

Passion is not misconduct

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[Jury rules for climate scientist Michael Mann in long-running defamation case](#)

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University of Pennsylvania climate scientist Michael Mann [was awarded more than \\$1 million](#) in a lawsuit against bloggers who accused him of scientific misconduct in inflammatory terms, likening his treatment of data to what a noted child molester did to children. The verdict suggests that there are limits to which scientists working on politically sensitive topics can be falsely attacked. But the case also says something profound about the difference between matters of opinion and scientific interpretations that can be worked out through normal academic processes. Although Mann has expressed strong—and even intemperate—emotions and words in political discourse, the finding of the District of Columbia Superior Court boiled down to the fact that it is not an opinion that determines when scientific misconduct occurs but rather, misconduct can be established using known processes.

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When Mann published his famous “hockey stick paper” in *Nature* in 1998, he began receiving attacks because the paper reported a sharp and alarming increase in global temperature after the Industrial Revolution. Numerous re-views of the paper’s findings were subsequently conducted by the National Science Foundation, Pennsylvania State University (where Mann was at the time), and the National Academy of Sciences. Although a correction was added to the paper to clarify a data matter, the evaluations all concluded that the paper stood. The jury therefore found that accusing Mann of fraud without sufficient evidence was defamatory—the bloggers’ allegation that Mann committed scientific misconduct was false. “It’s perfectly legitimate to criticize scientific findings,” said legal scholar Michael Gerrard, “but this verdict is a strong signal that individual scientists shouldn’t be accused of serious misconduct without strong evidence.” Further, the jury concluded that the bloggers’ statements were written with “maliciousness, spite, ill will, vengeance or deliberate intent to harm.”

Mann told me that he's aware that he is passionately outspoken but said the hockey stick paper evoked relentless berating and condemnation. It's perfectly human to react when attacked. Mann noted that former Editor-in-Chief of *Science* Donald Kennedy—who wrote [fiery editorials about climate change](#)—helped him to understand that the denunciations were about something bigger than himself. Kennedy “gave me the philosophical outlook to persevere,” he said. Mann lamented, “I would hate to think that young scientists would have to make a choice to withstand attack if they want to study politically contentious topics.” He also sees assaults on science as advancing the conservatives' agenda. “They want to make doing science in these areas so toxic that young people won't want to go into it,” he said.

The hockey stick graph stands as published because the data were peer-reviewed and addressed questions from experts. Accusations of misconduct were addressed by running established processes outlined by federal agencies, journals, and universities. The paper has not been retracted, and calling it fraud thus met the standards for defamation. A lesson of the verdict is that despite its flaws, the process for vetting, publishing, and curating scientific findings in the literature is still the best game in town. Although some free speech advocates warn that the verdict will have a chilling effect on the criticism of scientific findings, perhaps the verdict can be viewed more optimistically as appropriately directing matters of opinion to blogs and opinion columns while matters of scientific disagreement are handled in the literature of scientific record.

Another lesson is that although some may prefer scientists to be more restrained and circumspect than Mann, expressing passionate views does not justify false accusations from critics. Opinions are protected speech, and both scientists and their critics should be welcome to express them. There is a debate in the scientific community about whether scientists undermine their credibility by being outspoken. Suppressing one's humanity harms one's credibility even more. What's important is that scientists are dispassionate in their research publications, not on social media or in opinion pages.

Kwame Anthony Appiah, an advocate for the [judicious usefulness of appearing neutral](#), told me that he views scientists as having “offstage” and “onstage” personas, and that the “onstage” version is present in the literature and at conferences. The Mann verdict validates Appiah's analysis. Human passion varies over a range. But scientific consensus is reached rationally and through established processes.
