

## **The Ethical Academy? The University as an Ethical System**

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### **Ethics, Classroom and Academy**

Universities may be seen as an evolving network of ethical systems that govern teaching, research, service, and administration. The university system, however, is changing; adding new rules, new ways of working, and new ideas to its repertoire of operations. Universities now comprise a spectacularly large body of regulations and policies, both internal and external, that cover issues from cheating, human subject research, academic integrity, research on animals, environmental ethics, and the ethics of sexual harassment. These interconnected ecological systems of ethics have not emerged in one rational process but rather reflect the ongoing historical and dynamic development of law and ethics in relation to the creation of new values. This has, of course, played out in a particular political and ideological environment, which has produced the university as a set of practices and beliefs, and a particular set of rationalities. The theories that we have traditionally employed, may be now put for questioning and examination (see our prior work Peters, Tesar & Jackson, 2018).

An interesting body of work entitled *Creating the Ethical Academy* (Gallant, 2010) focused on cheating, the bending of admission rules, fudging research, and plagiarism, arguing that if we allow a corrupt Academy what hope is there for society? This collection focuses on two questions: Why does academic corruption occur, and what should we do about it? Gallant adopts a systems view, suggesting that corruption should be seen as part of a holistic approach rather than individual dysfunction. Similar approaches and questions have been raised in other kinds of learning institutions such as at the secondary school level. New technologies have made 'cutting' and 'pasting' easy and the Internet has exploded with problems based around student and faculty plagiarism and issues springing from the 'paradigm of the copy.' Quite recently other fields of ethics have sprung up on academic integrity (Bretag, 2016), originally based on the southern honour code (duty, pride, power, and self-esteem) in the eighteenth century, evolving into a more contemporary concept that distinguishes between students and faculty, focusing respectively on cheating and publishing ethics. The contemporary concept, challenged by technological disruption of academic

writing, began to pick up steam in the 1990s with the work of McCabe (1992, 1993) on cheating and other forms of academic dishonesty. More recently we have witnessed paid anonymous services, that will allow students to receive a written work within 24 hours, via ghostwriters who could be your classmate or people living on the other side of the globe.

Research ethics, while somewhat more established, has also undergone changes, with a greater emphasis on institutional indemnity. Universities now have a code of ethical conduct for research, teaching and evaluations involving human participants focused on 'risk of harm' to research participants, voluntary consent and ownership of information (albeit this process is still not perfect – see Tesar, 2015; Tesar & Arndt, 2019). Recently, these codes have banished all forms of 'deception,' questioned the ethics of control group methodology, laid down strict rules for privacy and confidentiality, and added concerns about social and cultural sensitivity. In the early 20<sup>th</sup> century there were no regulations regarding the ethical use of human subjects in research. The Nuremberg Code established in 1948, stated that the voluntary consent of the human subject is absolutely essential and it was only recently in the 1970s (Hedgecoe, 2009) that universities began to pay systematic attention to the protection of human subjects based around respect for persons (informed consent), beneficence (assessment of risks and benefits), and justice (fair procedures and outcomes).

Many universities and academic institutions now have statements on academic integrity for students and staff, outlining procedures concerning discipline committees and hearings, and also courses. *The Journal of Academic Ethics* began in 2003 and *The International Journal of Educational Integrity* was established in 2005. Invariably the 'ethics' involved is elaborated from the point of the institution against the individual who is judged against university codes and policies. Rarely is there an ethics that also turns its attention to focus on the institution itself. Some authors, however, do turn the ethical gaze on the neoliberal university to talk of a 'moral loss' that substitutes management for ethics and advocates the discourse of moral reconstruction (e.g., Bone, 2012; Brady, 2012).

### **Precarious University Ethics in the Time of Covid-19**

The academe and universities as institutions are not ethically neutral, and they have over the centuries of their existence, and even more recently, provided us with a number of both overt and covert institutional biases. Harvey and Mallman's (2019) research explores how new

teachers who migrated into Australia experience higher education. They examined the value of resistant, familial and linguistic capital, as new migrant students faced challenges, particularly when their cultural strengths are met with the universities and their apparatus of structural barriers. What was fascinating was that they argued that they found little recognition of linguistic capital within the Academia. Fakunle (2020) argues that as neoliberal logic has governed ethics of the university sector, the growing international student mobility, and global trends and policymaking on internationalisation, are linked towards not producing ethical decisions but generate incomes by clever competition and recruitment of fee-paying international students. In some cases, international students experience being deceived by universities as self-interested institutions, that promise academic and professional outcomes which remain out of reach due to cultural and linguistic barriers that remain unquestioned in classrooms and academic programs (Jackson & Han, 2016). The universities stand to gain more from internationalism than the students and communities they purportedly are positioned to serve in such instances.

