

Professional Ethics:
Education for a Humane Society

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Professional Ethics:
Education for a Humane Society

Edited by

Feng Su and Bart McGettrick

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P U B L I S H I N G

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Edited by Feng Su and Bart McGettrick

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FOREWORD

The title of this book is an exciting “trailer” to its contents! So many meaningful words and concepts linked together give a foretaste of the riches to be found in the ways in which different authors apply them to their own wide-ranging professional fields.

I congratulate the editors for the vision which gave birth to the book and the contributors for turning the vision into a valuable reality.

Given the diversity of the contents, it is impossible to do justice to them all in a Foreword. I will therefore limit myself to an enthusiastic endorsement and an indication of some of the reasons for my enthusiasm.

Professional Ethics

Every professional, by definition, is committed to the provision of some form of service, based on the achievement of appropriate knowledge and skills. Professional practitioners, by virtue of their distinctive knowledge – and the authority it bestows – are in a position of some power and influence. The famous adage “power corrupts and absolute power corrupts absolutely” can apply to the power of the professional: the power of a health care professional in relation to a patient or client; the influence of a teacher in relation to a child or a student; military power with the formidable potential for its misuse. While there are ultimate safeguards against the abuse of such power in the form of professional regulating bodies or, ultimately, the rule of law, these are often only applied after someone has suffered.

There is therefore a need for individual professionals to internalise personal values and professional codes of conduct, which are ultimately ethically based. As long ago as the fourth century Hippocrates devised the inspirational Hippocratic Oath which guided the moral decisions of medical practitioners over the centuries. However, as the poet James Russell Lowell said, “new occasions bring new duties; time makes ancient good uncouth” (“Once to Every Man and Nation,” *Boston Courier*, December 11, 1945). There is therefore a constant challenge for professions to review the ethical basis of their practice. This book is a valuable contemporary response to this challenge.

Education for a Humane Society

It has been said that one way in which a society can be judged to be civilised is the extent to which it meets the needs of its most vulnerable citizens: a civilised society is a therefore a humane society. Education plays a key role in the preparation of professional personnel who provide services for the vulnerable.

One aspect of professional education reflects the principle that professional practice should be grounded in research-based evidence. Therefore, every professional practitioner should be responsive to the challenging words of Philip Melancthon, a friend of Martin Luther: “Have the courage to learn.” These words may seem strange. However, learning does require courage, because, by definition, one never knows what one will learn until, one has learnt it – and new knowledge may be uncomfortable. It may challenge and require us to change cherished beliefs and long-standing practices.

A variation on the theme of “the courage to learn” is reflected in T S Eliot’s thought-provoking words:

The wounded surgeon plies the steel
That questions the distempered part;
Beneath the bleeding hands we feel
The sharp compassion of the healer’s art
Resolving the enigma of the fever chart. .
 (“East Coker,” Canto Four, Four Quartets)

The phrase “the sharp compassion” reminds us that the responsibilities and tasks associated with providing professional services have little to do with sentimentality. Compassion is sharp – it is like a two-edged sword. Those whose professional work requires compassion must use it to attack any obstacles which stand in the way of providing the best possible quality of care for those for whom they are professionally responsible. But compassion also has a cutting edge which may be turned against ourselves – in Eliot’s poetry, it is the bleeding hands of the wounded surgeon which help and heal.

Eliot is making the point that those who provide professional services – whatever they may be – must to some extent identify with those they serve and must feel their predicament. But this is not the only kind of suffering involved in “the sharp compassion”: we must also be prepared to expose ourselves to another kind of cutting edge – a cutting edge of criticism and self-criticism. We must always be looking for ways in which we can improve the quality of professional service we provide, according

to the criterion of best practice in the light of the most up-to-date knowledge.

The development of new knowledge is inherently linked with another aspect of a civilised and humane society – the respect for fundamental freedoms: academic freedom to undertake relevant research; freedom of speech to disseminate and challenge ideas and knowledge; and freedom of association to meet, to discuss, and to collaborate.

The fundamental links between education and freedom were powerfully and poignantly described to me by an African tribal chief in a burnt-out village in war-torn southern Sudan, at the height of a war against his people in two million perished and four million were displaced. It was June, 1994. I had been walking for several hours through the ravages of war – the scorched earth policy, the human and cattle corpses – and eventually arrived at this Dinka tribal village. Everything was destroyed. There were no chairs. We had to sit on the ground. In the middle of this destruction and destitution, the tall Dinka chief smiled warmly and spoke graciously:

“[Education] gives us the freedom to think for ourselves. You cannot give anyone a greater gift or a greater freedom than that.”

The profound truth of this statement, uttered “*de profundis*,” in that desolate place of destruction, by the gracious Dinka chief, transcends time, situation and place. It applies to us all, wherever we live.

