelines were provided by 898 respondents: 710 directors and 188 teachers. These responses indicated that three closely related sets of guidelines were particularly pervasive.

(1) Visibility. Guidelines that aimed for visibility were mentioned by 400 respondents. The main guideline, to keep doors open, was mentioned by 342 of the 400 respondents. Some institutions kept all doors open, others mainly kept doors to the bathroom and the diaper changing area open. Some institutions would permit the door to the toilet or the diaper changing area to be closed in some cases, but then, two staff members had to help the child. Several institutions had a guideline for always opening a closed door if a colleague was on the other side of it with children, and always checking on colleagues' secluded activities with children. Another frequently mentioned way to achieve visibility was to install windows in doors or walls; at some institutions, in all doors or walls, at other institutions, the doors or walls to the toilet or diaper changing area, in particular. The respondents generally described their institutions as being very monitoring-friendly. Several respondents remarked that it was impossible to hide or to be alone in their institution. Many responses indicated that the quest for visibility influenced the use of the rooms in the institutions, as teachers were not allowed to be alone with children in secluded rooms; the basement, in particular, was mentioned numerous times. Three institutions used video surveillance or intercoms.

(2) Not alone with children. Guidelines "forbidding staff to be alone with children" or "demanding that two staff members be present" were mentioned by 371 respondents. At some institutions, this guideline applied to all activities, at other institutions it applied mainly to diapering and toileting. It could also apply to the following situations: being in the playground or behind closed doors, opening or closing the institution, going to the basement or on trips, or helping a child physically.

(3) Touch. Guidelines that addressed touching children were mentioned by 217 respondents. This number does not include the many respondents who mentioned that staff were forbidden to be alone while diapering and toileting or examining a child physically; although these guidelines are indeed touch-related, we included them under "Not alone with children." At some institutions, the guideline was to limit touching children; at most institutions, guidelines addressed specific types of touch. The two most frequently mentioned types were kissing and sitting on laps. Guidelines for lap-sitting were mentioned in 76 responses and existed in several versions. Some institutions entirely forbade holding a child on the lap; this was the case mostly in BASCs and applied mostly to male workers. The other institutions had guidelines, often very detailed, for sitting on laps, or simply noted that teachers, especially male, were to be aware of the way children sat on the lap. Several institutions required children to sit with their legs together to one side, and not astride, whereas other institutions stated that children could sit on a lap only briefly, or only if they were upset. At several institutions, children had to sit facing away from the teacher, and at one institution, the guideline's wording specified that male workers were to remove children who sat on their penises. Guidelines for kissing were mentioned in 68 responses, only one of which was from a BASC. Some institutions entirely forbade kissing children; others forbade kissing children on the mouth. Some respondents specified that you could give a hug, but not a kiss. At several institutions, children were not allowed to touch specific parts of the teachers' body, and several institutions had guidelines for how and where to roughhouse. At some institutions, guidelines for touching children directly addressed their care. At a few BASCs, teachers did not do toileting or help if a child had wet itself; instead, they assisted the child verbally from outside the door. A few institutions refused to apply medications for infections or irritations in the anogenital area, a few institutions forbade onesies, to avoid touching the crotch area, and a few institutions had teachers wear plastic gloves when toileting. Two institutions had children stand while being diapered. At one kindergarten, teachers did not wipe girls after urination, and in another institution, teachers did not diaper when they were alone in the institution. At several institutions, guidelines for visibility, not being alone with a child, or touch, applied particularly or exclusively to substitutes, new employees, or students.

Besides the three most pervasive sets of guidelines, the following guidelines were mentioned to a greater or lesser extent in the responses. Guidelines that aimed to achieve an open culture and dialogue were mentioned by 114 respondents. At their institutions, staff members were urged to question colleagues' behaviors if these appeared unusual. At most institutions, such guidelines were combined

with more concrete guidelines of the sort already outlined; at some institutions, they stood alone. At many institutions, staff were forbidden to take photographs with their own cameras, and guidelines addressed which situations staff could photograph, and how much clothing photographed children had to wear. Several institutions had dress codes for staff. Some institutions forbade affectionate language between staff members and children; teachers were not allowed to say, "I love you," or to give children nicknames. Similarly, several institutions forbade staff to keep secrets with the children, or to let any child cling to any one teacher. Some institutions had a guideline requiring parents to always be informed of any situation involving a child that risked being misconstrued, or that such situations be documented. Finally, many respondents mentioned their institutions' general work for preventing and detecting CSA, confirming the overall picture conveyed by the survey, that the institutions were observant of signs of abuse of children, from any abuser, and took this issue very seriously.

3.2. Special Guidelines for Male Staff

In the vast majority of institutions, guidelines applied to both sexes. Some respondents remarked that guidelines had been established because of male workers but in order to not discriminate, both sexes followed them. Nevertheless, the directors of 6.5% of all institutions in the study, and 11.6% of institutions with guidelines (=95 institutions), responded "yes" to whether they had special guidelines for men. Furthermore, the directors of 15 institutions responded "no" to this question, although one or more teachers from these institutions responded "yes." The directors of four institutions did not participate in the survey, but one or more teachers from these institutions responded "yes" to whether they had special guidelines for men. The directors of 25 institutions responded "no" to whether they had special guidelines for men, although the qualitative responses from the institutions indicated that one or more such guidelines did in fact exist. For instance, the director of one institution stated that there were no special guidelines for men but noted elsewhere that male teachers never did toileting. These findings indicated that the percentage of institutions in the study with special guidelines for men was higher than the 6.5% of all institutions indicated by directors' responses. Possible explanations for the divergences could be different interpretations of what a guideline is, the sometimes informal character of the guidelines, and the fact that some teachers established personal guidelines.

At an integrated institution, special guidelines for men sounded like this: "Men don't do diapering or toileting. Our men are not allowed to be alone with our children in the basement. Our men are not allowed to have children sit on their laps." These guidelines are typical of the special guidelines for men found by the survey. The four most pervasive guidelines that applied to male workers were:

(1) Men may not do diapering or toileting. At some institutions, this guideline was absolute. At other institutions, male workers either had to be accompanied by a female colleague or had to keep the bathroom door open while diapering and toileting. One institution had men wear plastic gloves while diapering or toileting.

(2) Men may not be alone with children. Again, at some institutions, this guideline was absolute, whereas at others, it applied to specific situations, mainly diapering and toileting, opening and closing the institution, going to the basement or on a trip, especially to the beach or the swimming hall.

(3) Men must keep physically distant from children. At some institutions, men were required to be physically distant from children, at others, men had to avoid specific situations, such as having a child on the lap or applying sunscreen.

(4) Men may not put children down for their nap. At some institutions, the special guidelines for male staff applied only with regard to the girls at the institutions. At several BASCs, male workers were told to be alert to the risk of older girls getting crushes on them.

3.3. Rationales for Establishing Guidelines

When we asked directors and teachers whether the guidelines at their institutions were intended to protect both children from CSA and staff from wrongful allegations of CSA, *or* primarily protect children, *or* primarily protect staff, 85% responded "both children and staff," 9% responded "primarily

staff", and 6% responded "primarily children." Male directors and teachers responded "primarily staff" significantly more often than did female directors and teachers.

When, with an open-ended question, we asked directors only about the reasons for establishing guidelines in their institutions, we got very different results from the foregoing. Of the 822 directors who responded "yes" to whether they had guidelines in their institution, 802 provided qualitative responses. The two most mentioned rationales were protecting children from CSA, and protecting staff from wrongful allegations, although some responses just said "protection," without specifying of whom. In 273 responses, directors explicitly declared the protection of children to be the rationale, whereas in 441 responses, directors explicitly declared the protection of staff to be the rationale for establishing guidelines. Furthermore, in a number of the responses that claimed that both the protection of children and the protection of staff were rationales for establishing guidelines, the predominant reason was the protection of staff. For instance, one director wrote, "To protect both children and staff. But especially to avoid suspicion of staff." In 70 responses, directors emphasized that male staff or male students had been the rationale for establishing guidelines, in some cases without specifying why, but the vast majority of the 70 responses specified that it was about protecting the men. Even though many directors wished to protect the children from CSA, especially in the aftermath of upsetting cases of CSA, the directors' qualitative responses concerning the rationales for establishing guidelines aligned with the qualitative responses of the survey in general, and supported our overall finding that the predominant rationale for establishing guidelines was to protect staff, especially male staff. Furthermore, 127 of the 802 directors reported that cases of CSA or wrongful allegations of CSA—at their own institution or in the municipality, or cases in general, for instance those exposed by the media—had motivated them to establish guidelines. In their responses, 99 directors mentioned media coverage of CSA, or the general focus on CSA, as a rationale.

In 132 of the 802 qualitative responses from directors, they reported that the municipality had demanded or inspired the establishment of guidelines at their institutions. When asked directly, in a closed-end question, who had determined their guidelines, the directors' responses showed that at 77.3% of the institutions, directors had participated in determining guidelines, in 73.1% teachers had participated, and in the majority of institutions (61%), directors and teachers had determined the guidelines together. At 32% of the institutions, the municipality had contributed to determining the guidelines, and at 14% of institutions, parents had contributed. Again, these numbers underscored the general findings of the survey, that most often, guidelines were not forced on staff because of the management's mistrust, but predominantly represented staff's defensive behavior against parents' hypothetical suspicions, a finding also supported by the fact that, at times, staff established guidelines individually.

The foregoing findings were supported by the fact that the vast majority of respondents felt safer with guidelines. The question of whether their institution's guidelines made them feel safer with regard to wrongful accusations of CSA received a response from 818 directors and 223 teachers: 83% answered "yes"; fewer than 10% did not feel safer. There was no significant difference between directors and teachers, or between men and women. When we asked the 17 male directors and six male teachers who answered "yes" to whether they worked at an institution with guidelines that applied to men only, whether the special guidelines for men made them feel safer, 91% answered "yes," and 9% did not know.

3.4. The Childcare Workers' Opinions of the Guidelines

The invitation to give their opinion of the guidelines, and their everyday experiences of these was accepted by 505 female and 100 male directors, and 123 female and 53 male teachers. Their responses may be divided into three groups: (1) the majority of respondents who had a positive view of the guidelines; (2) a significant group of respondents who were generally positive, but were critical of specific points, sometimes just one or two, sometimes several; (3) a small group of respondents who had a very negative view of the guidelines. There was no significant difference between responses

from women and men, or between teachers' and directors' responses. Men tended to be more critical, but the large majority of men embraced the guidelines. It is noteworthy that amongst the critical or divided voices were many directors, indicating some directors who experienced pressure to establish guidelines, despite their professional convictions.

The *positive* views of the guidelines held by the first and second groups were that guidelines provided security for staff, children, and parents, functioned well, did not restrict the work, and had become a natural part of daily practice. Many respondents were clearly aware that a wrongful allegation would be devastating, and considered guidelines necessary for protecting staff, especially the men. Furthermore, some respondents found that guidelines gave them a professional tool for navigating a difficult field, and constituted a shared framework for the institution, which provided support in interactions with parents.

The *negative* views of the guidelines held by the second and third groups were that guidelines caused distrust to replace trust, especially with regard to male staff, for whom guidelines were seen as a constraint, and they were described as negatively affecting how pedagogy and care were practiced in the institutions. Concrete examples were that guidelines made it difficult to comfort a child, that activities with children in small groups or in closed rooms were hindered when teachers could not be alone with children, that guidelines made the daily routine less flexible, and finally, that it was invasive for children to be forced to sit on the toilet with the door open. Some respondents also felt that the guidelines were resource-demanding, and could not prevent abuse, anyway. Quite a few respondents found that guidelines were necessary, but that they represented a sad development—"a necessary evil," as some put it.

With regard to special guidelines for men, we asked both directors and the male childcare workers themselves about the men's attitudes to these guidelines. When we asked the directors who answered "yes" to whether they had special guidelines for male workers, the majority responded that male workers found such guidelines necessary, and knew that they were established for their own safety. At times, male workers themselves had demanded or participated in establishing the special guidelines. However, some directors had found that even though male workers considered special guidelines a necessary safety measure, they still found them discriminatory, accusatory, or limiting to their work. The directors' responses were confirmed when we asked the 17 male directors and six male teachers who answered "yes" to whether they worked at an institution with special guidelines for men: Most of the men found special guidelines for men a necessary safety measure, but several regretted the development, and a couple of men found special guidelines discriminatory and accusatory.

3.5. The Guidelines' Impact on Professional Identity

When asked whether the guidelines affected their professional identity, two-thirds of both directors and teachers answered "no." Amongst the third of respondents who found their professional identity affected, 134 female and 49 male directors, and 31 female and 14 male teachers, provided qualitative elaborations, and fell mainly into two disagreeing groups. The first saw guidelines as an asset to their professional identity, finding the protection of children a crucial part of their professional task. Directors in particular, including several male directors, found that their professional identity was strengthened when they could provide safety, in the shape of guidelines, for both children and staff. According to this group, guidelines created a sound awareness, and provided staff with a shared framework at the institutions, just as they indicated responsible professional behavior, which increased parental trust. In contrast, the second group saw guidelines as a detriment to their professional identity. They found that they and their profession had been placed under suspicion, and that following the guidelines was tantamount to admitting guilt. Many in this group found that the fear of misconstruction had become a constant awareness that inhibited a spontaneous workflow and their relationships to the children. To some respondents, it constituted a professional dilemma when guidelines overruled pedagogical or ethical considerations, for instance when staff safety was prioritized over children's right to privacy on the toilet. Several male respondents found guidelines stigmatizing and limiting to their ability

to exercise their profession, for instance, with respect to building relationships with children. Some directors found it a challenge to their professional identity to have to handle the stigmatization of men, including one director who felt forced to be "professionally suspicious of the staff."

Finally, a smaller group did not evaluate the guidelines' impact on their professional identity positively or negatively, but simply stated that a new awareness was part of the profession.

3.6. The Childcare Workers' Opinions of the Guidelines' Consequences for the Children

We asked our respondents whether guidelines influenced the care taken of the children and their development. The vast majority did not think so, although a minority of respondents described such influences, mostly finding that guidelines compromised childcare. In their experience, guidelines and the fear of misconstruction distanced them from the children. They described how childcare staff were more reluctant to comfort distressed children, to put children on their laps, or to hug them, and how relationships between staff and children had become less warm and authentic. Some regretted this development, arguing that children need a warm environment during a long day in childcare, and that having a child on one's lap ought not to be considered suspect. A few respondents reported that children might sometimes perceive adults as dismissive. Some feared particularly for vulnerable children. Again, some respondents criticized the fact that doors were kept open when children sat on the toilet or got help after soiling their pants. Several respondents emphasized that guidelines and the fear of misconstruction particularly restrained male staff in their work, which could result in more distant relationships between children and male teachers, especially at institutions with special guidelines for men. Some respondents also claimed that the guideline concerning not being alone with children deprived the children of activities such as trips, going to the basement to collect things with an adult, and spontaneous activities. Several respondents considered it a significant pedagogical loss that one-on-one contact with children was lost. However, some respondents found that, on the contrary, guidelines positively influenced childcare, because they safeguarded children.

3.7. Institutions without Guidelines

At the institutions that stated that they had no guidelines, almost half the teachers and directors indicated that they were "neither pleased nor displeased" about having no guidelines, but more were "pleased" than "displeased." Three percent of directors and nine percent of teachers felt unsafe without guidelines, whereas seventy percent of directors and fifty-three percent of teachers felt safe. Of the directors who answered "no" to whether they had guidelines, 80% stated that there was no specific reason for this; 15% stated that there was a specific reason. In the qualitative responses to why the institutions had no guidelines and their attitudes to this, many respondents wrote that they had not considered having guidelines, or had not had the time to establish these, or that their institution was new, or that our study made them consider establishing guidelines. Many other respondents wrote that at their institutions, staff members trusted one another, and used open dialogue, professionalism, and common sense to prevent CSA or wrongful allegations. This was often the case at smaller institutions, where staff members knew each other well. Some directors explained that guidelines would weaken trust, and that they did not want to cast suspicion on their staff and discriminate against male workers. In contrast, other respondents mentioned having no male workers as the reason for having no guidelines. Some respondents feared that guidelines would negatively affect professionalism, leading to a more artificial relationship with the children. Finally, some respondents answered that guidelines such as two teachers being required for all tasks would not be possible at their institution.

4. Analysis and Discussion

4.1. A Climate of Fear

Some institutions had many guidelines, others had only one or two; a guideline rigorously applied at one institution might be more relaxed at another. Still, we argue that the general pattern at the childcare facilities with guidelines was *a climate of fear* that influenced practices and social relations, with considerable unintended consequences for staff and children. In this section, we analyze and discuss these consequences.

The fear at the institutions with guidelines was not intense, but the "low-intensity fear" that Lars Svendsen called characteristic of our time, a fearful perspective on the world, which has been normalized, like a habit [63] (pp. 51–53). Svendsen associated this "low-intensity fear" with what Bauman refers to as a "derivative fear," a fear that is not caused by an immediate threat, but instead presents itself as a "sentiment of being *susceptible* to danger; a feeling of insecurity (. . .) and vulnerability" at the thought of a *possible* threat [66] (p. 3); [63] (p. 53). The following statement from a male kindergarten director conveyed just such a feeling of insecurity, and articulated "the possible threat" generally feared at the childcare facilities in our survey: "I find that it's easy to put forward an accusation, which, even though it is groundless, may destroy my professional life, and possibly my private life too. I feel at risk."

The general feeling of insecurity at childcare facilities was reflected in the *two overarching functions* of the guidelines: (1) The first function was to avoid *misconstruction*, especially by parents who might enter the institution and be unaware of the reason for a teacher's close contact with a child; (2) The second function was to enable staff members to act as *witnesses* to one another's practices, in order to always be able to refute any wrongful allegations. That is why two staff members were present for many tasks, and why institutions had increased visibility. As a kindergarten director stated, "The guidelines are all about ensuring being seen in one's interactions with the children."

4.2. The Childcare Panopticon

All techniques at the childcare facilities with guidelines converged on the aims of *visibility* and *transparency*, which leads us to argue that the fear of CSA and wrongful allegations has made the childcare institution into a *panopticon*. In *Discipline and Punish. The Birth of the Prison* [34], Foucault developed Bentham's 1791 concept of the Panopticon, a circular prison building with a central surveillance post overlooking clearly individualized cells in the circle. Each cell, with a window facing the control tower and one in the outer wall, is flooded with light, making all occupants visible at all times. The main idea of the panopticon is that the supervisor is invisible to the visible occupants, who, ignorant of when they, personally, are being watched, consequently must behave themselves at all times. Foucault stated that no physical force is necessary with this sort of power:

A real subjection is born mechanically from a fictitious relation. (. . .) He who is subjected to a field of visibility, and who knows it, assumes responsibility for the constraints of power; he makes them play spontaneously upon himself; (. . .) By this very fact, the external power may throw off its physical weight [34] (pp. 202–203).

Our study showed that in *the childcare panopticon*, the extensive visibility and the hypothetical ever-present gaze of colleague witnesses and parents also engendered extensive self-regulation among the childcare workers. Many respondents mentioned maintaining a constant awareness to avoid misconstruction, for example, a BASC director noted, "Several years ago, a parent misunderstood a play situation, which scared us all, so now we are careful that no misunderstandings can/are allowed to occur." They also revealed that this awareness made them change their conduct, distanced them from the children, and inhibited the natural workflow. A female BASC director explained, "I'm more aware of my presence with the children; they hardly ever sit on my lap anymore, and there is less kissing and hugging, it affects my view of the work and my professional approach to being with children." Such statements showed that, paradoxically, the continuous attempt to *not* be mistaken for a pedophile kept

pedophilia present in the childcare workers' minds. One male BASC director stated, "It is regrettable to have to focus on something that I have no intention of doing." It is clear that the pedophile had become *a ghost subjectivity* that haunted the childcare panopticon, and in their constant attempt to alienate themselves from this pedophile ghost subjectivity, the childcare workers "behaved themselves."

In Bentham's panopticon, the prisoners, unable to see one another, relate to the supervisor only. In the childcare panopticon, the supervisory effect is multiplied, as everybody watches everybody else. The childcare workers watch one another, and themselves, through the internalized gaze of colleagues and parents. As one kindergarten director explained, "There will always be eyes on one another's practices." Foucault mentioned Bentham's dream of releasing the panopticon mechanism from the prison building, putting it to work in a "diffused, multiple and polyvalent way throughout the whole social body" [34] (pp. 208–209). Foucault himself spoke of "panoptisme" in a broader sense, as the daily surveillance in a modern society of "intersecting gazes" [34] (p. 217). Developing Foucault's idea, we argue that the fear of CSA and of misconceptions has transformed the childcare facilities with guidelines into *a multidimensional panopticon of intersecting gazes* that *disciplines* childcare staff behavior.

4.3. A Disciplinary Power

The panopticon is the emblematic architectural figure of *the disciplinary power* that, according to Foucault, gained traction in the eighteenth century, and became one of the central governmentalities of modernity. Foucault defined *discipline* as "methods, which made possible the meticulous control of the operations of the body, which assured the constant subjection of its forces and imposed upon them a relation of docility–utility," a control exercised along three dimensions: time, space, and movement [34] (p. 137). For instance, such disciplinary methods were used to optimize education at schools, at times designed as panopticons in order to control sexual behavior, among other things. Foucault's definition is highly characteristic of the guidelines at the childcare facilities of today, that are the focus of our study, as they exercise detailed control over the childcare teacher's movements in time and space, and proscribe any behavior even remotely associable with sexuality, as in this kindergarten:

> Teachers never change diapers with the door closed. We are not allowed to kiss children. We are decently dressed—children too. (…) Adults are never alone with a little group of children. Doors to bathrooms are always open. We do not apply zinc ointment when children have diaper rash. (…) We are allowed to hug the children, but not to touch any exposed skin—children like us to "draw" on their backs, but it has to be outside the clothes. When we put on sunblock, it takes place in the playground, where everybody can see it.

The many variations on guidelines for sitting on laps, mentioned earlier, are prime examples of how detailed guidelines control who may hold a child on the lap, where, how, and for how long. Discipline entails documentation as a way of extending surveillance in writing [34] (p. 189), which we also found at some institutions, such as the BASC that stated, "for instance, we write down on an everyday basis which adults are in the playground, the art center, etc., so that we are subsequently able to go back weeks and months, in case we need to know who was where, when." Such documentation brings to mind the detailed surveillance of each cell in Bentham's panopticon, and underscores the lengths to which childcare staff went, to prevent wrongful allegations.

Foucault argued that disciplinary power is always an attempt to control important threats to society, for instance, epidemics. Throughout much of history, sexuality, and even more so, deviant sexuality, have been considered a threat to institutions and society, and seen in this light, it is not surprising to find a disciplinary power at work at today's childcare facilities, in the shape of guidelines that guard against CSA and wrongful allegations. CSA is possibly considered the greatest evil in Western culture today, often specifically described as an "epidemic" or an "epidemic threat" to society [3].

4.4. The Disciplinary Counter-Law: Discrimination against Male Childcare Workers

Foucault argued that discipline confronts threats by striving to make subjects meet particular *norms* of use for a given situation, or for society as such. Punishing abnormal behavior and ranking people according to their level of success in following norms is central to discipline's functioning. Discipline is capable of depriving deviants of their rank altogether, creating outcasts, although disciplinary sanctions always have the homogenizing aim of making deviants follow norms. Historically, Foucault claimed, the liberties given to the people during the Enlightenment were counterbalanced by the development of discipline. Although, in theory, official laws and politics promise us equality and freedom as juridical subjects, in practice, discipline creates inequality and hierarchy, in order to force us to follow norms that are of value to society. Discipline reaches further than laws and politics can, regulating the minor behaviors of individuals in society. Foucault went so far as to define discipline as a *micro-power* and a *counter-law* operating on the obscure underside of the official laws, politics, and rights of a society [34] (pp. 222–223). He emphasized the example of the workplace as a place where the "real procedures" of discipline undermine "the legal fiction of the work contract," adding, "Workshop discipline is not the least important" [34] (p. 223).

Foucault's theory of the disciplinary micro-power and counter-law operating beneath official rights and agendas is useful for fully grasping *the gender bias* of the guidelines at the institutions we studied. Male childcare teachers have the same education, and the same legal rights as female teachers. Clause 4 in Part 2 of the Danish *Consolidation Act on Equal Treatment of Men and Women as regards Access to Employment*, etc. [67] states, "Any employer who employs men and women shall treat them equally as regards working conditions." Furthermore, in Danish society today, men are officially considered as fit to care for children as are women, and the increase in male involvement in the family has been on the political agenda for a number of years, primarily with regard to the number of men who take parental leave. Yet, a central finding of our study was that male and female staff were not equal when facing the subject of CSA at Danish childcare facilities. This was obvious in the group of institutions with special guidelines for men, but also in the fact that some institutions had established guidelines for both sexes because of the men, and that, in practice, guidelines for both sexes often applied only, or more rigorously, to men, as at one BASC that stipulated, "No children on the lap (especially male teachers)." Some institutions with no guidelines clearly stated that they had no guidelines because they had no male staff. Furthermore, the discourse of almost all respondents—including the large majority who did not themselves suspect their male colleagues of any wrongdoing—presupposed that men are those commonly associated with CSA. For instance, a female BASC director stated, "Always having children on the lap or clinging to you immediately sends the wrong signal when you are a male teacher. For a female teacher, others conceive of this as a sign of care and comfort."

All things considered, we argue that our study reveals that male childcare professionals are stigmatized with respect to the subject of CSA and that, beneath official laws and politics proclaiming the equality of men and woman with regard to childcare, the childcare panopticon is mainly to be regarded as protection both *against men* and *of men*, who, in practice, receive less recognition and have reduced rights and poorer working conditions than female colleagues. Drawing on Foucault's theory of the disciplinary *micro-power* and *counter-law*, we claim that male childcare professionals are deprived of their rank as a collective punishment for the crimes of a small number of male childcare teachers and are kept at distance from children to prevent new crimes, disciplined into a *non-sensuous behavior* among children. All these are ends that official laws and politics would be unable to achieve and that conflict with these, but these ends serve Western society's subjacent, widespread fear of CSA, and the conviction that CSA is an epidemic that must be prevented, regardless of cost, which is probably the reason these guidelines—so discriminatory against men—have been allowed to exist for many years in a country such as Denmark, with high ambitions for gender equality. Regarding the guidelines as an expression of a disciplinary *micro-power* and *counter-law*, providing protection against both the feared epidemic threat of CSA in Western societies today, and the threat of false allegations, exposes not only the double standard of the Danish ambition for gender equality, it also illustrates why these

guidelines, conceived of as a safe defense by most childcare workers, in fact oppress male childcare workers, treating them as criminals under surveillance.

Discrimination against male teachers conflicts with the official ambition to increase the number of men in the ECEC sector workforce. In Denmark, 27% of the students training to become childcare teachers are men, but only 2.7% of teachers in crèches, and 6.7% of teachers in kindergartens, are men [68]. Still, Denmark is one of the countries with most men in the ECEC sector, as, in most countries, fewer than 3% of workers in this sector are men [18]. In Denmark, the question of attracting more men to the ECEC sector has repeatedly appeared on the political agenda over the last two decades [26,47]. As recently as 2016, the Danish government launched a campaign to attract more men to ECEC [68]. Moreover, attracting more men to the ECEC sector has been an international challenge for years and in several countries, governments and organizations have founded initiatives to increase the number of men in this field [18,25,26]. In 2011, the European Commission concluded, "There is a pressing need to make a career in the ECEC sector more attractive to men in all EU countries" [18] (p. ix). However, studies from several countries indicate that the stigmatization of male teachers with regard to CSA, with the subsequent risk of false allegations, is one of the main reasons men avoid ECEC [18,22,23,25,26]. Our findings confirm that there is an obvious contradiction between the gender equality officially desired by both the Danish ECEC sector and at an international scale, and the lack of equality and recognition that characterizes the actual work conditions for the men in this sector—what Foucault called the "real procedures" of the workplace [34] (p. 223).

4.5. The Lack of Recognition of Male Childcare Workers

Axel Honneth's philosophy of recognition [62] offers a deeper understanding of why the stigmatization of, and discrimination against male childcare workers is harmful to them as individuals and as a professional group. Honneth argued that recognition is indispensable for humans to develop themselves as individuals, and that the struggle for recognition is an essential aspect of social conflicts and historical development. To become an autonomous individual, capable of relating to oneself positively, and of realizing one's potential for a good life, one is dependent on the recognition of one's fellow humans in three spheres of society: (1) in the form of *love* in one's primary relations, (2) in the form of *rights* in the legal sphere, and (3) in the form of *solidarity* in social life. Solidarity is achieved when human beings reciprocally appreciate each other's capacities and contributions to society, for instance, in workplaces. Honneth emphasized that if we are recognized in all three spheres, we gain *self-confidence* in our primary relationships, *self-respect* in the legal sphere, and *self-esteem* in the social sphere, whereas if we are not, we are treated with a disrespect that is devastating to these ways of positively relating to ourselves, which can hurt our very identity, and cause social isolation.

Our analysis demonstrated that male childcare workers were treated with disrespect with regard to both rights and solidarity. Despite their official rights, stigmatization in general, and special guidelines for men in particular, in praxis deprived the men of their right to gender equality in the workplace. Honneth points out that having legal rights signifies that we are accepted into the circle of citizens regarded as fit to pass moral judgment. In the case of male childcare professionals, depriving them of their rights questions their capacity for moral judgment around children, and threatens their self-respect as human beings and professionals. Furthermore, special guidelines and general stigmatization devalue male childcare workers' professional capacities, and their contribution to the workplace and to society, which risks harming their self-esteem.

Although the majority of men who responded to our survey considered guidelines a necessary safety net, the qualitative responses revealed that some men suffered from the stigmatization that they experienced, and some men found both special guidelines for men and guidelines for both sexes offensive. A male kindergarten director remarked, "It is a bit offensive to always have to behave as though you were under suspicion. You feel that you are in a profession where your judgment is distrusted." Other statements illustrated how some male childcare workers felt "hunted" by society, almost without human rights, and left to protect themselves. A male BASC director stated, "We are

several men, and every time there is something about male preschool teachers who have laid hands on a child, we are like hunted beasts. So, we have to protect ourselves." A male kindergarten teacher agreed, "I especially experience the media coverage as a 'witch hunt' and as suspicion of men." The strong metaphors in these statements, where the men compared themselves to beasts and witches, illustrate Honneth's point that a fundamental lack of recognition risks hurting the very identity of male childcare workers, and causing social isolation. These metaphors also make it clear why this position must appear undesirable to men choosing a profession that usually includes the hope of being recognized for contributing to society.

4.6. Special Guidelines for Male Childcare Workers Are Illegal

In 2017, it was officially established in Denmark that special guidelines for male childcare workers are illegal. The Danish Institute for Human Rights won a case before the Danish Board of Equal Treatment after filing a complaint concerning special guidelines for men at Danish childcare facilities. The ruling stated that such guidelines are illegal and unacceptable, as they treat men differently and more poorly because of their sex [69]. The case targeted a Danish kindergarten that wrote on their homepage that their male workers did not diaper, but the judgment concerned the principle generally, following a debate in Danish society over the previous four years, largely prompted by the study presented in this article, which revealed the existence of special guidelines for male childcare teachers to the broader Danish public in 2013.

The abovementioned ruling represents a milestone in addressing the discrimination against male childcare workers that results from the fear of CSA; however, it is important to realize that it cannot stand alone. Along with *rights*, male childcare workers also need *solidarity*, in Honneth's sense of the word. As our findings show, the now illegal special guidelines are the most apparent discrimination against male childcare workers, but this discrimination goes deeper, and underlies the entirety of the stigmatization of men with respect to CSA, and often implicitly the guidelines for both sexes. It is important to remember that, more than anything else, the guidelines are self-defensive. To ensure that male childcare teachers can perform their work without a sense of being at risk, as a society we need to address not only special guidelines for men, but also the underlying stigmatization, and move towards a genuine recognition of male childcare teachers as *professionals*, of value to childcare and society.

Our results also indicate that guidelines in general are problematic for the entire childcare profession. Guidelines for both men and women are the sign of a lack of trust in the profession. Even if the profession itself regards these guidelines as self-defensive, they imply to the world outside the institutions that childcare workers are not morally fit to take care of children, and risk becoming a self-fulfilling prophecy.

4.7. The Guidelines from the Perspective of the Children

Our survey revealed that the guidelines, which have the principal purpose of protecting staff, have a number of unintended, adverse consequences for the children. In the next sections, we address these consequences.

Our findings showed that the guidelines' gender bias could create gender-biased work performance and gender-biased relationships between staff and children. There was a clear tendency for the women to perform the historically traditional women's tasks of physically caring for children to a greater extent than the men, and close relationships between male staff and children were generally encouraged less than between female staff and children. A female kindergarten director from an institution where male staff were forbidden to be alone with children in the bathroom explained, "Children's experience will be that the close relationships that the staff may create, for instance, while diapering, may be established only with women." A male kindergarten director agreed, "Relationships with men, in particular, may become poorer, tense, and perhaps non-existent." In our opinion, not only is there the risk that the stigmatization of men will be absorbed by the children, but also that they will not be offered equal role models and equal opportunities to relate to the two sexes.

For the children, another important, unintended consequence of the guidelines concerns resources. The guidelines are highly resource-demanding when they require the presence of two staff members for a task, or extended documentation, but also in terms of constant awareness, rendering both mental and organizational operations less flexible. This is significant, as the caretaker–child ratio in Denmark has diminished since 2009 [70], fueling an ongoing debate in Denmark about the quality of ECEC institutions today. Furthermore, both direct and indirect learning are threatened because of the decrease in contact between one teacher and one child or a small group of children. This creates poorer conditions for concentrated activities such as reading and stimulating language development, and also hinders learning that derives from children's participation in daily chores.

4.8. New Feeling Rules

Our findings showed that owing to the widespread fear of misunderstandings, the whole spectrum of caring for children was problematized in the childcare panopticon. This was the case for touch as basic caretaking and comfort giving, as well as a sign of affection. For instance, a female kindergarten director stated, "You are not so natural when caring for and touching the children—you think more about how to touch them, comfort them, etc., which means that the children are touched less, and that things become cold and artificial at times." And this was the case for *relationship-building*, because a friendship between a staff member and a child was potentially suspect. A male BASC director described how, "Under some circumstances staff will withdraw from relationships where the interaction may be misunderstood, which creates the risk of children distancing themselves from normal behavior." All things considered, it was evident that seeing to the basic needs of, and being fond of a child had lost its innocence. A new sort of *professionalism*, no longer synonymous with working according to knowledge about what is best for children and their development, but synonymous with defensive behavior, was gaining traction. A female integrated institution director noted: "The staff's care becomes deliberately professionally distant from the children."

