Addressing serious harm, reconsidering policy and building towards repair

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This commentary draws on personal experiences, my time spent discussing acts of harm in the academy with activists, and a review of various incidences on issues of academic harm and responsibility. Over the last few years, I have observed numerous high-profile cases in anthropology – in various countries and various contexts – that have elicited a significant public response. Some frame this kind of harm as the proverbial ‘few bad apples’, an approach I reject as it ignores what enables harm. Alternatively, some attempt to use the idea of ‘academic freedom’ as a way to sidestep questions of interpersonal obligations. Recently, I have encountered this line of argument in defences made by some against allegations about John Comaroff, such as media pieces that I note have been later cross-posted to his own website (Comaroff 2022; Walsh 2022). Instead of settling into a debate about what is or is not ‘academic freedom’, I here highlight a different reorientation, a shift in framing: what I have called, in conversations with friends and collaborators, ‘academic responsibility’. This reminds us that whereas academic freedom is frequently framed as a freedom to or a freedom from, academic responsibility emphasises our responsibilities as scholars and the obligations which follow to others. This includes a refusal of what Zoe Todd (2019) calls a ‘failure of imagination’ – we can and must envision different ways of building scholarly spaces beyond what we ourselves have seen or experienced in the academy.

While no academic discipline is entirely free from interpersonal harm, forms of anthropological networks can intensify certain aspects of harm, particularly for those who are junior or precariously employed. In the United States, this broadly involves a cross-disciplinary issue of hiring for tenure-track professors that draws most heavily on a few particular programmes at the expense of others (Clauset et al. 2015). While this issue is neither new nor unique to anthropology, the intensification of these disparities – alongside shifts down in hiring after the ‘Great Recession’ and the COVID-19 pandemic – manifests in particular
ways that reinforce academic hierarchies. More specifically, within US-based anthropology this means that PhD graduates of the top five universities – when ranking all degree-granting programmes on the basis of faculty placements – constituted approximately 30 per cent of tenured or tenure-track faculty. As Nicholas Kawa and colleagues note: ‘Fifteen programs are responsible for a majority of [faculty] placements’ (2019: 22); this imbalance in hiring has been additionally acknowledged in additional studies on US anthropology (e.g. Speakman et al. 2018), which emphasised the importance of attending particular institutions if a graduate student wants a reasonable shot at a tenure-track position.

I am not surprised that many junior scholars pushing back against harm are also involved in labour organising: unions can help secure safe places to work, and they can provide support when interpersonal harm does happen. Beyond the harm that can happen while anthropologists are in the field (King et al. 2020), informal practices in ‘collegial’ scholarly spaces can elide serious harm in the discipline (Leighton 2020).

I have seen these conversations about academic harm within academia inflected broadly across my own academic networks, which are most firmly embedded in Canada, the United Kingdom and the United States. In 2016, Canadian universities’ high-profile failures to address sexual violence was met student activism and organising, and it resulted in legislation across much of the country that mandated universities to create particular policies to address sexual violence (Harris 2019). At my own university, I was selected – as a delegate for a union representing largely graduate student workers – to help create and review university policies related to sexual violence, harassment and discrimination. Bearing witness to the messy process of creating new policy, I felt some optimism that such harm was being acknowledged but frustrated with institutional orientations that used particular policies as a way to ‘fix’ serious, embedded issues; as Sara Ahmed writes: ‘A new policy can be a way of avoiding a conversation about a problem that the policy is intended to address’ (2021: 57). It was difficult to engage in such a process and simultaneously hear ‘culture’ – whether ‘campus culture’ or the ‘culture of academia’ – put forward as a barrier to change not dissimilar to how anthropologists of gender-based violence have critiqued approaches elsewhere (Adelman et al. 2012).