That is why I welcome this book. Each chapter explores the role of education in enhancing professional knowledge and ethical values; an enhancement which should help to promote the humane professional practice which is an essential basis for a truly civilised society.

Caroline Cox
Chancellor, Liverpool Hope University
CEO, Humanitarian Aid Relief Trust

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Lastly, we would like to acknowledge that we also benefited from the financial support of Liverpool Hope University.

INTRODUCTION

There would be a temptation at the beginning of this book to dwell on the legitimate question of what a “professional ethic” is, or where it might come from. This book will attempt to range over a number of professions or professional settings to highlight that there is a strong ethical base to the work of any profession, and to demonstrate that the focus for the work of any profession is public interest. In short, professions exist to form or enhance a humane society – a society which respects each person who wishes to improve society by enhancing the common good.

A good deal of attention could also be given to trying to define what exactly a profession is. That may be a difficult or even futile exercise since there are always new and emerging professions. Also, different criteria are often applied to the term, and these are often contested and open to interpretation. Professions are often, but not always, identified as groups of people who are licensed to practise certain dangerous activities which are for the improvement of society and are exercised in the common good. Sometimes a wider definition may be more inclusive and give access to more groups. That licensing process allows them to serve society in certain ways. A profession is more than a “guild,” which was essentially an organisation of workers established for self-protection in the workplace. A profession is an occupation whose core and sole purpose is to put the interests of others ahead of its own while providing its particular services. In a “for profit” organisation this principle may come under pressure.

One possible interpretation is that the ethics of a profession are found in an honourable set of worthy guidelines intended to guide the practices of that profession in the public interest. This suggests professional ethics consist of a set of guidelines which derive from the common good, and from the ways in which a profession serves society. These then become codified almost as a protection for the public against those who, by their actions, can do harm to the public. There is clearly a place for such a code. Sometimes, codes can derive almost directly from particular cases such as that of Dr Harold Shipman in England, who was held responsible for the premature deaths of over 250 patients because of what was considered to be medical malpractice. Generally the triggers for creating such codes are less dramatic, but surprisingly often can derive from cases where there has been public concern about professional practice.

This suggests that it is in the practices of groups that significant causes for concern can arise, which need to be addressed to protect the public. It is in the lived values of people where there are concerns that cause professional groups to act so that the public is given the security of knowing that there are expectations of good practice, and systems for protecting society and especially the vulnerable. It also suggests that the public good is a relevant and strong context both in promoting ethical practices and being the beneficiary of them.

This approach to writing codes of professional ethics or conduct is intended to guide professional practices and give comfort to the public. Sometimes these are then policed by inspectors or others who are employed to ensure the profession serves society with the kinds of care and integrity expected of that profession.

This attention to codes of ethics can be a restricted approach to applying ethical standards, however. It might be argued that no set of guidelines, however well-informed, comprehensive and eloquent, will prevent poor or malicious practice if a person is intent on that course of action. The risk is that the publication of codes can lead to compliance and regulation as the chief safeguard for a profession, rather than paying attention to the good of society – essentially the formation of a humane society – which is the main purpose of the code. Establishing such codes does not prevent abuse in professional life – whether this is the behaviour of doctors or of bankers or of anyone else who serves the public good. There is no doubt a place for such codes, but there is no guarantee that they protect the public against personal dangerous practices. In passing it might be noted that one of the common attributes of a profession is the danger that its members can cause if there are inappropriate professional practices.

Professional ethics, however, may not be best portrayed through systems of compliance to a set of written principles. The ethic of a professional person might better be captured in the relationship he/she has with those whom he/she serves. The ethical stance is captured or discerned in that professional engagement. If you wish to discern the ethical behaviour of a doctor then look at his/her relationship with the patient; if you wish to discern the ethical behaviour of a teacher then look at his/her relationship with the student; if you wish to discern the ethical behaviour of a lawyer then look at his/her relationship with the client; and so on. It is within that relationship that the ethic lies.

This is the distinction between an "academic" view of an ethic – based on principles and expressed in regulation; and a "professional" ethic which is captured in the relationship the professional person has with those

whom he/she serves. Professional ethics derive from and reside in a professional setting, based on the dynamic inter-relatedness of the professional person with the “client.” It is part of professional knowledge and not only of academic knowledge. Professional ethics are part of professional knowledge: uncertain, sometimes variable and changeable according to circumstances since it takes account of specific situations, and difficult to capture in a compliance document. They are better thought of as residing within the living experiences of service to others.

This may be a simplistic dichotomy to offer. Sound ethical principles and practices are informed by both practices and by humanitarian principles. These are not best thought of as alternative sources of wisdom. Consistently we see that it is the coming together of these that best informs sound ethical practices.

