Does Higher Education Need a Hippocratic Oath?

David Watson, Institute of Education

Abstract

Taking as a starting point Eric Ashby’s proposal that academic staff should swear to inculcate ‘the discipline of constructive dissent’, this paper explores the question of whether or not contemporary society’s ethical expectations of higher education should be codified. Three types of relationship between the university and its communities are explored: ‘first order’, arising from the university just being there; ‘second order’, being largely structured by contracts; and ‘third’ order, between the institution and its members. This leads to discussion of partnerships, stakeholding, of governance, of the public interest and of academic citizenship. Ashby’s approach to academic values is then contrasted with that of the Institute of Business Ethics and the Council for Industry and Higher Education, as well as Macfarlane’s concept of academic virtues. The author concludes with a proposed set of ‘10 commandments’ for members of universities and colleges.

Introduction

In 1968, the late Lord Eric Ashby was master of Clare College, Cambridge, and vice-chancellor of the university. (For a scholarly account of Ashby’s immense contribution to the wider higher education (HE) world see Silver (2003, pp. 151–173); for his still highly relevant analysis of the academic estate see Ashby (1958, passim)). At the Association of Commonwealth Universities in Sydney that year he delivered an address, part of which was later printed in the journal Minerva under the title ‘A Hippocratic Oath for the Academic Profession’ (Ashby, 1969). Nearly 40 years later, it has a contemporary resonance as we struggle with the question of whether or not society’s legitimate expectations of HE should be codified.

The university and society

The modern university is expected to be many contradictory things simultaneously. We should apparently be both:
• conservative and radical;
• critical and supportive;
• competitive and collegial;
• autonomous and accountable;
• private and public;
• excellent and equal;
• entrepreneurial and caring;
• certain and provisional;
• traditional and innovative;
• ceremonial and iconoclastic;
• local and international.

What is interesting about this list is that it precludes any sense of the university being isolated from its community, of the ‘ivory tower’, or the ‘castle in the swamp’.

Meanwhile, there is evidence, all around the world, of renewed interest in the civic and social role of universities. Every week seems to bring a new conference, somewhere, on the theme and, as for Morris Zapp in David Lodge’s Small World, there is a temptation to go to them all.

I say ‘renewed’ because a case can be made that the founding myths and the constitutional origins of all but a very few universities are grounded in just such a role. Think of the poor scholars supported by the founders of Oxford and Cambridge Colleges, the local and regional ambitions of the Victorian civics, the confederations of professional schools that came together to form the British Polytechnics and Central Institutions, and that’s just in the UK. In the USA, the origins of many now elite private institutions lay in creating cadres of clergymen, teachers, lawyers and doctors to serve colonial and then state communities; the ‘land grant’ universities were founded by direct investment of communities, mostly across the West, in creating useful knowledge; and so on.

What is the 21st-century legacy of such foundations? Surely it is more than a boost to the bottom line of UK plc, or a bad-tempered response to an increasingly fractured and poorly analysed ‘skills agenda’.

To step back initially from the fray, university ‘civic engagement’ can be described in three domains: first, second and third order.

In this account, first order engagement arises from the university just being there. One of the primary roles for universities is to produce graduates who:

• go to work (perhaps in areas completely unconnected with those they have studied);
• play their parts in civil society (where the evidence suggests that they are likely to contribute more wisdom and tolerance than if they had not been to university);
• have families (and read to their children);
• pay their taxes (and return a proportion of their higher-than-average incomes as graduates through progressive taxation); and
• (increasingly) support ‘their’ universities through gifts and legacies (for a discussion of each of these elements see Ahier, Beck and Moore, 2002, Bynner et al., 2003; Arthur with Bohlin, 2005).

Also in this domain, universities:
• guard treasures (real and virtual);
• provide a safe place for the exploration of difficult issues or challenging ideas; and
• supply material for a branch of popular culture (the campus novel, film and tv series). (Incidentally, like the best art, this genre sometimes leads and sometimes follows. Departments of Elvis Studies or Hitler Studies did not exist before Don De Lillo called them into being, while David Lodge had to preface *Thinks*, his latest campus novel with the epigram ‘The University of Gloucester is a fictional construct: at least it was at the time of writing’. A couple of decades earlier, he similarly founded the University of Limerick. For more on all of this see Elaine Showalter, 2005, *passim*).