At the 2018 Association for Social Anthropology (ASA) Conference in Oxford, England, a two-session panel entitled ‘#MeTooAnthro’ discussed how gender-based violence relates to learning, fieldwork and professional work in the discipline. The year 2018 also saw #HAUTalk, a largely Twitter conversation relating to the journal Hau that was widely
circulated and included a host of allegations; the claims were of a workplace that included physical, emotional and financial abuse. At the 2018 European Association of Social Anthropologists (EASA) Conference in Stockholm, I was present at the #HAUTalk Roundtable engaging with the allegations of harm, which was particularly focussed on power imbalances in academic spheres. Subsequently, a motion tabled by eight EASA members for a working group to create a code of conduct and establish ways of addressing professional misconduct was passed with no dissenting votes. The working group focussed on ‘the silence surrounding the issue, the failure of those in senior positions to act, and the implications that this has for social, structural and moral conditions within anthropology that were the key concerns’ (EASA 2019).

With recent news in the United States largely focussed on situations relating to one professor at Harvard University, other publicly known situations of allegations of harm in anthropology in the last few years are also gaining some (if much less) attention. Juan Obarrio, then a professor in the Department of Anthropology at Johns Hopkins, allegedly sexually harassed and physically assaulted a visiting graduate student. Johns Hopkins students organised #JHToo protests after a lack of institutional response (Fink 2019; Parekh 2019; Richman 2019). The university would go on to revoke his tenure, as well as recommend that he and another professor in the Faculty of Medicine be fired for findings of sexual violence in unrelated incidents (Flaherty 2019b; Hou 2019); the other professor resigned before any subsequent employment termination processes could be started (Bowie 2019). Additionally, at around the same time, the Johns Hopkins Office of Institutional Equity announced that due to a website error eighteen complaints of sexual harassment or violence had been blocked from reaching the university’s Title IX Office (Parekh 2018; Rentz 2018).

Outside university corridors, the American Museum of Natural History’s (AMNH) approach to handling of accusations of sexual violence made headlines in scientific magazines and national newspapers alike (Feltman 2016; Gibbons 2016), particularly after one survivor, after not finding support from the AMNH, publicly shared her story at the American Association of Physical Anthropologists (AAPA) 2015 Annual Meeting. The Society for American Archaeology (SAA) faced critique after allowing David Yesner’s attendance and participation at the 2019 SAA meeting (Flaherty 2019a; Wade 2019). Yesner is an archaeologist with several upheld Title IX complaints at the University of Alaska Anchorage, who was banned from all UAA property and from engaging in any kind of UAA affiliation in 2019, two years after his retirement.
In response to the SAA’s poor handling of the situation—which led to the SAA Media Relations Chair, Kristina Killgrove (2019), resigning in protest of the slow SAA response—the President of the SAA Board of Directors, Joe E. Watkins (2019), released an apology to the membership; the SAA created new safety regulations for their subsequent conferences, requiring attestations to, amongst other points, the fact that attendees ‘have not ever been the subject of a negative finding on a Title IX investigation and do not have and have not had a current or pending disciplinary action’ (Society for American Archaeology 2019); and the SAA created new policies around conference safety and harassment (Society for American Archaeology 2019, 2020). Finally, a recent article by Megan Steffen (2021) extensively researched the 1931 rape and murder of Henrietta Schmerler during her fieldwork, highlighting a response to her harm that was more concerned with institutional reputation than with accountability or repair. These examples, taking place over a significant span of time and space, highlight the serious disjuncture between the experiences of those who have withstood serious interpersonal harm and what institutional remedy – if any – is mobilised.