The context in which professional practice is conducted does determine certain approaches to professional practices. Professional practices are set in cultural and social contexts. These impact on practices in many ways, not least by providing a legal framework. In some countries certain practices are acceptable, while they may be unacceptable in others. Whatever the setting, professional practice should always seek to improve society by being a force for good. It is inconceivable to think that professional practice will have an adverse effect on society. So, for example, when highly skilled doctors are used to kill people in concentration camps, are they acting professionally? The answer must be that they are not. They may be using skills acquired in professional practice but they are not using those skills for the betterment of humanity. Not all acts that are undertaken by professional people can be considered to be professional acts.

This is also where we can encounter dilemmas... not just problems, but dilemmas – a dilemma being an issue with several possible and feasible outcomes and it not being clear what the “best” choice is. Dilemmas arise from several kinds of classical situations. These include:

- Right vs right outcomes
- Individual vs corporate interests
- Short-term vs long-term considerations
- Financial vs humanitarian criteria.

Professions differ in the fields of human endeavour that they serve. They can be as varied as military and medical. In certain respects these are almost polar opposites. So there can be a wide variation in the ethics which are employed and in the dilemmas which the professional practitioner

faces. Within a profession it is possible to operate with different motives in mind. This is the reason there may be debate in any given profession about what decision is taken about a person being served by that particular profession. Where there is human engagement there is frequently scope for differentiated action.

It is important to realise that not every service undertaken through “a professional office” is a professional service. A surgeon attempting to sell surgery in order to build his practice has put aside his professional ethics for market considerations. Of course he has a duty to do the surgery to the best of his ability and not constrained by the resources of funds or time available. It is deeply dangerous to have a professional person unclear about which professional role he/she is undertaking. Always the professional person acts in the interests of a client – regardless of whether it is for profit or not. Of course it is not always obvious what is in the interests of each client or person being served. That in itself can be a dilemma or a difficulty.

The professional person ought to be clear about what motives they have for doing something. If not, matters such as profit, self-aggrandisement, and self-interest can provide motivations that are questionable. This is not to say that profit or legitimate ambitions are to be treated as unworthy of a professional person. They can be legitimate and important motivators for some people at certain times in their careers.

Professions differ in the approaches and tools that they use. Each profession has its own canon of knowledge and approach to determining “truth” or evidence. However these tools change with time and with culture. They are not static and they keep pace with social and technological change. Yet the basic search for actions that make a better world does not change. However, this does raise some very interesting and serious questions about the nature of truth in the eyes of a profession and how they pursue this. There is clearly a very different methodology implied in cross-examination by the lawyer and the way in which a nuclear scientist would go about seeking truth and making a better world. Each will and should have an interest in a better world and rightly will pursue their interests in quite different kinds of ways.

There are some common issues among professions. So, for example, most are “corporate” – often forming societies to control admission. This gives a kind of “quality” to them. Consequently they can be accused of being exclusive, and sometimes feared and even distrusted! Yet the core of any profession is that they ought to be trusted to act with honesty and integrity and always in the public good.

When this comes under attack and doubt, serious difficulties can arise. The public trust of a professional is paramount, and that is where the specific relationship with “the client” is important. Decisions about certain issues may vary according to certain circumstances. What is appropriate for one client may not be appropriate for all clients. What does the doctor do when faced with a patient who refuses blood transfusion on religious grounds? The interests of the person who is being served are unreservedly more influential than those of the person providing the service. Yet the professional person does not always have to yield to the wishes of the client. He/she has the free will to decline a request which creates personal difficulties.

An issue which sometimes enters the debate about professional ethics is whether personal belief systems can become more significant than personal beliefs and values. Is a professional person bound to take all their direction and steer from the legal system and the beliefs and mores of the society in which they operate? The practices of any professional person should certainly take account of the mores and attitudes of the community which they serve, but that community may well encompass a diversity of attitudes and beliefs. The professional person is likely to find their own beliefs represented in that community. There cannot be compulsion on a professional person to act in ways that are inimical to their personal beliefs and values. Where this becomes untenable for the individual, one wonders whether they are in the right profession in that society. An example of this is the nurse who is asked to assist at an abortion when this is an act against their personal value system. As with so many issues, it is a matter of avoiding extreme positions to determine the good of everyone.

There are some real issues which seem to represent significant professional concerns and difficulties: for example, the role of the medical practitioner on a battle field, or the role of the criminal lawyer in relation to a guilty client. These are fairly straightforward concerns in the lives of medical practitioners and lawyers. This demonstrates that the education of the professional person in matters related to ethics should be undertaken in the context of the norms and practices of that profession. Of course there are advantages in looking at how another profession deals with ethical matters, but generally professional practices are bounded by norms and actions which are accepted and understood within a profession. It is when these norms are contravened that suspicions of malpractice can easily emerge. This is all too readily seen in the accusations against professional practitioners that reach newspaper headlines.