Together, these features add resonance to the university as a social institution in its own right: at its best, a model of continuity and a focus of aspiration for a better and more fulfilled life; at its worst, a source of envy and resentment. Understanding this first order relationship between universities and their communities provides an insight into the cultural role of universities and colleges in different national contexts: in the USA they are more loved and respected than they deserve; in Australia and the UK they stimulate more opprobrium than what is objectively fair.

‘First order’ considerations also imply that universities should strive to behave well, to be ethical beacons. They have not always done so. Some examples of ‘bad behaviour’ include the following:

• they can offer misleading promotion and advice to staff, students and potential students about their real performance and intentions;
• as powerful institutions, they can undermine and intimidate their members, their partners and their clients;
• they can perpetuate self-serving myths;
they can hide behind specious arguments (narrow constructions of ‘academic freedom’, *force majeure* and the like);

- they can displace responsibilities (and blame others);

- they can fail the ‘stewardship test’ (e.g. by not assessing and responding to risk, or by cutting corners, or by ‘letting go’);

- they can be bad neighbours; and, above all,

- they can fail to tell the truth to themselves as least as easily as failing to tell truth to power.

Second order engagement is generally structured and mediated more by contracts. In this domain the university will:

- produce graduates in required disciplines and professional areas (whether directly or indirectly required to do so);

- respond to perceived needs for particular skills, for professional up-dating, or to more general consumer demand for courses in particular subjects;

- supply services, research and development, consultancy etc., at either a subsidised or a ‘for-profit’ rate (until recently, the university itself often did not know which was which);

- run subsidiary businesses – some as ‘spin-outs’ or joint ventures, others in the ‘service’ sector of entertainment, catering, conference or hotel facilities (each of these elements was discussed in the Lambert Report on university–business interaction (Lambert, 2003)).

Also in this domain, the university will often be a very important local and regional economic player. It supplies:

- employment – from unskilled occupations to the very skilled;

- an expanded consumer base, as students and staff are attracted to the institution and its locality;

- a steady, well-indemnified customer for goods and services;

- ‘development’ in a myriad of fields such as environmental improvements, buildings, amenities and office space, along with some down-sides like controversy over planning, car parking, congestion or ‘studentification’ (UUK and SCOP, 2006).

The first domain affects the second in some complex and significant ways. The university, as a kind of moral force, is expected to behave better than other large organisations (which are similarly concerned about the bottom line).

Some of these crossover effects are mild: if the university did not pay its bills on time the community would be shocked, if the local hotel did
the same thing they would shrug their shoulders. Others are economically more serious. In major partnerships on which perhaps millions of pounds rest, you will rarely, if ever, see the university walk away from a done deal. Meanwhile, the commercial partner can do so with apparent impunity, citing the business cycle, a change of management or policy, or simply ‘market forces.’

Partnerships entered into by universities are thereby inherently unequal and in that sense unfair. To say so is not to cry crocodile tears: the university can gain major reputational and practical assets from its first order relationship with the community which, so long as this remains true, can outweigh these downsides. Partnership itself thus throws up some interesting dilemmas, including:

- leading and following (and occasionally having to do both simultaneously);
- dissolving, renewing, and replacing partnership structures and deals as circumstances change (when this is fudged, the result is often a confusing mixture of new and not-quite-killed-off arrangements that cause frustration and waste of effort);
- moral versus strict constructionist views of contracts (as alluded to in the previous discussion);
- the expectations of some partnering groups in the community (particularly voluntary and community-service organisations) that the university has been put there (by local or central government) to serve their needs;
- the issue of relative reputational risk (again as alluded to in the previous discussion); and
- the issue of continuity – above all, there is the fact that corporate change (mergers, acquisitions and the like) are much less frequent in the university than the corporate (and perhaps even the voluntary sector) – with some notable exceptions.

What all of this means is that in difficult circumstances, the university is likely to be left holding the ring, and should expect to do so.