Arlie Russell Hochschild's concept of *feeling rules* describes social rules that dictate what is socially expected and acceptable to feel in given circumstances; these rules about how we "ought to feel" change over time with different ideologies [64]. Our study indicates conflicting and changing feeling rules at Danish childcare facilities. Generally, Danish childcare workers are expected to love children, and many would feel ashamed if they did not [71,72]. At the same time, our results indicate that affection for children in a professional childcare setting has become associated with pedophilia, and therefore suspect. The childcare panopticon watches for those who "care too much," and childcare staff question themselves, if they do. A BASC director explained that in 25 years, the care had gone from "considerate and loving" to "considerate and correct," and a BASC teacher mourned the loss of a time when teachers would take children home and serve them buns and hot chocolate. There is a tendency for the new feeling rules to dictate *professionalism*, in contrast to *affection*. In our opinion, we, as a society, have to ask ourselves whether this change promotes *the social good* [64].

4.9. A Threat to Trusting Relationships

All things considered, the guidelines influenced the *relationships* between staff and children negatively in several ways and could have the overall consequence that children will be met with less human warmth, at worst, with distance. This situation conflicts with developmental psychology research, which has stressed for many years that close, trusting, and meaningful relationships are essential to children's wellbeing, development, and learning [73–76]. Moreover, the importance of children's relationships with their caretakers in ECEC is increased in modern, Western societies, as young children spend a great number of waking hours in daycare, resulting in the *dual socialization* of children between the home and daycare [76,77]. In fact, Denmark has some of the highest numbers of children in daycare amongst OECD countries [78], with 17.7% of children under one year old, 89.7% of 1- to 2-year-olds, and 97.5% of 3- to 5-year-olds attending ECEC [79], and 38% of 0- to 5-year-olds spending 8 hours or more a day at ECEC institutions [80]. Bronfenbrenner defined the optimal

conditions for a child's development and learning in relationships: "Learning and development are facilitated by the participation of the developing person in the progressively more complex patterns of reciprocal activity with someone with whom that person has developed a strong and enduring emotional attachment (. . .)," and he characterized this attachment as "a mutuality of positive feelings" [73] (p. 60). Similarly, Sommer et al. [76] argued that to achieve high-quality ECEC with *a child's perspective*, trusting relationships are necessary: "Being emotionally available" and "establishing contact and trust" in "secure relationships of reciprocal attachment (. . .) are essential for the child's future mental health and ability to cope with and explore the world" [76] (pp. 463–464).

Sommer et al. defined *a child's perspective-oriented practice* as a practice that sees "the child as a person," interpreting and respecting its "utterances and world of meaning" [76] (pp. 463–464). This definition resembles article 12 of the *United Nations Convention on the Rights of the Child* [81], which states that: "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child." Our results said little about children's experiences of the guidelines, but concerning one matter, several respondents reported the dilemma created by following one guideline, despite the fact that it made children feel uncomfortable. That is when children at kindergartens and BASCs had to sit on the toilet with the door open, or after having soiled their pants, had to be helped with the door open, especially in the case of older children. In such situations, it was obvious that the children's right to privacy was ignored. The dysfunctionality stood out when the normal became the exception, as in this institution: "In wintertime, when the frost is hard, we may have to close the door to the outdoor toilet because otherwise it gets too cold for the children to use it."

Our findings suggested that the guidelines could have a particularly adverse effect on vulnerable children, because they made it more difficult to confide in a teacher, and because vulnerable children have a greater need for a close relationship to their caretakers. A BASC director stated, "When you have a child who has a hard time and doesn't open up unless the child is alone with an adult to confide in. This is not a frequent issue, but it is in these situations that we may lose some children in our care." And an integrated institution director stated:

> At times, some vulnerable children may demonstrate very physically invasive behavior (they put their hands under the clothes of the adults, and occasionally try to crawl in there). This can have a huge and very unpleasant effect on the one who is involved, if you are at the same time afraid that it may be misconstrued as an attempt at abuse by the adult.

What is striking here is that, in the eyes of the director, the one who is affected is the professional adult, not the child in distress. The account emphasizes how, in the panopticon, children may be regarded as potentially *dangerous* to adults, which is the subject of the next section.

4.10. Children as Risks

We argue that the two rationales behind the guidelines, the protection of children and the protection of staff, conflict. The alleged protection of staff comes at the cost of the children, at times leading to ethical dilemmas for the staff, who must choose between themselves and the children, when following a defensive guideline means ignoring what is pedagogically or ethically right for the children. A significant group of participants acknowledged this dilemma, including a male kindergarten teacher who remarked, "Personally, I never close doors, etc., when I toilet or diaper. It's an emotional assault on those children who are modest," and a female integrated institution director who stated, "The judgment of pedagogical activities happens to vanish in the attempt to not be misunderstood."

Furedi and Bristow [4] discerned the foregoing dilemma in a British context, arguing that the widespread fear of CSA and the politics of prevention have left childcare professionals and volunteers, and everyone else, in "a state of moral confusion" (p. 49), feeling "forced to weigh up whether, and how, to interact with a child" (p. 39). They spoke of "a generation of adults who have acquired the

habit of distancing themselves from children" (p. 51) and expressed concern over the weakening of intergenerational bonds that leave children more vulnerable. In a 2007 survey by Scotland's Commissioner for Children and Young People, 48% of adults responded that the fear of being wrongly accused of CSA made them less likely to help a young person in danger or distress [4]. In our survey, a male respondent reported that after a colleague was accused of abuse, he felt disinclined to comfort children who were hurt.

A surprising finding of our survey was that the majority of respondents did not acknowledge the dilemma that we found in institutions with guidelines. Nevertheless, we argue that the childcare staff's dilemma of having to choose between themselves or the children is a sign of a fear that has grown out of proportion. Svendsen [63] explained how fear, when it becomes disproportionate, also becomes *dysfunctional*. It leads to a politics of prevention, wherever more security is demanded in order to avoid all potential risks, without any reflection on costs. However, such politics of prevention are resource-demanding and undermine people's freedom, quality of life, and the ability to go about their daily tasks without constant worry. Furthermore, dysfunctional fear transforms others into potential *risks*, distancing people from one another, and at worst leading to social disintegration [63]. Svendsen's description is characteristic of the childcare panopticon that has resulted from society's widespread fear of CSA, and consequently, from childcare staff's fear of wrongful allegations and directors' fear of accusations of inadequate CSA prevention. The paradox is that this snowball effect of fear that started with a concern for children has ended in dysfunctional childcare. At an international scale, the same development may be observed in other educational settings than ECEC facilities. Researchers from several countries have shown that various levels of no touch guidelines and other self-defensive practices have also gained ground in sports coaching and physical education (PE) of children in recent decades [82–85]. In a British context, Piper, Taylor and Garratt showed how the fear of misunderstandings and false accusations related to CSA have driven sports teachers and coaches to welcome surveillance, as they seek witnesses to their practices [86]. Öhman [82] reported a tendency among Swedish PE teachers to avoid touching or looking at students, or entering their changing room, out of anxiety surrounding intergenerational contact. Öhman and Quennerstedt [83] argued that touch is a precondition for optimal learning in PE, and therefore may be justified by children's right to develop to their full potential, whereas Piper [84] stressed that these practices, which aim more for adult protection than child protection, damage trust and the moral and social values on which intergenerational encounters should be based.

In 1997, in his book, "Culture of Fear" (the 2006 edition, "Culture of Fear Revisited" is used here), Furedi already expressed the idea of others in society being perceived as potential risks. According to Furedi, one of the most devastating consequences of the culture of fear that defines current Western culture is that it estranges people from one another. It is profoundly *misanthropic*: "A society that pathologizes the act of touching a child transmits the very clear message that is has little faith in people" [3] (p. xix). Furedi argued that the pervasive focus on all sorts of abuse is a focus on the darkest sides of human beings, and distrust is the dominant feeling with which we encounter others, especially around children. There is a widespread fear that abusers prey on children everywhere, and children are the first to suffer, as childhood has become largely reconstructed around the principle of safety, especially in the United Kingdom and the United States [3]. Developing Furedi's line of thought, we wish to emphasize that in the culture of fear, children not only pay a price, but also *themselves* represent a risk to adults. In our survey, the childcare staff were faced with the dilemma of whether to care for the children or to protect themselves, because the children represented a potential risk of wrongful allegations. There was a tendency for children too to be met with distrust. Children have become dangerous, and we argue that this development is dangerous to children. Piper discerned the same "mutually toxic relationship" between children and adults in sports coaching and PE: "Acting as if all adults acting in loco parentis are potentially toxic to those in their care has rendered children and young people potentially dangerous to coaches' professional and personal well-being" [84] (p. 176). In our 2010 study, not only male professionals, but also 16% of the male control group participants had

changed their behavior towards children, keeping a greater physical distance from them. There were examples of grandfathers keeping their distance from their grandchildren, and parents keeping their distance from their children [21]. For children, the damaging effects of a development that positions them as a risk to adults, who therefore neglect their essential roles as children's carers, educators, and social guides, is reinforced when this self-defensive behavior occurs in several spheres of today's Western society.

4.11. Distrust and Trust

The low response rate to our study necessitates caution when generalizing the findings. However, studies have shown that there is not necessarily a linear relationship between response rates and nonresponse bias across surveys [87]. Also, a general decline in survey response may be observed in many wealthy countries. There is a general acceptance that nonresponse is partly related to the burden of answering a survey, and some researchers suggest that this general decrease in survey response reflects a corresponding increase in the total level of survey burden placed on sample populations today [87]. As all the nonresponsive institutions in our pilot study later informed us that they had not responded because they were pressed for time and received many surveys, we find it believable that the general trend of a larger survey burden in wealthy countries is also likely to be the main reason for the low response rate of our survey, especially in light of the diminished caretaker–child ratio in Denmark [70]. Furthermore, the quantitative part of our study, which indicates that these guidelines are pervasive at Danish childcare institutions, is supported by the rich qualitative part of the study, which gives a profound picture of how well established these guidelines are at Danish childcare institutions, and how they affect daily practices, and, partly as a consequence of the weak response rate, to a very large extent, we have based our analysis on the qualitative results. These are supported by our prior study [21], and similar studies from other countries [4,6,9,16,29–33]. Thus, this study remains a significant first study of Danish childcare institutions' guidelines for preventing CSA and false allegations of CSA. It shows that the panopticon does not define the whole truth about Danish preschool institutions and BASCs: 38.2% of the institutions we surveyed said that they had no guidelines, and at the institutions with guidelines, many teachers tried to balance things, and some protested against the fear, insisting on "giving children a hug." However, the study reveals that the panopticon captures an important aspect of Danish childcare facilities today, which has been little acknowledged, even though it affects children's wellbeing and development, and male staff's working conditions and recognition, and clearly is an international challenge.

Given that the Nordic countries are amongst the most trusting in the world, it was surprising to find the distrustful panopticon at work in Danish childcare facilities. Researchers have called the exceptionally high levels of trust in the Nordic countries the "Nordic trust exceptionalism" [88]. From 1981 to 2009, a period where trust was stable at a medium level in most Western countries, and declining in others, Denmark experienced a 50% increase in social trust [88,89]. Surprisingly, this was the same period in which the moral panic about CSA at childcare facilities developed, first in the United States, then in Europe. Our findings show that there is an exception to Denmark's trust exceptionalism, namely the distrustful childcare panopticon, which Denmark shares with, for example, the United States and the United Kingdom. This indicates the strength of the fear of CSA today, and the subsequent fear of wrongful allegations, which cross borders and function beneath official agendas and prevailing circumstances in society. Beneath the renowned Danish social trust, we found a hidden distrust of the childcare panopticon, exactly as, beneath the official Danish agenda of gender equality and the stated goal of attracting more men to the ECEC sector, we found male teachers stigmatized, and working in discriminating circumstances in Danish childcare facilities.

The considerable costs of the panopticon, for both staff and children, illustrate Francis Fukuyama's point that trust is not "nothing." Without trust, things fall apart, flexibility is lost, and relationships and operations are burdened by control mechanisms [63,65,90]. As part of *social capital*, trust is the very cement that makes workplaces and social life work and prosper [65]. It is no coincidence that

at a significant group of the institutions *without* guidelines, staff trusted one another, and relied on dialogue, professionalism, and common sense to keep children and staff safe. As we have seen, trust is essential to children's healthy development and learning. The international literature on guidelines for preventing CSA and wrongful allegations against staff unanimously calls for the rebuilding of trust around children at childcare facilities [4,6,9,16,32]. It is important to recognize that childcare facilities cannot solve this problem alone, as they react defensively to society's current, widespread fear of CSA. Therefore, our findings invite further reflection—in society and in research, in Denmark and internationally—on how society can assist childcare facilities to reestablish trust as fundamental social capital.

Informed Consent: We state that no children took part in the survey. We state that no participants were asked to give information about their names. Therefore, all individual participants were anonymous to the researchers, as the survey was sent to the childcare institutions, and the participants answered the survey electronically at their institutions or at their homes. We have information about the participating institutions only, and this information remains strictly confidential and will never be disclosed to others than the researchers. In Denmark, a survey such as that described here does not require informed consent from the participants, nor does it require approval from an ethical committee. Therefore, we state that our study is compliant with all national and international guidelines for research without personally identifiable information.

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What Price Equality? The Academic Cost of Government Supervised Gender Mainstreaming at Swedish Universities

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Abstract: This article is focused on gender mainstreaming at Swedish universities in the period from 2016–2019. Our research questions are: (a) In what form was gender mainstreaming introduced and did the form itself affect scholar's academic rights? (b) Was the process in question compatible with international standards of institutional autonomy? (c) What effect did gender mainstreaming have on scholars' ability to exercise their academic rights in accordance with international standards? Using the UNESCO Recommendations Concerning the Status of Higher-education Teaching Personnel (1997) as our international standard, we conclude that gender mainstreaming was introduced as a form of identity politics through government action and *de facto* supervision; that the latter was problematic from the perspective of institutional autonomy; that the choice of gender studies as a preferred scientific framework for university policy had a chilling effect on inquiry and free speech in other areas of research; and, finally, that gender mainstreaming led to violations of some scholars' individual rights. The findings may be taken into account in evaluations of the outcome of gender mainstreaming at Swedish universities, all things considered.

Keywords: gender mainstreaming; academic freedom; *Lehrfreiheit*; university autonomy; identity politics; Sweden; higher education; UNESCO

1. Introduction

As commonly understood, academic freedom is the freedom that researchers at institutions of higher learning have to pursue their own research questions in whatever direction they take them and communicate the results to whomever they want, provided they adhere to strict scientific and ethical standards. Academic freedom is believed to benefit not only universities themselves, but is also believed to be a common good which free societies have an interest in promoting and securing (UNESCO, 1997) [1]. At a general level, this paper addresses the extent to which academic freedom is compatible with a political movement referred to as "identity politics": a mobilization for a particular group in need of protection and support because it is considered to be disadvantaged or discriminated in some way. The protected group can, for instance, be a group of women that is commonly assumed to be suppressed and dominated by a group of men. In order to remedy this perceived state of affairs, various measures may be proposed. Our particular focus is on the introduction of one such measure—so-called gender mainstreaming—at Swedish universities in the period 2016–2019. There seem to be only two studies of this measure so far (both in Swedish). Jordansson and Peterson [2] focus on how the political directive was reflected in the universities' gender mainstreaming plans. Arpi and Wyndhamn [3], which is the work most similar to ours, addresses the effect of gender mainstreaming on scholarly work based on interviews. However, the authors do not relate their findings to particular academic principles relative to an international standard of academic freedom and university governance.

Our specific research questions are: (a) In what form was gender mainstreaming introduced and did the form itself have consequences for scholars' academic rights relative to an international standard? (b) Was the process in question compatible with an international standard of institutional autonomy, a key ingredient in the concept of academic freedom aimed at protecting the political independence of universities? (c) What effect did gender mainstreaming, once introduced, have on scholars' ability to exercise their academic rights in accordance with an international standard?

The international standard will be the *UNESCO recommendations concerning the status of higher-education teaching personnel* (1997) (henceforth "the UNESCO recommendations") [1]. The recommendations allow for gender strategies under conditions that are spelled out in Article 41: "[t]emporary measures aimed at accelerating de facto equality for disadvantaged members of the academic community should not be considered discriminatory, provided that these measures are discontinued when the objectives of equality of opportunity and treatment have been achieved and systems are in place to ensure the continuance of equality of opportunity and treatment."

The motivation for studying in Sweden is that it is widely regarded one of the most successful countries when it comes gender equality, ranking as the fourth most gender egalitarian amongst 145 countries (World Economic Forum, 2015) [4]. Given that Sweden is seen as a role model in this particular regard, any development in Sweden is likely to affect the future of many countries [5]. It is therefore important to investigate the outcome of Swedish gender mainstreaming in academia. Here we focus on outcomes in terms of plausible violations of international norms regarding academic freedom as codified by UNESCO.

Section 2 introduces the concept of academic freedom and explains its standing in Western thought. Section 3 is an overview of the main ideas of identity politics and gender mainstreaming. How gender mainstreaming was introduced at Swedish universities as a particular kind of identity politics is the topic of Section 4. We present answers to our three research questions in Sections 5–7, respectively. We discuss our findings in Section 8 and reiterate our main conclusions in Section 9.

2. Academic Freedom

The idea of academic freedom runs deep in European intellectual history and is, at various stages, intimately connected to the scientific revolution, the Enlightenment and eventually the rise of democracy. This heritage is worth noting to show what is currently at stake with academic freedom. Having evolved over several hundred years a search for origins may be elusive but would probably place us somewhere in the European High Middle Ages. Walter Metzger has traced it to the Holy Roman Emperor Fredrick Barbarossa who in 1158 issued an edict to protect scholars [6,7]. It was then discovered as an important source during the scientific revolution when new observations and findings came in conflict with religious doctrine. While science for the most part coexisted harmoniously with the Church and sometimes was sponsored by it, and the scientists of the sixteenth and seventeenth century themselves held and respected religious beliefs, they sometimes clashed. The most famous case is Galileo Galilei's conflict with the Church over heliocentrism. The conflict between Martin Luther and the Catholic Church is another similar tension point in history, and provides the fore-runner to a rift between Catholics and Protestants, which is both an early form of identity politics (see Section 3) that led to civil and European wars, and the subsequent raw material for liberal toleration as a foundation for social peace [8].[1]

While academic freedom is an elusive concept, just like sovereignty, liberty, or peace, it connects to a deep intellectual historical tradition and connects to other freedoms which are necessary for it to obtain meaning, such as freedom of speech [10]. Terrence Karran, following Neave, has noted the

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[1] Yet the tension between truth and power has a longer history, dating back to antiquity and the famous trial of Socrates who sacrificed his life for being a truth-teller. The role of truth-telling and speaking truth to power was a theme capturing the imagination of Michel Foucault who explored it in terms of its societal function since antiquity, which in Greek was called *parrhesia* [9].

variety of traditions in Europe, between the Italian medieval city republics with a prototype in Bologna, where autonomy was vested in the students who hired the professors, and Paris where autonomy was associated with the professor's freedom to teach [7,11].

Over the past two hundred years, academic freedom has often been associated with the Humboldt tradition following the ideals of Wilhelm von Humboldt and the establishment of the Humboldt University in Berlin. While associated with Humboldt, the vision enshrined in the institution created was connected to a broader current in German society at the time. The ideal was both rooted in Enlightenment ideas of the individual and the world citizen and based on a humanist tradition and took a holistic approach to education (*Bildung*) as an emancipatory and transformative process to become an autonomous individual. The double concept of *Lehr-* and *Lernfreiheit* captured both the teaching and learning side of the education process, with freedom for professors to teach according to their own best knowledge and design, and for students to freely choose and engaging in their own studies. Today, it would mean that any external control over either side would violate the foundation of this process. Thus, for example, external pressure on teaching curricula or reading lists, or internal pressure for safe zones or de-platforming, would conflict with the scholar's freedom to teach or the student's freedom to learn by fully engage in the broad spectrum of ideas available. Other core freedoms include the freedom of inquiry and to select questions and methods for investigating them, as well as freedom to publish and engage in debate. Academic freedom also concerns institutional autonomy, such as the freedom to choose academic leadership, from institutional to university level. Moreover, academic freedom is dependent on a range of other freedoms, such as freedom of speech, and institutional and economic arrangements, such as tenure and research funding, without which academic freedom loses some of its meaning.

Many of these rights, in addition to obligations, can be found in the aforementioned UNESCO recommendations. Drawing on the European intellectual tradition and the Humboldt heritage, the recommendations are particularly aimed at protecting the autonomy of universities against political control. We will refer to the UNESCO recommendations below not only because they have been agreed upon by a majority of the UNESCO member states but also, and more importantly, because we believe that they provide a condensed and compelling formulation of the central elements of the Western tradition of academic freedom.

3. Identity Politics and Gender Mainstreaming

Threats to academic freedom potentially come from all interests that are not aimed at the pursuit of truth and knowledge. Apart from religious doctrine or political-ideological programs these interests may also be commercialization or short-term economic gain [12]. We can stipulate the three major sources of threats to academic freedom as being religious, political-ideological and commercial. Over times and places the source of the threat has varied. One such potential threat is identity politics. Although there is widespread attestation that identity politics is a new feature of contemporary politics, there is no general consensus on how to define it, partly because it is difficult to pin down what is meant by 'identity' [13]. It is even questionable whether there is any particular productive tension in the literature with its diversity ranging from the activist to the ontological, addressing such issues as what constitutes the self, authenticity and the social construction of identity [14–16].

One way to tentatively define identity politics is as a political mobilization and organization for a particular interest or a group interest (as opposed to public interest), where the group is founded or rests upon identity based upon race, ethnicity, sex or religion.[2] A core tenet is that the group is considered to be disadvantaged or discriminated in some way in society. Another central belief is that

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[2] Compare the Merrian-Webster Dictionary [17] which defines identity politics fairly similarly as: "politics in which groups of people having a particular racial, religious, ethnic, social, or cultural identity tend to promote their own specific interests or concerns without regard to the interests or concerns of any larger political group".

equal opportunity is not sufficient, but there is a request for equal outcome, often through quotas and affirmative action.

Yet it is crucial to not subsume all and every mobilization of a group based upon group identity under identity politics.[3] For example, the civil movement in America during the 1960s is sometimes characterised or portrayed as identity politics, whereas in fact it made claims about universal and equal opportunity rather than outcome based upon identity. Martin Luther King's famous speech includes the words "I have a dream that one day my four little children will . . . not be judged by the colour of their skin but by the content of their character" (Martin Luther King, speech 28 August 1963 in front of the Lincoln monument). These claims are consistent with the liberal idea of equality. While liberalism is a broad tradition with a range of conflicting formulations and practices on equality, there is a general social ontology that views all individuals as essentially similar in those aspects that pertain to them as political subjects.[4] Another example which may serve to delineate identity politics is the working class' movement and its organization. Here too the general claim was about equality understood in terms of opportunity. The Social Democratic welfare state in Scandinavia, arguably where the working class' movement achieved its best representation in the post-war democratic world, made explicit claims about equal opportunity, but never equal outcome. The Swedish Social Democratic Prime Minister Olof Palme spoke of how "class solidarity became social solidarity" (or civic solidarity) [20].

The upshot is that we should reserve the term identity politics for requests for outcome or representation based upon identity. When equality is conceived of as equal outcome, by means of representation or quotas based upon group identity, there is a qualitative move. The individual is now placed in a category based upon group identity. This is a form of tribalism where the individual becomes subjugated to the category.

The idea of intersectionality is a further important component of identity politics, as an account of various kinds of discrimination and power relations. It was developed during the 1970s and 1980s by Afro-American feminists and activists who criticized the Women's movement of the time for not seeing, understanding and taking in account issues facing black women, but also more generally for misunderstanding repression. Racism, sexism and other forms of discrimination, they claimed, are not separate phenomena but are connected and overlapping and form a network or matrix of crossing or intersecting privileges and repression or discrimination. This means one can be privileged on one parameter (for example male) and discriminated on another (for example black). The parameters and categories can here be multiplied infinitely.

There is but a small step from intersectionality to far-reaching relativism. For example, according to Andersen and Collins [21], dominant narratives in science have been created by privileged groups, and objectivity is Western and masculine. An important task, in their view, is to bring forward deeper truths which subjugated groups are assumed to have access to but which individuals not belonging to these groups cannot fully entertain or criticize. The position becomes relativistic to the extent that it entails that there is no inter-subjective truth, only various subject positions, perceptions and opinions.

Turning to gender mainstreaming, underlying the various accounts are different models of gender equality, including prominently models based on identity [22]. On one influential account, gender mainstreaming is "a strategy that claims to make women's and men's experiences an integral dimension in the design, implementation, monitoring and evaluation of policies and programs" [23] (p. 609).

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[3] This is sometimes the case, but the definition then becomes so broad as to include various movements where identity is somehow assumed to be a key ingredient. But since identity to some degree and in some regard is almost always included in all social movements, be it working class movement, football clubs, nudists or vegans, it would be too broad a definition to make it an operationalizable concept for our purposes. For such broader definitions, see for example [18].

[4] An example is John Rawls hypothetical model of an original position with a "veil of ignorance" behind which subjects make decisions about a social contract [19]. An idea here for constructing just societies is that you may choose which kind of society we shall have if you then allow me to choose your position in it. In this experiment all individuals or political subjects are conceptualized as essentially similar, devoid of special interests or identities with regard to their position as political subjects. The Anglophone liberal tradition from Locke to Mill likewise presupposes a social ontology of similar individuals, which is expressed in the American Declaration of Independence as "all men are created equal".

As such, it is usually seen as a third wave of reform and more radical, in the sense of transformative, than the two earlier strategies of either (a) inclusion through equal opportunity or (b) recruitment and selection through affirmative action (reversal, or positive action) (cf. Bacchi [24], who, however, argues against a necessary dichotomy between these strategies).

Gender mainstreaming originates from feminist theory and first made its inroad in development studies and international aid policy but has also become adopted by the European Union [23]. Many international organizations have produced guides with toolkits of measures to implement gender mainstreaming (i.e., Council of Europe, Commonwealth Secretariat, UNDP, UNESCO and Bureau for Gender Equality) [25–29]. Gender mainstreaming aims to transform the state machinery and measures may range from changes in agenda setting to representation. Within higher education, it can, for example, involve changes in curriculum, course content, staffing, planning, representation and learning environment [23,29].

Since gender mainstreaming is a strategy, we may ask about the outcome of a particular implementation. Here, there is a range of problems, both in terms of how to evaluate outcomes that may differ considerably depending on context, and how the measures are perceived and conceived [23]. According to Charlesworth [30], there has been little work to measure the progress of gender mainstreaming. In the following, we analyze specifically the outcome of gender mainstreaming in Swedish higher education 2017–2019 vis-à-vis academic freedom. Our methodology consists of analysis of publicly available documents from the Swedish government and Swedish universities, informed by relevant scholarly and journalistic work, and of publicly documented case studies from an independent NGO, and comparison of the result of this analysis with relevant articles in the UNESCO recommendations [1].

4. The Introduction of Gender Mainstreaming in Swedish Universities

Based on a decision from 2015, the government declared in a decree from 2016 ("regleringsbrev") that all Swedish state universities should "develop a plan for how the university intends to develop the work on gender mainstreaming in order that the activities will contribute to attaining the equality goals" [31]. The latter concern included "equal opportunities to career paths, gender stereotypical educational choices and throughput". It added "universities and university colleges ("högskolor") may in their work with gender mainstreaming call on support from the University of Gothenburg". As part of the strategy, the government announced the goal of establishing an even gender balance among professors; in 2030, 50% of all recruited professors at Swedish universities should be women. Then Minister for Research and Higher Education Helene Hellmark Knutsson explained the motivation for this decision on the government's homepage ([32], our translation):

> If Sweden wants to be a prominent knowledge and research nation, we must have a more equal university. It is for example a waste of the available competence that so few women become professors. I am convinced that if universities and university colleges would employ a gender mainstreaming method, this is a step toward a more equal university.

This passage is in important respects ambiguous. The first sentence is neutral between the "equal opportunity" and "equal outcome" reading of "equal". The second statement, however, suggests that it is about attaining (a more) equal outcome, which would place the statement in the identity-political genre. Even so, the second statement also proposes that (a more) equal outcome regarding the gender of professors would contribute to the collective competence of academia, which qualifies as a public good. If so, the motivation for the goal of attaining (a more) equal outcome is not, or not only, about protecting the group of women *per se* and securing a more equal distribution of power between the sexes; it is also about promoting academic excellence.

At this time, all other state authorities had already gone through the process of gender mainstreaming with the support of the Swedish Secretariat for Gender Research at the University of Gothenburg. When now the turn had come for universities to become gender mainstreamed,

the Secretariat was once more instructed by the government to lead the process. The Secretariat describes its history and role as follows on its English homepage [33]:

> The secretariat has been a national unit, sited by the Ministry of Education at the University of Gothenburg, since 1998, with a mission to promote gender research in Sweden in the university and higher education sector. Over time, a range of new commissioned work and a greater collaborative role have seen us develop into a knowledge hub. The secretariat reports to the Vice Chancellor and networks with the other national units hosted by the university. Our work is headed by a Director and a Deputy Director who jointly decide on the way work is conducted and allocate tasks and roles. Drawing on international research on gender, power and sustainability, the secretariat uses and develops different scientific perspectives and methods in its operations. Working with other researchers and expert organisations strengthens our collaboration, communication and production of knowledge.

It is noteworthy that the Secretariat is both an academic research division at the University of Gothenburg and at the same time a "national unit" with a stated "mission to promote gender research in Sweden in the university and higher education sector".

Where the Minister had been vague regarding the true motivation behind gender mainstreaming at universities, the Secretariat is much clearer and, as we will see, also more radical and transformational. After noting the rather unspectacular goals listed in the government's decision, focusing on equal rights and opportunities of men and women, the Secretariat adds in its instructions to universities ([34], p. 6, our translation):

> It is important that the work to attain equality is based on an in-depth understanding of what sexed inequalities should be counteracted. Carefully defined problems create the preconditions for taking the right measures and achieve results with gender mainstreaming as strategy.

> At the same time, women and men are not two homogeneous groups. Class in terms of socio-economical background and educational level, as well as ethnic identity and/or skin colour, contribute to differences both within and between the categories of women and men. Sexual orientation, age and handicap are other power structures which similarly great heterogeneity. Moreover, not all human beings either can or want to identify themselves as women or men. If the analyses are coupled too much to the categories "women" and "men," simplified assumptions are often recreated rather than challenged.

> For gender mainstreaming to contribute to change it is therefore necessary to broaden the understanding of how sex co-varies with other power structures. The concepts of equality and inequality include all the power structures in these guidelines. When the concept of gender is used it is, similarly, to show the need for a critical power analysis of how sex is made in relation to other power structures.

These passages are immediately followed by a reference to another guideline called "Gender mainstreaming with intersectional perspective".

While the original governmental equality goals allow for the interpretation that it is about equal rights and opportunities of men and women, the Secretariat's "in-depth understanding" adds several ideas from the identity-political tradition. One is that equality is more than just equality between women and men since some individuals may not identify as either, a remark that is followed by the related claim that "sex is made", that is, constructed rather than biologically given. Finally, the goals should, according to the Secretariat, be attained by focusing on all power structures and not just power structures related to sex or gender. This is a striking re-interpretation of the government's 2015 decision. It is also more clearly identity-political than the statement of Minister, who, as we

saw, seemed to suggest that a more equal gender distribution among professors would contribute to academic competence. No clear connection is made between gender mainstreaming and academic competence, e.g., to the effect that the former would promote the latter.[5]

During the period in which the Secretariat acted as a national support function for all universities in Sweden, it organized network meetings for the leadership groups from these institutions. The universities were to write plans based on material from the Secretariat whose employees return them with comments to the university leadership. The plans were then revised locally, taking comments and proposals from the Secretariat into account. After a formal decision by the university to accept the final version of the plan, it was sent to the Secretariat, which in turn reported to the Department of Education ([3], p. 81).

Hence, until the Swedish Gender Equality Agency was created in 2018 and then took over the responsibility as a support function for gender mainstreaming, the role played by the Swedish Secretariat for Gender Research was central in the process of implementing the policy at Swedish universities. Pedagogy lecturer Anna-Karin Wyndhamn, who worked at the Secretariat at the time, recently published notes that she took in the Spring of 2017 in which she reflects on her work in the Secretariat [3]. As she sees it, the employees at the Secretariat were instructed to "correct" the universities' gender mainstreaming plans if the intersectional perspective was missing (ibid., pp. 83–85). Wyndhamn recorded what happened when one university presents a plan that was not clearly intersectional (ibid., pp. 85–86):

> I obstruct against the agreed working model and engage loosely with the extremely detailed reading instructions … I sat as it happened with Malmö's plan [the plan from Malmö University]. They start by referring to Yvonne Hirdman. Suddenly I woke up when reading. Hirdman's gender construction is viewed at the Secretariat as an antiquated analysis model because it is not sufficiently intersectional, and we prefer not to mention her. Malmö's statement invites me to do the same. Generally my autonomy is not in good shape right now. To tease, I wrote a comment in which I in a merry tone complemented the university for its autonomous perspective. Autonomous, that is, relative to the Secretariat … Colleagues reject the plan because a Hirdmanian view keeps focus on the relation between the sexes, it does not dissolve the sex categories. It is primarily with the latter we should provide support and I have more and more trouble with this. It is not my mission.

Of course, Wyndhamn was just one among many employees at the Secretariat involved in gender mainstreaming and we do not claim that her view of the general direction of the work at the Secretariat is representative.[6]

5. In What form Was Gender Mainstreaming Introduced?

We now turn to our first research question: In what form was gender mainstreaming introduced? In their overview of the universities' gender mainstreaming plans [2], Jordansson and Peterson found that, while the final plans submitted by the universities differ in emphasis, most contain analyses that identify women as disadvantaged and focus on policies focusing on changing power structures to protect and support women in academia, often alongside policies motivated by the legal requirement of equal opportunity in the Discrimination Act. For instance, Malmö University's final plan contains five occurrences of (the Swedish word for) "intersectionality", ten occurrences of (the Swedish word

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[5] The (Swedish word for) competence occurs ten times in the Secretariat's instructions. However, five occurrences are about competence in gender mainstreaming and not general academic competence in research or teaching.

[6] In a published interview [35], Wyndhamn describes how she was inspired by Jordan B. Peterson to come forward and voice criticism against the way in which gender equality was pursued at her workplace, even if it would mean that she would lose her job. Eventually, she decided to resign from her appointment at the Secretariat.

for) "power" and among the latter eight occurrences of (the Swedish word for) "power structure". The document also contains criticism of "masculinity" and "male privilege" ([36], p. 8, our translation):

> This form of masculinity and competition which characterizes power structures in the academy risks among other things creating research in which the problem formulation becomes a male privilege and norm. This normalisation of the masculine, allegedly gender neutral and "objective" making other perspectives invisible.