It is also interesting to note the impact of culture on decisions. It is by no means obvious what is always in the public good. In a society where

forgiveness and compassion are exercised, decisions about certain issues can be seen to be in the public good. For example, the decision by the Scottish Parliament to release a prisoner who was a convicted terrorist on compassionate grounds might be seen to show such leniency that it is irresponsible. For the legal profession, that represented a conflict between professional responsibility and political expediency. This raises the issue about what we might think "a humane society" might look like. Not only would individuals differ in what they believe it might look like, but entire cultures will have legitimately different ideas and views. However there are presumably some common characteristics such as a society of justice, peace, health and happiness.

It is that vision of "humanity" which is central to defining what is ethical. An act which is to be described as "ethical" in some way must add to a humane society rather than be a threat to it. Any threat to the common good must be questioned in terms of its ethical principles or practices. Therefore those who are concerned with ethical behaviour in public life must have a sustainable vision of what characterises a humane society. This suggests that professional education, however rudimentary, should not be based on a limited set of acquisition of skills or practices, but be firmly based on a more noble understanding of what counts as a humane society. Without such a vision professionalism is reduced to operational or formulaic practices and service with no higher purpose, and no necessary connection to the community being served.

Often professions and their activities are "policed" or monitored so that the public may take comfort that the practices being used are appropriate, and operate in the public interest. This can be done by inspection or by agencies set up by government or other agencies to protect the public. This is to ensure that critical areas of public life are secure. Sometimes this regulation is undertaken by the profession itself, such as with the General Teaching Council for Scotland (established in 1965). Sometimes government will establish a body to regulate important areas of work, such as HM Inspectors of Prisons. There are all kinds of models of regulatory frameworks, such as the General Medical Council, the Police Complaints Commission, the Press Complaints Board, etc. Many professions have such regulatory bodies which keep an eye on professional practice. The list is almost endless, but the purpose is to ensure that the professions act ethically and in the interests of the public.

It may be worth commenting that this form of regulation does require some form of boundary. There is a tendency in a litigious and nervous age of placing regulation around every interaction and relationship to protect vulnerable people from abuse or inappropriate behaviour. Where does

regulation stop and “good neighbourly behaviour” begin? Of course vulnerable people do need protection, but everyday human interaction should not be subject to excessive regulation. There is a need for balance in this regard, allowing human interaction to thrive in a safe and secure environment without fear of excessive regulation and compliance to detailed norms. To require parents to be “police-checked” for driving the friends of their children to a sporting event does seem to place in question the motive of an adult in an environment in which there ought to be trust and responsibility rather than suspicion and bureaucracy.

Perhaps this suggests that we do need to look at professional ethics as ways of leading us towards socially responsible action through “right relationships.” Ethics will certainly encompass a sense of social responsibility but will go beyond it to guide and direct that social action. Generally codes of practice or codes of conduct for professions include more than ethical guidance or advice. Often they are concerned with procedural matters relating to professional practice, and these need not be ethical alone; they may be technical or administrative.

An aspect of this can also reside in whether there ought to be different expectations of behaviour for professional people because they are described as “professional.” This is a difficult issue since one of the criteria frequently used in determining cases where someone is being disciplined is to ask the direct question, “By his/her actions did he/she bring the profession into disrepute?” That does suggest that both personal and professional actions ought to support and enhance the reputation of a profession. Reputational risk is a variable concept and it is difficult to bring absolute qualities to its definition.

This book is intended to offer certain perspectives and examples which elaborate and illustrate these ideas and principles. The coverage across professions is not and cannot be exhaustive. Indeed while there is an inclusive view of what a profession is, there has been no attempt to set artificial or restrictive boundaries. What has been central to the choice of authors and their fields of expertise has been the consistent and dedicated interest in forming a society in which people and groups of people act in the interests of all humanity.

Most of the chapters presented in this book originated from the lecture series of Hope Forum for Professional Ethics (HFPE), which focused on ethical issues relating to different professional groupings and to inter-professional ways of working. The HFPE lecture series took place

between 2009 and 2011. This book widens the debate by including additional chapters and a broader range of contributors.

Over the last three decades the institutional landscape within which professionals operate has changed enormously. These changes are a result of the considerable expansion of occupations claiming professional status, the erosion of the binary divide between the public and private sectors, and the basis upon which the claims to professionalism are now made. The criteria of professionalism that were taken for granted in the post-WWII era as part of the social democratic ‘settlement’ – status, self-regulation, specialist knowledge – are now all highly contested within and across professions and within the wider public arena. Moreover, the internationalisation of the professional workforce has created new professional elites and new hierarchies that operate across national boundaries.