Policies and investigations

Following allegations of harm, several Title IX investigations were conducted into the allegations against John Comaroff. Former Harvard department chairs Theodore C. Bestor and Gary Urton have been investigated, separately, following allegations of sexual misconduct. A 2018 Harvard investigation led to Bestor being disciplined for sexual misconduct (Bikales 2020; Gibbons 2021). Urton, meanwhile, retired in the summer of 2020 facing multiple misconduct claims as well as a letter from twenty-five Harvard anthropology faculty members urging him to resign (Gibbons 2020). Urton was subsequently banned from Harvard’s campus and had his emeritus status revoked following an investigation into sexual misconduct (Isselbacher 2021; Wang 2021); additionally, it was claimed he misled the investigators (Gibbons 2021). In February 2022, several professors in anthropology and other disciplines signed one of two open letters subsequently published in the Harvard Crimson (Cho and Kim 2022) and by the Chronicle of Higher Education (‘Open Letter against Harvard’s treatment of John Comaroff’ 2022). While the Crimson letter seemed to centre faculty confusion over Title IX procedures, the Chronicle letter focussed on the accusations – at that
point, still confidential – towards Comaroff in the university process. It argued for a particular framing of events that related to Comaroff’s lawyer’s statement on the situation. The Chronicle letter ended with a particularly strong framing of universities, claiming these to be sites of kinds of judicial processes, particularly a second review that indeed did fall within the remit of Harvard’s Title IX processes.

Issues in relation to allegations of serious harm are not limited to Harvard. A chair of the Cambridge University Disciplinary Committee determined that ‘harassment’, as used in the university’s General Regulations for Discipline, did not extend to sexual misconduct (Cook 2019). Following this determination, and after significant public pressure, Cambridge subsequently introduced new regulations that would include sexual violence as well as shifting evidentiary requirements, according to a BBC report (BBC News 2019). However, the changes were not retroactive, and meant that several survivors of sexual violence were unable to use particular institutional routes to address harm (Batty 2019a; 2019b; Wyn Davies et al. 2019). Five years earlier, across the Atlantic, Yale redefined rape as ‘nonconsensual sex’ in 2013 (Bass 2013; Spangler 2013), though it was later reversed after significant pushback from students and members of the public (Office of the Provost 2015). While these are only a few examples, what I aim to highlight here is how engaging with universities’ legalistic frameworks does not automatically result in positive outcomes, and can even cause serious harm, even if unintentionally.

Some of the public rhetoric around processes to adjudicate harm, like Title IX cases, has focussed on the processes as not being courts of law, some going so far as to frame these as ‘kangaroo courts’. At the same time, I have noticed a concern in discourse for what is described as a need for justice; without similarly specifying how exactly this justice is to be arrived at, there is broadly a push for greater court-like structures to reach a more ‘just’ end result. However, separately, courts have been shown to be a painful space for survivors of sexual violence. Heather Hlavka and Sameena Mulla’s (2021) ethnographic research on court cases in Milwaukee highlight how court processes of sexual violence are heavily gendered and racialised. As they observe: ‘[A]djudication is itself a reproduction of violence’ (2021: 40). Expanding on their work, I argue that these issues are replicated in universities as ‘juridifying’ university settings, with a focus on evidence and definitions. Further, by combining socio-legal work on courtrooms with anthropological knowledge about how to study organisations and organisational ‘culture’ (Wright 1994), I believe that we have both the
knowledge and obligation to engage with what kinds of organisational norms exist that facilitate particular harms in scholarly spaces beyond a focus on policy creation.

However, as anywhere, corrective shifts in academic spaces are a matter of will, both of individuals and of organisational leadership. As Laura Nader notes: ‘Academic interest in justice is symbolic, providing hope for the present by celebrating an ideal. In a sense, conferences and the volumes that result are rituals, places where myths are strengthened and ambiguities nourished’ (2018: 434). These symbolic ideals of justice – some referred to in the open letters related to Comaroff – may be considered to co-reside with legal realities that those involved in situations of harm face. I argue that while anthropologists might imagine or locate themselves in scholarly spaces as capable of always being professional, and while often scholarly associations claim to work towards equity, there remain spaces for an inevitable reproducing of broader social inequalities. Four days after the open letters were published, three graduate students in the Department of Anthropology at Harvard filed a federal lawsuit against the university, alleging institutional knowledge of and inaction around ongoing harm. The suit, laid out over sixty-five pages, includes references to numerous named and unnamed complainants’ experiences with the Title IX systems, as well as a described internal distrust of Harvard’s Title IX processes. According to the filing, both the then-Department Chair and a University Program Officer for Title IX and Professional Conduct allegedly advised the complainants that going to the media would be the best way to get Harvard to take the issue of harassment seriously. While the lack of faith in the process by those charged is concerning, we can also note how this process of ‘localising’ (Demian 2015; Goodale and Merry 2007) US civil rights legislation and policy has led to policy outcomes ill-fitting the stated aims: the examples in and around the recent case at Harvard show an absence of faith from senior academics that the Title IX system should be a place where survivors go to for harm to be addressed.