Our second example will be Lund University, the second oldest in Sweden after Uppsala University, which adopted its gender mainstreaming plan in May, 2017 [37]. We will dwell on Lund University's plan because it provides a background to our two case studies of interference in scholars' rights due to gender mainstreaming. Both cases played out in Lund and in one case, the case of Germund Hesslow, the Human Resource official behind the eventual discrimination report was also a member of the smaller committee which presented the plan to the Vice Chancellor for the final decision, and she also co-signed the plan with him.

Gender mainstreaming is defined in the plan as the "(re)organization, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels at all stages, by the actors involved in policy-making" (ibid., p. 3). The plan explains that "gender equality means that women and men have the same opportunities, rights and obligations". This would suggest a focus on meritocratic hiring and elimination of discriminatory elements in the hiring process. However, what is actually proposed is more far-reaching, namely that "[g]ender equality can be achieved by working with long-term qualitative measures for changing the structure, power and culture within an organization" (ibid, p. 3). It is added that "[t]he qualitative change is expected to also bring about a quantitative change" (ibid, p. 3). The document proceeds to expand on the latter statement:

> In recent years, the University's goals for gender equality management have tended to be quantitative, linked to the reporting requirements included in the public service agreement. The quantitative goals remain, but the gender mainstreaming task opens up for a more qualitative perspective, in which a change in culture and in the division of power are contributing factors.

Exactly how this "change in culture and in the division of power" should be implemented is not explained in concrete terms, save that a "gender equality and diversity perspective" should be established in the recruitment of staff as well as of students.

The university observes that there is an uneven gender balance not only among the academic staff, mainly the professors, but also among the administrative staff, which is dominated by females. A critic might think that this may simply be a matter of men and women on average having somewhat different interests where women are on average more interested in working with people rather than, say, spending day alone in the laboratory studying some bacteria or at the desk proving a theorem [38,39]. However, this alternative explanation is not considered by the university, which—in line with the theory of intersectionality promoted by the Secretariat—views the uneven gender balances in the academic and administrative parts as a symptom of a hypothesized underlying inequality in power ([37], p. 5):

> There is an uneven gender balance among staff, which may adversely affect women's and men's opportunities and rights within the organisation. For example, there is a dominance of women in the administrative staff category, which is usually classified as having a support function, while there is a dominance of men in the senior teaching staff category, which is classified as having a core or leadership function at the University.

Hence, since men are dominating in the academic "leadership" function and women in the administrative "support" function, the assumption is that men are currently exerting (illegitimate) power over women.

As hinted above, however important, the gender studies perspective on sex and equality upon which universities will now base various decisions, including the hiring of academic staff, is not the only perspective on sex and equality pursued in science. A number of other disciplines study sex differences e.g., from a biological perspective. For example, an overview of sex differences in science and mathematics found that males are consistently overrepresented among both overachievers and underachievers [40]. The study concluded that "early experience, biological factors, educational policy, and cultural context affect the number of women and men who pursue advanced study in science and math and that these effects add and interact in complex ways" (p. 1), in which case "[t]here are no single or simple answers to the complex questions about sex differences in science and mathematics" (ibid.).

Thus, a purely social or power perspective on sex differences is insufficient to explain empirical data, and yet gender mainstreaming based solely on work in gender studies does not seem to allow for biological sex differences. This gives rise to a tension between gender mainstreaming in the present form and one of the guiding principles in the UNESCO recommendations [1]:

> Institutions of higher education, and more particularly universities, are communities of scholars preserving, disseminating and expressing freely their opinions on traditional knowledge and culture, and pursuing new knowledge without constriction by prescribed doctrines. The pursuit of new knowledge and its application lie at the heart of the mandate of such institutions of higher education.

The risk, if gender mainstreaming implies that biological perspectives on sex differences are excluded from the outset already by university policy, is that scientists working within biological research paradigms cannot pursue new knowledge without constriction by prescribed (gender) doctrines, or express freely their opinion on biological matters, without being subjected to administrative or other sanctions. As will be clear from the case studies in Section 7 (the Hesslow case), this risk is not merely a theoretical possibility but in fact quite real.

6. Was Institutional Autonomy Violated?

The task of supporting Swedish universities in their developments of plans for gender mainstreaming was assigned, as we saw, to the Swedish Secretariat for Gender Research, which at the same time was, and still is, a research unit within the University of Gothenburg, thus acting as a governmental "Trojan horse" in the academic system. The detailed testimony of then member of the Secretariat Anna-Karin Wyndhamn [3] suggests that the "support" often meant influencing the universities so that they would include not only efforts to increase the importance of meritocracy in recruitments etc. but also endorsements of intersectionality and a focus on the power structures giving rise to what the Secretariat takes to be power inequalities. Thus, the suspicion arises that there is a problem of institutional autonomy lurking in the way in which Sweden implemented gender mainstreaming.

The UNESCO recommendations highlight the importance of institutional autonomy for academic freedom, the former being defined in Article 17:

> The proper enjoyment of academic freedom and compliance with the duties and responsibilities listed below require the autonomy of institutions of higher education. Autonomy is that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights. However, the nature of institutional autonomy may differ according to the type of establishment involved.

According to Article 18, "[a]utonomy is the institutional form of academic freedom and a necessary precondition to guarantee the proper fulfilment of the functions entrusted to higher-education

teaching personnel and institutions". Article 19 adds that "[m]ember States are under an obligation to protect higher education institutions from threats to their autonomy coming from any source". Finally, the importance of self-governance and collegiality are highlighted in Article 21: "Self-governance, collegiality and appropriate academic leadership are essential components of meaningful autonomy for institutions of higher education."

Collegiality and self-governance certainly played a role in how some Swedish universities developed their gender mainstreaming plans. For instance, at Lund University all faculties were involved in the deliberation process, although, as we noted, the HR department played a special role. In other cases, the operative responsibility for the plans was delegated to the HR department, with less influence from the academic part of the university [2]. However, given its special status as a national unit with a particular government mission to support the universities in their gender mainstreaming activities, the involvement of the National Secretariat for Gender Research itself represented a direct threat to the autonomy of Swedish universities, quite independently of the actual effect this involvement had on the final plans. The perception is that the Secretariat acted as a governmental agent to impose the politically preferred gender studies perspective on sex and gender on the universities, in contrast to more biologically oriented perspectives. In addition, the evidence presented above, e.g., in the form of special instructions produced by the Secretariat, indicates that this involvement was not without effect, but that it led to a radicalization of the plans in the direction of identity politics and intersectional analysis.

An important corollary of article 19 is that member states are under an obligation to protect higher education institutions from threats to their autonomy *coming from the government itself*. Our analysis vis-à-vis autonomy suggests that the Swedish government, in its efforts to introduce gender mainstreaming at all universities, failed to protect universities precisely from the threat to their autonomy coming from the government itself and, in particular, from the Ministry of Education and the Ministry-associated Swedish Secretariat of Gender Research.

7. Did Gender Mainstreaming Lead to Violation of Academic Rights?

The following two case studies which were first documented by Academic Rights Watch, an independent academic watchdog with representatives at several Swedish universities, indicate how scholars' freedom to teach (*Lehrfreiheit*) was plausibly compromised, by international standards, as the effect of the introduction of gender mainstreaming at the university in question.[7] The two cases are plausibly the best documented such cases and have received the most attention from the public and the media.[8]

In September 2018, Academic Rights Watch reported on the case of Germund Hesslow (at the time Professor of Neurophysiology and Associate Professor of Philosophy at Lund University) [41], whose lectures on "Heritage and Environment" was criticized by a student for being in possible violation of the university's discrimination and equal treatment policies, i.e., policies derived from Lund University's gender mainstreaming plan.[9] Following the criticism, the Chairman of the medical

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[7] Both Germund Hesslow and Erik Ringmar, the main character in the second case study, have commented on their respective cases publicly, which is why they are mentioned here by name. The Hesslow case is described here in greater details as it is relevant to two of our research questions, namely (a) and (c) (see the introduction); the Ringmar case is relevant to just one research question, namely (c).

[8] For a case at Swedish University of Arts, Crafts and Design see https://academicrightswatch.com/?p=2855. It was required of successful applicants for a professorship that they had exercised "norm criticism" in their previous artistic work. A norm critical approach involves, according to a reviewer, "a sustained, rigorous critique of cultures, systems and institutions that marginalize, oppress and enact violence upon a range of subjects occupying subaltern socio-political positions". By contrast, Article 47 (b) in the UNESCO recommendations prescribe that evaluation of scholars be "based only on academic criteria of competence in research, teaching and other academic or professional duties as interpreted by academic peers".

[9] The case closely parallels the well-known controversy between the Canadian psychology professor Jordan B. Peterson and the Canadian state regarding the mandatory use of certain gender pronouns (Bill C-16).

program urged Hesslow to apologize for certain formulations regarding homosexuals and transsexuals, which he refused to do.

Following the accusations, the leadership decided to open an internal investigation into charges of discrimination and harassment. While the investigation acquitted Hesslow of any wrongdoing, it also states that there is nevertheless "risk for discrimination". Its recommendation is that the Faculty should take the actions it deems necessary to reduce this risk. As we mentioned before, the person in charge of the investigation also played a central role in the development of Lund University's gender mainstreaming plan.

In a commentary, Professor Hesslow denounced the decision to open a formal investigation in the first place. He wrote: "Each one who in the future considers lecturing about subjects that can cause strong emotions or saying things that some students wouldn't wish to hear now has to consider the possibility of being subjected to considerable discomfort and public investigation using completely different standards than those usually applied when evaluating lectures" (our translations throughout).

In a letter to Hesslow, the Faculty Dean reports a number of new gender strategies introduced by the Faculty. Among them are certain terminological requirements: "With regard to the criticized lecture, the program management has already informed you of the correct terminology regarding gender identity and sexual orientation". Furthermore, "[i]n order to broaden the perspective, your lecture will also be supplemented with a lecture on perspectives on sex and gender in medical science". The Faculty Dean's reference to the "correct terminology" refers to Hesslow's claims (made in passing in response to a student question in the Q&A section) that "homosexual women have a male sexual orientation" and, with regard to transsexuality, that "whether it's a sexual orientation is a question of definition".

These formulations were criticized by the program Chairman for not respecting "the terminology as defined in Swedish law", with reference to the Swedish Discrimination Act. Regarding transsexuality it is worth noting that according to the Discrimination Act (2008: 567) it is not a sexual orientation. Sexual orientation is described as "homosexual, bisexual or heterosexual orientation" (Ch. 1, § 5). Hesslow explained, in a written response to the student, that his statement alluded to the fact that there are, in his view, scientific grounds to believe that "it is not possible to draw any strict borders between transsexuality/gender dysphoria and homosexuality".

As Academic Rights Watch notices, one might question the academic merit in thinking that the Discrimination Act or any other law enacted by the Swedish people's representatives in the parliament as the expression of the will of the majority, should determine which terminology a professor should use in his lectures on the biological basis for sex differences. The very motivation for academic freedom is that science and scientific discourse are not slaves to public opinion but should be allowed to contradict beliefs commonly held, something which may lead to a correction of the latter to the benefit of society at large. Objecting to Hesslow's scientific conclusions on the grounds that they fail to comply with current legal terminology is, from this perspective, a symptom of an academic failure.[10]

Other gender directives to be introduced are a new seminar series "with focus on the grounds of discrimination which are introduced by the theme of trans-persons' encounter with health care" and a mentor program for senior researchers which will "focus on gender". Within the research program there are, the Faculty Dean continues, "courses with focus on gender and intersectionality perspectives on medical research". "As a further measure the management for the faculty education program will, aided by tools developed by section Personnel at Lund University, work to identify what risks there are within the programme". This will lead to further plans of action, and so on.

Hesslow's actions are unsurprisingly protected by several articles in the UNESCO recommendations so that the question must be raised whether the corresponding rights have been violated by his university. As we saw, one of the guiding principles states:

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[10] The Discrimination Act is irrelevant in this context for another reason as well. It says nothing about the causes or orientation of female homosexuality. For example, it says nothing about whether or not homosexual females have a male sexual orientation.

Institutions of higher education, and more particularly universities, are communities of scholars preserving, disseminating and expressing freely their opinions on traditional knowledge and culture, and pursuing new knowledge without constriction by prescribed doctrines. The pursuit of new knowledge and its application lie at the heart of the mandate of such institutions of higher education.

When Hesslow freely expressed his opinions, his right to free speech was not protected by the university, which instead decided to investigate him for possible discrimination. Moreover, the university interfered in Hesslow's teaching, in contrast to the academic norms spelled out in Article 27:

Higher-education teaching personnel are entitled to the maintaining of academic freedom, that is to say, the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies.

Hesslow can hardly been said to have been in a position to enjoy "freedom from institutional censorship"; on the contrary, his institution has required of him a particular way of speaking and his loyalty to a particular "prescribed [gender] doctrine". The norms constituting the fundamental academic principle of *Lehrfreiheit* are laid out in Article 28:

Higher-education teaching personnel have the right to teach without any interference, subject to accepted professional principles including professional responsibility and intellectual rigour with regard to standards and methods of teaching. Higher-education teaching personnel should not be forced to instruct against their own best knowledge and conscience or be forced to use curricula and methods contrary to national and international human rights standards. Higher education teaching personnel should play a significant role in determining the curriculum.

Plausibly, Hesslow was not granted the privilege of teaching "without any interference", but his attempt to do so led, again, to him being subjected to a formal investigation into alleged discrimination. It is true that Hesslow has lately been allowed to give his lecture in its original form, but his authority has been undermined by the perceived necessity to have a supplementary lecture held by another teacher on perspectives on gender in medical science.

In another case also reported by Academic Rights Watch, Erik Ringmar, at the time a lecturer in Political Science at Lund University, decided to cancel his course on the modern history of conservative and fascist thought [42]. This was after the department introduced a rule that forces teachers to use gender quotas for course literature where at least 40% of the literature should be written by female authors. As in Hesslow's case, the department's policy in this matter is based on Lund University's gender mainstreaming plan.

The intention was that the course should be based on conservative primary literature from late 1800 and early 1900. Ringmar, however, was reportedly not able to find enough female conservative writers to fill the 40% quota. In the end, he managed to find a female writer who opposed women's suffrage. However, the Director of Studies judged that the course would still not be approved by the department's literature committee, and, indeed, a student representative subsequently criticized it for lack of focus on gender. A compromise was reached to the effect that the course would be approved if Ringmar promised to include a work by Judith Butler, a feminist writer in the poststructuralist tradition.

Yet, when the course started, Ringmar choose to leave out Butler on grounds of irrelevance. This decision led some students to complain to the Department Dean, this time because the course did not comply with the reading list. At that point, Ringmar decided to cancel the course. The Department's treatment of Erik Ringmar is a further example of how teachers are "forced to instruct against their

own best knowledge and conscience" as the effect of gender mainstreaming, in violation of the aforementioned Article 28 of the UNESCO recommendations.[11]

8. Discussion

Why did the Vice Chancellors of Swedish universities not generally reject gender mainstreaming in the radical form promoted by the Secretariat, given that the risks in relation to academic freedom could hardly have gone unnoticed? One factor is that contrary to the practice in many other European countries, Swedish Vice Chancellors and the Chairman and external members of the university board are appointed by the government [44]. In the European University Association's (EUA) university autonomy scorecard (updated 2016), Sweden receives the lowest possible score for the appointment of the Vice Chancellor [45]. Overall, EUA ranks the organizational autonomy of Swedish universities at position 19 in a European perspective, after Poland but before Hungary. Universities in the UK receive the highest score on this dimension. Thus, there are structural features of Swedish higher education that may have a chilling effect on Vice Chancellors' willingness to speak up against the government's will.[12]

Relatedly, it might be asked how it is at all legally possible that government policy is implemented in Sweden through an academic division that plays the double role of a governmentally installed national unit. As part of the answer, Karran et al. [47] found that Sweden was among the lowest scoring countries in Europa regarding the overall legal protection of academic freedom, with particularly low scores for legal protection of institutional autonomy and self-governance, the two aspects of academic freedom whose very purpose is to protect academia from politicization through government intervention.

The question arises as to whether the Swedish Secretariat for Gender Research acted on its own behalf when it contributed to the introduction and establishment of a radical transformative identity-political version of gender mainstreaming at Swedish universities. Alternatively, the Secretariat was part of a plot carried out by activist government members to introduce, at lower levels of the governmental hierarchy, a more radical form of gender policy than the government would actually support. It is noteworthy that the Deputy Director at the time who wrote a doctoral thesis on equality in higher education in 2004 in the post-structural tradition and is identified in Arpi and Wyndhamn (2020) as the driving force behind the Secretariat's radicalism [3], before he came to the Secretariat was a member of the expert committee for equality in the academy (DEJA) headed by Helene Hellmark Knutsson, who would as Minister of Research and Education become responsible for gender mainstreaming of higher education 2017–2019.[13]

Yet already in 2002 the Social-democratic government, in a writing to the parliament, committed to a clearly identity-political motivation for gender mainstreaming or similar measures when declaring that special measures are needed to increase female representation in society because women are subdued and dominated by men [48]. Based on a study of policy documents issued by the Swedish government, Madison ([5], p. 10) concluded that "these policy statements clearly convey an ambition to increase the proportion of women, to the effect that women have equal influence rather than merely equal opportunities to have influence", adding that "[t]hey are thus, in fact, strikingly consistent with

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[11] Judith Butler was interviewed about the Ringmar case in the Swedish magazine *Kvartal* [43]. Unhappy about the way in which her book was used in the particular case, she observes that "academic freedom recognizes the right of university teachers to conceive their courses in accordance with their own professional judgement" adding that she is "against attempts to force teachers to lecture on specific texts or authors" (our translation back to English).

[12] A second factor that might make Vice Chancellors unwilling to oppose governmental policy is the relatively recent practice by the Ministry of Education and Research to appoint Vice Chancellors who are not affiliated with the university [46]. This has enabled some Vice Chancellors to be appointed consecutively at different universities, often in increasing academic standing, e.g., starting their career as Vice Chancellor at a regional university and ending it in the same position at one of the older universities in Lund or Uppsala.

[13] The Deputy Director in question was in 2019 promoted Director of the Secretariat.

the essence of the propositions that advocate quotas, biased treatment, and biased selection, which is to . . . increase the proportion and influence of women, regardless of negative consequences."

Our negative findings regarding the academic outcome of gender mainstreaming is of course logically compatible with there being many positive academic effects of gender mainstreaming, such as increased chances for competent female scientists to pursue an academic career. However, an extensive recent study of publication metrics when attaining the rank of professor at the six largest universities in Sweden in the period 2009–2014 found that men had significantly more publications and citations in both medicine and the social sciences, indicating that Swedish academia was not systematically biased against women's research merits when gender mainstreaming was introduced in 2017 [49].[14]

In fact, a case could be made that Sweden had by then already overcompensated for what is widely believed to be earlier discrimination against women in this regard. Thus, gender mainstreaming may have increased an already existing bias against men's research merits when hiring for the rank of professor, in which case the measures would not obviously be protected by aforementioned Article 41 in the UNESCO recommendations, which only allow for temporary measures aimed at accelerating de facto equality of disadvantaged members of the academic community, measures that should be "discontinued when the objectives of equality of opportunity have been achieved and systems are in place to ensure the continuance of equality of opportunity and treatment".

9. Conclusions

We found, first, that, while there was some variation in emphasis between universities, gender mainstreaming was introduced at Swedish universities in a version that was surprisingly radical in terms of its commitment to central identity-political ideas and claims when compared to the directives from the government in its decree from 2016. Moreover, the form of gender mainstreaming that was adopted by many universities seems to exclude biological perspectives on sex differences and hence potentially has a chilling effect on inquiry and speech regarding biological sex differences (the actuality of which was confirmed in one of our case studies). Second, gender mainstreaming was introduced "from above", through a special national unit placed by the government at one of the universities acting much like a Trojan horse in the academic system, in a way that posed a direct threat to the universities' institutional autonomy. As we observed, the higher education system in Sweden is particularly vulnerable to this kind of threat due to documented weaknesses in the organizational autonomy of Swedish universities. Lastly, we provided two case studies illustrating how gender mainstreaming, once in place, had negative effects on some scholars' freedom to teach. In particular, we observed that there is an obvious tension between the way the university in question acted in the two cases and the UNESCO articles protecting *Lehrfreiheit*. Our findings may be taken into account when evaluating the outcome of gender mainstreaming at Swedish universities all things considered.

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[14]   The study found that males had 64–80% more scientific publications that had attained 42–260% more citations, resulting in a 72–83% larger h-index ([49], p. 13).

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Narrative Reflections on Masculinity and Fatherhood during Covid-19 Confinement in Spain

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Abstract: This article explores the intersectionalities of masculinity, corporal identity, fatherhood, relationships, and bodily experiences in relation to a person who is living in a period of home confinement. In so doing, I draw on autobiographical narratives to delve into how embodied subjectivities are constructed to advance knowledge on an embodied way of being a man in the context of a health world crisis. In the telling, I attempt to engage the reader by communicating the subjectivity of different moments in a provocative, fragmented, physical, and emotional manner. The results suggest that narratives, such as those presented in this article, contribute to understanding the continuous process of change of life and body projects due to the health crisis pandemic, and serve as a corporeal resource to challenge some of the (self-)imposed tyrannies around the body.

1. Introduction

A global emergency, such as a pandemic, is not understood or experienced in the same way by all people [1]. This is particularly true in those situations where the body, normally an absent presence [2] comes to the forefront as it is in a position to rethink dilemmas and experiences that might otherwise go unnoticed. The fear of contagion, added to the uncertainty and consequences of the pandemic, is a very intense psychological and emotional situation for the human being, since it is sustained by a component of stress and anxiety that generates a feeling of vulnerability in the person [3]. In this study, I present the intersectionalities of three contexts which are of particular relevance to (re)thinking and reflecting on our embodiment. These contexts are masculinity, fatherhood, and the confinement of the body during a health pandemic.

Researchers, some inspired by the 'narrative turn' [4] have engaged with narrative in different ways and at different points within the research process—in the production of field texts, as analytic methods to create interim texts and as research texts for dissemination/communication of the 'so what' or 'what now' of research [5]. In this paper, we are interested in expanding our understanding of narrative as a form of inquiry and/or representation that may capture and communicate the embodied, emplaced and multisensorial experiences of the living being in a very particular situation: The confinement of the body due to a health pandemic. To illustrate this, I focus on autobiographical moments recounted and selected at different times in the confinement stage to explore experiences with my own body around the concepts of motor (in)ability, masculinity and fatherhood. My intention, with this, is to investigate my own identity so that readers can reflect on their own experiences in relation to mine. As Frank [6] explains, no one should give up hope of saying something useful and interesting that will lead other people to imagine different possibilities about how their lives are formed and informed. In telling this story, it is important to understand that I am not only telling a story about my body, but primarily from and through my body [7]. In a case like the one told here, the body is simultaneously the cause, the subject, and the instrument of any story told [6]. Throughout the work I use the first person to

avoid distancing myself from some events about which it can be complicated (and yet necessary) to write, trying to use a critical, coherent and stable voice.

The writing is an invitation to (re)think of myself as a man, as a teacher and as a father, and to reflect on the interaction between my bodily experiences and the socio-cultural context which, after the pandemic, may never be the same again.

The Confinement of the Body: When the (Risky) Body Becomes Present

Writing enriches the lives of those in difficult and unexpected circumstances [8] such as a global pandemic in the face of a new virus.

In the process of telling stories about trauma, such as home confinement for public health reasons, people seek to tell the truth. Yet, as Coetzee [9] questions, how can one write honestly about unique experiences without making ourselves uncomfortable or silencing others?

The confinement that results from the emergence of a global pandemic is appearing and seriously transforming life projects organized around the personal, professional, and undoubtedly, physical sphere. Thus, isolation becomes a threat to appearance and body image, social routines, personal relationships, daily practices, etc. [8] In this time, what is interesting is the analyzed body— biological, molecular, the sick body, the body as a factory of antibodies. But we must not lose the perspective that the body is, also, our travel companion during confinement. A body that, after so long forgotten, manifests itself in all its grandeur. Thus, it is a moment in which bodily experiences come to the fore, putting us in a position to analyze and change our perspectives and priorities in life. In this way, it is possible to understand how the body is determined both by personal experiences [8] and by historical and social contexts in a given moment of time. Therefore, the body can be considered a social construction [10], capable of impregnating the person unconsciously and conditioning all its social manifestations. Gradually, the person is internalizing this corporal symbolism, and with it, reconfiguring his own personal identity.

So much so that the bodies should not be contemplated exclusively from a biomedical perspective but, also, as a central axis in the construction of identity, perception of the world or imagination of the future [4]. It is important to take all this into account to better understand the multiple and diverse ways in which people experience their bodies and how these interact to configure identities and individualities over time and in specific contexts [8]. In this sense, it is important to know that we live in a risk society; a society where there is an increased presence of uncertainty and insecurity connected to global risks related to health and well-being. These socially constructed and perceived risks generate a range of health imperatives and associated surveillance measures, including self-surveillance [11]. This trend for members of society to manage their own health and safety, being ever-vigilant, has paralleled the rise of 'manufactured risk' [12]. There is consequently a greater fear of the consequences of risk than of risks themselves. As Beck claims [11], risks can be changed, magnified, dramatized or minimized within knowledge, and to that extent, they are particularly open to social definition and construction. In the current situation, the risks may be real or imaginary, but people believe the threats are real whether or not they actually exist. Perceived risks actually exist in the private consciousness of individuals and public consciousness of society and really influence personal, political, social and financial decisions [13].

In this article, we start from the premise that experiences derived from confinement can have an important effect on the revision of conceptions about health, risk and other aspects related to the body, such as the interpretation of sensations, experiences and perception of their bodily changes and of competence, which can imply a break with everyday life [6], and threaten some aspects attributed to masculinity [14], even fatherhood [15]. According to Dickson-Swift et al. [16], "we cannot be emotionally involved in our research, showing or feeling emotion without using our bodies" (p. 67). Therefore, the article gathers autobiographical stories in which it is my body that gives the story a particular form and direction in the face of an unprecedented situation on a personal and social level: Home isolation as a result of the Covid-19 virus. The narrative aims to allow the reader to reflect on

their own experiences in relation to mine and how different stories can be told to build different types of body using alternative types of narrative imaginations.

2. Materials and Methods

2.1. Something about Me

I am a body of almost 42 years. I am what is euphemistically known as a "middle-aged man", although many times I have been called simply "sir". Although I was not born trained for consumption or sheltered by the new technologies that invade everything today, I am gradually identifying with this fleeting, uncertain and wasteful life in which, sadly, it seems easier to trust a machine than a person of flesh and blood. As a father and as a physical education teacher, I like to look at the little life that remains in the street, in open spaces and in playgrounds: If, before we used to spend life walking, we spend it now glued to our screens.

I belong to a generation that has barely raised its head since the last economic crisis; a generation in which our parents naively believed that a simpler life would await us. I also belong to that generation that has gradually given up sensory pleasures for an individual and digital life: Few are interested in the smell of a good book, the taste of a fresh beer, the smell of freshly cut grass, the sound of birds waking up, the hug of a friend or the shapes of the clouds. I come from a generation unaccustomed to world crises: We have not lived through a war (or a post-war period), a drought, a military dictatorship, but we may now be able to understand the fear, desolation and terror of others less fortunate than ourselves. It may also be that the metaphors of war and misfortune are not the most appropriate: It is about caring, not fighting.

The pandemic is making us more humble: If we take the first symptoms of the epidemic as a joke, we no longer feel special. I am one of that generation that may, from now on, reflect on the society we are and the society we want to be.

2.2. An Approach to Narrative

Autobiographical narratives are a way of testing and understanding the experiences that teachers have lived through what they write about, by extracting the aspects that they consider most relevant [17]. In this sense, the autobiographical narrative and the importance that certain contents have—in this case, those referring to the body—allow us to glimpse a set of actions and thoughts of their own in order to approach them with a certain distance, to make an analysis of their own life, of the decisions they make, how and with whom they perform the tasks, by whom they are conditioned, so that they can perceive themselves in the reality in which they are involved, and identify the conditions of production of work as a constituent part of their identity and culture [17].

All of the above leads us to characterize narrative as a method that combines the rigor of research with the creativity of styles of expression that are less rigid than those that are usual in academia; it is also defined by its balance between reflection on the self and on the social and cultural environment in which it is developed. With this, in this work, I present different moments and experiences, using personal and corporal memories and experiences in an attempt to lead the reader to empathize with my world and my history. I hope to be able to stimulate a reflection on other lives in relation to mine. To make this possible, I have followed the standards of autobiographical truth [18]. In this sense, my autoethnography intertwines facts (events that are believed to have occurred to me), facticities (how I lived and experienced these facts), and fiction (a story which deals with or imaginary facts and facticities) [18], being faithful to ficticities and facts. To that end, all the daily perceptions, experiences and dilemmas experienced by me throughout the past weeks, were registered in handwriting in a logbook that reflects my life during the pandemic.

The criteria I have followed to judge the quality and relevance of the narrative presented here are the following: (a) Does reading this work allow one to think about the consequences, values, and moral dilemmas that we face as part of a society?; (b) Is there anything worth learning from the story told

here?; (c) Does the text invite dialogue in a space of debate and negotiation?; (d) and finally, does the narrative evoke responses from the readers?

2.3. Body Journal as a Data Source

I began writing a body journal on 15 March 2020, the day when the state of alarm in Spain was officially declared, and it was obligatory not to leave one's home, with very few exceptions. Understanding that the situation could serve to immerse me in the awareness of my own body and be able to write about it, I began to write a personal diary in which I have been systematically combining intentionalities from the experiential, emotional, communicative, personal and professional spheres that allow me to become aware of my own life and my own body. I discovered, through the writing of the diaries, that talking about the daily life around my body helps me to manage my emotions and to relativize what happens to me [8,19]. In this sense, it serves as a tool for health and well-being through honest writing, which is not necessarily comfortable or easy and which allows my fears, weaknesses, illusions and life expectations to flourish. The journal helped me to understand my present body and to try to imagine my future in the best possible way.

Of all the body stories, I have chosen the most relevant stories written during the first 45 days of confinement. The stories are related to masculinity, fatherhood and relationships with one's own body in order to develop a narrative that combines the different experiences I have lived in an attempt to lead the reader to empathize with the world and the story presented here.

3. Results: A Body Confined in a Time without Hugs

From the bed, I hear a symphony of birds. After another night of little and bad sleep, I get up at seven in the morning, practically the same time as every working day. As I look out of the window, I see several sparrows attracted by the flowers where spring is blooming. Not long ago, they were often reported as being in danger of extinction, and now there seem to be plenty of them. Plant and animal life are quickly regaining the ground from which they were driven. The thought makes me wake up energetic and optimistic.

Today is another one of those days when I am not in a hurry, I could try to go back to sleep if I wanted to. I think it is Thursday, but I'm not too sure. Every day, for weeks now, has been the same: Thursday, or Monday, or Saturday. Well, not Saturday. Saturday is our "special family day", a day that smells of popcorn, chocolate and candy. We have settled in for an indefinite period of time with the remaining six days to go, in a daily routine in which we have no other plans but to spend our time at home in the best possible way. Boredom, social isolation, stress, or sleep deprivation, common symptoms in these times of home confinement [3].

I don't even write down in my diary what I have to do anymore: I have organized my work (which is now teleworking) without having to follow a rigid schedule. Luckily, Marcos is only four years old, so the task he has to do at school is simple, and we can do it dynamically, playfully, even without sticking to a rigid schedule. Marta and I, as responsible parents but also as conscientious teachers, try to promote a schedule that takes into account health, good personal hygiene, encourage physical activities, a proper diet and good sleeping habits, and integrate these health promotion materials into our daily work plan with Marcos. The same thing we would want for the students under our responsibility. We know that in the event of home confinement, parents are often the closest and best resource for children to seek help from [20], and in this situation, we teachers become a bit like parents, seeking the well-being of the students above all else.

In this confinement—which began with a fortnight and then extended to a month, and we still do not know how long it will last—all responsibility has been placed on the freedom of the citizens, who have come to see their living conditions reduced to a minimum, even though they do not know what the costs will be for their physical and psychological health. Is health more valuable than freedom, and is not this confinement to the home a clear loss of health? And for Marcos' normal development, will this confinement have negative repercussions? Does this new virus, with the fear it inspires,

have the power to make us endure everything else? Plato's warning to the slaves, those people who were deprived of their freedom and who, consequently, could develop hatred towards their masters, comes to mind. To avoid this, Plato recommended, only constant vigilance could prevent rebellion. The metaphor seems appropriate to me: We are slaves to what the state dictates, and I do not see it as improbable that our bodies, in the short term, will transmute into a jumble of chips, biometric bracelets, and algorithms. Bodies on subcutaneous surveillance.

Marcos wakes up shortly after I do. It seems he also has the biological rhythm adapted to the usual course schedule. He is increasingly plagued by night terrors. He may dream about the monsters out there. In an attempt to reduce his nightmares, he has been sleeping with us in bed for days. Every time a nightmare haunts him, I feel one of those pains that comes to the heart. We do not know how to reassure him. The blood throbs wildly in my chest, in my hands, on my forehead. I am just a heart. As Wang et al. claims [20], close and open communication with children is the key to identifying any physical and psychological issues and to comforting children in prolonged isolation. So my wife and I spent a lot of time, throughout the day, talking with Marcos and seeing to his welfare in these days is so complicated for the little ones. Parenting is our primary occupation [21].

The three of us wake up and take advantage of the fact that we are not subject to the clock to toss and turn for a few minutes in bed playing with him. We embrace him—three bodies in one. In this "time without embraces" the short distances, the caresses, the kisses, are a priceless luxury. I notice that his mother, like me, enjoys him with all her senses: the sweet smell of his hair, his soft touch, his childish laughter. Marcos' and Marta's eyes shine with joy.

Getting up and out of bed is a torment. All the bones in my back, rusty, crowded, say good morning to me. Always so opportune, my back pain visited me on the second day of confinement and continues by my side, faithful and without the intention of abandoning me. Perhaps this pain is my body's way of expressing what I cannot formulate: The rage, the disappointment, the uncertainty about everything that is happening.

In any case, if my house is now my prison, at least my body won't become my cage.