The following chapters should be read against this complex and fluid backdrop of institutional change. Most of the chapters focus on complex fields of professional practice, rather than on a single and clearly delineated professional grouping. Those chapters that focus more specifically on a single profession highlight the complex intra-professional and inter-professional influences that are operating upon and influencing that particular field of practice. Within this context what is termed “professional development” gains added significance, as does the preoccupation by professional groups with their own value-orientation.

That preoccupation is increasingly outward-looking: to other professional groups, to the wider public, and to the international community. Professionals cannot afford to be inward-looking. As the following chapters show, they are increasingly looking outward for their legitimacy and their claim to credibility. They are, notwithstanding their individual value-orientations, turning to a world of increasing inter-connectivity and value-complexity. That turn is necessarily an ethical turn, involving an increasingly thoughtful and speculative stance towards their own professional practice. Each of the following contributions testifies to the fact that professional ethics is not just a matter of following a set of rules or a code of conduct, but requires as a prerequisite of professionalism a willingness on behalf of professionals to reflect upon their own practice and when necessary to call their institutions to account.

We hope that this book offers readers some more thoughts on the complexity of the ethical dilemmas, issues, and tensions that routinely arise for professionals in the course of making what are of necessity complex and indeterminate judgments.

Bart McGettrick and Feng Su
January 2012

CHAPTER ONE

THE ETHICS OF ACADEMIC PRACTICE: GRASPING WHAT ETHICS IS

JON NIXON

Aristotle was quite simply right when he said that whoever has not been trained into a real ethos – either by himself or others – cannot grasp what ethics is. (Hans-Georg Gadamer, 2001:81)

Introduction

The last sixty years have seen some significant shifts in the relation between state, society and the professions. In the aftermath of World War II, the various versions of the welfare state that developed across Europe and elsewhere – referred to in different national regions as “the social state,” “the providing state,” and “the social well-being state” – were closely linked to notions of “the good society” or “the just society.” In such a society, professionals – and public sector professionals in particular – played a key role as civic leaders. With the wholesale retreat from the welfare state through increased privatisation and reduced tax thresholds, a new class of private sector professionals emerged in the late 1970s. Associated primarily with business and management, this new professional class became the standard bearers of “the hollowed-out state” a central tenet of which was that society must provide for itself. What emerged during this era was “a consumer society” built as we now know on unsustainable debt and masking huge and increasing inequalities – a society in which any notion of “the common good” was unthinkable (see Nixon, 2011c).

When the bubble inevitably burst – as it did in 2008 – politicians of all persuasions realised that we would need to rediscover “society” in order to fill the vacuum left by “the hollowed-out state.” There could, however, be no return to “the providing state,” given the legacy of near bankruptcy left by the exponents of privatisation and deregulation. The UK Conservative-

led coalition government that was formed in 2010 – with a cabinet whose 29 ministers included 23 millionaires – responded to the situation they had inherited by declaring Britain “a broken society” and exhorting the nation to rally round something it called “the big society”: a society that provides for itself through voluntary activity and that accepts with good humour swingeing cuts to what little remains of “the providing society.” Public sector professionals are expected to contribute to “the big society” by accepting a reduction in their overall workforce, an indefinite pay freeze, and a raft of measures aimed at increased efficiency. “Our Conservative-Liberal Democratic Government,” we are told, “has come together with a driving ambition: to put more power and opportunity into people’s hands” (Cabinet Office, 2010).

It is against this backdrop that we are considering the juxtaposition of “professional ethics” and “the humane society,” the assumption being that there is some necessary relation between ethically oriented professions and societies that aspire to be humane. Few would argue with this proposition, but the institutional and wider civic contexts within which that relation is played out must be seen as a crucial factor. In this chapter I argue that professional ethics has over the last twenty years become increasingly professionalised, compartmentalised, and individualised. At the same time the field of academic practice located within higher education has become increasingly stratified. If we are to address questions relating to the ethics of academic practice, we need therefore to look to the institutional ethos of the sector as a whole. What is needed is an ethical framework that privileges reciprocity and recognition as the institutional conditions necessary for developing “the goods” of higher education. That, I suggest by way of conclusion, requires a much greater understanding than at present exists of the nature of academic practice and of the practical reasoning that underpins it.

Professional Ethics

There has been a resurgence of interest over the last twenty years in “professional ethics” and “ethical practice.” Indeed, “professional ethics” has become fully professionalised with its own specialist literature, its own experts, and its own academic courses and modules. It is not insignificant that the rise of “professional ethics” coincided with, on the one hand, the erosion of the public sector and the demise of the public sector professional and, on the other hand, the expansion of the private sector and the emergence of the private sector professional as the model of the new public management. In the new world of public accountability, target-

setting and managerial efficiency, what was going to take the place of the good old-fashioned public service ethic? How, given that professional practitioners were no longer to be trusted but endlessly audited by a class of super-professional managers, could those practitioners be persuaded to take professional responsibility for their own professional practice?