Repair

The administrative shift to policies that create juridical responses to target sexual violence means that there is little energy to actually address the rupture caused by serious interpersonal harm. Rather than structures for repair, many scholarly spaces tend to favour creating ways for harm to be assessed, punished or archived, placed in filing
cabinets, and left there (Ahmed 2021). How opportunities for repair are addressed – and what acts constitute harm – are set institutionally, though significant development in academic policy-creation around sexual violence comes from legislation. One area of emphasis in this dynamic is the use of ‘compelled disclosure policies’, better known as ‘mandatory reporting’, to address sexual violence in university settings. The use of mandatory reporting is particularly salient in the United States, where legislation orients universities as a way to meet a considered responsibility of needing a campus free from sex-based discrimination as an impediment to students’ education (Holland et al. 2018). Universities that receive federal funding are required to abide by this legislation – in particular, Title IX and the Clery Act – which includes directives to identify mandatory reporters. Such reporters must report all instances of sexual violence they are informed of to their university; while reporting to the police is sometimes an option, it is generally not required.

While the initial intent was to address harm in such a way that institutions could not simply hide reporting data, researchers have highlighted mandatory reporting as an ineffective method of reducing sexual violence on university campuses while prioritising the relevant institution over the survivor (Holland et al. 2021). This disjuncture begins at the start, when the incorporation of Title IX compliance offices – university bodies charged with ensuring their institutions abide by Title IX regulations, as well as with serving as an intake office for Title IX complaints – into institutional university processes effectively is ‘leading participants to feel as though the Title IX Office lends more of an ear to institutional priorities than to the needs of those seeking help’ (Cabrera 2020: 331). Because of the requirement for certain university employees to report all known instances of sexual misconduct, mandatory reporting can lead to situations where a student survivor waives their right to confidentiality without realising it, as the process becomes carried forward by those in the institutions who will then have access to the description of the harm itself. As an example, a student might disclose an incident of harm they experienced, believing that it would be shared in confidence. However, amandated reporter would be required to submit the incident to the university, so the incident believed to have been shared in confidence thus becomes part of a report that is subsequently shared with several university employees, regardless of the student’s desires. When the survivors of sexual violence share their experiences, under a mandatory reporting approach the story no longer belongs to them but to the process of university adjudication. In
comparison to colleagues who have not experienced sexual violence, researchers have noted that mandatory reporters who knew a survivor of sexual violence or who had previously been involved in a Title IX report have less positive views of the framework of mandatory reporting (Koon-Magnin and Mancini 2022). Forcing disclosure – through mandating that all knowledge of sexual misconduct be reported to university administration – has neither led to campuses free from sexual violence, nor created space for repair-oriented forms of dispute resolution.