My first date is with the shave and the shower. Slowly, thoroughly, I perform my hygiene rituals. It does not matter that I am confined, that we barely make a living outside the home. The pleasure of freshly shaved skin and the smell of cleanliness will accompany me daily as long as I am autonomous in doing so. I then put on my sports clothes; in this, unlike other people, I have not changed. Because of my profession, sportswear is my daily clothing; now that a large part of the population is confined to their homes, sportswear and pajamas have become the usual clothing for everyone. Even jokes about the way we dress these days are common, comparing the fact of having to wear sportswear for many days with, for example, lack of hygiene. I find these jokes in bad taste, not so much because I am someone who usually dresses like this, but rather because of the simplicity of people's reasoning. People usually attribute much more value to a body adorned with a suit and tie than to one dressed in sportswear: The garment is our business card, the shell that decides whether you are more or less worthy.

Soon after, we had breakfast as a family: My wife and son slowly, calmly, with time to savor and appreciate the food; I, on the other hand, hurriedly, without tasting it. I could take advantage now that I don't have fixed schedules to cook slowly and eat slowly, but I do not. I get up quickly from the table, always with the guilt of not spending more time at the table with my family. I force myself to try to be slow, to live slowly, to take advantage now that I can of these moments with my family. But the ideal would be not to have to force myself, but to be slow because I want to be.

The excuse I give myself for not spending more time at the table is the need for physical exercise. I have to admit that one of the first concerns that came to mind when home confinement was made official was: What about my workouts? I am not a great sportsman, I have never been. Even during my years as a physical education student, I didn't show much talent for sports. I have never liked the sensations of competition and obligation associated with sport—what I like is the pleasure associated with physical exercise. Sport is industry and money (it is striking to see how big stores, a few days

before the pandemic, began advertising home exercise equipment—did they foresee the crisis?), while exercise is born out of the joy of practicing it simply for the sake of it. It is that pleasure that leads me to practice physical exercise almost daily, and although now my priority is not to fit in with the corporal ideals established by the neoliberal society [22] as when I was younger, I do impose on myself the responsibility of being healthy and capable of fulfilling my responsibilities as a father. Spending one month and a half (or more, depending on the duration of confinement) without physical exercise would be a complete ruin to my physical and motor health. On the other hand, confinement can cause psychological havoc, nervousness, stress. What would happen if I stopped exercising, and moreover, is not it good to try to follow the same routines in isolation as outside? I also want to raise my child in a space where he can appreciate the importance of exercise; my parenting becomes that social and symbolic space that helps shape Marcos' identity. So one of my few daily obligations is exercise, even though it is accompanied by a feeling that, what was really important, was to share the full breakfast with my son.

My routine consists of 45 min on an elliptical machine (the useless thing that for years has done nothing but gather dust is now my ally), abs, and push-ups. "One more!", I always think when I do the background series, "you can one more!", looking to reaffirm the predictability of my body by increasing the intensity of the exercise. One day I will be old, and instead of doing one more repetition, I will have to settle for doing what I can or, even, none at all. In the gloom of the thought hides the joy of knowing that, if that day comes, I will have accompanied Marcos for a good part of his life.

I associate the feel of a wet T-shirt with a serious, intense workout, one of those that make you think you have been to the gym to work, not to waste time. And even though my training is not as intense or as long-lasting as in the gym, I am satisfied to keep my body disciplined [6], a body that tries to keep away aging and disability embodied in the loss of autonomy and control. A body that, once the confinement is over, will be evaluated and compared to other bodies and to itself because it is visible and measurable [22]. Conceptions—aging, disability, body image—all of which are socially constructed and problematic, and which, dangerously, leads to the classification of bodies as first and second class. Just as every week I take a picture of my naked torso to see how my physical condition evolves (or involves), I know that at the next meeting of friends we will compare our bellies, just as we played to compare our muscles as children. I hope that, as the years go by and the body does not go with it, due to the ravages of time, that I do not lose the courage to keep looking at myself in the mirror, even though I may not like what I find in it. But why should I not like the image that I reflect in the mirror, am I so influenced by Western culture and the importance it places on youth, body image and athletic bodies [23]? Why have I not yet developed a critical awareness of these stereotypes; Do I also consider that there are first and second class bodies, bodies that are "worth more than others"? The truth is that it is clear to me that aging is inevitable, that over time my physical capacity will decrease and my weakness will increase. Nor will I have a "men's magazine cover" body image, and I have little concern about such matters. All I care about is maintaining enough body capacity to take care of my child's needs, to be able to work, play with him, and for my family not to have to worry about me. I end the routine with these thoughts in mind, promising myself that tomorrow will be the day I spend time with my body in stretching.

After another quick shower, I talk to Marta, and we decide that I will be the one to go out and do the shopping. "Take care of yourself and don't take any risks", Marta tells me just before leaving home. "Don't worry, nothing will happen", I answer. The conversation is reassuring. Restless. All at once. Am I really convinced that nothing will happen, or am I really worried about the uncertainty and what might happen? In any case, I decide not to show my weaknesses, stay calm and do my best to take care of my family, just like my wife and son are doing everything they can to take care of me.

I put on a T-shirt and a light jacket. It is cold outside, but I like to feel the fresh air around me; if I'm a little cold during the day, when the night comes, I'm more grateful to be able to sleep in a warm bed. On the way to the car, I stop to contemplate some small plants that are beginning to break the asphalt. I am amazed at the force of nature, how is it able to recover so quickly from all the violence

we exert against it? I feel vulnerable, ashamed that I have not done my bit to make the world a better place for my son. At the same time, I am grateful that the situation we are in has put us in our place. The pandemic is a consequence of deforestation, of excessive industrialization, of the indiscriminate killing of bodies different from those of humans (and, in many cases, of human beings as well), of a lack of funding for health care, of a disregard for nature. Used to thinking that these evils always happen to the poor world, the laziness of not having fought to change things is now incarnated in the bodies, teaching us that we are all ethereal.

Everything seems to be in its place and with a special color: The sky is bluer, the green of the grass is more intense, and among the smells of the air, I do not identify chemical products. Unlike Chekhov [24], I believe that the earth is becoming more beautiful every day.

Inevitably, I feel observed. Neighbours may be secretly hiding behind their windows, watching who comes out and who does not respect the rules of confinement. Mistrust and mutual surveillance, a technique of power [25] that leads me to feel, in a way, guilty about leaving the house. In the car, Marta's words resound in my head: "Don't take any risks". Are not we exaggerating the situation too much? Anyone would say that I am going to make war. Or maybe I am not fully aware that the virus can also attack me. I wonder where this idea of immunity comes from, this idea that the virus is not with me, that it's not my life that's going to be affected. That I am not going to be a number one in the statistics of those infected, that this battle does not go with me or my family. I find it curious to think that way, since I have never considered myself invulnerable. On the contrary, since I have been a father, I have been aware of how important it is to take care of my health so that my son does not miss out on me. Experiences as common as driving or walking downstairs (Marcos has already experienced the edge of the steps against his face) scare me and force me, on a daily basis, to recognize the inherent fragility of everyday life: I trust my cells more than the external elements. The fear of the virus, possibly more terrifying than the virus itself [11]. This time I won't let myself be carried away by hypochondria, by that form of mania in which my body is both persecutor and persecuted.

I park in the supermarket parking lot. Before entering, I put on some plastic gloves that will prevent unnecessary contagion. What an inconvenience! It's really a drag to wear these gloves. Have you tried consulting the phone with them on, and opening plastic bags to put in the freshly bought fruit? The gloves limit my touch: I am not comfortable with them, and yet, thinking that this stupid measure can save me from a contagion, I decide not to take them off. As for the mask, we simply don't have one at home. The mask, the mask: Synonymous with anarchy, terror, heroism or simply prudence. The irony of the mask: It is necessary now, when the air is more breathable than in years. Gloves, masks, disinfectant soaps. I would like to know the amount of residue that the coronavirus crisis is generating.

I go into the supermarket after disinfecting my gloves with hydroalcoholic gel. Does this make any sense? I have never seen the store so clean: The smell of disinfectant, the floor so shiny, the atmosphere so fresh. I hear conversations among the workers: "I've read that the virus can't survive in hot climates", "you have to take a lot of vitamin D so you don't get it", they tell each other. I turn off my brain: I do not want to become a disease specialist.

With the gloves I handle the shopping cart with one hand and the phone, with the shopping list, in the other. My body is used to being an "absent presence" [26] that I only pay attention to in pain situations. But in these pandemic times, easy tasks like opening a simple plastic bag with plastic gloves are now a titanic effort. I feel clumsy, my lack of skill makes me angry with my body. At the same time, I feel more empathetic to people with disabilities and physical difficulties, trying not to understand the body from an instrumental, functional, perspective, as an object that must function according to certain external ethics [27]. On the other hand, now the risk of having physical contact or proximity with other people is associated with the transmission of the highly infectious virus Covid-19. So I have to keep a safe distance, I cannot take the products I need if there is another person in front of me. This means that I have to adapt my pace to that of others. I get nervous, even though I have all day long I want to finish the shopping as soon as possible and go home. Again I force myself to be slow. Will it take the

woman long to choose which box of cereal to take? And that man, how long does he need to take the bread? It is like being on a motorway that allows you to go at 120 km/h, and yet I am forced to go behind a car that's going at 60 km/h. At times I am tempted to break the safety distance and stand next to other customers to save time. I reconsider the situation: Close contact is now a potential security threat. In this apprehensive and suspicious present [11], our daily practices have undergone changes that deny proximity between people. The situation, in any case, is not strange to me. The parallel with my profession as a physical educator is clear: In the supermarket, as in school, moral panic [28] forces the development of practices and guidelines that limit physical proximity between person and person, between student and teacher.

When it is time to pay for the purchase, an older woman comes closer to me than the safety distance allows. Immediately, one of the employees of the supermarket asks her to go further away. I look the woman in the eye, meaning that I have not felt uncomfortable with her proximity. I have the impression that, underneath her mask, she is smiling at me. I, feeling almost guilty for not wearing a mask as well, smile in turn and say goodbye with a slight nod. As I think about all this, I realize that I have been holding my breath ever since I became aware that the woman was approaching me, as if not breathing in a little air made me more immune.

On the way back I meet a friend. We are both happy to see each other, finally someone from the outside to talk to! Paradoxically, we do not quite know what to say, and almost automatically, we move away from each other to keep the minimum distance required. Perhaps it is my imagination, but I have the impression that we both, in talking to each other, turn our heads a little, in an attempt to keep the virus out of our mucous membranes. I guess we are all "suspects" now. It is hard to know who to trust. The day the confinement ends, and we can return to normal life, how will we act in our first contacts, will we greet each other again in a tactile way by kissing and hugging, maintaining close distances, or will we be reluctant to the "culture of contact"? In other words, what will the world we find on the day we are allowed through the door be like? Will it be more like Blade Runner and his dystopian vision full of artificial human beings, or will it be more like Mad Max, characterized by the economic crisis and social chaos? It is clear that the script is not Blade Runner's: We are not transhuman, we have not transcended our biological vulnerability; we are fragile, childish, fearful beings. Mere bodies of flesh and blood. Mere humanity.

We exchanged a few words, a superficial conversation: "How are you?", "how is your son doing?", "we hope to see you soon". Perhaps, after all, these worldly details are all we have to say to each other. What seems clear is that this is a turning point, life will no longer be the same. I wonder what will be the first thing I do when the confinement is lifted: The first walk, the first caress, the first embrace, the first smells perceived. Whatever it is, it will be something experienced with the whole body; small purposes but, now, lived as something great and unrepeatable. For how long? Once the storm passes, we may put the body back on standby.

Once I am home, I leave my shoes at the door and wash my hands. This is an everyday gesture, in these times of constant terror of catching the virus. The specialists say that you have to wash your hands following a specific ritual and about twenty times a day. Also, that it is convenient to take a disinfectant gel with us in case, we touch some infected surfaces. I wonder if this phobia will not make the flesh fall from our bones. Convinced that the virus is not the enemy that will kill me and my family, I do not follow the ritual to the letter, but neither do I avoid being prudent. Once the ritual is over, I run to embrace my wife and son. The virus has taken away all physical contact with the outside, but there is no safety distance between us. In this "time without hugs" I value more the physical proximity with my loved ones.

During the time I have been away, Marta and Marcos have been drawing and doing crafts. Marcos draws beautifully for his age, and is very skilled at making crafts. It is a talent inherited from his mother; The Police [29] seems to have her in mind when they composed the song "every little thing she does is magic". I like to watch when they are working: Marta advises Marcos, she guides him on

how to hold the pencil between his thumb and index finger, how to color the contours of the drawing, how to cut out. Dexterity, intelligence, and patience, qualities she shows as a mother and as a teacher.

My wife and I have never divided up our domestic roles, even during the pandemic. It is clear to both of us that the tasks of cleaning the house, caring for and educating our child, etc., are the responsibility of both of us. And although I consider that I spend a lot of time with my son and do a lot of activities with him, I feel a little sorry to know that I am not very good at those activities that Marcos enjoys most—drawing and arts and crafts. And although my self-esteem and sense of masculinity are damaged by the realization that I can barely screw a light bulb or draw a scribble, when I am with Marcos, I try to do my best.

"I have a meeting and classes online", says Marta, so it is time for Marcos and me to get ready to play. In these times of confinement, I try to make several of our activities and games involve moving body. Maybe it is because of my professional training or maybe because I am convinced that confinement will be particularly harmful to the youngest: To their physical, emotional and social development. I do not understand why the political regulations imposed on us allow us, for example, to take a dog for a walk or to go and buy tobacco but, on the other hand, do not allow children to go for a walk. That is why I try to make movement and physical exercise the protagonists at every moment with Marcos: running, jumping, throwing, hitting, fighting... I do not care if the sofa becomes the new trampoline, if the vases can be the involuntary target of some ball hit or if the furniture is in danger under Marcos' jolts: The important thing is movement for movement's sake. Here I see an abysmal difference between my pretensions as a physical educator and as the parent of a child in a state of confinement: If my role as a teacher is aimed at learning through body and movement, here learning becomes incidental. There are few corrections that I make to Marcos in our activities (except for those that involve greater risk, such as tumbling or acrobatic exercises), my exclusive feedback being "very good, son, keep it up". I find that the energy Marcos has as compared to mine is incredible! He does not save his strength, there is no rest, no room for rest. In the moments when I feel exhausted, I have no choice but to take turns in order to rest. Next to Marcos, I rattle like an old locomotive, ten years older than I should be. If I am not good at arts and crafts, if I am not good at drawing, if I am not good at too many things, I hope I can at least enjoy a few more years feeling motor competent, at least so I can play and have fun with my child.

Of all our physical activities—skill circuits, motor challenges, games and sports activities—there are two that are a daily constant: fights and baby games. They are two very different ways of understanding the body, play and masculinity. In both, the body is in the foreground, and it is the true protagonist of the activity. But in our fighting games, the environment is saturated with notions of hegemonic masculinity. This is expressed through exhibitions in which our bodily performances involve aggression, competitiveness, power, where one of the two bodies is victorious (usually my son's), and the other is subordinated to it. It is a physical competition that is presented as the physical capital par excellence. On the other hand, our baby games involve another kind of masculinity. My role as a father requires me to be able to build a masculinity close to the role of the nurturant father [30]. With these games in which one plays the role of mom/dad, and the other one plays the role of a baby, I want Marcos to learn that being a man is not synonymous with being aggressive, brave, or a fighter; he has to know that there are other better ways to be a man. When we are embodied in daddy/baby, we connect emotionally and bodily: We learn to take care of each other's bodies, to listen to each other's needs, to stop paying attention to our own bodies in order to hear, see, and trust each other. Although I really enjoy all the activities that involve physical contact with Marcos, it is the latter that I give the most weight to, in an attempt to contribute to the development of a sense of masculinity in him in which sweetness, affection, care and weakness, among others, have a place.

When Marta finishes working, it is my turn to attend to my academic obligations. The intellectual work also arouses physical sensations: The noise of the keys under the pressure of the fingers, the reflection of the screen in my eyes, the pungent smell of the freshly printed paper, the tingling of the feet after being crossed for a few minutes. My eyelids feel heavy; my hands are typing without

having passed the filter of reason first, I find it difficult to concentrate. My head buzzes, I am not cut out for distance learning! If I like this profession it is because it invites company; a company in which looks, gestures, bodies, are present. In the distance, everything is cold, impersonal, soporific. In any case, I work hard and spend a lot of time on my virtual teaching. I know that, like me, other teachers at all levels are making massive efforts to create online courses and deliver them through the internet in record time [20]. I hope my work, my actions, help to alleviate many parents' concerns about their children's educational attainment by ensuring that school learning is largely undisrupted. At the same time, it is clear to me that the need right now on the academic level is not to follow a school curriculum full of content and skills, but to have the emotional support, the peace of mind and the need for family contact and closeness to overcome the fears and concerns that this health crisis has raised.

At eight o'clock in the evening, it is time for applause. This is a symbolic gesture with which we thank all the professionals, from health workers to supermarket cashiers, who are working with courage and tenacity despite the obvious risk of contagion. In addition to the symbolic nature of the gesture, it is a time that partly supplants our need to interact with others. We do not go out to applaud as much as we did the first few days, perhaps people have grown tired or perhaps they have stopped making sense of this symbolic gesture. We still go out, clapping and singing when one of our neighbors starts a song. I see smiles: It is funny, in spite of the circumstances, we all seem happy. Most of the windows are decorated with the symbol with which thousands of children ask for hope from their homes: Two clouds joined by a rainbow; one of the clouds has its eyes open, the other is winking. Both are smiling. I think of this symbol as the beginning and the end of our existence: We are born, we take a pleasant walk, and in the blink of an eye, we leave. I will try, with all my strength, to make my child's walk as captivating as possible.

"After the applause we connected to the video conference", we set up in our group of friends so that our children could see and talk to each other. It started out as a daily, long-awaited date, so much so that we wanted to see our friends again! Little by little, and in a tacit way, we have put aside our meetings. I think we all appreciate having friends in spirit, but the ones we really miss are the friends in flesh and blood.

Shortly before dinner, we spent a few minutes dancing. This is the excuse to do a little more physical exercise. Dancing, one of the activities that make me feel more disembodied. Why does dancing make so many men feel uncomfortable, despite being such a natural and legitimate activity? I am sorry to know that this activity arouses embarrassment and other unworthy activities, such as stealing, killing or fighting, are sometimes executed without consideration. My body faces my arrogance for thinking that man is not made for dance; I overcome the shame, the wood that my legs have become begins to feel the rhythm, while I am proud to see how well my son does.

Lying on the couch, we spend the last minutes of the day calling our relatives. Conversations revolve around the same topics as yesterday and the same topics as tomorrow. I watch Marta as she talks to her mother. The morning joy in her eyes is now replaced by tiredness and worry. Without her having to tell me, I know that she thinks our parents are getting older and older, and as a result, are more vulnerable every day to the accurate targeting of the damn virus. Nevertheless, her look is still intelligent and intriguing; the look of someone who knows life better than others.

"How are your parents? How is it going?" we ask each other after hanging up the phones. The answers are also the same as yesterday, and I hope tomorrow's too. We talk about how difficult it is for older people to cope with this global pandemic. Older people, who have given so much to us and helped us, are now taking a back seat. In our society, we are used to knowing that there are "first-class bodies" and "second-class bodies". We have made it known to refugees, immigrants, the poor, the excluded, that they belong to the second category, and as such, are undesirable to us. We are so accustomed to such frequent phenomena as acts of exile and marginalization that, at this point, they do not touch a single fiber of our system of emotions. Now that older people have been added to these "second-class bodies" we are more restless. A debate has opened up at the political level about the obligation to choose, judge and make decisions about people's lives, warning that the capacity of

health systems to care for older people is being challenged. In some parts of my country, the need to not care for those over 80 is already being raised. "Who should be cared for first by the health systems?"; "Who determines who should live and who should be left to die?"; "Is an unproductive body no longer considered valuable, and therefore dispensable?"; "What interests does the national health system serve?", Marta and I asked.

"The saddest thing, at this time, is the impossibility of accompanying our loved ones when they die", murmurs Marta almost to herself. The pandemic and the brevity now demand solitude. If we speak of death as uncomfortable, it is because it is an outburst, a loved one had a body yesterday, and they no longer have one today. When it happens, moreover, in complete solitude, death becomes an undeserved outburst. "You can't say this word, it is ugly", warns Marcos who, while playing, hears the word "death" from our lips. Death, the taboo subject that makes us so uncomfortable.

Marta and I are faced with these moral dilemmas, and as we speak, we begin to be suspicious of the uncertain future self that we will become. The questions give way to others such as "will we have enough autonomy when we are old?", "what will our quality of life be like?", "how will we cope with the bodily contingencies that arise?", and above all, "will we become a burden on our child?". We decided to be optimistic and opt for a successful narrative of aging (Lamb, 2014), one that emphasizes independence, longevity, and well-being. Perhaps the future will put us in our place, but now it is not the moment to dwell on the dramas. "Will you still love me when I am a toothless old woman?", asks Marta in an attempt to brighten up the conversation. "And you, will you still understand me?", I ask her in turn.

After a day with many mixed emotions, from the most exultant joy to the most unsuspected rage, Marcos sleeps. We arrive at the end of this Thursday; or Monday; or Saturday. No, not Saturday. Saturdays still smell different. The little one has literally exhausted us. Marta and I collapse on our bed and let our emotions run rampant; what unites us all at this time is the difficulty in discerning exactly what your mood is [3]. Tears, snot, red eyes, hiccups, untimely laughter, the most corporeal side of love and pain. All emotions at once, all at once, without letting the pandemic prevent us from moving as we should.

4. Closing Remarks

Another sleepless night. Another one of many since the confinement began. Sleep deprivation (my night partner), sure enough, is an effect of confinement [3]. It is, in the early hours of the morning, with a blank mind, that the thoughts of the whole day come to me.

Marta is sleeping. I do not want to wake her up by making notes in my diary, so I promise myself I will try to keep all the thoughts that are now going through my head. No one around me believed that we could live a situation like the one we are living now, despite the many signals that Nature sends us and that are amplified by scientists (droughts, climate change, wars, refugee crisis). It seemed that we were able to control our lives, that we could control the unpredictable social and natural forces. Instead, we are living in an era of fear and uncertainty. Maybe my sense of masculinity forces me to try to be strong and brave at every moment. Maybe, I may not be afraid of the virus, but the truth is that I feel fear every day. I do not mean the fear of getting fat, or losing muscle mass, or getting old, or not being a good parent. I am talking about the fear of Marcos falling down the stairs, of what would become of Marcos and Marta if I got sick, of Marta no longer understanding me when I am old, and she keeps her teeth intact. Fear of what will happen to us people once the pandemic passes, of what human relations and the environment will be like in this uncertain future that is opening up before us. Fear of our triumphalist, self-indulgent and hypocritical society, merciless towards the poor and the elderly, more concerned with establishing a war of "all against all" than a spirit of "all together we shall overcome". The fear that the "new normal" will lead to a worse individual, institutional and social situation than the one that has brought us here. Fears, all of them, with a strong bodily substrate.

How do you handle a body with so many fears? How will they all affect me? To what extent is it not my own body that harbors and generates these fears? To what extent do other bodies contribute to increase or decrease my fears? And can't the mind help me overcome this frightened body?

Too many questions. I do not know if I will be able to remember them all at dawn.

5. Reflections on the Story

Throughout the narrative, the way in which the state of confinement in the face of a global pandemic affects me and the relationships I have with my own body has been recounted. I have tried to reflect on a body that is a source of questions to which I try to respond: What is being awakened in me on a corporal level; what feelings of motor competence/incompetence are appearing; what corporal dilemmas I have to face in this new and frightening situation; how I live conflicts with my own body and how I face them.

The body journal, as a tool for data collection, has helped me to question, reflect and investigate my lived and subjectively-charged body during all this time. Now I think I am in a position to say that the process of observation and investigation about my own body has been shaping an experiential vision of the purely bodily aspects and what this implies for my daily life. I have understood that, besides having a body, I am a body, developing a sensitive reasoning to think with and from the body. Thus, as reflected here, the body can be experienced and understood in very different ways. For example, there are times when the dominant feelings are of motor capacity and strength, while in others, the body is a source of intense emotions of shame. It is within my body as a territory that this narrative has been situated.

The story raises, in turn, questions about narrative imaginations: How could a different body give meaning to the events that took place during this crisis? How would I have told the story when I had a young body, or how I would have told it if I were old? What possibilities and bodily potentials would have been offered by other "ways of being a body"? And mainly, what form will this article take if the pandemic drags on? How will my fears and expectations evolve in the coming weeks, when the health crisis may still be present in our lives? The distant horizon is an empty space, and I can only dream of a better world than the one we have, for the sake of my child and the rest of the world's children.

This overlapping of different stories, as counter-narratives, can alter our experiences and serve as a corporeal resource to challenge some of the (self-)imposed tyrannies around the body [15]: Hegemonic masculinities, bodily ideals and/or threats around the body in the form of illness or aging.

Finally, I would like to point out the difficulty in putting words to the embodied experiences I have gone through. Still, it has been worth the effort to reflect and to be able to present a story that connects with other lives, ideas and contexts, contributing to creating a meaningful dialogue and a firm will to rethink ourselves physically, mentally and socially. All that I, as a man, have been able to draw from this story and this pandemic is knowledge and memories that maybe help to win this game against the virus and those that may come.

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Scholarship Suppression: Theoretical Perspectives and Emerging Trends

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Abstract: This paper explores the suppression of ideas within an academic scholarship by academics, either by self-suppression or because of the efforts of other academics. Legal, moral, and social issues distinguishing freedom of speech, freedom of inquiry, and academic freedom are reviewed. How these freedoms and protections can come into tension is then explored by an analysis of denunciation mobs that exercise their legal free speech rights to call for punishing scholars who express ideas they disapprove of and condemn. When successful, these efforts, which constitute legally protected speech, will suppress certain ideas. Real-world examples over the past five years of academics that have been sanctioned or terminated for scholarship targeted by a denunciation mob are then explored.

Keywords: free speech; academic freedom; free inquiry; censorship; conformity; moral panics; witch hunts; heresy

1. Introduction

> "Protection, therefore, against the tyranny of the magistrate is not enough; there needs protection also against the tyranny of the prevailing opinion and feeling; against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them . . . "

> -John Stuart Mill (1859)

The suppression of a scholarship is well documented throughout human history. Scholars have faced censure, or worse, because they were unpopular with political and/or religious authorities, challenged majority public opinion, or researched a taboo idea. For example, in 399 B.C. Socrates was found guilty of "corrupting the youth of Athens" and sentenced to death. Galileo was declared a heretic by the Catholic Church in the early 17th century for his support of heliocentrism and ordered to abstain completely from teaching, defending, or even discussing it. He was later convicted of heresy a second time and placed under house arrest for the rest of his life. Other forms of scholarship suppression are more subtle and are driven by fear of the social consequences one may face for pursuing controversial scholarship. Nicolaus Copernicus and Charles Darwin both delayed the publication of their most influential work (Copernicus, until after his death; Darwin for decades), presumably to avoid sanction and punishment.

Socrates is now revered by many across the world, and heliocentrism and Darwinian evolution are widely accepted. Scholarship suppression today rarely takes the form of legal government censorship, at least in Western democracies. Although one might justifiably claim that there are very few topics that can currently be considered silenced within academia, there are indeed some. Some scholars have been so severely punished and stigmatized for reaching conclusions regarding certain topics that we will not even mention those topics in this article because we fear the social sanctions that we might be

subjected to, such as inciting mobs that could get us fired. This is not a rhetorical flourish, it is a real, bona fide risk because such mobs have successfully gotten other academics fired (see [1], for a list of academics sanctioned by other academics for expressing ideas).

We start, therefore, by putting aside those taboo topics. In this paper, we first discuss freedom of expression and its relationship to academic freedom (or free inquiry). This discussion explores the differences between the legal protections provided for freedom of expression, and the moral reasons for maintaining robust protections for academic freedom. Next, we discuss the mechanisms that help suppress controversial scholarship, the social and psychological factors that motivate and sustain their deployment, and how over time they can inculcate a culture of self-censorship. Finally, we review emerging trends in scholarship suppression.

2. Sources of Scholarship Suppression in Academia

2.1. Three Forms of Suppression

Scholarship suppression occurs in three different ways. External scholarship suppression occurs when the attempt comes from forces outside the academy (interest groups, the government, religious groups, etc.). Internal scholarship suppression occurs when the attempt comes from elements within the academy, either from students, other scholars, or from college administrators. Finally, a hybrid form of scholarship suppression occurs when external sources of scholarship suppression motivate internal forces within the academy to actively suppress scholarship.

2.2. Internal Suppression Is the Most Severe Form

Although we will touch on all three forms of scholarship suppression, this paper is primarily focused on how internal academic forces can foster the development of a culture of censorship among scholars, hindering the investigation of certain topics that are widely considered controversial or taboo. We consider internal suppression the most dangerous, most toxic form of research suppression in the U.S. and democratic west for two reasons (which is the focus of the present paper; government censorship in authoritarian regimes would require an entirely separate paper). First, in the case of hybrid instances, although outsiders might instigate a suppression process, the power (e.g., to fire, punish, and retract an article) always rests with insiders; the key actors and decision-makers are the insiders, not the outsiders.

Second, and even more important, there are reasons to believe that internal scholarship suppression is far more powerful than external or hybrid scholarship suppression. The key idea here is that academic success hinges on the views of other academics, whereas external efforts to suppress are unusual events and can thus be considered outliers. Although there are cases in which rightwing media have instigated outrage mobs that have led to sanctions of faculty [2], such instances are usually for things like incendiary tweets (in the referenced case here, "All I want for Christmas is white genocide"), rather than the conventional expression of academic ideas in books, colloquia, and peer reviewed publications. In the course of normal academic events, faculty rewards and punishments for scholarship in the U.S., for example, literally hinge to no extent whatsoever on the opinions of Fox News viewers.

Although academia should continue to remain on-guard for external sources of scholarship suppression, internal sources of scholarship suppression are very real, more effective, and deserve more attention so that they can be better guarded against. We note here that all of the authors are American citizens and we are most familiar with the issues of free expression and academic freedom in the United States. So, except where otherwise noted, our subsequent comments are largely restricted to issues of free expression and academic freedom within the United States.

3. Freedom of Expression and Academic Freedom

We define free expression as the refusal to allow individual expression or thought to be controlled, without consent, by an external authority (see also [3]). We consider the concept of freedom of expression as a superordinate category that includes the domains of religion, speech, association, and inquiry. Each of these freedoms protects the individual from punishment for speech or being compelled to express themselves in a particular way. For example, freedom of religion allows individuals to freely choose the religion they practice and how often they observe religious customs. Individuals can also choose not to practice any religion without fear of punishment.

3.1. Freedom of Expression and the Law

In Western democracies today it is fairly easy to take freedom of expression for granted. However, it took centuries for a right to freedom of expression to be widely recognized and written into law. The first formal legal protections emerged with the passage of the Bill of Rights in England in 1689, the adoption of the Declaration of the Rights of Man and of the Citizen during the early days of the French Revolution in 1789, and the passage of the First Amendment to the United States Constitution in 1791. The latter currently provides robust legal protection for the freedom of expression, restricting the U.S. government's ability to regulate speech, religious practice, the press, people's ability to assemble, and people's ability to petition the government for a redress of grievances. Court rulings have further clarified that the speech protected by the First Amendment also encompasses non-verbal forms of expression such as artwork [4] or even behavior such as defacing an American flag [5] or burning one [6].

Although the First Amendment protects citizens from restrictions on expression imposed by the government, it does not offer protection from private actors (e.g., other individuals, a community, a corporation, or private organization). There are at least two implications of this. First, it means that public colleges and universities are required to abide by the First Amendment. Private colleges and universities are not, yet many have policies or bylaws that effectively require them to do so [7]. Second, other private actors are protected from the government restricting their ability to express opposition to another's protected speech, provided they do this peacefully.

For instance, the First Amendment protects a group of Black Lives Matter activists on the campus of a state university who silently protest an academic panel on the limits and downsides of identity politics by holding up signs during the discussion or turning their backs on the speakers. However, if any members of the group loudly shouted down the speakers so that they could not continue their discussion, the university would be expected to intervene so the discussion could continue. This latter form of protest behavior is referred to as the heckler's veto, and courts in the U.S. consistently rule that such behavior is a violation of the First Amendment rights of the shouted down speaker or speakers [8].

3.2. Freedom of Inquiry and Belief, and Their Limitations

Legal protections of speech, whether in the U.S., U.K., or elsewhere, generally do not explicitly mention freedom of inquiry. However, since the mid-20th century university faculty in many countries have possessed some degree of academic freedom, a protection that grants scholars the freedom to research, teach, or communicate facts or ideas without fear of suppression or censure, job loss, or imprisonment. A formal definition of academic freedom was adopted by the American Association of University Professors (AAUP) in the 1940 Statement of Principles on Academic Freedom [9]. This statement contends that academic freedom is essential to the common good and the search for truth, and delineates what represents acceptable academic practice in the public square, in one's research, and in the classroom.

Even though American courts have recognized a relationship between academic freedom and the First Amendment, the two are distinct legal concepts [10]. The First Amendment applies to all citizens and affords them protection from government restrictions on their expression. The concept of

academic freedom is more narrowly focused on protecting the ability of faculty and students within academia to engage in the free and open inquiry of their individual scholarly interests and pursuits, with little to no restriction. Faculty are also granted considerable latitude in how they teach, provided they demonstrate professional competence and avoid introducing controversial material that is not related to the course.

A few examples can help us demonstrate when academic freedom protects a scholar and when it does not. First, consider a hypothetical case of an individual who sends out a series of tweets extolling the flat Earth theory and urges people to join them as a member of the Flat Earth Society. This individual also happens to be a professor of French literature at a state university; however there is no mention of this affiliation or even of being a professor in the individual's profile. The series of tweets goes viral and someone identifies the individual as a professor of French literature. A campaign is organized with the goal of getting the professor fired from the university for their belief in the flat Earth theory and membership in the Flat Earth Society. The professor, however, has never discussed the flat Earth theory in the classroom. In this situation the university can treat this professor as someone who holds a very curious belief and who associates with some very curious people. However, it would probably be difficult for the college or university to sanction the professor for beliefs they expressed as a private citizen, because the professor never claimed they were speaking on behalf of the college or university.

However, if this professor decided to devote classroom time in a French literature course to a discussion of the flat Earth theory, the university could implement sanctions. Advocating the flat Earth theory is entirely irrelevant to teaching French literature. Therefore the professor could be sanctioned for failing to meet standards of professional competence.

Now, consider if a discussion of Flat Earth theory occurred in the professor's French literature course because it was mentioned in an assigned reading and a student who is unfamiliar with the theory has asked what it contends and if there is any basis for it. In this scenario, because the discussion was prompted by a student question, it is unlikely that the university could sanction the professor for a lack of professional competence. Even though the professor is someone who holds a very curious belief and associates with some very curious people, their decision to answer a student's question about Flat Earth Theory would likely be protected by their academic freedom.