The emphasis on “professional ethics” and “ethical practice” provided an answer – albeit a partial answer – to these kinds of questions. Professional ethics could, after all, be managed; it could be bureaucratised; it could be absorbed into existing systems of accountability. It could also be *individualised*. It could shift responsibility for the ethical conduct of professional practice onto the individual professional and leave the corporate state, and the corporate institutions supported by such a state, free to get on with their core business: making a profit. As privatisation became the *sine qua non* of institutional efficiency, so individualisation became the guiding principle of ethical practice. Institutions would take responsibility for determining the right thing to do, while professionals would work out the right way of doing it; or, to use the jargon, institutions would take responsibility for “strategic planning” and professional practitioners would take responsibility for, and be held accountable for, implementing such plans “efficiently” and “cost effectively.”

Within higher education this strategy has proved remarkably successful as a managerial ploy. It has also inflicted untold harm on institutions of higher education and on the professionals who maintain the practices that are integral to those institutions. Institutions have in effect outsourced their ethical responsibilities to an academic work force that is increasingly powerless to speak back with moral authority to those institutions. Academics, for example, regularly decry research assessment and teaching quality audit exercises, which consume vast resources and provide little or no formative and developmental feedback. Those same academics, however, routinely service those exercises, by, for example, sitting on panels and providing “expert” advice; very often they gain professional prestige and preferment for doing so as well as financial remuneration. At the same time many of them jealously guard what they term their “academic autonomy” and uphold their self-declared right to “academic freedom.”

As Simon Head (Associate Fellow at the Rothermere American Institute at Oxford and a Scholar at the Institute for Public Knowledge at New York University) points out:

With the recession eating away at the budgets of universities on both sides of the Atlantic, the times are not propitious for those hoping to liberate scholarship and teaching from harmful managerial schemes.

Such liberation, he argues, would require “a stronger and better-organized resistance on the part of the academy itself than we have seen so far” (Head, 2011:64). Indeed, one might argue that such resistance constitutes a moral imperative for all professional academics working within higher education: the moral necessity, that is, of challenging, in the name of their own academic professionalism, all such “harmful managerial schemes.” It is, ironically, their own collusion in the bureaucratisation of professional ethics that prevents most of them, most of the time, from taking such an ethical stance.

Institutional Ethos

The field of academic practice is characterised by increasing specialisation and diversification. Within both the UK and the US the higher education sector has become deeply divided; a small minority of institutions gain the majority of research funds (and thereby consolidate their premier league status as “research-led” institutions), and the large majority of institutions define themselves as “teaching-led” (and thereby acknowledge their relegation to the second league). This state of affairs is, of course, defended on the basis of diversity and the maximisation of choice. In reality, however, both choice and diversity mask inequalities in relation to access to and participation in higher education. The premier league universities not only cater for a disproportionate number of students who have benefited from private education, but also supply the highest paid professions with a disproportionate number of their senior and most highly paid personnel.

This stratification of the higher education sector has led to the increased atomisation of academic professionalism. Institutions routinely rely on part-time staff, fixed-term contracts, and teaching-only contracts in order to retain maximum control of the workforce and to ensure that they retain staff with the greatest “prestige” value. Since “prestige” is invariably associated with research output, the most vulnerable members of the academic community are likely to be those whose contracts carry a heavy teaching load and who may be given little or no time to develop their own research profiles. Many institutions require doctoral students and postdoctoral fellows to carry a heavy teaching load, with the result that they are poorly placed to develop their research interests and build a serious publications list. It takes at least eleven years of full-time schooling, at least three years of full-time undergraduate study, usually one year of full-time study at master’s level, and at least three years of full-time doctoral study to prepare someone just to begin a career as an

academic. Many institutions of higher education then routinely squander that precious resource by relegating newly appointed staff to short, fixed-term contracts that allow little or no time for research and are designed to relieve more senior staff of their teaching responsibilities.

Even among professorial staff with international reputations, the inequalities are huge though often masked. It is not uncommon in research-led institutions for the most highly paid professors to be paid twice as much as their professorial peers, on the basis of the research income they bring to the institution, the supposed prestige of their research outputs, and the nature of their subject specialism. In effect that means that the most highly paid members of academic staff are likely to be doing the least teaching and are least likely to be in regular contact with undergraduate students. They are also most likely to have access to additional funding that allows them, for example, to attend overseas conferences, establish research initiatives and research scholarships, and, crucially, buy themselves out of the routine teaching duties. Such entrenched hierarchies have the effect of clogging the system and preventing career mobility and advancement, particularly for young academics on the lower rungs of the promotional ladder.