If complaint procedures can end up as ‘institutional venting’ (Ahmed 2021: 84) that seeks to deflect – rather than adequately address – harm in the academy, responses must instead involve survivor-led and trauma-informed care. Survivor-led care is in direct conflict with many existing Title IX structures, which instead prioritise the institution through the use of mandated reporting, versions of courtrooms without safeguards for victims’ protection, and particular kinds of formal documentation. Framing harm as singular acts by individuals obfuscates the contexts that allowed that harm to happen; noticing positions and systems in these situations is both powerful and necessary, as well as an important step towards facing and limiting harm (Walters 2022). As one example, in my non-academic work I have co-organised queer literary events in spaces that explicitly did not offer exclusion policies. While I was initially unsettled, I found that this allowed for more engaged ways of supporting survivors of harm that took safety seriously without seeking to elide community responsibility for protecting from harm. Instead of an immediate blanket ban, others in the organising collective put energy and time into creating and implementing space-sharing agreements; organised event spaces to prevent conflict; and were in ongoing dialogue with participants in the process. Informed by writers and practitioners like Kai Cheng Thom (2019), I pay less attention to binaries between ‘survivor’ and ‘abuser’, and instead focus on how we can all harm or be harmed and put an emphasis on both context and reparative efforts rather than on assigning labels that can be totalising. As Thom writes: ‘I wonder if there are other truths that we miss when we focus solely on understanding intimate violence as an individual choice made by a few monstrous people, rather than as part of a systemic problem in which we all play a part’ (2019: 47).
Transformation

The conversations unfolding about harm in academia are, for me, deeply entwined with those that take seriously academic labour as labour. As someone who has previously worked for academic labour unions, I am not surprised that the three Harvard graduate students who filed the above-described suit, many of those involved with activism in the Johns Hopkins case, and a significant number of those pushing back against UK universities’ mishandling of sexual violence all have had significant involvement with academic labour unions. Power imbalances found within academic networks can be amplified by worker precarity and the neo-liberalisation of higher education: if people are afraid to report harm for fear of losing their jobs – or, are weighting filing a complaint versus losing a letter of recommendation – harms can be amplified without access to recourse. To further revisit the way institutions confront harm means that such institutions must do more to confront academic worker precarity, which by its nature intensifies power imbalances (see European Association of Social Anthropologists Association et al. 2020). Involvement with labour unions, for many involved in fights for places of work and study free from sexual violence and gender discrimination, may be considered to go beyond simply wanting rights or an independent process enshrined in a contractually obliged process. In writing about the possibilities of organised labour and #MeToo in graduate organising, Ege Yumusak (2020) points towards the bigger challenges facing those organising for fairer universities: ‘Can feminism mean an emancipatory ideal beyond basic accountability for workplace discrimination?’ She points to the decision of graduate students bargaining at Harvard, who prioritised issues like identity-based discrimination protection, sexual harassment and health coverage. This approach allows for a transformation rooted in a kind of solidarity towards those who share our academic spaces, whether in the classroom, department, professional organisations or online. Here, drawing on Roseann Liu and Savannah Shange’s (2018) idea of ‘thick solidarity’ can provide ways forward. While their examples focus on Black and Asian inter-racial solidarity in the context of the United States, thick solidarity provides a way to think through how we can acknowledge our own identities alongside others without seeking to elide complexities. ‘Thick solidarity’, for Liu and Shange, ‘mobilizes empathy in ways that do not gloss over difference, but rather pushes into the specificity, irreducibility, and incommensurability of racialized experiences’ (2018:
This approach could not just orient solidarity between those of marginalised genders and cisgender men, but also position calls for engagement alongside activists fighting for a safer academy or other efforts working to dismantle things like transmisogyny and other kinds of gender-based violence, as well as the anti-Black racism Liu and Shange call our attention to.