Finally, consider a professor of geology at the same state university. Just like the French literature professor, this geology professor believes in the flat Earth theory and is a member of the Flat Earth Society, and a campaign is organized with the goal of getting the professor fired from the university. However, compared to the French literature professor this is a much different situation. Unless the geologist can provide evidence demonstrating the possibility that the Earth is flat that is also accepted by some other credible geologists (credibility being established, for example, by peer reviewed publications), the university may be able to sanction them for failing to meet standards of professional competence. This is because flat Earth theory has been resoundingly rejected by the professor's field of (purported) expertise. If this professor went even further and actually devoted classroom time to lecturing students about the veracity of the flat Earth theory then academic freedom would not offer them any protection and the university may be able to fire them for failing to meet standards of professional competence.

Thus, faculty are permitted to hold all sorts of strange beliefs without sanction as long as: 1. they are irrelevant to their professional expertise and not brought into the classroom gratuitously or 2. they can actually justify strange or unorthodox beliefs in their area of expertise by conventional standards used in the faculty member's field of expertise. On the other hand, if they bring claims that are both irrelevant and unorthodox into their teaching, they are subject to sanctioning; and if they make completely unorthodox beliefs that cannot be justified by conventional methods in their field, they can be sanctioned.

3.3. Much of Modern Scholarship Suppression in the Academy Does not Involve Legal Issues

The perspective articulated here argues that threats to free inquiry in the academy rarely involve free speech as a legal issue. This issue is important, because we suspect that many people think of "free speech" in narrow, legalistic terms. If the government is not restricting speech, then people sometimes seem to believe there is no "free speech" issue at stake. There may be no legal issue at stake, but speech can still be threatened, ideas suppressed, and inquiry restricted. We argue herein that there are often free speech and academic freedom issues at stake, even in the absence of legal issues. Historically, for example, during the McCarthy era, many academics were fired by private universities after being questioned by the government panels inquiring into their associations with communists [11]. This did not violate the U.S. constitutional protections against government prohibitions against speech or association. Nonetheless, it clearly functioned to suppress certain ideas. Thus, a major theme throughout this paper is that threats to free speech and academic freedom can and do occur entirely legally. They occur through social, informal, organizational, and normative processes; as such, these processes can operate entirely without infringing on protections against government interference in speech.

3.4. Freedom of Speech as a Moral Principle

Some have argued that there really is no such thing as free speech or freedom of expression (see [12]), a contention that is more convincing than it seems at first. Freedom of expression is a value, and contentious issues about it are far more likely to arise in communities or societies where it is highly valued. Yet all societies, even the ones that consider freedom of expression one of their most important values, place some legal limits on expression. Thus, debates about free expression are about identifying the boundaries of acceptable free expression in a community or society (e.g., [13–15]), not whether a given person or group can literally express themselves. To be clear, by expression we mean the verbal (e.g., speech), written (e.g., opinion piece), artistic (e.g., political cartoon), or behavioral (e.g., flag burning) expression of a thought or viewpoint.

In *On Liberty*, Mill [16] asks to what extent society can exercise power over an individual, and he makes a very strong defense of freedom of expression with few limits. Mill contends that the expression of any idea, no matter how immoral, should be allowed unless it immediately and directly harms someone. Mill does not explicitly define harm. However, he does attempt to delineate where the boundary of acceptable expression lies by contrasting a written opinion accusing corn dealers of starving the poor with someone stating such an opinion directly to an angry mob right outside a corn dealer's house. According to Mill the written opinion, although offensive, should not be restricted, but the incitement of an angry mob that could immediately become violent with a corn dealer should be.

This distinction—between an offensive opinion that is unlikely to immediately cause direct harm to someone and an offensive opinion that could immediately incite physical violence—is important because it demonstrates that Mill did not consider offensiveness on its own as harmful. This view may be rooted in Mill's concerns about the subjectivity of people's opinions and the tendency for many to imbue those opinions with a sense of infallibility ([16] p. 17, emphasis in the original):

> *"We can never be sure that the opinion we are endeavoring to stifle is a false opinion; and if we were sure, stifling it would be an evil still. First: the opinion which it is attempted to suppress by authority may possibly be true. Those who desire to suppress it, of course deny its truth; but they are not infallible. They have no authority to decide the question for all mankind, and exclude every other person from the means of judging. To refuse hearing an opinion, because they are sure it is false, is to assume that their certainty is the same thing as absolute certainty. All silencing of discussion is an assumption of infallibility".*

In other words, Mill does not consider offensiveness an adequate basis for restricting expression, and we should not treat any single person's opinion or viewpoint as certain or infallible.

Feinberg [17] disagreed with Mill and argued that the offensiveness of an expressive action should be considered when considering restrictions on free expression. This expands the pool of expressive actions that can be restricted to those that can cause an unpleasant psychological state such as anger or disgust. Indeed, human communities and societies regulate all kinds of non-harmful, but offensive behavior even though they restrict individual liberty. For instance, most societies have legal prohibitions against two consenting adults engaging in sexual intercourse in public. This expressive action does not cause any harm, in the way Mill would define it, but it is an action that clearly possesses the potential to cause a strong negative reaction among people who happen to witness the event, and the couple would likely face legal and social sanctions as a result of their action.

Although we recognize that human communities and societies restrict all kinds of non-harmful, offensive behavior because they transgress certain moral sensibilities, we return to Mill's argument that no person's opinion or viewpoint should be treated as infallible. Indeed, human history is replete with examples of despots, dictators, and dogmatic regimes that suppressed dissent and persecuted "heretics" for their beliefs [18]. Investigations of sociopolitical tolerance are also not encouraging—people often espouse strong support for general tolerance and freedom of expression in the abstract, but this support drops, sometimes precipitously, when people are asked about individuals or viewpoints that they strongly oppose (see e.g., [19–24]). For example, Erskine [19] reviewed public opinion data on attitudes toward freedom of speech collected between 1936 and 1970. Table 1 below is reproduced from that analysis and demonstrated that a notable portion of American citizens endorsed non-specific limitations on freedom of speech and that the majority opposed freedom of speech for extremists.

Table 1. Support for freedom of speech 1938–1970, from Erskine (1970).

Maximum Percentage Believing in	Before 1950	1950–1960	After 1960
Theoretical freedom of speech	97%	Not asked	Not asked
Freedom of speech with non-specific limitations	68%	70%	61%
Freedom of speech for extremists	49%	29%	21%

The dramatic drop-off from theoretical support for freedom of speech (a statement such as, "The minority should be free to criticize majority decisions"—[22]) to concrete support (e.g., for "extremist" groups as shown) was found consistently over several decades. When people are asked if they would tolerate certain kinds of expression, who or what is being granted tolerance matters a great deal (see [20,21,23,24]). By whom we mean the individual or group of individuals responsible for an expressive action. By what we mean the specific thought or viewpoint itself (e.g., support for communism), independent of who is expressing it.

Importantly, people are likely to oppose freedom of expression if they dislike the target, consider the expressive content a normative violation, and believe that the target's group is growing in strength and influence, constituting an existing threat (see [25]). For instance, support for allowing communists to freely express their ideas among American citizens has fluctuated quite a bit over time (see [15,18,19,23,24]). In 1954, only 27% of Americans said they would allow an admitted communist to make a speech in their community and an even smaller percentage (5%) said he should be allowed to keep his job teaching at the local college [26]. In 2018, 67% of Americans said a communist should be allowed to speak in their community and 61% said he should be allowed to keep his job at the local college [27]. This change in attitudes toward communists can be explained by recognizing that 1954 was the height of McCarthyism and the second Red Scare. With the emergence of the Soviet Union as a rival global superpower to the United States, communism was considered a global threat to democracy that was also growing in strength and influence [26]. With the fall of the Soviet Union in the 1990s the threat of communism has waned, and today the majority of Americans do not appear to consider communism a threat.

History, law, and philosophy converge on raising the following rhetorical question: who is so infallible that they get to decide who or what requires restriction, outright censorship, or worse?

We consider the principle that few claims are so settled as to justify censorship one of the foundational pillars of science. If some claim is definitively true (e.g., the Earth is round), then claims that the Earth is flat can be readily admitted into discourse; they will simply be easily debunked. In the social sciences, however, few claims are as certain as "the Earth is round". Our capability to fully understand the world is limited and our understanding of the world is constantly evolving. The history of science is littered with beliefs once held as all but "certain" that were subsequently rejected, such as a young Earth, a geocentric universe, leeches helped release "bad blood" or stress causes ulcers. Therefore, we contend that scholars need to be able to engage in unfettered freedom of inquiry.

3.5. Suppression Versus Rejection

In scholarship and science there is a difference between suppression and rejection. Suppression occurs when the fear of social sanctions prevents ideas from being explored or empirical findings from being presented in scientific or public forums. In science, rejection occurs when an idea has been explored and the evidence has been found wanting. The history of science is replete with rejected ideas, such as a geocentric solar system, young Earth, spontaneous generation of life, and the phlogiston theory of air. These ideas were thoroughly explored and rejected because the evidence available overwhelmingly disconfirmed them.

In contrast, suppression prevents an idea even from being explored. Historically, this has occurred for a wide variety of reasons, including that the idea constitutes religious heresy [18], political anathema [28], or premature canonization of the wrong idea [29]. Premature canonization refers to widespread scientific belief in a false conclusion, which leads to suppression masquerading as rejection. A classic relatively recent case of premature canonization involves the scientific identification of causes of ulcers. In the 1950s and 1960s the medical establishment had converged on the conclusion that stress caused ulcers, and a huge, lucrative pharmaceutical industry was built around treating ulcers by treating stress. When Barry Marshall came along in the 1980s producing study after study showing that bacteria, not stress, caused ulcers, he was generally dismissed as a crank and had difficulty getting the work published or treated seriously at medical conferences (the history is told in [30]). This is suppression, not "rejection" because no one ever actually refuted his research. Although the medical community was eventually persuaded by Marshall's work (indeed, he received a Nobel Prize for it), it took decades because his early work was effectively suppressed. Loeb [31] presents several examples in which premature canonization of erroneous claims unnecessarily delayed progress in astronomy. These are generally similar to the ulcers case in that ideas based on little or no evidence somehow became widely accepted, leading to initial suppression rather than refutation on ostensible grounds that what turned out to be the truth (which ran against consensus) was not credible.

To recap, rejection means science has extensively examined some claim or hypothesis and determined it to be false. In contrast, suppression means an idea either cannot be explored, or, if explored and empirically supported, is blocked from communication with the scientific community or public. In principle, unfettered free inquiry includes the possibility of reviving long-rejected ideas. However, scientists who decide to attempt to revive a long-rejected view in some field should be aware of at least two things: 1. they are going to need extraordinary evidence to persuade other scientists and 2. they are likely to receive harsh and intense criticism, and, at least initially, have their work suppressed in the sense described in this paper. This is because, even if they are right, others will likely assume they are quacks and dismiss the claims out of hand, without scrutiny.

4. Academic Outrage Mobs: A Theoretical Perspective on Scholarship Suppression

4.1. Academia Is a Social Reputational System

The production of ideas and knowledge in academia generally hinges almost entirely on the subjective evaluations of one's academic colleagues. After briefly justifying the idea that academia is a

social reputational system, we focused on how and why this renders academics particularly vulnerable to idea suppression.

All or nearly all academic incentives are fundamentally social, rather than objective:

- Admissions to graduate school? Letters of recommendation are required and important.
- Peer review? The evaluation of your work by peers.
- Grants? Usually obtained by peer review.
- First job? Peer reviewed publications and letters of recommendation, preferably from famous faculty.
- Tenure? Peer reviewed publications, grants, and letters of support from prominent faculty.
- Further promotions? Peer reviewed publications, grants, and letters of support from prominent faculty.

Since social evaluations are so central to success in academia, it is easy to induce fear of social sanctions for expressing the ideas that, though not necessarily shown to be factually or scientifically wrong, are widely unpopular or disapproved.

Suppression can occur in a variety of ways and for a wide variety of reasons, not all political. Eminent and prestigious scholars are often gatekeepers (editors, society officers, etc.) and can have outsized influence on which ideas are cultivated, ignored, or outright blocked. For example, one of the sources of psychology's Replication Crisis is that failures to replicate famous scientists' work often ran into difficulty getting published [32]. This occurred because replication attempts often targeted famous and influential articles and findings for good reasons. There may be few more important replications than those verifying the validity of the claims made based on original studies widely viewed as groundbreaking. Typically, however, the replication attempt would be sent to the original authors for review, because the original authors would be viewed as highly expert in the research area and specific methods having already published on that topic using those same methods.

However true that may be, this process also creates a built-in conflict of interest: If a scholar's success and prestige hinged in part on the accolades and respect from colleagues that accrued as a result of the original paper and findings, and if they are sent a paper that failed to replicate their original findings, they have ample incentives to suppress the failed replication, e.g., by producing a scathing review to the editor rejecting the paper. Of course the criticisms will be framed in purely "scientific" terms—methodology, statistics, logical inference, etc.—rather than personal terms. Regardless, few editors indeed are likely to be willing to accept a paper over the adamant rejections and intense criticisms of famous, eminent experts. Doing so might put their own careers at risk.

This dynamic probably helps explain why some findings and claims in psychology have more appearance than reality of scientific credibility. The appearance is created by the "scientific" literature, which, because of suppression of failed replications, is populated disproportionately by papers confirming the effect. In short, if the famous and eminent block publication of findings contesting that upon which they built their fame and eminence, it may never see the light of day, at least not until they are long gone.

Of course, this dynamic is likely far broader than merely failed replications. Any time research produces either findings or conclusions that some large interest group in that field opposes, a similar dynamic can function to suppress those findings. The same dynamic can play out with respect to grants, which greatly facilitate the conduct of research on various topics (and in some cases are an absolute necessity). However, they are also highly competitive, with government funding rates in the social sciences in the U.S. often around 20% [33]. This means that one needs to usually receive favorable ratings from almost every reviewer to get funded. If the ability to do so is rendered more difficult because even a substantial minority of one's colleagues object to the type of work being proposed, that work is unlikely to get funded or conducted. The work is effectively suppressed. Due to the social reputational nature of academia, the ideas of academics are especially vulnerable to suppression through social ostracism and punishments.

4.2. Freedom of Expression Versus Freedom of Inquiry

Although many people seem to assume that freedom of inquiry and academic freedom are subsets of, and largely subsumed by, the legal protections for freedom of speech, the two are distinct legal concepts [34]. Furthermore, free expression, whether protected on the grounds of the First Amendment or supported because of belief in free expression as a moral principle (see above), can infringe on someone else's academic freedom and their ability to engage in free inquiry. The prototypical case is denunciation: In the U.S., the government (because of free speech guarantees) cannot prevent someone from denouncing others as evil and calling for them to be sanctioned. Such denunciations can suppress not only the speech of those denounced, but others who agree with the denounced. Thus, free inquiry is not a subset of freedom of expression, and one cannot assume that, if free speech is protected, ipso facto, free inquiry is protected. The two can and do come into conflict.

The basic recipe for this conflict in academic, or other contexts, is simple. First, someone schedules an event (e.g., a conference; an invited talk), publishes an article (peer-reviewed or op-ed), or states something that another person, or group of people, considers offensive or harmful. Then the aggrieved person or group of people organizes in some way (e.g., by petitions, letter, social media, email campaigns, etc.) to exert public pressure on authorities (e.g., journal editors, colleagues, university presidents, or provosts) that can sanction or punish the offender. Frequently enough, these organized campaigns manifest as petitions making some call to action (e.g., cancellation of an event; calls for termination; disinvitation of an invited speaker; and retraction of a published peer-reviewed article) that are then often signed by hundreds, sometimes even thousands of academics. Such groups may only be loosely organized and often feed off of one another's outrage, denunciations, and moral grandstanding on social media platforms, such as Facebook or Twitter [35]. On rare occasions an outrage mob may resort to more drastic tactics such as shouting down a speaker at an event, verbally threatening the offender, or getting physically aggressive with them (see [36] for a summary of such events).

For simplicity, in this paper, we refer to all such activities as those of "outrage mobs," and we define an outrage mob as:

> "A group or crowd of people whose goal is to sanction or punish the individual, individuals, or organization they consider responsible for something that offends, insults, or affronts their beliefs, values, or feelings. This group or crowd demonstrates a flagrant disinterest in any further explanation from the target or targets and attempts to carry out punishment often by enlisting authorities with the power to level sanctions on the target or targets".

It is important for us to make some additional distinctions about outrage mobs and their relationship to scholarship suppression. An external outrage mob is made up of individuals outside of the academy who are not engaged in formal scholarship that targets a scholar (i.e., academic) or group of scholars (i.e., academics) for scholarship suppression. An external outrage mob cannot level sanctions or punishments on the offending person or group of people; however, we suspect that one of the goals of most, if not all, external outrage mobs is to convince those who do have such authority to sanction or punish the offending scholar. An internal (or academic) outrage mob functions in an almost identical way to an external outrage mob, except that it is made up solely of scholars who are targeting another scholar or a group of scholars for scholarship suppression. Finally, sometimes an external outrage mob succeeds in persuading some academics to lend support to their campaign. We refer to these instances, when they occur, as a hybrid outrage mob. Thus, free speech can come into conflict with free expression and academic freedom because people can make use of their own freedom of expression to organize outrage mobs, create petitions of denunciation, and the like, to suppress other people's free expression.

4.3. Witch Hunts and the Politics of Heresy

Our concept of an outrage mob draws heavily on the sociological scholarship on political witch hunts [13,14], the politics of heresy [15], and moral panics [13,14]. This scholarship explores the

identification of deviance, or heresy, and how this identification helps a community define the boundaries on what beliefs they consider acceptable and true. Bergesen [37] synthesized elements from the sociology of religion (e.g., [38,39]) and the sociology of deviance (e.g., [37]) to suggest that witch hunts represent a way for a community to establish where its moral boundaries are and to reaffirm what that community holds sacred. To do this, witch hunts manufacture deviance within a community by transforming a trivial activity (e.g., publishing a peer-reviewed article on gender differences in career preferences) into an action that is imbued with larger historical forces (e.g., reinforcing the oppressive patriarchy). This process can involve different levels of community mobilization, from simple verbal accusations and charges to the empowerment of members of the community as righteous agents on guard for evidence of subversion and deviance [13]. Suspected deviants are then accused, subjected to some sort of "trial" in which the outcome is fore-ordained and typically made to confess their "crime" or "crimes" (see [13,15]; see also [18]).

In a similar vein, Kurtz [15] argued that heresy plays an essential role in allowing people to clearly and systematically articulate what is considered acceptable and possibly (or even likely) true in a belief system, and what is considered unacceptable and therefore false and dangerous. Heretics are deviant members of the community, and the social construction of a heresy typically occurs during a status conflict within a community. Through the identification of heresy and the pursuit of heretics, a community defines or reaffirms its moral boundaries about what is permitted and what is not. This process can also give members of the community the ability to enhance their social status while also maintaining and reinforcing the community's existing power structure ([15]; see also [14]).

4.4. Moral Panics and the Construction of Deviance

Our concept of an outrage mob also draws from the sociological literature on moral panics (see e.g., [25,40]), which itself has some similarities to the scholarship on witch hunts. Goode and Ben-Yehuda ([25], p. 29) described the concept of moral panics as "likely to clarify [the] 'normative contours' and 'moral boundaries' of the society in which they take place". A key component of a moral panic is the creation of a folk devil or suitable enemy who is considered responsible for some threatening or damaging behavior or condition (see [40]). Cohen [40] argued that a folk devil has been stripped of any favorable characteristics and that the negative characteristics that remain often develop into exaggerated unfavorable stereotypes. In other words, a folk devil is a member of the community who has been identified as a deviant and a threat by a notable portion of a community or society.

The criteria for considering an event a moral panic are quite clear (for a thorough review of all the criteria, see [25], pp. 37–46). Fairly suddenly, some portion of a community or society agrees that some behavior of a certain group or category is concerning, problematic, and even harmful to others. This consensus among members of the community, that some other portion of the community is deviant, permits them to treat the deviants, or folk devils, in their midst with hostility and punish them. Yet, the concern about the threat posed by the deviant members of the community is always more substantial than a realistic appraisal of the situation would conclude. Thus, we are not arguing that every instance of a scholar, or idea, being targeted for suppression by an outrage mob qualifies as an example of a moral panic. Instead, what we are arguing is that outrage mobs that target scholars for their scholarship often demonstrate one or more of the elements of a moral panic.

For instance, consider the case of Selina Todd, a Professor of History at Oxford University's St. Hilda's College, and a feminist. In 2019, Todd was invited to speak at the Oxford International Women's Festival held at Exeter College. She was the target of protests by transgender activist groups and several speakers withdrew in protest. The organizers then deplatformed her. Later, in 2020, she was invited to give a keynote address at the University of Kent, which sparked another outrage mob, this time, primarily academics, denouncing her. The large number of signatories on the letter represents some level of consensus about Todd's views among members of that portion of the academic community. The talk was eventually postponed due to the coronavirus outbreak, and it remains to be

seen whether she will be allowed to give it [41]. Along the way, she was the target of threats of physical violence sufficiently credible and severe that her college provided her with security guards [42].

The signatories of the denunciation letter directly referenced one page on Todd's website (https://selinatodd.com/my-feminism) where Todd stated that she is opposed to amending the law in the United Kingdom so that people would "be able to define themselves as men or as women simply by describing themselves as such". Todd gave 3 reasons for her views:

1. There is a need for women-only spaces because of past violence against women by natural born males;
2. The need to collect robust data on sex-based participation in a variety of professional domains so that discrimination on the basis of sex can be identified and hopefully remedied and;
3. Since the notion that someone could "feel feminine" may reinforce conservative gender stereotypes about femininity by overlooking that what is defined as "feminine" or "masculine" has changed over time.

Todd concluded by noting her membership in and support for Woman's Place UK (WPUK), a woman's rights group concerned about how the push to replace biological sex with gender identity may obfuscate current levels of sexism against women in a variety of domains.

The denunciation letter contends that Todd's views, and those of WPUK, about biological sex are tantamount to questioning the right of transgender women to self-identify. We are not adjudicating between these two different positions in the present paper, though we believe research into the veracity of both positions is a more appropriate way to resolve such a matter compared to a letter of denunciation. We do, however, think the case of Selina Todd helps demonstrate how academic outrage mobs sometimes share some similarity with moral panics.

It is clear that there was concern about Todd because of her views—they were described as not only "problematic" and "unpopular", but "harmful". These sorts of criticisms do not address whether she was actually factually or empirically wrong in any of her claims; and the terms "unpopular" and "harmful" are actually empirical statements that, at least hypothetically, could be tested, could be found to be either correct or incorrect, and do not need to be assumed. In the absence of such evidence, we do not know that the criticisms were actually wrong; instead, they can be described as evidencing a flagrant disregard for facts or evidence bearing on her statements. Furthermore, and perhaps even more important, "harm" is tantamount to calling her ideas "dangerous", and dangerous ideas are explicitly protected under the principle of academic freedom.

It was further argued that giving her a platform would force trans and nonbinary members of the university community in the position of having to defend their right to exist. This was presented as justification for the denunciation. It is manifestly false because trans and nonbinary members could simply have ignored anything Todd presented.

The final, and most important, criterion for declaring something a moral panic is disproportionality. To meet this criterion, the threat or the danger posed by the scholarship must be exaggerated beyond what a realistic appraisal could sustain. In the specific case of Selina Todd, a perusal of her deplatformed but planned remarks for the Oxford International Women's Festival [43] demonstrates they were rather brief. She intended to speak fondly of how her parents met at Ruskin College and how because of the Women's Liberation Movement, and that first inaugural conference at Ruskin College 50 years ago, she grew up in a much different world than her mother did. She concluded by arguing that, despite the victories won by feminism over the past 50 years, there is still much work to be done for women's rights. We leave it to readers to decide for themselves if the deplatforming of Selina Todd was a proportional or disproportional response.

4.5. Scholarship Suppression vs. Other Reasons for Punishment

There are of course bona fide reasons to punish academics, such as criminal behavior, incompetence, harassment of students or colleagues, and scientific fraud and misconduct. Since such reasons are for

unethical or criminal behavior, rather than promotion or publishing of scholarship, they are beyond the scope of the present paper.

A grey area involves ideas expressed through means other than scholarship. A rising influence on firings or pressures to resign comes from targets' social media presence, in places such as Twitter or Facebook. Faculty are routinely targeted by outrage mobs for offensive tweets or posts on other platforms (see "white genocide" discussed previously). Another was fired for a slew of racist comments, including referring to President Obama as a "monkey" [44].

In this paper, therefore, we put aside these grey areas, because even though conventional academic ideas may play some role in them, they are also some witches' brew of snark, hatred, sarcasm, insult, and racism. Our focus was on suppression of ideas as expressed in scholarship. By scholarship, we included peer reviewed articles, books, book chapters, and blogs. We also included teaching, talks, colloquia, panel presentations, essays, editorials, and op-ed pieces that focus mainly on presenting the scholarship, and its implications, for a lay audience. We excluded social media posts (Twitter, Facebook, and Instagram) and message boards.

Furthermore, if one goes back far enough in history, one can find ample evidence of academics being punished, including being fired, for their leftwing views, a phenomenon that probably reached its zenith during McCarthyism [45]. However, our review focused on the current state of academia and was not meant to provide a broadly historical review. Therefore, we focused exclusively on punishment occurring in the last five years.

5. Emerging Trends in Scholarship Suppression

There are two main types of scholarship suppression: suppression by others and self-suppression. The most direct route to scholarship suppression in academia is to attempt to punish people for their ideas (suppression by others). The most obvious manifestations of the modern toolbox of idea punishment include: firing, loss of position (e.g., a dean is removed though may remain on the faculty), deplatforming, and retraction of published papers for anything other than fraud, misconduct, or flagrant and frequent data errors. If successful, the ideas being promulgated will be suppressed. A retracted paper is no longer in the literature; a deplatformed speaker has lost a platform, and a fired scholar may never return to academia or publishing.

However, even if punishment is "unsuccessful" in the sense that none of those actually occur (the target is not fired, deplatformed, and their paper is not retracted), it may nonetheless be highly effective at suppressing ideas for several reasons:

1. Defending one's self from such attacks is potentially time-consuming, emotionally exhausting, and, in some cases, may be quite expensive if lawyers get involved [46]
2. The time and effort spent defending one's self from such attacks is time not spent engaging in scholarly activities; therefore, the productivity and ability to influence discourses and canons in the field in which the target works are reduced.
3. The targeted scholar, even after successfully fending off the attack, may decide that whatever constituted the basis for the attack, and anything like it, is just not worth the grief that comes with pursuing it.
4. Others, especially younger scholars seeking jobs or tenure witnessing the event may reach a conclusion along the lines of "the guild of professionals to which I aspire to join has declared certain types of work worthy of sanction, so maybe I should just work on something else".
5. The attack may successfully sully the target's reputation, even if the target is not otherwise punished. Given that academia is a social reputational system, this can be quite enough to create formidable obstacles to getting ideas platformed, published, or funded.

5.1. Self-Suppression

Self-suppression occurs when people do not pursue certain ideas or try to publish certain findings because they fear punishment or prefer that the findings do not see the light of day. Self-suppression is notoriously difficult to empirically assess because there is mostly an absence of evidence (if the idea is suppressed, it cannot usually be found). This dynamic was captured beautifully in a podcast by social psychologists Michael Inzlicht and Yoel Inbar [47]. Inzlicht, at about 25 min in:

"What if I felt that overemphasis on oppression is a terrible idea, hurts alleged victims of oppression, and is bad for everyone? What if I was outspoken about this? I suspect I would face a lot more opposition. Even though not much could happen to my job security, I'd have a lot of people screaming at me, making my life uncomfortable. And, truly, I wouldn't do it, because I'd be scared. I wouldn't do it because I'm a coward".

Our view is that Inzlicht is less of a coward than most simply by virtue of having gone forward with this podcast including this sort of statement. Nonetheless, it also nicely captures the social psychology of scientific idea self-suppression.

However, we know of at least 17 cases of self-suppression. Zigerell [48] discovered 17 unpublished experiments on racial bias embedded in nationally representative surveys totaling over 13,000 respondents. These unpublished experiments failed to detect evidence of anti-black bias among white respondents but did detect pro-black bias among black respondents.

Another example of self-suppression can be found in IAT (Implicit Association Test) research. In response to criticism of the ability of IAT studies to account for racial discrimination [49], a retort emphasized the validity of the IAT and included in its title: " ... Executive Summary of Ten Studies that no Manager Should Ignore" [50]. Putting aside the fact that six of the ten studies did not address racial discrimination, even the four that did, found almost no evidence of racial discrimination (see [51], for a review). This was simply not reported in Jost et al.'s reply [50], or in any paper we know of that has cited that reply, until we did a deep dive into the 10 studies and discovered the almost complete absence of racial bias effects [52]. Of course, it is possible that, rather than suppression, no one considered it relevant. However, how could findings showing little or no bias not be relevant to establishing the importance of the IAT to predict racial bias?

This raises the following unanswerable questions: How many other unpublished studies providing quality data relevant to important social issues and controversies are out there that have gone unpublished because the researchers feared repercussions, did not see the value of reporting it, or themselves did not want the results to become widely known? How many published papers have buried results (either their own or, in the case of reviews, others) in order to avoid highlighting findings that conflict with preferred narratives? The answer is currently unknowable, but it almost surely exceeds that described.

5.2. Suppression by Others: Modern Examples of Academics Targeted for Punishment for Their Scholarship

What type of scholarship evokes punishment by academics? Most of these cases involved findings or arguments that challenged (or, perhaps, threatened) academics' equalitarian sensibilities (race, sex, ethnicity, colonialism, etc., [1]). We were interested in identifying examples of academics advocating ideas in their scholarly work (as just described above) that offend rightwing sensibilities and who were subject to punishment by academic outrage mobs but were unable to do so. To be clear, there are ample examples of rightwing outrage mobs targeting leftwing academics for their political statements, especially on social media (e.g., [2]), but we excluded those because they were mobs organized outside of academia, and were often for social media posts rather than for scholarship. Additionally, as discussed previously, hundreds of academics lost jobs during the Red Scare of the 1940s and 1950s. Nonetheless, we were unable to find a single example over the last five years of an academic sanctioned by other academics for violating rightwing sensibilities regarding their scholarship.

5.2.1. Firings, Non-Renewals, and Forced Resignations

Firings since 2016 include (see [1] for more details):

- Alessandro Strumia, physicist working for CERN, fired (technically, not renewed, in 2018–2019), after presenting a data-based talk arguing that women were not discriminated against in physics. Although multiple issues may have contributed to his non-renewal, he was denounced primarily for his ideas.

- Noah Carl, social scientist, had accepted a postdoctoral position at St. Edmunds College (United Kingdom), which was ultimately rescinded in response to a petition denouncing him on these grounds: "A careful consideration of Carl's published work and public stance on various issues, particularly on the claimed relationship between 'race', 'criminality' and 'genetic intelligence', leads us to conclude that his work is ethically suspect and methodologically flawed". We note that the petition did not actually identify any methodological flaws and that the commission of inquiry tasked with evaluating his scholarship reached this conclusion: "Dr. Carl was . . . an extremely strong candidate indeed having performed with conspicuous success at every academic stage . . . [and] was the unanimous choice. No-one else impressed to anything like the same degree".

- Allan Josephson, Professor of Psychiatry at University of Louisville was demoted then fired after being denounced for making this comment at a conference: "When treating children with gender dysphoria, medical professionals should first seek to understand and treat the psychological issues that often cause this confusion before pursuing more radical, aggressive treatment".

- Susan Crockford, University of Victoria. She had an unpaid affiliation with the University for 15 years, which was not renewed in 2019, after she published a book arguing that, contrary to popular environmental narratives at the time, there was no ongoing devastation of polar bears, leading to her denunciation as a "climate denialist". It is interesting to note that polar bear population estimates have gone from 20,000–25,000 in 2012 [52] to 22,000–31,000 in 2019 [53].

5.2.2. Punishment Other than Termination

Academic outrage mobs can inflict all sorts of punishment that falls well short of firing, but which are certainly noxious experiences for their targets (see our prior discussion of Selena Todd). More details about these examples, including links to additional blogs, petitions, and new stories, can be found in Jussim (2020) [1].

- Bruce Gilley, Political Science, Portland State University, 2017. His paper, The Case for Colonialism, was retracted after academics initiated a petition calling to retract, signed by thousands, and then both Gilley and the journal editor received what they considered to be credible death threats.

- The National Association of Scholars, perhaps the last right-leaning academic organization in all of U.S. academia, held a conference in 2020 titled "Fixing Science". It was denounced as a shill for conservative and corporate interests promoting climate change denialism. There were also social media and email campaigns that pressured invited speakers not to attend. Although most did attend, two early career scholars withdrew. Whether this was because they earnestly believed in the validity of the denunciations, or were simply intimidated and feared for their careers, or some mix of both, remains unclear.

- Stephen Gliske, a neuroscientist at University of Michigan, published a paper presenting a new theory of the development of gender dysphoria. It offended trans activists and their academic allies, who launched a retraction petition that was ultimately successful.

- Ted Hill, Math professor, Georgia Tech, wrote a paper offering an evolutionary explanation for the male variability hypothesis (the idea that human males are more variable than human females on many attributes). It was accepted for publication at a journal; this evoked protests and outrage, which had the effect of pressuring the accepting journal to "unaccept" the article. He then had it accepted at another journal, which evoked more outrage (the manifest substance of

which involved the process by which the paper was accepted), and it was again unaccepted [54]. The paper remains unpublished as far as we know.

- Kathleen Lowry, a feminist professor of anthropology, lost her position as the undergraduate associate chair in 2020 for claiming that biological sex exists and is important, on the grounds that "it was not in the best interests of the students" for her to continue in the position.

There are many more examples like these that can be found in Jussim (2020) [1]. Furthermore, the pace at which this sort of punishment is occurring seems to have increased over the last five years compared to any time prior, and especially over the last year compared to even the prior few years.

5.2.3. The Importance of Authorities in Resisting Outrage Mob Calls for Punishment

Although outrage mobs often trigger the punishment process, in Western democracies, mobs no longer actually burn witches at stakes. For most punishment to occur in academia, some authority has to agree to implement the mob's punishment. That is, mobs do not get academics fired; it is high level administrators, such as deans, provosts, and university presidents that implement firings. Mobs do not get papers retracted; that is the decision of editors and editorial boards. Thus, the key turning point in whether an academic outrage mob is effective at punishing an academic for their ideas is usually the action of authorities. Although as we articulated earlier, simply being targeted by an outrage mob will likely be experienced as punishment, we also acknowledge that there is a qualitative difference to being denounced publicly and extensively (however unpleasant that may be) and being actually fired. It is the authorities, not the mob, that decide whether to inflict punishment that goes beyond social approbation.