The increase in the financial remuneration of vice-chancellors and principals across the higher education sector – at a time when redundancies and redeployment of academic staff are the order of the day – shows a lack of sensitivity by those in receipt of these remuneration packages and their governing councils, coupled with a lack of moral authority and intellectual leadership. The point that has to be acknowledged in any serious debate on professional ethics as it relates to institutions of higher education is that the financial remuneration of the supposed leaders of those institutions deeply affects the ethos of those institutions. Vice-chancellors and principals and their spokespersons may seek to justify these huge increases, but the crucial question for the purposes of this argument is whether or not they can do so on moral grounds. I can think of no moral justification for Vice-chancellors and principals receiving, in some cases, a twenty per cent increase (and over) at a time when lecturers' salaries are falling in real terms, and those same vice-chancellors and principals are arguing publically that institutional sustainability depends upon financial stringency and staff cuts.

One has to add to this somewhat bizarre working environment an administrative cadre that notwithstanding its own internal inequalities has contributed hugely to the general marginalisation of academic influence and professional judgement within institutions of higher education. Senior management teams of institutions of higher education – i.e. those with

overall responsibility for the strategic development of the institution as a whole – are now routinely staffed by administrators who may well outnumber academics. Heads of department and of faculty – i.e. those with strategic *and* operational responsibility for their particular units – are invariably seen as quasi-managers answerable to the administrative offices of the institution. In a situation of financial stringency, occasioned by huge cuts in public expenditure coupled with the semi-privatisation of higher education, this over-reliance on the administrative and managerial cadre is a matter of public concern. The public good that constitutes higher education cannot be measured in the weighing scales of efficiency and cost-effectiveness. It must be re-imagined (see Nixon, 2011b).

If we are to consider professional ethics in relation to academic practice, we must focus primarily on institutional context. We must then acknowledge that the context is constitutive of the ethics. Institutions cannot lay the ethical burden exclusively on the individual professional; nor can individuals off-load their ethical responsibilities onto the institution; ethics is centrally concerned with mutuality and inter-dependence. Nevertheless, within the current context the reduction of the ethical to an individualist rather than associative category is particularly marked. The moral hazard comes in the main not from the professional ethics of the individual practitioner but from the institutional ethos within which practitioners operate. We need to focus both on the ethics of the professional situated within the institution and on the ethos of the institution located within the broader frame of civil society.

An Ethical Framework

I have provided a broad framework for thinking about the moral bases of academic practice in *Towards the Virtuous University* (Nixon, 2008) – a framework that I have subsequently elaborated in *Higher Education and the Public Good* (Nixon, 2011a) and *Interpretive Pedagogies for Higher Education* (Nixon, 2012). That framework offers, as the foundations of what I term “the virtuous university,” the virtues of truthfulness, respect, authenticity, and magnanimity. A disposition towards these virtues is, I argue, implicit in all academic practice. The virtues of truthfulness, respect, authenticity and magnanimity are constitutive of that practice, such that their denial would render that practice inoperable. These virtues are, I further argue, among the public goods of higher education in that the benefits they provide are accessible and available to all. That is not to deny the considerable private gains that may accrue to those who have access to higher education, but to insist upon the prime importance of higher

education as a public good for which the university carries ultimate responsibility. The moral bases of academic practice are, in other words, institutional and associative.

The argument briefly summarised in the previous paragraph relies heavily on certain neo-Aristotelian assumptions: the virtues as dispositions are acquired through practices; those practices, in turn, achieve continuity by way of traditions; and those traditions are then sustained through institutional and associative arrangements (see MacIntyre, 1985). The synergy between open and adaptive institutions, evolving traditions of practice, and responsive practitioners is all-important within the context of this neo-Aristotelian framework. Stasis can set in at any point and, when it does, the synergy is broken – and, when the synergy is broken, the moral bases of academic practice are severely strained. Things fall apart. We therefore require some understanding of how that synergy works, how it operates, and how it energises its constituent elements. We need some understanding, in other words, of how people relate within, and to, systems and structures – of how, together, we might create polities of shared understanding.

An ethics of recognition as developed by, among others, Axel Honneth (1995), Paul Ricoeur (2005) and Charles Taylor (1994) provides us with some of the conceptual resources necessary for developing that understanding and achieving that sense of shared purpose.

Honneth (1995:129), for example, analyses what he calls “the struggle for recognition” in terms of particular “forms of recognition”: “primary relationships” of love and friendship (involving “needs and emotions”); “legal relations” of human rights (involving “moral responsibility”); and relations of solidarity achieved through “communities of value” (involving individual “traits and abilities”). One of the implications of this schema is that social cohesion is dependent upon relationships that acknowledge needs and emotions. Social cohesion undoubtedly involves legal frameworks and cultural solidarities, but is premised upon the primacy of interdependency.