Education practices are captured at a crossroads of ethics, which is ontological, epistemological and axiological in nature. As Quay (2020) points out, "Education faces a dilemma: policy and practice are primarily humanist in orientation, and yet the environmental challenges education hopes to confront require moving beyond humanist perspectives – to posthumanist awareness". This statement is positioning the current thinking around the Ethical Academy into a question. The focus on league tables and 'student-staff ratios' are little representative of the problems and issues that are covered in the relationships with the outer world and the planet, and the idea of the connectedness between human and non-human. We are becoming increasingly aware how the growing stake to our futures and towards our planetary outlook is positioning universities and their strategic plans, which become reduced to merely an income and fee-paying students, rather than understanding the broader space of collective connectedness. As Quay continues, "Anthropomorphism is one way to enable moral consideration to be extended beyond humans, offering a way to shift education policy and practices, thereby supporting understanding of wild pedagogies".

Similarly, in their work Jandric & McLaren (2020) produce an interesting dialogue about what it means to be an intellectual within Academia from the position of critical pedagogies in a contemporary postdigital context. They argue, labelling Greta Thunberg as a post-digital public intellectual, that one might consider what this means for public

intellectualism within our universities: perhaps the reconceptualization of the notion of critical praxis. In their reading of Thunberg she is transformed into something ethical and technocratic at the same time: something that contemporary universities could emulate. The leadership, the following, leading the debate and yet comfortably being placed in the post-digital world. A perfect future university student:

One aspect of Thunberg's success is technology. Others are the structure of contemporary media, her youth, and her parents' and teachers' support. And yet another aspect that we would hate to see neglected is Thunberg's brilliance—she, among millions of children, has managed to do something that no-one else has done. While this may seem like a stretch, we believe that Greta Thunberg is a true postdigital public intellectual and critical pedagogue. She speaks truth to power. She challenges theoretical assumptions of contemporary capitalism. She organizes, networks, acts. She develops our sense of collectivity and enables collective action. While she could not be further from traditional educational systems, Thunberg teaches the world some important lessons; she also makes many of us want to learn more about the arguments surrounding environmental debates. We cannot all become like Greta Thunberg, but studying her example has the potential to improve our theories and practices.

Our current experiences – the way of teaching in the world of Covid 19 – and the whole move online has positioned the ethics in academia further into a precarious position (Jandric et al. 2020; Tesar, 2020, 2021; Jackson et al., 2020). Jandric has collected and documented experiences from over 80 academics from more than 10 countries, and many of these stories do speak directly back to the idea of the ethical Academy. These are not stories about online teaching; these are crisis responses, which made the ethics of universities and their systems perhaps even more pertinent. The remodeling of the ontologies of academics as they struggled and continued the beating heart of the university. Littlejohn (2020) addresses it very clearly:

... academics are remodelling their teaching practice during the Covid-19 crisis. To ensure online teaching is implemented in an equitable way, academics, and those who support them, need to focus on two areas of practice. First, academics need to be supported in picking up cues from students to allow them to adapt their teaching. Second, academics need help in signalling self-regulation strategies to students to help them learn. Academics need guidance in the use of technologies to support these fundamental practices. However, new practices and processes are most powerfully supported when embedded within an educator's day-to-day practice (Kaatrakoski et al., 2016). Rather than providing courses and training, educators' professional development is likely to be more effective integrated within their everyday practice. While all of this is complex and challenging, it provides an opportunity for us to build a better future for student learning. While the current focus on generating and disseminating an abundance of digital content is important, student-academic interaction is vital to education. Above all, we need to use technologies in ways that foster better and more equitable human connections that form the foundations of human learning.

### **Towards the New Ethics of Engagement**

The ethics of engagement within academia is somewhat associated with the notion of 'freedom' and 'liberation' from oppression, management and ideology. Academics as individuals and collective communities may in parallel seek some freedom from the constraints universities can place upon them as intelligent and authoritative actors (Oleksiyenko & Jackson, 2020). Related scholarship indicates how the university can push against the capacities of other academic agents in ethically problematic ways. In order to achieve this, a good example is an idea of 'liberating' in academic publishing. For instance, Hood (2020) writes about the journey that Access journal had to go through in order to get its own identity under PESA Agora rather than being subjected to the policies, practices, restrictions and limitations of the university environment. And while universities would argue that they do everything in the best interest of their staff and the projects that they govern,

the unintended consequences are usually quite the opposite. The politics and governance of universities is closely linked with the broader community. Another argument around this is the idea of decolonization and how it links to our current ethical positioning, but also to our commitment to universities' principles. What role does living philosophy play in such a space? However, for us, the decolonial university is also an important concept in relation to ethics. Such a term recognises the journey, and the commitment that we have to the different, other space of the university, which is presented as an ethical space within which we can exist. Waghid (2020) argues that:

When we apply a living philosophy to stimulate decoloniality, we think of encouraging academics to think of how their research—in relation to teaching, learning and scholarship—can stimulate fictitious imaginaries of a society in which people engage in iterations and the free exchange of provocative ideas. Such a society might even be an imaginative one where people live in harmony despite their differences that seem to be irreconcilable. People might even renounce antagonism and encourage the free integration of pluralist ideas of a common humanity. And, when such a living philosophy draws people back to their real experiences, it would contrast life in the idealized world with the perilous societal malaises of hostility, torture and continuous violence. Considering that such a living philosophy is mostly concerned with changing the lives of those who dedicate themselves to it, it might just be that ordinary people would begin experimenting more on how to take better care of themselves and to change undesirable situations in their societies. In other words, amateurs who practice a living philosophy might turn the debilitating real life experiences into an art of good living. In a very profound sense, this kind of fictitious reimagining lives within all of us on a daily basis—it echoes in our collective outcries against violence, pain, calamity and oppression. As we turn against that which strips away our humanity, that which turns us against others and ourselves, we enact a living philosophy of desiring better, softer, kinder—more humane.

Waghid is concerned with how liberally the term decoloniality is sometimes used. He urges for the retrieval of its original condition and purpose, when it was used against the brutal and visceral violence of the first wave of colonisation. And we will conclude this paper with a beautiful quote from Papastephanou (2020), which speaks to these complexities and ideas, and how, finally, we can link ethics with justice, and leaves us with a question, who has the keys to the universities axiological system:

The conceptual and political interconnectivity of dimensions of justice may be likened to inner projections of the stereoscopic visual structure (stereoscopic depth perception or illusion). Stereoscopic technology relates to ‘functions that occur within the brain’ when the mind ‘interprets what the eyes see’ and assesses ‘the relative distances of objects from the viewer, and the depth dimension of those objects’. It enables sighting sets of images that, outside the viewing apparatus, could have escaped the eye. In a way, a stereoscopic justice is a more ‘collective’ vision of justice within scanned space and time. But even if its set of keys is found, for, I argue, there is more than one key, there are also issues of how keys are decoded or turned in the locks, who turns the keys or activates the code, through what processes doors get unlocked, *etc.*

### **Overview of this Special Issue**

Carl Mika in his paper ‘A Maori il-logical ethics of the dark: An example with ‘trauma’’ engages with our metaphysical entities of darkness and nothingness. In his paper, undermining and re-declaring become more than just pleasurable exercise for his own indigenous group – Maori - they become ethical necessities that keep one’s certainties in check. He debates a controversial statement about trauma from an indigenous perspective, reinterprets it and recalibrates it in light of our inherent fallibility as human citizens who are always destabilised by our own metaphysical entities. This drive to undercut ourselves by making our statements contingent on other things, as Mika argues, is an ethical one. Matthew Carlin in his paper ‘Gnosticism, progressivism and the (im)possibility of the ethical academy’ argues that there is a growing concern today with the state of ethics in higher education decrease of the

increasing corporate influence and widespread use of questionable research methods. Multiple studies, from a variety of disciplinary backgrounds, have recently approached the question of academic ethics in the hopes of identifying some of the fundamental problems confronting universities while advancing possible solutions for improving conduct across the academy. Carlin critiques the current state of the Academy in relation to ethics, drawing parallels between the gnostic roots of 20<sup>th</sup> century totalitarianisms and current progressive ideology endemic to higher education. While primarily serving as a critique of contemporary progressivism in the academy, this article argues for the need to reconstruct a transcendental ethic as a response to the current ethical crisis countenanced by modern gnosticism. Áine Mahon in her paper 'Towards a higher education: Contemplation, compassion, and the ethics of slowing down' draws on the work of the writers Sally Rooney, John Williams and David Foster Wallace in careful exploration of 'slowness' and its cognate terms. Mahon is concerned with both the importance of slowness for university academics but also for students in the 21<sup>st</sup> century university. As argued, these students are made to carry a plethora of conflicting identities and yet it is perhaps more important that we begin to demand less of our students and not more. For Mahon in an era of audit and accountability, this paper explores the possibilities for a less frenetic approach to university teaching and learning.