Lest we paint too bleak a picture of academia as an institution overrun with dogmatic ideologues and spineless quislings unwilling or unable to defend academic freedom and free inquiry, we described several cases here of authorities not caving in to mob pressure. Again, summary descriptions of these events, including links to more detailed stories and denunciation petitions and letters, can be found in Jussim (2020) [1]:

- An academic outrage mob petitioned (July 2020) to have Professor Steven Pinker, Psychology, Harvard, removed from the Linguistic Society of America's list of distinguished academic fellows and their list of media experts. There were a variety of vague allegations. This petition failed. It was so obviously filled with falsehoods and misrepresentations that numerous sources were able to debunk its charges.
- Philosopher Rebecca Tuvel [55] published a paper in *Hypatia*, a leading feminist philosophy journal, titled "In Defense of Transracialism", in which she argued that people could choose to identify as whatever race they preferred. She drew on common postmodernist ideas suggesting that race is not an essentialist or biologically determined category and that it is socially constructed. Just as people can, according to this view, identify as any gender, she argued that the same perspectives would mean they could also do so for race. The paper was denounced by hundreds of academics who signed an open letter calling for retraction, including the claim that Tuvel caused "harm and violence". *Hypatia*'s board of directors stood firm and refused to retract the article.
- Littman [56] published preliminary evidence for "rapid onset gender dysphoria", which referred to the idea that, for some adolescents, identifying as a different gender seemed to have been something that emerged suddenly, more or less "out of the blue", rather than from a longstanding history of identifying differently than the sex one was assigned at birth. The paper was quickly denounced by transgender activists claiming the paper caused "harm" and "denied their identities". From here, the story took some strange turns. The journal publishing the paper (PLoS One): 1. instituted post-publication review; 2. apologized for their handling of it; 3 persuaded Dr. Littman to revise the paper; and 4. published the revision as a "correction". The "correction" was particularly odd because there were no errors identified in the original, and no factual changes. Instead, Littman added some context that qualified her claims and conclusions. Although Dr. Littman was fired

from an ancillary consulting position, this paper was not retracted. Thus it is included here as an example of an authority (in this case, the editors) resisting an outrage mob's call to retract, although the incident is plausibly considered an intermediate case, because she was made to jump through extraordinary hoops that, as far as we know, no other author has ever had to jump through at PLoS journals.

- Dr Abigail Thompson [57] published an editorial criticizing the use of mandatory diversity statements in academic hiring. This triggered an academic outrage mob denouncing her and a petition calling for removal from her position as vice president of the American Mathematics Society (AMS). According to the AMS website (https://www.ams.org/about-us/governance/officers/officers), as of September 2020, she was still listed as vice president. Thus, although we had no inside information, the AMS did not cave to mob outrage. An interesting epilogue is that she has also received a Hero of Intellectual Freedom Award from the American Council of Trustees and Alumni [58].

6. Conclusions

This paper reviewed theoretical perspectives on and emerging trends in the suppression of academic scholarship. It provided several unique contributions to understanding suppression. First, we reviewed legal, moral, and social issues in distinguishing among free speech, free inquiry, and academic freedom. Second, we showed that, because academia is a social reputational system, it is especially vulnerable to groupthink and a stifling intellectual conformity, despite lip service or even bona fide protections resulting from academic freedom statements and tenure.

Third, we pointed out that protections and freedoms such as free inquiry and free expression, which are often used in ways plausibly viewed as interchangeable in much social discourse, can and are often in tension and conflict. The premier case is that of a denunciation mob; they are exercising their legal free speech rights, and, if they are successful, they will suppress certain ideas. We then reviewed theoretical perspectives on and the history of moral panics, which have long played a role in suppressing certain ideas. Finally, we reviewed a series of real-world cases where academics have been fired, successfully punished in ways short of firing, and targeted unsuccessfully for punishment by outrage mobs for their ideas.

6.1. Limitations

Nonetheless, there are certain important limitations to the perspective presented here. Although academic censorship may be on the rise, in historical and international terms, this still pales in comparison to what has often occurred under religious, monarchic, or authoritarian regimes. Current censoriousness, at least in the U.S., is also less severe than it was during the height of McCarthyism and the Second Red Scare (roughly 1947–1960), when hundreds of faculty lost their jobs [11]. Although that era may have seemed like government censorship, in fact, it was the universities themselves that did most of the firing. Put differently, administrators and many faculty enthusiastically embraced purging communists from their ranks [10].

Nonetheless, if academic censorship is on the rise, it raises the question, "Why now?" Our review was only intended to describe the social and psychological processes by which such censorship occurs. Therefore, an important limitation of the present perspective is that it has not sought to explain why it seems to be increasing now.

In speculation, we suggest that several forces may have come together to contribute to this rise in calls for censorship and suppression, at least in the U.S. and possibly elsewhere. First, many analyses indicate a recent dramatic rise in what is sometimes called tribalism [59] or affective polarization [60]). These concepts refer to an intense identification with and emotional attachment to one's political ingroups, along with a concomitant tendency to despise, derogate, and demonize one's opponents [61–63].

Along with tribalism and polarization, some have argued that there has been an increasing sacralization of victimhood (e.g., [64]). Combine these developments with a number of disciplines in academia skewing left in their politics [28,65,66], then the demonization of academics who are perceived to threaten groups viewed by many of those on the left as warranting special protections (marginalized groups, stigmatized groups, etc.) may seem almost inevitable. Of course, demonization by itself is not quite enough to produce censorship. The final ingredient, which may act more like pouring an accelerant on an already smoldering fire, may be social media. Platforms like Facebook and Twitter have enabled outraged academics to quickly organize into large mobs through open letters, email campaigns, electronic petitions calling for sanctions, and public denunciations. Authorities (editors and administrators) may either be persuaded or concerned about their organization's public image, and decide it is either justified or simply easier to sanction the target than to have to deal with a mob or "explaining" to the public why they are defending a person others have publicly denounced as despicable.

6.2. What Should Be Done?

A most pressing question, unaddressed in this paper, is what should be done about this state of affairs? We concluded our paper not with answers, but with an attempt to begin a conversation about how to address this emergent social problem.

One possibility is nothing should be done, which would be the recommendation if one believes this is an excellent state of affairs. This is the position one would adopt if one believes some academics deserve the authority to prevent others even from airing ideas, such as the existence of rapid onset gender dysphoria, the reality of biological sex, or that polar bear populations are actually rising.

On the other hand, some may believe this is a bad state of affairs, and that no one should have the authority to prevent others from getting a hearing for their ideas. In that case, what can be done to prevent scholarship suppression? Our review suggests that some answers might involve creating disincentives to suppress by appeal to authorities. What might such disincentives be? Some possibilities:

1. The most obvious is financial: can these mobs be sued for defamation? We doubt it, at least most of the time. The U.S. Courts, for example, have repeatedly decided that publicly denouncing someone as racist is simply opinion, and, therefore, fully protected speech [67]. On the other hand, at least one defamation suit in Canada was successful in evoking payment of expenses and a public apology after unjustifiably referring to a reporter as a "neo-Nazi" [68]. If enough such suits were successful, the threat of such a suit might become a more effective deterrent. However, as discussed, the mere possibility of having to hire lawyers to fight defamation suits may be sufficient to deter some outrage mobs from even getting started.
2. Another possibility is to exploit the academic social reputational system itself—what if the tactics of the outrage mob were turned on the leaders and organizers of such mobs? What if their reputations were impugned and their employers targeted with emails and petitions denouncing them in ways not readily refutable (say, as authoritarian bullies?). If enough "counterattack mobs" succeeded, again, the mere potential to have one's career damaged by engaging in attempts to suppress others' work may be sufficient to deter some such attempts.
3. Yet a third possibility is to, somehow, pressure the relevant authorities to actually uphold their responsibilities to protect academic freedom. Most colleges and universities at least pay lip service to academic freedom, and many have written documents testifying to such commitments. In the case of academics, the key authorities, then, are usually the administrators (chairs, deans, provosts, presidents, etc.) who have ultimate responsibility for deciding whether or not to sanction faculty accused of some sort of heresy by an outrage mob.

Although these are three hypothetical options, none seem particularly likely to actually solve the problem of suppression by academic outrage mob. Suing is quite difficult and, in the U.S., not likely to succeed. Attempts to denounce the denouncers are a recipe for the escalation, not the dialing back,

of outrage mobs. Additionally, given how regularly authorities have caved to these mobs in the past, we see no simple path to changing their behavior, as desirable as that may be.

Academia is littered with cases of influential papers and ideas having initial difficulty getting published. However, the work is not suppressed if the scholar can revise the paper, make it stronger, and attempt to publish it at the same or different outlet. Scholarship suppression has a superficially similar appearance to rejection—in both cases, scholarship does not see the light of day. However, there is a key difference, when scholarship is suppressed, it does not get a fair hearing. It is denounced and rejected, never submitted, or never conducted in the first place. Rejection is quality control, however imperfect; suppression impoverishes the knowledge base. Academics, administrators, and the broader public should think long and hard about whether scholarship suppression is a fundamentally desirable or undesirable feature of the quest for knowledge.

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Disaggregating the Asian "Other": Heterogeneity and Methodological Issues in Research on Asian Americans with Disabilities

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Abstract: Asian Americans comprise the fastest growing racial or ethnic group in the US. Between 2000 and 2019, their numbers almost doubled, from 11.9 million to 22.2 million. The numbers of people with disabilities within this demographically important population, which are also growing, puts stress on the service delivery sector. This situation indicates a pressing need for research on lived experiences of disabled Asian Americans. A review of the extant literature shows that Asian Americans are underrepresented in the research on disability and/or mental health. This lack of hard data is compounded by the tendency to treat Asian ethnicities as monolithic. The US Census Bureau recognizes more than 20 distinct Asian nationalities, ranging from South Asian Pakistani Americans to Southeast Asian Americans. Aggregating all Asian Americans together in surveys and studies impedes a sophisticated understanding of their unique needs and strengths. From a policy or systems perspective, inadequate data representation in the research literature, including outdated conclusions, is an implicit form of disenfranchisement. This conceptual article examines issues and implications around the lack of systematic attention to diversity within the Asian American population in disability research.

Keywords: research methods; disparity; disaggregating data; Asian Americans; disability; mental health; model minority myth

1. Introduction

The Asian American population is one of the fastest-growing racial groups in the United States [1]; within this heterogenous group, many are living with disability or caring for a family member with a disability. Historically, however, Asian Americans, including Asian Americans with disabilities and/or mental health conditions (hereafter 'disability,' as reported by Article 1 of the Convention on the Rights of Persons with Disabilities [2], have been underrepresented and/or misrepresented in US-based research studies [3]. This lack of attention is compounded by the tendency of disability-related studies to target middle-class Whites (i.e., European Americans), and occasionally African Americans, Latinos, and Native Americans, in discussions of theories, policies, programs, and practices in the relevant disciplines. As a result, little research has focused on the needs and strengths of an important and growing Asian demographic in the context of disability rights and advocacy [4].

From a systems or policy perspective, inadequate data representation in the research literature, including outdated conclusions, is an implicit form of disenfranchisement. The purpose of this

conceptual article is to examine broader implications of this lack of systematic attention to diversity within the Asian American population in disability research. This article also presents alternative methodologies that can help researchers better address the heterogeneity of Asian Americans in responsive and inclusive ways. In the sections that follow, we introduce underlying demographics and discuss approaches to expanding the research relating to Asian Americans with disabilities.

1.1. Demographics and Approaches to Expanding Research

Demographically, this article uses the United Nations description of Asia as including more than 4.1 billion people, living in 51 countries, dependencies, or territories, with hundreds of spoken languages, and many faiths [5]. Failure to account for such diversity can have potential consequences if research lacks the necessary sensitivity to identify important differences within the broader Asian American population. In the US, as elsewhere, government policy is often shaped by such studies. Moreover, the implementation of culturally tailored outreach across different service sectors, including disability-related supports, is based on perceived demographic and cultural characteristics. Some of these may be outdated or inaccurate if they are based on research whose premises are flawed; therefore, our understanding of how these services affect Asian Americans' quality of life (e.g., differences in lack of access to information or resources or variations in participation rates) may be limited [6].

According to the 2017 estimate by the US Census Bureau, Asian Americans comprise 22.2 million people, about 6% of the total US population [7]; by 2050, this number is expected to increase to 41 million, totaling 9% of the US population [8]. The growing size and diversity of the Asian American population presents good opportunities to expand research on issues of access, participation, and well-being. Participatory methods and approaches to research [9] for pan-Asian communities can fill the present gap and by doing so contribute to providing a better quality of life for Asian Americans living with disability.

As one might expect, the diversity of Asia is largely reflected in the demographics of Asian Americans. For example, the Pew Research Center [10], and Ramakrishnan and Ahmad [11] have identified more than 38 spoken languages, more than 38 ethnic designations, and more than 8 religious belief systems, along with 40 countries of origin. Information shared in advance of the 2020 Census at the VietAID hearing [12] raises other important considerations that are relevant to conducting local or state research on this vastly heterogenous group:

> "Most cities and counties in Massachusetts do not have large enough populations to enable this kind of analysis using federal data collections, such as the American Community Survey collected by the U.S. Census Bureau. State and local data collections of detailed Asian origin are critical to fill these gaps, and to help formulate and implement policies that benefit local populations. It is also critical that such data be collected and disseminated in a manner that protects individual privacy and ensures data security, consistent with safeguards on other types of state and local data collections."

> (Ramakrishnan, Director, AAPI Data; Professor of Public Policy).

Asian American diversity, of course, is also reflected within the demographics of those who have disabilities. If support intervention and rehabilitation strategies are to be optimized, policy makers, as well as researchers and service delivery personnel, must understand and accept the importance of underscoring this diversity in ways that are both accurate and up-to-date. It is urgent that the design and implementation of culturally appropriate outreach and service delivery rest on reliable demographic information.

If they are to conduct culturally responsible studies, researchers must understand their own biases, values, and cultures [9]. It is also necessary, when seeking to address service delivery and policies that can be adapted to cover all Asian cultural standards and beliefs, to acknowledge core differences in research styles between the East and West. In Eastern culture, respected community elders may share stories with younger generations. Traditionally, specialized knowledge, such as methods of coping with

or acknowledging an impairment or disability, is not shared openly; only these "gatekeepers" are trusted with holding and imparting such knowledge. This culturally-based, time-honored restriction can present conflicts with the typical Western research paradigm, which emphasizes academically-derived knowledge that is openly shared across chronological ages [4].

1.2. Asian Diversity Is Oversimplified

Despite their increasing presence and visibility in the U.S., Asian Americans—on individual, family, and group levels—are overlooked and ignored; their diversity is oversimplified, and they are treated as a homogeneous entity in research, especially in studies focused on disabilities [13,14]. Because of these problems, Asians with disabilities living in the US, whether they are foreign-born immigrants, refugees, or native-born citizens, remain underserved, misunderstood, and under-researched both in their own communities and within the American mainstream [15]. The limited available literature implies that this lack of information has consequences that are both serious and wide-ranging [16]. According to Ngo-Metzger, Kaplan, Sorkin, Clarridge, and Phillips [17], Asian Americans have more problems with specialized services than Whites, and tended to be dissatisfied with the service they received; we may speculate that these conditions hold true for disability services, as well [3]. Moreover, the presence of cultural gaps between clients and providers makes it difficult for researchers to craft intervention solutions within a given setting, while also upholding their research principles and methodologies [18–21]. A review of the scant literature on this topic clearly indicates a lack of adequate attention to disparities in disability services or supports overall. It also indicates the disregard of the research contributions of Asian-serving community-based organizations (CBOs), especially in Asian American sub-ethnic communities [22].

Inadequate data likely make it easier for state and federal programs in the disability and rehabilitation service sectors either to overlook the needs of Asian Americans or fail to establish benchmarks for services and outcomes [23]. In addition, traditional stigmas associated with disability within Asian American communities themselves, combined with other cultural factors, may conceal not only the immediate needs of Asian Americans with disabilities but also their human potential. As a result, disabled Asians often remain invisible within their own communities as well as to the "outside world" [16]. In addition, researchers working to improve access and opportunities for and with Asian Americans with disabilities are still struggling to find culturally and linguistically competent ways to conduct useful and responsible research [6].

White House Executive Orders 13125 and 13515, both issued in the late 1990s, recognized the need to increase participation and to improve quality of life among Asian Americans and Pacific Islanders who were deemed to be underserved by federal programs.) [24,25]. Our motivations in reviewing research challenges and publicizing alternative strategies are to increase the knowledge base around a significant US demographic underserved by disability services and supports; to help this demographic overcome a variety of complex, daunting challenges; and to refute pervasive myths and stereotypes that contribute to the research gap. In the next section, we introduce the issues pertaining to the under-representation and misrepresentation of Asian Americans with disabilities.

1.3. The Research Dilemma: Heterogeneity of Asian Americans and the Model Minority Stereotype

Failure to recognize the heterogeneity of Asian Americans in research perpetuates the "model minority" stereotype [26]—a problematic tendency that, by assigning homogeneity to the Asian American community, not only undermines its complexity and diversity but also disregards significant difficulties encountered by its less-privileged subgroups. In addition, as previously discussed, the category "Asian American" in itself is an aggregate that masks significant differences [27]. The reality, as Chung found in 1995, is that Asian Americans are too often lumped together as a single group in quantitative studies; similarly, in qualitative studies, individual groups are considered representative of all Asian Americans [28]. To illustrate, a study by the Pew Research Center [29] examined Asian Americans' socioeconomic environment and quality of life and found this group to be the highest

achieving racial/ethnic group in terms of educational attainment and economic status. However, although the article claims that Asian Americans have the highest income among racial/ethnic minority groups (a median annual income of $66,000 compared to the national median of $49,000), a more thorough analysis of the economic status of Asian American subgroups presents a different picture. Citing data from the 2010 Census, Hing [30] reports that poverty rates among Cambodian and Laotian Americans are as high as that of African Americans. Thus, by lumping Asian Americans into one category, and using median salary across racial/ethnic minorities as a marker, the Pew study seems to suggest that Asian Americans are bypassing economic challenges. Yet these challenges are clearly at issue for certain Asian American subgroups.

The failure to acknowledge Asian American heterogeneity not only ignores economic disparities between Asian American subgroups, which contributes to the marginalization of some subgroups in research and public policy, but also ignores differences in their academic achievement. Stereotypically, Asians are thought to be academically successful because of their hardworking attitude and intelligence, but a 2016 study by Joo and colleagues [26] challenges the belief that Asian Americans do well in school because they attend better schools, a belief bolstered by observations that school performance of lower-income members of racial and/or ethnic groups is poorer by comparison. By calculating the average math passing rate of schools within each Public-Use Micordata Area (PUMA), without data from Asian American students to account for potential skew, the authors ranked PUMAs from best to worst. They found that Asian students in low-performing school districts fared as poorly as some of their African American counterparts in similar school districts. They also found wide disparity in school performance among Asian American subgroups. For example, in California (where over 30% of Asian Americans reside), the difference between the mean school quality percentile of the highest-performing Asian American subgroup, Taiwanese Americans, and the lowest-performing subgroup, Hmong Americans, was around 30 percentage points.

As both Hing [30] and Joo et al. [26] point out, the assumption that Asian Americans constitute a monolithic group renders differences within and between subgroups invisible. This practice also risks perpetuating the flawed assumption that Asian Americans are completely self-reliant and prosperous. Consequently, the discourse around the model minority stereotypes does grave injustice to less advantaged subgroups, such as Burmese Americans, whose unique needs may not be adequately represented in federal, state, and local policies. In the next section, we introduce the issues pertaining to underrepresentation and misrepresentation of Asian Americans with disabilities.

2. The Under-Representation and Misrepresentation of Asians Americans with Disabilities in Research

Despite the growing need for accurate information about Asian Americans with disabilities, researchers have not significantly added to the literature on their lived experiences. This dearth of information is particularly relevant in the contexts of disability and rehabilitation service access and outcomes [20,31]. The few existing empirical studies of the status of Asian Americans in the disability sector affirm that this population is underserved and receives lower-quality support and rehabilitation compared to other groups, including Latinos and Blacks/African Americans [32]. Sample biases would suggest the problem is greater than reported, as such data are based only on individuals who seek and obtain disability and rehabilitation services. Cultural reticence of those who need services but choose not to obtain them appear greater among Asian American subgroups [33]. Researchers across numerous disciplines agree, however, that incorporating diversity into representative samples is neither simple nor straightforward [33].

In short, the lack of disability data meaningfully disaggregated within the larger Asian American population leads to erroneous assumptions, such as: (1) this population can be categorized as a single group; (2) subgroups have homogeneous needs for disability and rehabilitation supports; and (3) intra-group variations are irrelevant inputs to improvements in service access and delivery, both on pragmatic and policy levels. Given the reported rates of disability by Asian Americans,

these assumptions are understandable. However, it cannot be overemphasized that they are likely inaccurate and are potentially misleading due to intra-group variations and undersampling [29]. According to the American Community Survey 2017, the reported rate of disability among Asian Americans was 4.4%. This percentage, which was remarkably low to begin with, was also the lowest among all racial categories. The 2017 Disability Status Report found the following numbers for other racial groups: Whites, 10.6%; Blacks, 13.6%; and Native Americans, 18.1%; and other races, 9.5% [34].

Chung [28], who explored health and disability rates among Asian Americans in Massachusetts, asked whether Asian Americans are a healthy minority; an underserved, hard-to-reach population with health and disability needs similar to other ethnic groups; or both. Results indicated that Asian Americans with disabilities are an underserved population due to both limited research and the lack of individual narratives. Unfortunately, answers to these and similar disability-related questions may be difficult to find due to "inadequate resources to support racially and ethnically disaggregated Asian American research and data collection activities with appropriate linguistic and cultural translations" [35] (p. 12). In the next section, we introduce our structured literature search and examples of our findings.

3. Literature Search: Research on Asian Americans with Disabilities

Three original research authors conducted a structured literature search of published studies in order to summarize and evaluate the existing research methodologies used to explore disability topics within Asian American communities. We reviewed original research studies if (1) they were conducted in the US or in English-speaking countries (e.g., the UK), if (2) Asian Americans (either as a "whole community" or as individual ethnic groups) were a population of interest, and if (3) disability was the central focus of the research. Search terms were "Asian American" and "disability." After this search was complete, using EBSCO, PubMed, and PsychInfo, the two lead authors reviewed the results.

Our selection process was deliberately over-inclusive so we could retrieve as much literature as possible. We considered a range of disabilities, both physical and mental. To merit inclusion, articles had to meet the following requirements, in addition to the three parameters enumerated above. First, they had to state how disability status was defined or assessed; disability indicators had to be used in large survey questionnaires: samples in any type of study had to include respondents who self-reported or self-identified as having an impairment or disabling conditions; and they had to include an explanation of the diagnosis of the disability, especially for young children with developmental disabilities. Studies that did not primarily focus on Asian Americans or that included other ethnic/racial groups (e.g., studies based on national surveys) were screened and reviewed only if they provided data collection methods for and analyses of Asian Americans. Although this paper is largely social science-oriented, we included articles that are primarily health-related if they contain methods directly pertaining to Asian Americans with disabilities, broadly defined.

Publications that merited inclusion originated from original, primary, peer-reviewed studies published between 2000 and 2020, regardless of the publication source. Our search sought articles published in English with full-text availability. We excluded articles lacking a section on "methods" or "analyses". We also excluded letters or editorials, abstracts from meetings and conferences, commentaries, and studies that did not have a central focus on disability. We reviewed each selected article with an eye to its "methods" and "analyses" sections.

Our analysis of the literature focused on the following factors: study designs; recruitment/data collection methods, including research settings; and, if applicable, the specific Asian American ethnic group(s) in question. After we satisfied these criteria, each article was then summarized and analyzed to assess emerging themes and patterns relevant to the methodologies used in disability research on Asian American populations.

Search Results

Table 1 summarizes the research literature showing: (1) the absence of Asians in studies of minorities and (2) that studies tend to lump all Asians together or only focus on one subgroup (e.g., Chinese). From the 333 identified references, 59 studies met the inclusion criteria as noted in (Table 1). A total of 177 articles were initially screened by title. Of these, 87 abstracts were selected for review. We excluded 28 articles because they were not original. A total of 18 articles were reviewed from EBSCO, 23 from PubMed, and 18 from PsychInfo (see Supplementary Material 1).

Table 1. Demonstration of search results.

Search Activities	Number of Articles
Records identified through database searches	333
Initial screening by title	177
Abstracts were selected for review	87
Non-original articles	28
Studies included in this paper	59
EBSCO	18
PubMed	23
PsyInfo	18

Most of the studies we included conducted quantitative analyses ($n = 40$). They ranged from community-based surveys to large national database-driven studies. Many of the latter, for example the American Community Survey and the National Health Interview Survey, included Asian Americans; another, De Souza and Fuller-Thomson [36], used the American Community Survey to examine self-reported disability outcomes of older Filipino Americans. Another [37] used the National Latino and Asian American Study dataset to conduct analyses on psychological outcomes among various Asian American ethnic groups with disabilities, where disability status was determined using a four-item assessment questionnaire.

Some of the statewide and community-based studies used original surveys developed for the purpose of studying disability among Asian Americans exclusively. For example, a few studies of Korean American elders with functional limitations and depressive symptoms [38–40] used a variety of sources for recruitment, including community-based organizations (CBOs), religious associations, and a telephone directory of residents. These studies assessed disability status using a variety of performance scales, such as the Personal Activities of Daily Living (PADL) and Instrumental Activities of Daily Living (IADL) questionnaires. One study that examined Asian American students with learning disabilities, from different ethnic groups [41], utilized data from a large suburban school district whose special education records were used to identify the broad cohort. Overall, these quantitative studies used either existing large datasets or developed original surveys to collect data on disability among Asian Americans. The studies that conducted Asian American-specific surveys sampled local communities and targeted ethnic-specific settings (e.g., businesses, associations, and churches) as the primary data sources.

Some of the studies used qualitative approaches (n = 12). Most were based on single interviews; one used focus groups. Two studies [42,43] used semi-structured interviews to collect self-reported data from Chinese American families with young children diagnosed with developmental disability, specifically autism, and utilized professional networks and public advertisement for recruitment. All of the qualitative studies used local Asian American communities as the principal source of participants. One study of South Asian Indians with children having developmental disabilities [44] utilized the author of the study's personal connections as the primary method of recruitment. Another study conducted focus groups and in-depth interviews among Hmong Americans with family members with developmental disability.

Baker, Miller, Dang, Yaangh, and Hansen [45] recruited participants primarily through collaboration with local Hmong CBOs. One of the studies, by Kwong, Chung, Cheal, Chou,

and Chen [46], used a mixed-methods design that included both survey data collection and in-depth interviews. This study was conducted at a US community health center that serves neighborhoods with high densities of Chinese families. The center recruited patients who screened positive for depression.

Overall, the studies on topics related to disability among Asian Americans as a community found were found to have a wide variety of data sources and collection processes. Quantitative studies were primarily based on large extant datasets (in which Asian Americans were routinely part of the data survey process) or smaller original surveys for which Asian Americans were exclusively the target population. The qualitative studies utilized specific local communities, targeting the Asian Americans within them.

The use of large non-Asian American-specific datasets is problematic because disability is reportedly a relatively low-prevalence condition among Asian Americans. In addition, Asian Americans typically comprise a very small percentage of the total disability sample. Small samples in representative surveys were found to present data reliability issues as well. Therefore, although large sophisticated surveys may include identifiers for multiple Asian ethnic groups, we could not disaggregate data from them because of inadequate sample sizes. Furthermore, we found that qualitative studies, despite providing the richness of contextual detail that quantitative studies are not designed to capture, tend to involve limited or single-person sample sizes [43,45]. Next, we present some of the challenges and limitations of conducting research on Asian Americans who are living with disability.

4. Ignoring Asian Diversity

In 2017, the Asian American population consisted of people from at least 29 Asian countries, speaking hundreds of languages and belonging to numerous religions. The majority of Asian Americans residing in the United States are first-generation immigrants; of these, 77% speak no or limited English [11,47]. The few extant studies on this population have tended to combine a broad range of Asian American subgroups (e.g., Chinese American, Pakistani American, Cambodian American, Korean American, and Japanese American) into a single category. This practice is misleading, conceals vital information, and has serious, real-world consequences. In terms of disability research and practice, this consistent reduction masks the range of disparities and outcomes within and across subgroups of Asian American people with disabilities, and across discrete Asian American populations.

As a group, Asian Americans report that 26.5% of families have at least one member with a disability [48]. This is the lowest reported disability rate; all other racial or ethnic sub-populations report higher rates: American Indian/Alaska Natives, 38.5%; Blacks, 35.7%; Latinos, 33.2%; Native Hawaiian/Pacific Islanders, 31.6%; and Whites, 27.5%. The exact reasons for this difference, while unknown, are likely related to underreporting due to cultural stigma or sampling biases, restrictive immigration policies, differential risks, or some combination of these factors. It is critical for disability scholars and service providers to develop useful research strategies that effectively incorporate multicultural or indigenous theories into Asian ethnic studies (vs. non-Asian) on the service and intervention needs of Asian Americans with disabilities, their families, and their communities [49].

Another confounding factor, and one that contradicts the "healthy model minority" myth to the detriment of Asian Americans, is that researchers in the US tend to compare majority with non-majority individuals and families without considering their cultural contexts. As noted by Chin et al. [50], "Often these approaches have been used as a comparative approach where Asian Americans are compared with Whites as a norm, and in so doing Asian Americans are found to be deficient" (p. 118). Chin et al. [50] also observe that studies often describe Asian Americans as less verbal, dominant, and aggressive, as well as more "alienated" than Whites, absent a context-based elaboration. Fortunately, greater awareness of and emphasis upon cross-cultural and cross-ethnic perspectives has begun to encourage researchers to examine the actual cultural processes and functioning of Asian American families and communities. Unlike the deficit model, this approach emphasizes the strengths of inter- and intra-familial variations [6].

To illustrate, the Asian American Psychological Association Leadership Fellows Program [51] reported two alarming (Asian and non-Asian) findings: among all Asian Americans, those aged 20–24 had the highest suicide rate (12.44 per 100,000), and among older females from all racial backgrounds, between the ages of 65 and 84, Asian Americans ranked first among them for suicides. A related finding indicates that some groups of Asian Americans may suffer trauma-related illnesses at rates higher than average among other US-based ethnic and racial groups. Another study affirms these findings by showing prevalence rates of acute levels of depression and post-traumatic stress disorder as 68% for Cambodian refugees vs. 37% for Whites [22].

4.1. Inconsistent Taxonomies

In the studies that estimated disability among Asian American populations, variations in data collection strategies and inconsistent classifications compound an already confusing situation. For example, some sources report on "Asians" or "Asians and others," whereas others report on "Asians and Pacific Islanders." These issues can be traced to two modifications to the criteria for the Asian racial category made by the US Office of Management and Budget (OMB) in 1997. First, the "Native Hawaiians and Other Pacific Islander" category was separated from "Asian." Second, respondents could designate more than one racial/ethnic category. The Census Bureau's population estimates distinguish an Asian "alone" classification (only one racial or ethnic designation) from an "in-combination" classification (multiple racial or ethnic designations that include one Asian category). "These changes make it more difficult to identify a respondent's preferred value, or the correct value for a respondent" [1]. Moreover, available data on Asian American disability rates may not accurately reflect reality because of definitional differences and sampling procedures. The key issue is the lack of consensus regarding the most meaningful taxonomy for Asian racial and ethnic groupings.

4.2. Sampling Limitations

Even when samples are obtained from Asian American groups in healthcare- or social science-related studies, there are often not enough respondents to derive statistically stable estimates. Similarly, in disability-related publications (identified in Supplementary Material 2), a matrix of 34 included articles using population data focused on minorities, but excluded Asians. For example, Akobirshoev et al. [52] focused only on Whites, Blacks, and Hispanics. Thus, despite the significance of the population, even disability and/or population-level studies that focused on racial and ethnic minority populations frequently excluded Asians of all types.

The disparities, inconsistencies, and design problems mentioned above deny potentially important findings on health, employment, and other topics that are of interest to researchers, service practitioners, and policy makers. As a result, we know little about the wide-ranging and complex cultural factors (e.g., differences associated with immigrant versus refugee status and also with health beliefs, customs, migration patterns, help-seeking behaviors, and religions) that influence Asian Americans with disabilities and their families [53]. For example, differences associated with immigrant versus refugee status, health beliefs, customs, migration patterns, help-seeking behaviors, and religions vary dramatically across subgroups and can differentially impact disability related issues.

Ghosh [14] states that "the vast majority of data for Asian Americans is listed as 'data not collected,' 'statistically unreliable,' or 'data not analyzed'" (p. 76). The lack of dedicated data may also perpetuate the model minority myth; namely, that Asian Americans are invariably healthy, intelligent, successful, and problem-free. In particular, some US-based researchers have considered Asian Americans "the healthy" or "the model" minority, based on the assumption that they routinely achieve higher levels of success than other groups and also inherently face fewer health risks due to the comparative advantages of protective factors, such as strong family ties, religiosity, and a deep sense of community [26]. Implicit in this portrayal is that the need for disability and related support services in this community is minimal, both because this population allegedly experiences lower rates

of disability and because it is believed that family and community will adequately address the need when it appears [54].

In short, our grasp of the complexity created by variations across Asian American race/ethnicity, culture, language, immigration status, acculturation with respect to disability, is extraordinarily limited [4].

The authors, both as researchers who collect and interpret data and as scholars in training with long-term, in-depth, experience with the communities in question, hold that these shortcomings cannot be addressed without giving voice to leaders of the Asian American community. This situation was summed up eloquently by Giles Li, Director of the Boston Chinatown Neighborhood Center, during VietAID testimony [12]:

> "The only reason we have any data about our [Asian American] populations at all is that community leaders have advocated for more detailed and better data for decades. The disaggregation of Asian data is not a new issue; in fact, it dates back at least to the federal government's release of the Heckler report in 1985, when Asians and Pacific Islanders were reported to have better health outcomes than all other groups. That faulty assumption was based on small samples of aggregate data, which hid the very real health disparities that different Asian populations faced. Data alone are agnostic. Data alone help us interpret and understand the truth about our communities. Data alone do not cause inequality but can help us better understand it."

If Asian Americans' access to rehabilitation assistance, employment assistance, educational options, and other supports are to be increased, if service delivery to them is to be made more culturally appropriate and effective [16], if their working and personal lives are to be improved as a result, and if their wider communities are to benefit from these improvements over time, then researchers must include them in the identification and resolution of research questions and interventions [50,55,56].