Some of this transformation will inevitably be at odds with university or academic professional organisation processes, as shifting to a repair-focussed orientation means critically evaluating the paradigm that sees reports of harm as a success, regardless of outcome. I have been involved in an academic professional process where I decided, in the end, to not officially report harm. I felt that the outcome would have caused me more harm than the impact of leaving it unreported; I assumed that the approaches I experienced in this professional process were related to concerns about insurance, and that this led to a particular reporting framework that held no space for treating harm as anything other than an institutional liability, so I sought a different path to closure. I am still unsure how to best align the politics and practices of abolition – politics and practices that I seek to engage with in other aspects of my life – within the highly rigid spaces of the academy. While I have some ambivalence about bringing principles of restorative justice into the academy, considering other frameworks for engaging with harm can be generative; for example, I have managed to advocate for policies in my own spaces that provide different options for resolution, such as offering options of survivor-led mediation, instead of only a singular disciplinary process, after instances of harassment or discrimination. I have additionally experienced significant pushback to changing frameworks of responding to harm, responses that deem repair as impossible in the face of things like insurance. However, I think it is important to remember that academic institutions are constituted of people – in my case, I am embedded within networks of scholars who have years of experience studying law, human rights and more. This, to me, indicates the possibility of scholars with this expertise to act in order to facilitate meaningful change to push back against the limits of current adjudicative processes. Here, while I acknowledge legalistic obligations in processes carried out by institutions, I hope we can shift conversations about harm to focus on engaging our responsibilities towards each other.
Conclusion

In contexts of trust and related roles, we may find ourselves listening to stories of serious harm related to scholarly spaces including anthropological settings. They may come to us from whisper networks, over coffee, in an e-mail or told at a slant, seeking to simultaneously obscure and be witnessed. In my experience, while being held so trustworthy is an honour, these stories can be difficult to carry, and the scope of harm can feel inevitable and overwhelming. This is particularly acute as we keep noticing more and more threads of harm, along with paying attention to how these harms were enabled. Moving towards implementing these alternatives, as well as staving off feelings of inevitability, takes work. It can be easy to fall into pessimism when considering the scope and very real negative impacts of interpersonal and institutional harms in the academy, but a refusal of nihilism is imperative to keep working towards a time when the scholarly spaces being inhabited are more oriented towards taking harm seriously.

The emphasis remains on taking academic responsibility seriously and refusing to consider a policy-only approach as the best way to address harm; these are ways we may continue to orient ourselves towards a more equitable, rigorous, engaged way of doing academic anthropology and being part of scholarly spaces. As I finish this essay, an updated filing has just been submitted in the case of Czerwienski, Kilburn and Mandava v Harvard University and Fellows of Harvard College. This updated filing includes information about more individuals’ allegations of harm, as well as additional allegations against Harvard, the University of Chicago, and other institutions failing to support and protect junior scholars; the result of this court filing remains to be seen.

A better understanding of the real implications of processes to address harm in academia, and an acknowledgement of our own capacities to harm, must come alongside a (further) push of those in the discipline – and those in the academy – towards frameworks of repair and transformation. Roundtables, like I have attended at scholarly anthropological conferences, can serve as feminist spaces for collaboration and complaint, but they do not replace structural options like space-sharing or trauma-informed complaint processes for those who have survived interpersonal harm and wish for support in attending a scholarly conference. While policy fixes can serve as a space for conversation, organising and orienting of institutional resources, there will be no policy strong enough to do away with harm, and there will be serious cases that are made invisible by assuming a policy can patch a
rupture. Anthropologists, it might be considered, have the skills to understand broader issues of harm in scholarly spaces and may appreciate why more juridical processes will not necessarily be the best processes of addressing ruptures caused by harm. However, what actions will follow in the coming years depend on the efficacy of a serious, engaged and ongoing commitment to a safer professional space and process – and require a commitment to engage systemically with how we can work towards preventing and healing from harm.

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**Notes**

1. “Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive federal financial assistance.” [https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html).

2. The cases referred to in this article are: Complaint & Demand for Jury Trial, Margaret Czerwienski, Lilia Kilburn, and Amulya Mandava v Harvard University and the President and Fellows of Harvard College, No. 1:22-CV-10202 (D. Mass. 8 February 2022); and Amended Complaint & Demand for Jury Trial, Margaret Czerwienski, Lilia Kilburn, and Amulya Mandava v Harvard University and the President and Fellows of Harvard College, No. 1:22-CV-10202-JGD (D. Mass. 21 July 2022).
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