Bruce MacFarlane in his paper 'The neoliberal academic: Illustrating shifting academic norms in an age of hyper-performativity' argues that neoliberalism is invariably presented as a governing regime of market and competition-based systems rather than as a set of migratory practices that are re-setting the ethical standards of the academy. For him, neoliberalism is shifting the prevailing values of the academy by drawing on two illustrations: the death of disinterestedness and the obfuscation of authorship. Macfarlane writes that while there was never a golden age when norms such as disinterestedness were universally practiced they represented widely accepted aesthetic ideals associated with academic life. By contrast, neoliberal academics embrace a new set of assumptions and norms that stand in sharp relief to many of the values that were previously espoused. His paper presents a thesis how practices that might have been regarded as ethically dubious by earlier generations of academics, such as grantsmanship, self-justificatory expressions of interestedness and tangential claims to authorship, are now regarded as legitimate and positive virtues in a more aggressive age of hyper-performativity. Hugh Bushner and Alison Fox in their work 'The amoral academy? A critical discussion of research ethics in the neo-liberal university'



challenge the thinking in universities about the processes of ethical. They consider this to be founded on unjustifiable and inappropriate principles, the origins of which they discuss; while presenting an alternative, more inclusive and ethical approaches. They argue that currently risk-averse universities need to change their research cultures to support all research methodologies and fieldwork practices that have ethical integrity and create valuable research that is socially beneficial, to enhance their lustre. Tomasz Falkowski & Helena Ostrowicka in their paper 'Ethicalisation of higher education reform: The strategic integration of academic discourse on scholarly ethos' analyse the academic dispute about the scholarly ethos, conducted at the time of intense higher education reforms in Poland. They argue that the change of the traditional university towards the entrepreneurial organization emphasize the polarization, that is, either the criticism or affirmation of neoliberal reforms, while the discourse loses its dichotomous power when it focuses on ethical issues, where individual attributes of the traditional ethos are taken over by neoliberal discourse, which modifies them and adjusts them to its own purposes. Chris Peers in the paper 'The deconstructed ethics of Martin Heidegger, or, the university sous rature' examines the opposing ethical forces that animated Heidegger's brief foray into Nazism, to ask whether the same forces continue to be found in the technocratized university described by Bill Readings. Peers addresses Heidegger's own philosophy as a context in which these conflicting ethical forces are confronted, using metaphorical references to Pollyanna and Cujo. This absorption of literary allusions within a contribution to educational philosophy seeks deliberately to break the stranglehold that empiricism has on the discipline of education. It regards the hegemony of empiricism as an ideological fetishism, and uses the work of Jacques Derrida to deconstruct the idea of the university, with Heidegger's political opportunism as symptomatic of current patterns of self-marketing, self-promotion, and entrepreneurialism amongst academics.

Sheron Andrea Fraser-Burgess and colleagues in their paper 'Scholars of color turn to womanism: Countering dehumanization in the academy' draw on critiques in political theory and morality to argue that womanism, a worldview rooted in Black women's lives and history, provides an alternative conceptual framework to prevailing Eurocentric thinking, for promoting socially just institutions of higher education. Presupposing a positioned, encultured, and embodied account of identity, womanism's social change perspective holds transformative promise. They foreground black women's penchant for reaching solutions that promote communal balance, affirm one's humanity and attend to the spiritual dimension,

directed first towards scholars of color, fostering inclusivity, communalist values and acknowledged intersectionality offers an ethic of the embodied self.

Julie McLeod and Kate O'Connor in their paper 'Ethics, archives and data sharing in qualitative research' investigate dilemmas in the archiving and sharing of qualitative data in educational research. They consider practical and interpretive decisions in archiving qualitative data, then map current policy and regulatory frameworks governing research data management, taking Australia as a case-study. They argue that governance and protocols for data sharing have not attended sufficiently to the distinctive ethical and methodological dimensions and knowledge claims of qualitative research. Instead, approaches associated with quantitative data are extrapolated in ways which construct an imaginary of decontextualised data, abstracted from the conditions of its production. They argue for more critical attention to the double-edged affordances and ambivalent effects of data sharing and openness and to how data archives are imagined, constructed and curated.

Joseph Ulatowski and Ruth Walker in their paper 'Missing in action: Exposing the moral failures of universities that desert researchers facing court-ordered disclosure of confidential information' argue how some researchers doing highly sensitive research have found themselves subject to encroachment by law enforcement who seek access to the data collected by them in order to build evidence for legal purposes. University regulations require scholars to conduct research ethically in accordance with specific conditions and extensive review processes set by bodies such as Institutional Review Boards or Human Ethics Committees following extensive application processes. They ask; 'If academic staff fulfill these conditions, what obligations do universities have to protect researchers, participants and confidential data?' They argue that universities have a stringent ethical obligation to protect academic researchers and an obligation to proscribe forced disclosures of confidential research data to enforcement agencies.

And finally, Fiona James in her paper 'Ethics review, neoliberal governmentality and the activation of moral subjects' examines forms of subjectivation propagated through the processes and practices of ethics review in UK Higher Education Institutions. Codified notions of research ethics are particularly prevalent in the university context along with stringent institutional regulation of the procedures surrounding ethics review of research proposals. Moreover, ethics review processes and attendant regulatory modes of control compound the construction of the student as a 'permanent performer' and the associated requirement for

her to self-govern through risk management. A combination of overtly controlling and self-relational mechanisms of neoliberal governmentality are in operation, both of which have the potential to generate particular forms of subjectivation in the university context.

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