In order to benefit from future research, and take advantage of funding opportunities, researchers must address the cultural and service needs of Asian Americans with disabilities, and must do so on local and regional levels. The present reliance on incomplete, inaccurate, and possibly obsolete data, compiled nationally, is inadequate. Increased local focus is necessary to tailor initiatives to the populations in question and to acknowledge the fact that Asian Americans live throughout the US. For example, only 10% of the total Asian American population lives in the western region (33% of these in San Francisco). The majority of Asian Americans are found in California, New York, Texas, New Jersey, Hawaii, and Illinois. However, relatively isolated Asian Americans deserve the same services as those who live in concentrated, well-known communities, even if it is more difficult to locate, study, and serve these smaller populations (such as more recently, the Rohingya community in the US).

4.3. Interpretations of Disability: Reviewing Cultural Differences across Pan-Asian Groups

Like every other ethnic or racial group in the US, Asian Americans experience disabilities and chronic health conditions that require attention, intervention, and sustained assistance. Yet mainstream academicians, service providers, funders, and policy makers seldom understand this fact, although it is both obvious and reasonable. As previously explained, the US Census does not appropriately recognize Asian ethnic groups and cultures. However, analyses reveal a great deal of intersectional variability [37] in these groups' social and health statuses when they are accurately parsed and the data disaggregated [50,55]. Such variability can be decisive.

One important example of the deleterious effects of "aggregating heterogenous groups appeared when a broad coalition known as VietAid [12] testified to the Massachusetts state legislature in favor of House Bill 3361, which enables the commonwealth to support data aggregation efforts within its Asian American communities. According to this testimony, 35% of Asian Americans "reported that they

spoke English less than 'very well,' whereas 61.2% of Vietnamese reported higher levels of limited English proficiency".

To illustrate further, the cervical cancer rate among Asian American women generally is 8.8%, but Vietnamese women have almost double that rate (14.0%) because they often do not seek medical care for symptoms or receive screening for such conditions [14]. Still another challenge arises when researchers apply ambiguous concepts of disability, including generalized diagnostic labels, such as autism and developmental disability, to subgroups of Asian American populations. Hasnain, Cohon, Shaikh, and Shanawani [57] show that none of the Pakistani languages has an equivalent word for autism. Instead, "autism", as one example, may be linked to other, unrelated terms/descriptors or to cultural meanings in another language that can erroneously influence research findings and interpretations.

In the next sections, we (1) highlight the status of large-scale data programs; and (2) offer some ways to bridge these gaps and some research methodologies that can improve the access to services and quality of outcomes for Asian Americans with disabilities and their families.

5. Status of Large-Scale Data Programs and Asian Americans with Disabilities

The racial and ethnic diversity of Asian Americans tends to receive greater attention in the large-scale national data systems focused on the surveillance of census, health, or employment status. However, none of these data surveillance systems are adequate for monitoring Asian Americans with disabilities. The major datasets are limited by (1) screening protocols, which are inconsistent in their classification of Asian subgroups; and (2) chronic under sampling of Asian Americans.

Undersampling is the more pernicious limitation. Most policy-relevant research questions require one or more comparisons of subgroups; few of the large national datasets contain adequate sample sizes for stable estimations in even the most rudimentary comparisons.

There is no consensus around the definition of "disability". Nonetheless, the majority of national and international data systems have converged on the merger of two conventions: (1) condition- or impairment-based schemes, and (2) limitations in specific life function or activities. Condition-based schemes ask if the person has a particular condition or diagnosis, such as deafness.

In the second approach, identification is based on loss of function; the presence or absence of a specific condition is secondary to limitations in executing activities of daily living, engaging in work, etc. A relevant distinction might involve determining if the person has difficulty walking up or down steps or engaging in physical activities designated as "normal" (e.g., bathing without assistance). This distinction is important because it extends the definition of disability beyond diagnosis to incorporate the ability to function, either well or independently; contemporary statistical data systems employ a combination of both approaches.

Discrepancies in prevalence rates are almost entirely driven by differences in definition [27,58]. Here, it is important to keep in mind that survey protocols and methods are under continuous review and revision (e.g., disability coding in the National Health Interview Survey). In turn, summaries are based on recent survey protocols. Modifications, however, do not alter the core point regarding inadequate sample sizes.

Table 2 summarizes selected major national datasets most often used in disability research in terms of their definitional schemes for Asian ethnic subgroupings and their estimates of subgroup prevalence.

Table 2. Asian Americans with Disabilities in National Datasets.

Data System	Ethnic Identifiers	Percent Asian in US General Population	Disability Prevalence within US Asian Population	Asian Disability Prevalence within US General Population
American Community Survey (2018)	Asian Indian, Chinese, Filipino, Japanese, Korean, Vietnamese, Other Asian	5.6%	6.9%	0.39%
National Health Interview Survey (2018)	Asian Indian, Chinese, Filipino, Japanese, Korean, Vietnamese	6.2%	8.6%	0.54%
Survey of Income & Program Participation (2014) [a]	Asian only & queries about language used at home (Chinese, Japanese, Korean, Filipinos/a, Vietnamese	5.4%	11.0%	0.63%

[a] The 2014 SIPP employs a broader mix of limitations in functions, activities of daily living, instrumental activities, cognitive, sensory or other physical impairments.

Table 2 underscores two types of variability: (1) ethnic identification across even the largest of the national data systems; and (2) the sample sizes available to analysts focused on issues related to subgroups of Asians with a disability. In sum, Tables 1 and 2 summarize the research literature showing: (1) the absence of Asians in studies of minorities; and (2) that studies tend to lump all Asians together or only focus on one subgroup (e.g., Chinese).

Examples of the latter type of study generally find more pronounced needs in suicide prevention for Asians generally [22] and in depression and PTSD among Cambodian refugees [22]. Such ethnic-specific studies indicate important research needs. Supplementary S1 and S2, which affirm these two observations, summarize the broader research literature and intersectionality. The next sections contain suggestions of ways to bridge these gaps and describe some research methodologies that can improve access to services and quality of outcomes for Asian Americans with disabilities and their families.

Potential for Expanding Data Availability

Improving the sensitivity of disability data for Asian Americans will require the resolution of several important issues. First, greater consistency in data collection systems will have to be arranged, in terms of both their ethnic taxonomies and their approaches to disability screening. The derivation of sample sizes that are useful for the analysis of subgroups will likely require oversampling. However, the oversampling of targeted groups (such as Asian Americans with a disability) is cost-prohibitive and, if undertaken, would likely not be sustainable in the current budget climate.

A second, related need is for a sustained longitudinal data effort. Asian Americans constitute a dynamic, growing, and rapidly evolving demographic; capturing trends within this demographic is arguably more important than creating point-in-time estimates. Recurring administrative service registries, for example those found in state health systems or national programs, such as Medicaid, are important sources of disability data but are limited to individuals and families who are already connected to the system. Increasing the provision of service data would begin to address the critical issue of unmet needs among Asian American subgroups.

Third, researchers need not rely on random samplings of households or geographic units. It is particularly important to keep this in mind because logistical challenges are abound in the development of demographic profiles of low-prevalence (rare) populations because conventional sampling procedures, while addressing representativeness for the overall sample, do not allow reliable disaggregation. As illustrated in Table 2, Asian Americans with disabilities can be considered a "rare population" [59].

Alternative strategies include the use of cluster sampling and screening within the cluster, or the selection of clusters that contain a high proportion of targets (e.g., community groups). Disproportionate stratified sampling can also work if researchers have valid reasons to believe that higher rates are associated with certain demographic strata; other variations on sampling tactics are available as

well [60]. More recent innovations such as multistage samplings through service providers or cultural centers rather than random sampling units [61] hold promise as well.

In nations with poor or nonexistent statistical infrastructure, researchers have used Demographic Surveillance Sites (DSS) effectively for large-scale studies [62]. When researchers consider these and other conventional alternative strategies, however, they must remember that their efficiency may not be adequate from a resource perspective if (1) the target population is not randomly distributed across demographic strata such as age or income levels; and (2) sampling clusters associated with Asian Americans (e.g., community centers, health associations, and religious groups) are limited and highly heterogeneous.

The easy but unrealistic solution would be to call for the commitment of significant resources for the development of large, comprehensive, technically integrated data profiles. This outcome is highly unlikely, however, in an era of shrinking public resources for general data surveillance. Furthermore, because data is collected for specific purposes that in turn dictates methodology and sampling approaches, no single approach can be optimal.

We suggest that researchers, program evaluators, and analysts should begin to prioritize the interrogation of Asian American disability diversity within their research and evaluation efforts and to incorporate more sophisticated taxonomies of Asian subgroups. Such prioritization could mean, for example, sampling a homogeneous ethnic group rather than a broadly (and loosely) defined "Asian" sample. Because the immediate need is a more nuanced understanding of the diversity of issues within the larger population, the analytic task in the field is to integrate significantly different efforts into a compiled, complementary data portrait. Engaging with this task would be an imperfect but important first step in better understanding the Asian American population. The next section presents some of the challenges of conducting research on Asian Americans who are living with disability, and some solutions.

6. Methodological Challenges and Solutions in Conducting Research

A careful study of the literature revealed that many of studies use intact groups, an important design weakness that results in unknown sampling biases. In field research studies with this shortcoming, differences between Asians and Whites are often attributed to racial/ethnic status, while collateral influences, such as level of education or other biopsychosocial determinants, are not controlled. Conversely, biased samples may obscure substantial differences that would otherwise be apparent if researchers employed comparable samples via randomization or statistical controls. It is precisely these uncredited, unrecognized differences, however, that are most important for the development and delivery of effective care systems.

Another important facet of minority research concerns within-group differences, which are often larger than between-group differences [63]. Immigration status is important as well. A first-generation immigrant has a different experience and milieu than an established, fourth-generation Asian American. Across cultural groups, researchers should use two key criteria for comparison [64]. First, measures used in research must have the same or highly similar meanings across all languages to ensure a level of linguistic accuracy. Native speakers or trained, certified translators of all the relevant languages should translate where necessary. Second, the reliability of test scores across populations depends on metric equivalence. For example, based on cultural frameworks alone, a Buddhist may respond differently from a Hindu when asked by a doctor to rate physical pain on a scale of 1 to 10. To counteract this type of issue, multiple scales should be used.

Cultural bias is another mitigating factor. Researchers and providers alike must eliminate bias to the greatest extent possible, whether it is real or perceived. The latter reduces community participation, which is an essential feature of minority-based projects. Ideally, community-based research employs community outreach while also allowing community members to be true stakeholders by participating in the research beyond simple data collection. Local researchers who are in sync with a particular community should involve themselves as much as possible and should seek insider insight from

participants. In order to effectively work with Asian Americans, research processes must exhibit validity in terms of cultural context. This means that researchers must develop studies and interventions with the explicit goals of not only giving voice to Asian American groups, but also recognizing and seeking to enhance the strengths of these populations, while reaching a balance of power among all stakeholders [65].

A related cultural phenomenon is the Asian American perception of disability. For example, their perceptions of what disability means can affect the way they respond to interviewers, as well as how they complete forms and surveys. Even when researchers use specific, functional terminology, there is ample room for misinterpretation. Therefore, it is essential that researchers have accurate translations and that the implied meanings of words and linguistic styles are understandable to study participants. Unless researchers conduct studies in culturally relevant ways that extend beyond linguistic accuracy, a variety of factors can threaten rigor; these include insufficient descriptions and inconsistent analyses. In addition, false negatives are common due to disability stigma but would be less problematic if they occurred randomly; however, research strongly suggests that major variations in disability stigma exist across ethnic groups and depend on the degree of acculturation and place of birth [66,67]. Such misinterpretations likely result in significant variability within derived disability rates [68]. In addition to issues of definition and taxonomy, other methodological issues include the need to incorporate cultural and linguistic competency in all stages of development and implementation. Competency potentially affects all stages of the research process, such as sample recruitment and the validity of the study measures.

A fourth challenge is the lack of information regarding the ways in which particular recruitment methods affect the selection characteristics of Asian American participants. Among studies that focus on this population, many tend to recruit participants through ethnic venues by using simple, familiar sampling strategies (e.g., snowball method). Recently, a few researchers have employed a random sampling strategy that utilizes mail or telephone survey methods. In one study using a mail survey, an offer of monetary incentives instead of the offer of a small gift improved the response rates among the target group-employed Chinese and Korean American men. A convenience sampling method brought in more students who were younger, but the differences in yields were not significant [69].

Proposal of CBPR as an Alterative

A potentially important tool in further developing the body of research is participatory approaches to conducting research. As it happens, these approaches have been shown to aid the development of best practices in the area of Asian American disability research and policy development [50,70]. Better known as community-based participatory research (CBPR), participatory research involves key stakeholders from the community and places high value on sharing methodological knowledge with participants. Not only does such an approach recognize and draw on the strengths and resources of a community, it also provides a long-term mechanism for creating sustainable change and building capacity. Most studies that employ CBPR as a research tool focus on specific ethnic communities, but it is particularly useful for studying Asian Americans because of their tendency to live in ethnic enclaves.

Because of the extraordinary diversity, even large-sample studies will inadequately represent the larger population. Not surprisingly, most of the successful empirical studies of Asian Americans with a disability are smaller scale or involve local communities. For example, Chung [28] worked with the Malden (Massachusetts) Asian Disability Advocacy Coalition and the Great Wall Center to develop a needs-based assessment of disability and health.

National-level projects would do well to follow this example. Tanjasiri et al. [71], who conducted a study on breast cancer in the Hmong community, recruited participants through nonprobability sampling, but were unable to establish whether this particular group of Hmong women (age 40 years and older) differed from Hmong with the same characteristics in the general population. Still, their recruitment procedures, which drew on existing networks and opportunities, demonstrated

a culture-friendly strategy for approaching smaller refugee communities where trust-building is necessary.

Asian-specific research is conducted most often in California, followed by New York City, Massachusetts, Hawaii, Seattle-Tacoma, Houston, Philadelphia, District of Columbia, and Chicago. The methods of community engagement most frequently used by Asian-centered projects include consulting with and acquiring feedback from community representatives as well as partnering with CBOs, Asians with disabilities, and other stakeholders. A routine feature of the lead author's own research is the establishment of formal advisory boards composed of community members—an irreplaceably helpful resource. Board member involvement extends to setting the research question(s) and monitoring outcomes throughout the life of a project to giving input on the set-up of analysis procedures. In many cases, the results of research projects with high-level community involvement tend to show higher levels of accuracy, utility, and replicability.

7. Conclusions

This conceptual paper, which is not a systematic review, presents an overview of the current state of the literature in Asian American disability and mental health studies. By conducting a structured literature search rather than a systemic analysis, conclusions made from this synthesis results are more qualitative in nature and broader in scope. The search process was intentionally wide-ranging, in order to uncover all sorts of methodological inadequacies in research studies pertaining to disability among Asian population groups in the US or English-speaking countries. Critical analyses of the included papers' database resources and analytical results, including an evaluation of robust participant recruitment processes and an assessment of the statistical significance of the study findings, were not performed. Despite this limited approach, the literature review strategy revealed common limitations. Foremost among these was not accounting for Asian subgroup diversity, taxonomical inconsistencies, and population sampling issues. The result is an absence of specific policy and practice-relevant information on Asian Americans with a disability.

This examination of the issues and implications of ignoring the diversity of the Asian American population in disability research underscores the absence of culturally sensitive research and the impediments and barriers to effective methodologies for studying Asian Americans with disabilities or other racial-ethnic groups. While sparse, the review revealed a significant and consistent gap between mainstream disability services and the needs of Asian Americans with disabilities. To better understand this gap, and other needs still unknown, we argue that disability researchers must strive to incorporate more refined taxonomies of Asian subgroups. As researchers evaluate impediments to their studies on these groups, the alternative methodologies presented herein can help them better address heterogeneity in ways that are responsive, inclusive, and productive.

Finally, researchers must employ culturally appropriate measures by using sampling processes that adequately capture diversity of Asian American populations and by honoring worldviews and cultural histories of these populations. Researchers must also explore ways to include families and communities in studies of Asian American individuals with disabilities, specifically by building sustainable, community-based partnerships that allow stakeholders to contribute to the successive phases of research, development, and implementation [72]. These approaches, when implemented, are likely to add to the literature as well as to positively affect policy and funding for this overlooked, understudied demographic.

8. Limitations and Future Steps

The following future steps are based on limitations in the current literature. First, researchers should be careful not to generalize about disability issues across and within Asian groups; at a minimum, they should openly acknowledge the limitations of the general label. Second, whenever possible, research should disaggregate Asian data by ethnic group. Third, we recommend that researchers employ alternative sampling methodologies designed for "rare" populations. Fourth, researchers

should focus on specific subethnic groups if sampling resources are limited. Fifth, researchers should collect data on immigration and refugee status whenever appropriate and possible.

Finally, researchers should adopt multi-faceted approaches in local community capacity-building studies. Although all types of research approaches may be necessary for developing an accurate portrait of Asian Americans with disabilities, CBPR is uniquely positioned to overcome many of the impediments to research with this population. The economics of big research suggest that major national initiatives focused on better understanding variations within the larger Asian community are unlikely and that if funded they would not be sustainable. Most inquiries, therefore, will likely involve local studies or evaluations. CBPR fits well with a culturally tailored integrative approach through its use of partnerships, procedural focus on gatekeepers, and emphasis on co-learning relationships and sustainability.

There are no simple solutions to the lack of comprehensive data, and we suggest that the near-term need is for researchers to abandon the "Asian" subgroup in favor of more nuanced understandings of smaller groups. This will require in turn, the nuanced use of data drawn from complementary but not necessarily equivalent data portraits using different samples, methodologies, and disciplinary lenses. While imperfect it is the important first step in understanding the diversity of what is currently considered "Asian" in the context of disability.

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The Return of the Clan in Sweden

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Abstract: This is a conceptual paper which deals with a subject that has been neglected by contemporary Swedish researchers, politicians and journalists: the clan society, which is one of the most common forms of society in the world—from which many of today's nations seem to have sprung. The thesis of the essay is that the taboo around the clan issue has meant that we have no capacity to understand foreign policy or integration policy.

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1. Introduction: Neglecting the Clans

Although the clan society is one of the most common forms of society in the world—and in addition, the form from which many nations seem to have sprung—the subject has been neglected by contemporary Swedish researchers, politicians and journalists. There has been a taboo around the issue, which has meant that we have a poor capacity to understand foreign policy or integration policy [1].[1]

In this paper I intend to discuss the contents and consequences of this taboo as well as possible explanations for the failure to discuss clans in Swedish media and academia.

It is significant that when I, together with the Swedish journalist Per Brinkemo, edited an anthology in 2017 about clans, we were depicted in the Swedish daily Aftonbladet as racists and right-wing extremists, due to our tendency to discuss cultural differences with respect to the clan issue [2].

A few years earlier, in early March 2011, when the Arab Spring reached Libya, and Muammar al Gaddafi had lost control of large parts of the country, Sweden's then Minister of Foreign Affairs Carl Bildt made a statement regarding the future of Libya: "It's not about supporting one or the other, it's about achieving stability and reasonable development" [3].

When criticism was directed towards Bildt, he explained that he was referring to clan leaders in opposition to Gaddafi, who was then still formally in government. According to the same daily that depicted me and Brinkemo as cultural racists, Aftonbladet, Bildt's explanation made the Middle East expert and professor of Islamic Studies at Lund's university, Jan Hjärpe, laugh. "Talking about clan problems is pure propaganda", professor Hjärpe explained. "Downright stupidity", he clarified. According to the article, the professor of Islamic Studies considered "that the view of Libya's clan problems represented by Bildt is obsolete and derives from how the country was 50 years ago, before Gaddafi. The role of the clans today is not at all as prominent. [. . .] This is not about clan rivalry but the young people who set themselves up against the old guard. The young have a new, modern view of society and contact with the rest of the world through social media".

We now know that it was a clan uprising that took place in Libya nine years ago. Libya, that Muammar al Gaddafi had then governed for 42 years, was thus plunged into a ruthless war between different clans. The main objective of the warring clans was to gain power over the state. This was a struggle that to some extent Gaddafi had succeeded in curbing and profiting from ever since he took power in the country in 1969 through a military coup.

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[1]   This article is a re-written version of the introductory chapter of [1].

Knowing the significance and power of the clans, he first tried to oppose them—just as Saddam Hussein in Iraq and Siyad Barre in Somalia had before him. Initially the people were forbidden to speak about clans. All these three political leaders soon realized, however, each separately, that this was futile. Instead they used the clan structure to their advantage.

In the documentary film Libya: An Impossible Nation State, from 2015, Gaddafi's cousin was interviewed. He had worked for the regime for 42 years, but at the time of the interview he was living in exile. Unlike Professor Hjärpe, Ahmad Gaddaf al Dam considered that Libya's modern history could be explained on the basis of how the clan structures had been dealt with: "There was an alliance between the Awlad, Sliman, Gaddafi, Magarha, Hasouna, Tarhoun and Warshefana tribes. That alliance remained under Gaddafi and he benefited from it. When there was fighting, they fought for him. They had an agreement, similar to an alliance between different parties in the West, though stronger due to the blood ties".

A Google search on words and groups of words to do with "clan" and "research" only results in two minor research projects about clans financed by the Swedish Research Council (Vetenskapsrådet) in the 2000s. None of them seems to have resulted in any major publication or received much media attention. To the extent that other research projects on clans have been financed by scientific foundations, it is at any rate obvious that they have not been focused on the entirely essential question for Swedish integration policy of how the conflict between state and clan should be handled.

Research has, however, been undertaken outside Sweden. Reading anything from UN reports to anthropological studies, or contemporary works by political scientists such as Francis Fukuyama, author of The Origins of Political Order (2011), by Islam expert Akbar S. Ahmed or legal historian Mark S. Weiner, opens up worlds that are remarkably unknown in Sweden.

2. Clan Practices and the Law

While the existence of clans and cultural differences have been neglected, problems associated with clan cultures have found their way into the Swedish legal system.

The American professor of law, Mark S. Weiner, has discussed an Afghan murder case, in which the clan leaders agreed that an appropriate compensation for the murder would be to marry the brother of the murdered man to the perpetrator's sister [4] (pp. 19–22).

From a contemporary Swedish perspective, it may seem unfair that the close relatives of the victim are those affected the most by the punishment. The brother of the murdered Afghan man is, for the rest of his life, through his wife forced to be reminded of his brother's murderer, who in addition becomes a member of the victim's family, specifically his own brother-in-law. In accordance with the rationale of the clan, the family or extended family as a collective has thus received reasonable compensation for the death of one of its members. This compensation may simply consist of creating an alliance with the murderer's family through marriage.

Under such a system, women are seen as objects of exchange in transactions between families. The perpetrator, on the other hand, goes free.

This is of course a completely different system than the state-based form of organization that has characterized the Western world since the Enlightenment, with its idea of equality before the law and where justice is administered as objectively as possible. The ultimate result of this legal practice includes the idea that a person's origin and gender should not be adduced as support for their reliability or unreliability. Those judged are primarily individuals, rather than being regarded as cousins or offspring. This is an important cornerstone of democracy, which historically—ever since Greek antiquity—has resulted in (more or less bloody) conflict with clan ideology.

In spring 2018 a judgment by the Solna district court attracted great attention in the Swedish media. The judgment acquitted a man accused of assaulting his ex-wife. The strong reactions did not stem from the judgment as such but from its grounds stated by the divided court. The two dissenting lay judges, of whom one was a relatively well-known Islamic activist (and politically active in the Centre Party at the time), cited as grounds for the judgment partly that the man was from a "good

family, unlike hers" (the victim), and partly that "what is normal" in these circles "is […] that a woman tells the relatives that she is being mistreated if she is, so that it can be resolved within the family. The fact that Maryam Jassem did not tell his relatives that he was beating her, but instead reported it to the police, further reduces her credibility" [5].

What upset people was that the judgement was written in obvious conflict with the principles that uphold the Swedish judicial system, a legislation that is incompatible with invocations to a family's honor.

Just five or ten years ago, phenomena of customary law and clans, like parallel courts, were unknown to most Swedes. Nowadays, these kind of collisions between incompatible law systems have become increasingly common and are featured almost daily in news reports.

The fact that the lay judges pointed out that "in these circles" it is normal to resolve legal disputes "within the family", shows how the very fundament of Swedish society is challenged by the persistent cultural structures of clan thinking.

That the clan society's legal practice, after several hundred years of absence, has succeeded in reaching far into the Swedish judicial system is of course evidence of the tenacity and survival propensity of cultural traditions over hundreds and thousands of years.

However, it is also a sign of Swedish naivety concerning problems that can arise when a social form of organization, built up around the family and extended family, is confronted with a form of organization based on a strong state.

When the Swedish Ali Khan family, based in Angered, a suburb of Gothenburg, was described in a newspaper reportage in 2017, the head of the family, Hashem Ali Khan, or Abu Saleh, pointed out that his family should not be seen as it has been described by the police, as a kind of mafia conglomerate. What Hashem Ali Khan has basically been doing is, he points out, mediating in conflicts that have arisen, not just in Angered, but all over Europe: "If someone wants to kill you the police can't help you. Because it is not just you. You have children and grandchildren, brothers and sisters. The police can't save the whole family. You may have restaurants, you have shops. You can't throw it away and disappear" [6]. He clarifies: "There are many families here in Sweden. Large families like ours. If there is a problem between two people in two families. They fight each other, for example, and the police come and take one person to the hospital and arrest one. That is where I come in, between the families, not between the two who have fought each other. I come in and talk to the other members of the families that the police did not take".

And the solution arrived at is obviously not primarily to punish the person who has committed a crime. Instead it is a matter—according to the rationale of the clan—of reaching a state of harmony between families or extended families: "People in such situations just get uncomfortable sitting in court and accusing each other. Instead I supply a direct solution, so that the problem is solved and then I go home".

This kind of justice—which generally speaking has been an unknown phenomenon in Sweden for many, many centuries—stands in contrast with the modern, liberal state and its legal system. The ultimate purpose of the latter is to safeguard the autonomy of the individual. This kind of autonomy applies to the ability to stand separate from the activities of the family and extended family—historically and in the present. Autonomy makes me responsible for my actions, not for my cousin's or for my great-great-grandfather's.

The strong state will thereby ultimately have the capacity to guarantee a system of justice, based on the idea of equality before the law, that does not judge people on the basis of their membership of a family, extended family or clan.

3. Why the Clan Is Neglected in Sweden

One reason for why debates on the state and its relation to clans have been so absent in Sweden is probably, or at least partly, that we due to our history take the state entirely for granted. The idea of the state, which in Sweden goes back at least to the 17th century, now rests on principles that, in terms

of the history of ideas, gained acceptance in the second half of the 18th century. The transition from clan to state probably took place gradually from the 14th to the 17th century.

We have assumed, in our culturally chauvinistic way, that other people do not differ greatly from us in this respect. What was, in actuality, our distinctive nature was perceived by us as something almost universal. However, in many countries in the Middle East, North Africa and the Balkans the process from clan to state never started or only took place partially.

Another partial explanation could build on the aversion to the state as such that exists in both the right and the academic left, where the state—at least at a theoretical level—is frequently perceived as repressive and disciplinarian rather than as promoting freedom.

But there are other, even more ideological, reasons. At least since the 1970s it has been more or less politically taboo among Swedish academics to discuss the challenges that the Western state in general, and the Swedish state in particular, face as a consequence of the extensive immigration of recent decades. This immigration has largely consisted of people from societies dominated by clans and with extremely weak and fragile state structures—in other words from cultures of a fundamentally and radically different type, it could perhaps be said in direct opposition to Swedish culture.

Historically, this taboo can be connected to the ideological shift from 1975 and onwards, when the government declared Sweden as a multicultural society. Immigrants could thereby choose the extent to which they would be integrated [7]. From this point of view cultural relativism has been encouraged, especially when it comes to religious demands, concerning for instance, Islamic prayer calls.

Just discussing differences between Somalian clan structures and Swedish history on the basis of a faith in the state system unique to the Western perspective, could in 2014 give rise to accusations of seeing the world "through the colonial view of a white man" [8].

Such objections were not in the least unusual in the 2000s and 2010s. In 2018 the following definition of the term "racism" could be found on the Swedish Equality Ombudsman website: "Originally a word describing the division of people in a race system in which some races are biologically inferior to others. Nowadays the discussion is more about cultural racism—the idea that cultures are absolute, unchangeable and define individual qualities" [9].

When Swedish postcolonial academics—and there are lots of them!—have directed criticism against notions of "so-called" honor culture in general and "the discourse on the murder of Fadime" Şahindal (a young Kurdish women, killed in 2002 by her father) in particular, the accusations of "cultural racism" have been regularly flung at debaters with the argument that they "are invoking differences between population groups in terms of cultural qualities" [10].

According to these authorities in the postcolonial field it is racist to state that there are considerable differences between a "population group" that has moved here from Somalia and a population group from Thailand.

If research on clans is in fact extremely rare in Sweden, the situation is radically different as regards research on "racism". In 2016 the Swedish Research Council was notified that SEK 65 million had been earmarked for racism research in the 2016–2020 grant period. Interestingly enough, the type of research on integration and migration that the state chooses to fund is largely dominated by networks around precisely the people who criticize the idea that there could be culturally based differences between different groups of humans.

In this context one central name in post-colonial theory can be mentioned: the Harvard professor Homi K. Bhabha. In his research he has—like so many other contemporary academics, stemming from Jacques Derrida—criticized binary thinking in which cultures are set against each other as fundamentally different.

According to Bhabha there is nothing at all that is a pure, essential "I". He perceives our identities as generally composed of segments from several different cultures and beliefs between which there is a constant interaction [11]. And that this is the case can be assumed on good grounds. The problem arises in the moment when it is maintained that colonial ideas are being put forward as soon as someone

claims that there is a fundamental difference between on the one hand, growing up and being molded in a clan society and on the other, growing up in a modern state.

As with many other cultural theorists, Bhabha's idea leans heavily on the kind of dichotomy he says he is opposing. It is rather touching to note that he himself is laboring with a binary opposition, one side of which is the idea that identities are set in stone, and the other side of which is the view that there are no fundamental differences between different population groups—such as Swedish or Thai.

What Bhabha and those like him do not seem to understand is that the existence of grey scales does not preclude binary opposition. A population group may be relatively homogeneous, at the same time as individuals in the group nevertheless exhibit considerable variations among themselves. The fact that a cultural identity is not absolute and unchangeable, does not mean that it cannot be fundamentally different from other cultural identities. Culturally based characteristics may be persistent without being a once and for all given, "absolute, unchangeable"—in the words of the Equality Ombudsman. It is not racism to assume that a cultural background can play a part, and sometimes even play a major part, in an individual's "qualities".

However, the consequence of the laboratory-like view of cultural meetings held by Bhabha and those who share his opinions is that anyone discussing phenomena such as clans and states as two fundamentally different ways of organizing communities are regarded as putting forward a colonial imperialist world view—according to the Swedish researchers in Bhabha's tradition it is even racist to assume that there are differences between population groups on the basis of an upbringing in a distinctive clan society or in a state-based society like Sweden.

Possible reasons for the Swedish unwillingness to discuss problems connected with clans can thus be found in a value shift in Swedish society over the last decades, in which multiculturalism has replaced homogeneity and postcolonial criticism of the state as repressive has replaced an earlier and more positive idea of the state as an instrument of promoting civic equality.

As a consequence of this inability to discuss clan issues, it could be asked whether any Swedish analysis at all can be made of countries in the Middle East, without mentioning the most important social unit: the extended family, the clan. How is it possible to make political studies of such countries, without attaching importance to sociological and legal aspects that are related to the fundamental difference between clan and state?

For example, when the Israel-Palestine conflict is described we usually just hear about the two predominant political parties in Palestine: Fatah and Hamas. But what is the society in which they operate? What are the social structures? What is the legitimacy of these political parties and why?

4. Clan vs. State

A consequence of the development discussed above is a blindness to the difficulties in Sweden to accommodate clan culture to central liberal values such as equality before the law, individual freedom, and gender equality.

These difficulties are due to the fact that clan-based societies in many ways are incommensurable with state-based societies.

The democratically state-centered societies are hierarchical and in one way, authoritarian, in that the people elect a leadership that is given a mandate to govern and enact laws. Furthermore, these laws must then be obeyed.

Against this can be set the clan societies: a type of flat organization in which each clan group looks after itself and where solutions to practical problems are reached through internal discussion. The system builds on consensus. Clan chiefs fill the function of wise mediators rather than leaders.

Within the clan a person's value is mainly based on family relations, while in a state-based society one's status depends on individual merits. In clan societies the status the private individual enjoys is based on the status of the family he or she belongs to. Moreover, the family's status is, in turn, entirely dependent on each and every individual acting in accordance with the code of honor. This becomes clear not least in honor-related crime, which stems from the clan culture's collective

nature being upheld by the concept of honor as a collective phenomenon. Among clans, the individual guilt is of far less importance than the collective shame. Honor plays a considerably greater role of importance than the individual act as such [12].

The fact that each person's value in the clan is tied to every other person's actions, is an important reason for the clan being such a successful way of organizing societies. In clan societies, order is in fact guaranteed through the structure of the clan itself rather than through a superior central power.

The fact that the collective good consistently is put before the self-fulfillment of the individual creates a self-regulating system that does not need any central power to administer justice: "The system as a whole can be compared to the steel girders of a building, which each provide support to the others so as to keep the entire structure in place" [4] (p. 61).

5. Concluding Remarks

Despite the fact that a post-colonial discourse weighs heavy over Swedish universities, over the cultural debate and over many authorities in Sweden, the question of the relation between clan and state has, however, gained increasing relevance, not least—as was shown by the example above, from the Solna district court—in the judicial system. It has not been possible for police and prosecutors to close their eyes to the fact that clans such as the Ali Khan family have taken over the administration of justice in some housing areas.

However, even if it is necessary to raise the awareness of the clans as a threat to a society built on the fundamental principles of The Enlightenment as well as to the idea of a socially cohesive society built on trust in the state, it is also important to be aware that, set against a clan-based society, the advantages of the modern state are far from self-evident. This may be a matter of a choice between on the one hand freedom and autonomy and on the other infallible loyalty and minimal opportunities for self-fulfillment. However, from a liberal point of view it is also necessary to understand that it is a choice between aloneness and fellowship, between a lack of context and historical continuity and between only being assigned value on the basis of performance and of having a natural value as part of a group.

However, above all it is a matter of being able to use the freedom the state provides for something constructive. If this opportunity is not offered it is difficult to understand why you should choose state over a form of organization that throughout history has exhibited an exceptional competitiveness and capacity for survival. Due to the current migration from clan-based societies in Africa and the Middle East it is an important problem for the liberal societies in Europe to solve.

Conflicts of Interest: The author declares no conflict of interest.