Dependency is, paradoxically, *the* defining characteristic of the human agent: agency is always enacted within a force field of conflicting needs and interests: “Persons can feel themselves to be “valuable” only when they know themselves to be recognized for accomplishments that they precisely do not share in an undifferentiated manner with others” (Honneth, 1995:125). My value to myself lies in your recognition of my difference; your value to yourself lies in my recognition of your difference. To be human is to crave difference *and* to desire the commonality necessary for our differences to be mutually recognised. Not

to have one's difference recognised is a form of disrespect, which (argues Honneth) expresses itself in acts of abuse and rape, exclusion and the denial of human rights, and denigration and insult; the recognition of difference, on the other hand, is a precondition of "basic self-confidence," "self-respect" and "self-esteem" (129). To flourish is to have the capabilities and to enjoy the institutional conditions necessary for engaging in this "struggle for recognition."

Paul Ricoeur (2005), who acknowledges his considerable debt to the work of the much younger Honneth, sees recognition as a "course," a process, the trajectory of which can be described in terms of its linguistic usage within philosophical discourse: "My hypothesis is that potential philosophical uses of the verb *to recognize* can be organised along a trajectory running through its use in the active voice to its use in the passive voice." This "reversal on the grammatical plane" he goes on to argue, shows "the traces of a reversal of the same scope on the philosophical plane." Thus, to recognize in the active voice – "to recognise as an act" – "expresses a pretension, a claim, to exercise an intellectual mastery over this field of meanings, of signifying assertions"; while, at the opposite end of the trajectory, recognition in the passive voice – the demand to be recognised – "expresses an expectation that can be satisfied only by mutual recognition, where this mutual recognition either remains an unfulfilled dream or requires procedures and institutions that elevate recognition to the political plane" (19). The moral compass points towards mutuality, reciprocity, interdependence.

This "course of recognition," as outlined by Ricoeur, goes something like this: from a process of "recognition as identification" (recognising other things in the world); through a process of "recognising oneself" (identifying oneself in the world); to a process of "mutual recognition" (being recognised as the object of another's identification). Ricoeur's grammatical analogy – from active to passive voice – is not intended to imply a movement from agency to lack of agency, but is attempting to locate the agent within a broader spectrum – or grammar – of mutuality and reciprocity: I become a person through an overlapping process which involves me in differentiating things in a world out there, identifying myself as an element within that differentiated world, and acknowledging that myriad others are involved in this process of mutual recognition. It is in part a life saga of the passage from cradle to grave, but also something of a psychodrama involving the historical layering of that saga in the here and now. To follow the grammatical analogy, the relation between the "I" and the "me" – the "I" as identifying agent and the "me" as identified subject – is mutually dependent: "I" has no validity without a "me," and

“me” has no substance without an “I.” We each flourish – grow and distinguish ourselves – one with another.

Ricoeur’s “course” is, then, a kind of lifelong curriculum, a curriculum-in-the-making: a *curriculum vitae*. An underlying principle of this curriculum-not-yet-finished is that becoming and knowing cannot be unravelled into the tidy compartments of ontology and epistemology. Being, becoming, and knowing are complicatedly entangled, knotted: what I am – and become – is what and how I know; what and how I know is what I am – and become. Ricoeur is suggesting that when and if ever we come to untangle the knot, the notion of mutual recognition may be a useful starting point – and, also, an end point: “The course of self-recognition ends in mutual recognition” (107). The recognition of self involves recognition of others who in turn confer selfhood upon oneself as another: that, in part at least, is what Ricoeur means by human development through the mutuality and reciprocity of recognition. We grow up through an understanding of ourselves as differentiated, sentient beings within a world of other differentiated, sentient beings.

Recognition – as “struggle” in the case of Honneth or as “course” in the case of Ricoeur – necessarily involves, as a prime component, mutuality. It also involves, as a second necessary component, the acknowledgement of equal worth: “the struggle for recognition,” as Charles Taylor (1994:50) puts it, “can find only one satisfactory solution, and that is a regime of reciprocal recognition among equals.” Any such regime requires, as a third necessary component, impartiality of treatment in respect of difference, such “that each person should enjoy the impartial treatment of their claims; that is, treatment based on principles that can be universally shared” (Held, 2010:46). These three components – mutuality and reciprocity, the recognition of equal worth, and impartiality of treatment – constitute the key elements of an ethics of recognition that might usefully be applied both to academic practice and to the institutions whose prime purpose it is to sustain such practice.

Disparities and Dilemmas

The major blockage to the development of an ethics of recognition for higher education is the disparity between system and practice in the management of its institutions and of the sector as a whole. In the field of teaching and learning, for example, systems of accreditation, assessment, and quality control routinely deny the epistemological assumptions upon which all teaching and learning is based. Courses are accredited, students are assessed, and quality is supposedly maintained on the assumption that