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Interviewing and Hiring Practices in Brazilian Academia: Proposals Towards Improvement

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Abstract: Though Brazilian academia claims equality, the sector has largely been referred to as non-meritocratic, and academic hiring is still inward-oriented. The Lattes platform, a public curricular information system, reflects elements of this protectionism. This article assesses two 'obsessions' in Brazilian academia: the 'mandatory' Lattes CV, and the assessment criteria and procedures in public tenders for faculty positions. The current situation is introduced to the reader, and the shortcomings of these methods and their effect on academia in Brazil are analyzed. The following improvements are proposed: (1) evaluations in public tenders based on a candidate's CV, interview, and a sample lecture, (2) removing the Lattes CV as a mandatory format, and (3) using platforms such as Microsoft Academic, Google Scholar, ORCID or ResearcherID for curricular information. With these recommendations, Brazil can move towards a more open and international-oriented academic hiring system.

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1. Introduction

Meritocracy is a system in which individuals make progress and gain the fruits of their own efforts. It uses pre-established criteria to assess people according to their performance, regardless of their seniority and networks. According to Barbosa [1] and Pinheiro [2], Brazil is a flawed meritocracy, since it does not promote a fair assignment of its citizens' own labor efforts, and endangers the entrepreneurial spirit by imposing bureaucracy and inefficient rules. Back in 1996, Barbosa [1] stated that public tenders employ unsuitable assessors and assessment methods, and/or allow biased results due to personal relationships. A 2016 Brazilian self-descriptive work of fiction titled "3%", mocked the current situation and showed a dystopia where merit can only be measured if one formulates a particular range of tests, and then administers them to every member of society in the same way [3]. The complex public tenders today have been developed since their origin in the Federal Constitution of 1988 [4]. Academic hiring at public universities is subjected to the same procedures as all public tenders. Since academia is a place for innovation and knowledge production, one of its tasks should be the quest for paradigm changes [5].

The Brazilian National Council for Scientific and Technological Development (CNPq) launched, in 1997, a curricular information system denominated Lattes (CNPq 2018a), in honor of Cesare Lattes, a world-renowned Brazilian physicist [6]. CNPq's aim was to integrate all curricula of people associated

with the Brazilian scientific community into a single database, through the so-called 'Lattes Curriculum' (also named Lattes CV in this manuscript) [6].

This article aims to describe, analyze, and propose alternatives for two 'obsessions' that obstruct progress of academia in Brazil: the way candidates are assessed in public tenders for faculty positions at public universities and the mandatory Lattes CV. This work is a good fit with the *Challenging Academia* special issue, as it deals with a controversial topic in academia in Brazil, criticizes the status quo, and attempts to debate this topic in Brazil have not been welcome. Earlier attempts to publish our views in Brazilian journals have not been successful, even though we have always presented this work in the form of an opinion article and with the intention of improving current practice in Brazil, as we strongly believe such an improvement will benefit Brazilian students, faculty members, and society.

The current state of practice for hiring faculty at public universities in Brazil is non-meritocratic for the following reasons: (1) the written exams that form part of the evaluation procedure are standardized tests for which privileged candidates can purchase forms of training [4]; (2) regardless of the extensive and complex procedures for hiring faculty, panel members from inside the faculty can manipulate the outcome [7], and (3) peculiarities of the Brazilian system, such as the use of Lattes CV and the fact that all exams are in Portuguese, make it difficult for foreigners to apply to positions in Brazil [8]. In the authors' opinion, the structure of the public tenders and the use of the Lattes CV platform are seriously jeopardizing Brazil's development and pluralism in science and higher education—two major pillars of society.

2. Current State of Academic Hiring Procedures at Public Universities in Brazil

2.1. Public Tenders for Academic Positions

The original reason for organizing public tenders for faculty positions in Brazil [7] was to ensure that the process is free of favor, nepotism, and political patronage. A candidate who has been hired in the Brazilian public academic system also has major job security. A study [5] that investigated the public tender assessment criteria for faculty positions in 59 Brazilian federal universities concluded that most employ a written exam, a sample lecture, and CV evaluation. Some include an extra assessment called 'Memorial', typically for full professor positions, where a research project is orally presented. Sample lectures are always optional and are an administrative decision. The written exams cover 1–3 out of 10–20 topics publicly announced prior to the exam [5]. This evaluation is a standardized test, for which the candidate can study to obtain a good grade. The shortcomings of using a standardized test are described in Section 3.1.

Table 1. Weight distribution for distinct public tender assessment criteria found in the literature.

Reference	Written Exam (WE)	Oral Exam (OE)	Sample Class (SC)	CV	Memorial (M)
I [5]	0.3	-	0.4	0.1	0.2
II [5]	0.4	-	0.2	0.2	0.2
III [5]	0.3	-	0.3	0.2	0.2
IV [5]	0.5	-	0.3	0.2	-
V [5]	0.3	-	0.3	0.4	-
VI [9]	0.2	-	0.4	only PhD degree required	0.4
VII [10]	0.4	-	0.3	0.1	0.2
VIII [11]	0.4	0.4	0.2	0.1	-
IX [7]	0.2	0.3	0.2	0.3	-
Final Score (FS) for each candidate in a public tender					
$FS = W_{WE} S_{WE} + W_{OE} S_{OE} + W_{SC} S_{SC} + W_{CV} S_{CV} + W_M S_M$ W_i = score weight for assessment type *i*; S_i = score obtained in assessment type *i*					

Table 1 shows the different weights that are used to determine the Final Score according to different references. The final score of each candidate is the weighted sum of the partial scores in each type of assessment (typically on a 0–10 scale), see the equation at the bottom of Table 1. For example, the first way (I) a candidate can be ranked, is by counting the written exam as 30% of the overall score, the sample lecture as 40%, the candidate's CV as 10%, and the "Memorial" (research proposal) as 20%. In most cases, the exams and CV are the most- and least-weighted, respectively. In most academic public tenders there is a qualifying phase, i.e., candidates are first classified, typically based on the written and/or oral exams (sometimes the sample lecture also—e.g., [11]), and only those who score higher than a predetermined minimum proceed to the final stage of the selection process.

2.2. Use of the Lattes CV Platform

'*Lattes is like an idol, thus requiring to be fed every day*' [12] perfectly and partially reflects the prevalent environment in Brazilian public universities. 'Perfectly' because Lattes CV has become almost an obsession for important sectors within academia (including private institutions)—e.g., it's a key element in selection processes for research funding or academic positions, and most public tenders for faculty positions recommend or require its use. 'Partially' because there is a reasonable number of full-time professors who have a stable career and do not show any interest in updating their profile. Dias et al. [13] published a histogram of the number of Lattes CVs, among 4,156,635 (one per person) published by 5 April 2015, last updated on each date in 1997–2015. Roughly 60% and 40% of the curricula were not updated during the last 1.25 and 2.25 years, respectively, which reveals that either the scientific productivity of those professionals is low, and/or Lattes CV is not effective enough to be the first choice for those users.

3. Analysis of Current Procedures

3.1. Brazilian Public Tenders for Faculty Positions

According to Fontainha [14], individual success or failure in public tenders depends on the applicant's capacity to adapt to the type of assessment employed. For the hiring procedures in Brazil, the success of a candidate depends on how well he/she/they performs on (written and oral) standardized tests. Fontainha et al. [15] showed that public tenders are used to select people who are neither the most experienced nor the most qualified. Indeed, this reality is not surprising when one realizes the dimension of the editorial and digital markets involved in the preparation of public tender candidates, as described next. Besides, Downie [8] noted that the fact that the exams are in Portuguese is also a major barrier to hiring international faculty.

Many public tender-oriented markets in Brazil have shown an increasing growth in recent years. Araújo [4] points out the following books: 'How to pass exams and public tenders' [16] (more than 200,000 copies sold), 'How to study for public tenders' [17], and the 'Manual for public tender attendees: the path of common people' [18]. On social media, there is an interactive online platform [19] to help prepare for public tenders, which has more than 100,000 members. Searching for '*concurso público Brasil*' ('public tender Brazil') on YouTube (12 August 2018) returned 24 videos with more than 200,000 views and five videos with more than 1 million views. In terms of YouTube channels, a search on '*como passar em concurso público*' (how to be approved in a public tender), returned 17 channels with more than 30,000 subscribers, 10 channels with more than 100,000 subscribers, four channels with more than 450,000 subscribers, and two channels with more than 700,000 subscribers.

As mentioned before, the hiring decisions are heavily influenced by the exam grades of the candidate. Since the CV does not drive the hiring procedures (or only in a very limited amount of cases, see Table 1), candidates with poor CVs (and perhaps poor scientific performance) have equal chances to be hired as their counterparts who outperform them in terms of scientific productivity do. Studies suggest that public tenders in Brazil assess candidate's research skills in a very superficial way [5]. This lack of proven research qualities can be quite a hindrance, since a full-time professor's teaching

load is around 20 h/week (Ziker measured it to be, on average, 24.5 h/week [20]); i.e., roughly half of a professor's work time should be dedicated to research. Authors like Morin [21], Serres [22], and Demo [23] have mentioned that it is good practice for any teacher to be able to identify current research within their teaching. In other words, teaching without research results in courses with obsolete content [5]. Recent research findings also show that research quality is positively correlated with teaching quality [24]. It's important to note here that it is research *quality*, not *quantity* that enhances teaching quality.

While the goal of the public tenders for academic positions is to hire the best candidate in an impersonal way [7], Araujo details in his ethnography how

"different interest groups act and react in order to maintain their spheres of influence inside this peculiar, strict, law-enforced job-searching scenario."

The ethnography contains details of various instances in which departmental politics and power struggles have influenced the hiring panel, as well as the outcome of the hiring process. The colonial heritage of Brazil and resulting political patronage have strongly influenced society. One could wonder, then, why such elaborate procedures are followed when sometimes the preferred candidate is identified by the internal members of the hiring panel from the beginning.

3.2. Lattes CV Features

Several types of ineffective features of Lattes CV (and its online platform) are described next. For a more detailed analysis, showing screenshots of all elements mentioned in this analysis, please refer to the preprint of this work [25].

We first address essential information that cannot be included in Lattes CV, or that is not compulsory. The main missing element is contact information: email address, phone number, and/or personal website(s). The only information sometimes provided is a postal address. Additionally, one cannot select more than one scientific field of expertise, which does not serve researchers in multidisciplinary or interdisciplinary topics. An English version of Lattes CV is not always available (compare random profile [26] to [27]). Some journal papers are missing their Digital Object Identifier (DOI), issue number or even title (see, for example, random profile [28] which is missing details for references [29,30]).

Next, we describe superfluous features of a Lattes CV. Since a Lattes CV does not impose word count limits on some sections and fields, some profiles become overly long, which makes it difficult for recruiters to extract the most important information (see, for example, randomly selected profile [31]). Additionally, the 'Formal education/Degree' section includes fields such as information from a random profile [32]: (1) Major Area (e.g., 'Linguistics, Letters and Arts'), (2) Area (e.g., 'Letters'), (3) Sub-Area (e.g., *'Literaturas Estrangeiras Modernas'*—without English translation), and (4) Specialty (e.g., *'Literatura em Língua Inglesa'*—without English translation). These extra subdivisions clutter the profiles and the same information can be found in the 'keywords'. Lastly, some sections on the CV could be shortened or excluded (e.g., [26]): expanded abstracts and abstracts published in conference proceedings (for most purposes, only full conference papers or presentations are evaluated), participation in examination boards, and academic advisory roles (information could be presented in a more concise form).

The Lattes platform [33] contains a number of software issues that make creating and updating a CV difficult. Selecting an institution requires a number of steps. Multiple entries of the same institution exist, as users are allowed to create institutions. A link between institution and its country is also missing.

Finally, the Lattes platform does not translate well into English. Even though the platform is designed for researchers, many technical terms are not correctly translated into English. One striking error is that *abstract* is translated as *summary* (see, for example, profile [26]). For a list of erroneous translations for keywords in civil engineering, refer to the extended analysis in the preprint [25].

One feature in the Lattes platform that can be very useful for recruiters (although only available in the Portuguese version, as can be seen in [26]), is the indication per journal publication of the number of citations from the Web of Science (WoS), Scopus, and Scielo databases.

4. Suggestions for Improvement

The authors of this manuscript consider the current assessment method of a candidate's knowledge in public tenders and the mandatory use of a Lattes CV as highly questionable. The examination stage suggests that the candidates' qualifications, experience and skills included in their CVs, all fully proven by institutional certificates, letters of recommendation, and publication metrics, are insufficient. Furthermore, many candidates graduated from the same institution where they are applying for a position, somehow showing that their degree is not sufficient or valid in demonstrating that they are qualified for the position.

As mentioned by Araujo [7], the impact of newly hired faculty on the university is as follows: when the best candidate is hired, this person is expected to have the largest productivity. This, in turn, will be reflected by the amount of funding that goes to research and graduate students. Araujo [7] sums this up as:

> "*In the long run, students, and not faculty, are impacted, because the amount of public money allocated for grants is related to the productivity of the faculty members. The best option would be to take seriously into account the curriculum vitae of the candidates, and not his/her degree of empathy.*"

To improve hiring procedures in Brazil, one can analyze best practice manuals from international institutions, for example [34]. The authors' proposal for a suitable selection process in any public tender in academia consists of the following three elements: full CV, interview, and a 15 min sample lecture on a given subject. Literature on recruiting processes in organizations has highlighted that the interview is one of the most effective instruments used [35], and its application in academia is recommended by Bohlander et al. [36]. Kramnick [37] suggests that using Skype interviews can be preferable for two reasons: It does not require the candidate to spend money to travel to the interview and it removes the need for small talk before the actual interview. The need for a travel budget and the ability to feel comfortable in certain social settings may be more accessible to candidates from a privileged background—using videoconferencing may mitigate this implicit hurdle.

A two-tier process, in which first a preselection of suitable candidates is made based on the CV and a motivation letter, and then suitable candidates are invited for the interview and sample lecture, is recommended. For the interview, it is recommended to start with a short presentation of the candidate's previous experience and major achievements, followed by a discussion on his/her teaching and research goals.

The interview should be taken by a balanced and diverse (with gender and racial diversity where possible) committee, which includes a student, a junior faculty member, a senior faculty member, and an exterior committee member. Any proposed method of evaluation should be analyzed periodically and updated in light of new research findings currently used tools [38].

For CV evaluation in the first assessment round, we propose a weighted formula. The weighted formula should include elements such as scientific performance (e.g., based on citation indexes proposed by Abambres and Arab [39]), and professional experience. The institution where the candidate graduated from can be evaluated for this classification. The professional experience evaluates the work experience of the candidate only. The teaching skills of the candidate will be evaluated separately in the sample lecture. Other elements that can be evaluated and added to the weighted formula, depending on the position, are: scholarships, prizes and other recognitions, service appointments (e.g., technical committees), involvement with professional organizations (or their associated student chapters), and funding obtained during previous positions. The weight to be assigned to each of the categories used to evaluate the candidate's CV can be tailored to the academic position he/she/they are applying for.

These procedures are recommended to have a better evaluation of the research performance of a candidate, since the new employee will dedicate roughly 50% of his/her/their time to research, as discussed in Section 3.1. Note that, for a faculty member to dedicate this amount of time to research, it is necessary that sufficient administrative support is available. Whereas globally the trend is to reduce support staff and give more administrative tasks to professors, the authors' opinion is that sufficient administrative staff is necessary for the optimal functioning of faculty.

5. Discussion

The analysis in Section 3.2 describes the shortcomings of the Lattes CV platform. In the authors' opinion, Lattes CV should not be imposed as a mandatory CV format in job or funding applications, and most of its features need to be improved to allow its effective use, as described in the previously presented analysis. In order to overcome a crucial drawback, the authors recommend the automatic creation and updating of each CV based on information taken from more effective, popular and renowned platforms such as Microsoft Academic, Google Scholar, ORCID, ResearcherID, or similar. The authors consider that an effective CV should be as short as possible, and easy to read and compare (the same holds for the platform where the CV is built).

Examples that should be followed are Microsoft Academic and Google Scholar, where either references are automatically found and included in one's profile (including a hyperlink to the article's official website), or a hyperlink is automatically created when a reference is manually added to an author's profile. Alternatively, a tool can be programmed (such as Top Academia in Saudi Arabia [40], which crawls the Web of Science database) to collect relevant information from the available bibliometric sources and build a profile for the candidate. As the abilities of scripting for sorting information increase [38], we should make use of such tools yet keep in mind that the procedures should be democratic in the face of standardization.

The feature of showing the number of citations mentioned in Section 3.2 could be introduced into existing platforms (e.g., Microsoft Academic, Google Scholar, Science Open, ResearchGate, ResearcherID, etc), either explicitly, and/or implicitly by providing citation indices per author based on the proposal of Abambres and Arab [39], i.e., weighting the authorship order/credit in each publication, as well as the source (WoS, Scopus, or 'others') of each citation. The advantage of this approach is that it provides a combination of different indexing databases, whereas the current Lattes CV metrics separate the different indexing databases.

As compared to the international state of the practice, we can see that the ideal hiring procedures do not exist yet. We could turn to best-practice manuals from universities in the United States [34], yet need to keep in mind that there is systematic inequality related to prestige in the hiring procedures in the United States [41]. Most universities in Europe mention their hiring procedures on their website. KU Leuven [42] follows a typical hiring procedure of two steps. In the first step, candidates send their CV, a discussion of their five most important publications, and an autobiographical essay. Then, candidates on the shortlist will be invited for an interview, a sample lecture, and/or for sending their publications. Similarly, TU Delft [43] first requires candidates to submit a CV, a research plan, list of publications, and the names and e-mail addresses of at least three potential references along with a letter of application. In a second stage, candidates are invited to give a presentation outlining their research and teaching vision. Similar requirements and a two-step procedure are described by RWTH Aachen [44].

Although currently no ideal hiring procedures exist, we consider it important to highlight the shortcomings of the current state of practice in Brazil, so that Brazilian academia can move towards fairer hiring procedures. As mentioned previously, the main influence on the outcome of the public tenders is on the budget available for graduate students—the students are thus most affected by the hiring decisions, and they currently have no voice in these procedures.

When developing improved methods for hiring faculty in Brazil, we should learn from the experience and the international state of the practice. At the same time, we should consider the unique

cultural and social aspects of academia in Brazil, as earlier research comparing academia between two countries (United States and the Czech Republic) showed that there is no "one size fits all" at an international level [45]. Lamont [46] also warned against exporting customary rules of evaluation from the United States to an international context.

One issue hiring panels should be aware of, is related to minorities. This problem lies deeper than just our personal biases, as the current status is one of systematic methodological disqualifications of contributions from members of underrepresented social groups [47]. As Saul remarked, this issue directly influences hiring panels:

> "[m]any admissions and hiring committees have a commitment to improving gender balance and perhaps even to choosing a woman over an equally qualified man but implicit biases may well prevent them from seeing which women are equally qualified."

As a solution to this deep-rooted problem, Leuschner [47] proposes mechanical methods. In terms of hiring, she proposes a quota for hiring women and shows that affirmative action programs have been and are helpful.

While we have focused in this work on meritocratic procedures (in terms of finding the best candidate for a vacancy, while keeping in mind biases against minorities), we should be aware of the flaws of meritocracy itself. As Leuschner [47] pointed out, meritocracy has resulted in the self-production of elite groups and fails to adhere to pluralistic standards. At its worst, meritocracy is elitist and inequitable, obstructing consent and cohesion in society [48]. Paradoxically, opportunities for merit are themselves determined by non-meritocratic factors (talent is not distributed in a meritocratic way) [49], and the definition of "merit" itself implicitly favors some groups of society over others. Mijs [49] thus argues that meritocracy itself is an unfulfillable promise. Instead, we should strive to adhere to the principles of justice, need and equality in academia. While his analysis focused on higher education, and questions whether universities should train students for the labor market or build character and citizenship, further research seems necessary to identify how the principles of justice, need and equality can also be included during the academic hiring procedures to create a level playing field where bias will not (inexplicitly) affect the hiring procedures.

The comments in the previous paragraphs related to the obstacles minorities face, should be more than "good to know." The guidelines for hiring procedures in Brazil should directly address these challenges, and the mechanical methods proposed by Leuschner [47] could be used in the context of Brazilian academia. From this perspective, the evaluation of a researcher's CV as outlined in Section 4, should also be evaluated from the gender perspective. Nielsen [50] shows that bibliometrics used as a driving factor during hiring procedures perpetuate existing gender inequalities in academia. We should also make sure that reduced productivity during and after maternity leave does not reflect negatively upon the evaluation of the CV of a woman with children (to remove the so-called "motherhood penalty"). His solution is then articulated as follows:

> "my suggestion therefore is to always supplement the use of quantitative proxies for merit with in-depth and systematic qualitative considerations about variations in expertise, experience, activities and career progression along gendered lines; even when comparing large numbers of researchers. Such an approach could help render visible some of the potential gender biases related to the use of quantitative performance metrics, hereby making academic recruitment and selection processes less gendered in their stratifying outcomes."

The neoliberal reality of today's university landscape also poses significant limitations to researchers [51,52], which are difficult to evaluate and take into consideration during hiring procedures.

For all good intentions on developing the best hiring procedures, we should keep in mind that human emotions play a role in these procedures [53]. These extra-cognitive emotional aspects of the hiring procedures are not well-known nor researched. We should be aware of these: how they influence how favourably we rate a candidate, and how we could possibly quantify these emotional aspects. Again, this knowledge could be used in the future to improve hiring procedures.

Based on the investigation carried out and the authors' professional experiences, it is no surprise that the Brazilian academic market is still inward-oriented, even though most universities have developed stronger links with foreign institutions. A limited number of foreign students and professionals (especially from outside Latin America) [8] work at Brazilian universities, and Brazilian scientists still [54] publish a significant amount of work in national journals, which sometimes are only available in Portuguese. By limiting its capacity to attract foreign talent, Brazilian academia fails not only to identify the most suitable (national or international) candidates, but also to promote diversity and pluralism.

6. Conclusions

This paper describes two major flaws in Brazilian academia—the pseudo-meritocratic public tender and the Lattes CV. The public tender, with its standardized written exam, makes the hiring procedures for faculty in Brazil unnecessarily complex, resulting in a system where one can study to pass the exam and have a good "grade" in the tender, and yet is not immune for realpolitik within the hiring committees itself. We propose to replace the current hiring procedures by procedures similar to those used in an international context: a two-tier approach where the CV and application letter is first analyzed, and then the candidates are invited for an interview and short sample lecture.

A second particularity of academia in Brazil is the use of the Lattes CV platform. The Lattes CV is the only CV that counts when a candidate applies for a position, or even when applying for funding. Our proposal is simply to use a regular CV instead of the convoluted Lattes platform. If Brazilian universities find an online profile necessary, then popular online platforms such as Microsoft Academic, Google Scholar, ORCID or ResearcherID could be used.

With the recent budget cuts in Brazil, we consider that the time is right for change. The convoluted hiring processes in Brazil and their self-engineered, self-funded, and self-maintained Lattes CV platform may be eating away at a budget that could be redirected to scholarships for students, used for opening more faculty positions, or used for funding research. Meanwhile, the time is right to ask ourselves critical questions: what can we do to improve hiring procedures in such a way that minorities are not affected by implicit biases in academia and hiring panels? How can we use affirmative actions that have worked elsewhere in the world within the social context of Brazil? Ultimately, what type of faculty does Brazil need in order to be a reflection of its society, so that faculty members can address the needs of the Brazilian society on one hand, and have a voice in an international context as well.

Even though the lack of research funding in Brazil is the most discussed topic in the media, increasing funding is not the only solution Brazilian academia needs to thrive in an international context. We hope that we have provided a relevant contribution for Brazil to prosper academically and scientifically in the near future, and that the questions we address in this work within the Brazilian context will also help our colleagues internationally to think further about the hiring procedures at their institutions.

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Post-Scriptum—Laurent Dubreuil

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There is no democracy without free speech, for the rule of the people is only ensured if anyone is able—not summoned—to speak publicly without constraints. The short qualification I just gave is immediately at odds with what has been the dominant practice of so-called "Western" democracies, especially in Europe, where entire sets of laws ban the publication of certain opinions, touching on the distortion of historical facts (such as denying crimes against humanity), political opinions that are considered inacceptable (usually far-right, but also far-left), or accusations that are perceived as libelous against specific persons (defamation laws). Such limitations are usually accepted as "lesser evils" and legal safe-guarding against fundamentally anti-democratic activism. Such accommodations undoubtedly *alter* the quality of the "democracies" that implement them, though they do not *change* their democratic postulation *as such*. While I am a firm believer in *maximal* freedom of speech, I recognize I know of no social context or human culture where absolutely any opinion could be voiced. A maximum, in this regard, is to be evaluated in terms of situation and is neither the infinite nor the absolute.

What is now known as "academic freedom" (i.e., despite ancient roots, a modern practice, largely influenced by the American system, and the AAUP statements) is a specific form of "free speech." (In this Special Issue, see, in particular, the article by Fenton and Smith.) It is usual to disconnect the two concepts, on both historical and legal grounds, but it is obvious that academic freedom enacts, in a University setting, the same democratic *principle*, with "the people" here equaling "the faculty," along with their "students" (in the best-case scenario). The underlying idea is that knowledge and research necessarily rely on the *possibility* to question whatever is otherwise admitted (by tradition, by religious authorities, by "expert consensus," by the ancestral culture, by the dominant class, etc.). In this sense, "academic freedom" was implied by Socrates (outside of any established school) when he began asking people on the streets about the definition of their very concepts. As is well known, Athens was a democracy for her (male, free) citizens, *although* this was not the point of accepting such an intense level of inquiry. Socrates' intellectual descendants understood this lesson and opted to build up external structures and self-governing bodies (Plato's Lyceum, Aristotle's Academia, whose name we still use in English as a generic designation) by way of protecting scholarly inquiries. Overall, the actual disconnect between the two orders of freedom can be felt when universities offer more leeway for debates than the surrounding society, or when more limitations are found within Academia than outside of it. It remains that higher education, if it seeks to bring more than (technical) instruction, only finds meaning in the creation of a critical space allowing for the potential counter-examination of *any* consensus. Going against any well-received idea does *not* guarantee novelty or accuracy *by itself*, but without the extension of the possibility of free questioning, we must be sure that no new knowledge or theory will ever be imparted.

All I just said might look like platitudes, and I confess I am almost ashamed to rehash such basic theses. However, if we do believe that intellectual freedom based on the potential explosion of any consensus is a sine qua non of research and thought, then we also have to readily admit that, for most of its history, post-Greek Academia has only been intermittently worthy of its own principles. Conformism and cowardice have always been widespread in lecture halls. Unfortunately, constraints on academic pursuits are, historically, the *norm* and not the exception, and they have come from within (deans, peers, students) as well as from the outside (the Church, the Prince, the Party, the

"public opinion"). What, then, is specific to our current situation? In some respects, one could argue, the mounting attacks against intellectual controversies are part of an almost uninterrupted tradition of war *against* academic freedom, from Socrates to Galileo, from McCarthyism at Berkeley to the Cultural Revolution at Tsinghua. Moreover, only extreme optimists, or absolute hypocrites, would posit that hires and promotions are only one factor in evaluating scholarly quality, whereas many gatekeepers aptly close the doors when they perceive a line of argumentation they simply *disagree* with. Still, we are in a particular moment, for, in the name of equality (much less so of freedom), many societies are currently, and actively, opposing the very democratic principle they may still claim as theirs in formal declarations.

The current form of this suicidal tendency could be called "identity politics 2.0." This identity creed relies on the following articles of faith: (1) Identities are all that matters in politics; there is no denying this; (2) Either temporarily, by way of remediation against the harms of the past, or for the foreseeable future, some identities should receive more control and power than others; (3) Identities predetermine what people are and what they think, feel, or love; (4) Under certain conditions, I may adopt a new political identity (e.g., from *straight* to *gay*), but identities, by themselves, are not dynamic; in the same way, "intersectionality" only points at set intersections; (5) All subaltern identities are the product of open wounds and recurring traumas; (6) Because of the suffering shaping my identity, I have a right to avoid being hurt again and, in practice, a right to avoid (the opinions, the writings, the oeuvre of) any individual bearing a different identity than mine; (7) As a corollary to the right to opt out, I also have a right, in the name of my hurt identity (as -is*m*), to silence, "cancel," "call out," "deplatform", bearers of other identities who either say or *might be expected* to utter something that could contradict what I believe I am; (8) The political community first consists of associating myself with people who *truly* share my identity, which gives way to my demands for safe spaces, specific products, reserved rights, special artworks or clothes, and so on, all attributes that are *truly mine* and that dissimilar citizens could not adopt (or this would be a *cultural appropriation* on their part); (9) The truth or authenticity of each political identity, with its paraphernalia, has to be constantly watched and reassessed by the relevant identity-bearers (be they a militia, an online mob, "self-appointed identity cops,"[1] an NGO, or a governmental office); (10) Further political identities are to be "discovered," or, more realistically, manufactured, and their generation is unlimited a priori.

It is easy to see that the first four articles of faith are anything but new (only the emphasis on a quasi-mystical concept of "identity," instead of *blood* or a given religion, is relatively recent). In fact, they are perfectly soluble in any ethnic or racist definition of the in-group, such as the Nazi notion of *Volk*. The definition of political identities through a wound or social harm is a more novel development that unfolded over the last few decades. Incidentally, it represents a negation of the original "identity politics" (from the 1970s, as used by the Combahee River Collective, among others), for its anchoring in trauma later makes it practically impossible to seek any end to one's own social suffering, unless one abandons (*betrays*) one's identity, which is politically forbidden or impossible, by virtue of the first part of the creed. Therefore, emancipation is either constantly postponed to a later dated or, more simply, short-circuited. I need to underline the fact that, in the current game, *any* identity could claim to be oppressed, and, ironically, resistance against the dominant minorities is a now banal part of the rhetoric of white supremacists in the USA [2]. The coupled rights to opt-out and to suppress come with a dual need to police other members of the common identity and to push forward new official political subcategories. To avoid any significant mutability in a given identity at a certain point of time, it might be more expedient to output an additional reified being (which is the promise of the final + in LGBTQIA+).

It is equally easy to see that such principles are eminently apt to be supported by the Internet as we know it. To be more precise, as I wrote in my 2019 book *La dictature des identités* and elsewhere [3–5], the very functioning of social media and all digital communicational tools enhances, arms, and sustains the propagation of standardized political identities. Identities have become a law of the market, because of the low-grade algorithms that are used to shoehorn individuals into predetermined boxes for marketing reasons, and because of the intentional mobilization, by the tech industry, of neural patterns supporting addictive behaviors. The globalized economy of digital communication allows for the speedy circulation of positions, behaviors, and ideas that no longer specifically belongs to "American society." In fact, we all constantly upload and download ourselves to, and from, the planetary Network, whose main rule is the mechanical reproducibility of identicals. Finally, we could swiftly deduce that none of the ten articles of faith that are de rigueur in identity politics 2.0 are compatible with the democratic principles of academic freedom. Screaming outrage or indulging in electronic soliloquies about one's harmed identity have simply nothing to do with the creation of a contradictory, dialogic space. The "clash," then, is inevitable, and it does not depend on different civilizations, as Samuel Huntington once infamously claimed. On the contrary, one new civilization, based on transnational identity claims, is emerging and it clashes with any commitment to heterogeneity. The new order functions as an upper layer that *percolates* into local contexts, sometimes becoming a mere prompt for writing new laws or policies. The freedom of thought and creation that is basically required in the arts, sciences, and humanities simply cannot remain in this prosthetic world-order, and it makes sense, politically, to attack all the institutions whose paradigm contradicts the promotion of identities with particular vehemence. Among these are universities.

This Special Issue of *Societies*, co-edited by Heather Piper and Else-Marie Buch Leander provides a typical, and international, overview of some of the current limitations which academics are facing in a globalized identitarian regime. If the focus of the collected articles is on academia, Universities are not conceived as fortresses or autonomous bodies without ties to "external" realities. For instance, the essay by Buch Leander et al. on Danish childcare facilities, with their heavy policing of behaviors, illustrates the solidarity of some academic positions with concrete regulations in the workplace. Furthermore, some interdictions the authors mention (in the context of pre-school childcare facilities) are oddly consonant with some of the new puritanical policies American Universities have recently been eager to implement, as if *adult* citizens (undergraduate and graduate students) should be statutorily put on a par with 3-year old children. To return to Academia, the article by Jane Fenton and Mark Smith, and the article by Stuart Waiton function as obvious entry points to this dossier. Both texts summarize some of the major coordinates of the current identity debate. Gustavo González-Calvo's "Narrative Reflections" and "Disaggregating the Asian 'Other'" by Rooshey Hasnain et al. also indicate the intellectual perils of the identity machine, but from the inside. As is clear in "Disaggregating the Asian 'Other'," the moment identity categories are accepted as valid, one is prone to contributing to a proliferation that is internally legitimate (it is indeed absurd to consider that one "Asian-American" identity would cover the situation of people with ancestry from the Kerala, Tibet, or Sichuan) but externally misguided, such as the defective one-size-fits-all rubric that is criticized. Instead of favoring the transient creation of identifiying multiplicities, one simply multiplies reified categories, in a vain attempt to take into account (and *in advance*) any deviation from the sub-norm. This is a mere identity trap. "Narrative Reflections" centers on the mystifying notion of "the body" (as if "the mind" were anything out of its embodiment). This unavoidably leads the author to the repetition of pseudo-evidence about male, paternal, or heterosexual identities. I

certainly believe in the heuristic power of narrative fiction, but fiction, precisely, is apt to deliver us from the realistic need to be *this* or *that*.

The two contributions by Erik Olsson and Jens Sörensen ("What Price Equality?" and "Shadow Management"), as well as "Scholarship Suppression" by Sean Stevens et al., provide a large array of very carefully detailed cases pertaining to the "new rules" of permissibility. The Swedish situation (also evoked, more broadly, by Johan Lundberg's "Return of the Clan") is particularly revealing. As appears in Sweden and beyond, very old structures of power, which are to be wholly distinguished from the now proverbial "power structures", are coopted, or resurrected, by the new identitarian regime. In fact, ancient notions such as "races," "ethnic groups," or "clans" are very fungible in our dictatorship 2.0. With the right settings, the central State (as in Sweden) could be remarkably prompt to echo and implement the political fragmentation that others (such as "minorities activists" in the US or in France) could naively believe to be, *in essence* and *by definition*, "grassroot," "anti-government," "subversive," or even "revolutionary." Quite the contrary, since as pointed out in "Shadow Management" among others, the complicity of identity politics and the neoliberal agenda is patent. The study by Eva Langsoght et al. on Brazil points to the active role of standardization norms (here, in testing or hiring procedures) in the gradual construction of a new political reality, where we are all more or less turned into children in a Danish Kindergarten; that is, we are free to be surveilled and policed by both our peers and bureaucratic bodies.

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