A promising way of understanding the dynamics of partnership is through the concept of the stakeholder, probably Margaret Thatcher’s most influential (and most slippery) legacy to Tony Blair and New Labour. A rigorous ‘stakeholder analysis’ from the perspective of the university would throw up some surprising results.

- Whose are the stakes on the table (really) in the sense of sharing risk?
• Who can most effectively (i.e. legitimately as well as logically) claim to hold the ‘third party’ stake (the celebrated ‘people’s money’) on behalf of the community as a whole? The politicians would like to claim it is theirs – through democratic validation – although the effect of such violent swings, shifts and reversals of policy as they employ in public education degrades this trust empirically.

• Is there in fact an inverse ratio of shared risk and rabble-rousing of nurture and noise? It is clear, for example, that the National Health Service (NHS) is one of the system’s major stakeholders. It is less clear about the Confederation of British Industry (CBI) or the Institute of Directors (IoD).

And so, if universities are to make a steady and positive contribution to their communities, the key holistic concept, and an essential backdrop for questions of leadership and management, has to be the rather old-fashioned notion of stewardship, of both the intellectual and moral as well as the concrete and practical assets of the university itself. Who is ultimately responsible for the security, the ongoing contribution and the performance of the university?

The simplest answer to this question is the university itself through its governance. The governing body is straightforwardly responsible for:

• safeguarding the assets (including setting the budget);
• setting the strategy (often called ‘character and mission’); and
• employing and admitting the members (in the case of students through delegation to the Senate or Academic Board) (Shattock, 2006, pp. 5–29).

But sometimes these perspectives can be too narrow, especially if they are permanently refracted through the lens of institutional survival. There is a wider social interest in the HE enterprise (essential to the ‘first order’ relationships I set out before), for which governors also ought to feel responsible. This can mean not being too precious (or too competitive) about boundaries, status, or the reputational risk of association with other institutions in the sector. Autonomy is important and is a source of strength, but it does not apply in a vacuum; it should not be used as an excuse for pushing others around, and it should be used to serve the sector as well as the single institution.

Who else is responsible for this wider public interest?

• It can be the government, although there are dangers there (the university is exactly not the sort of institution to be enlisted in a national crusade).
• It could be funders (especially through the peculiar agency of the ‘buffer body’, although genuinely, to be one such, the body has to be both capable of and seen to be facing both ways).
• For reasons previously set out, it is unlikely to be the less entailed, but nonetheless self-declared ‘stakeholders’ (the self-interest and the selfish bottom line are just too powerful here).
• It used to be benefactors (and more generalised well-wishers), and it could be again.

A lot of this issues into the general question of public confidence. Does the society have a system of post-compulsory education about which the community feels confident, well served and affectionate? The answer in the UK has to be ‘not yet’. Third order engagement is between the university and its members. Universities are voluntary communities: around the world they are rarely part of the compulsory educational infrastructure of the state (although the state may heavily invest for its own purposes). Thus, they should not be regarded as agents of the state in creating citizens (and certainly not subjects). This is, of course, not to say (following the precepts of ‘first order’ relationships) that they do not play a role in ensuring social cohesion, in promoting community solidarity, and in problem solving for policy makers and practitioners of all kinds.

University members have a similar set of obligations inside the tent; there is also the dimension of academic citizenship. To be a full member of a university, you have to contribute to more than completing the tasks that happen to be in front of your nose at the time. For traditional academics, this has meant collective obligations: to assessment, to committee membership and to strategic scoping; and there is a growing body of literature about such professional academic practice.

What happened in the late 20th century was the discovery that such practice no longer belonged exclusively to the ranks of the so-called ‘faculty’. The teaching, research and service environments are increasingly recognised as being supported and developed by university members with a variety of types of expertise (finance, personnel, estates, libraries, communications and information technology, and so on), each with their own spheres of professional competence, responsibility and recognition.

At the heart of academic citizenship is the concept of membership. When you sign up (most obviously as a student, but equally significantly as a staff member), what is the deal? What are the responsibilities that
go along with all of your rights within the community and, if you are a student, with your entitlements and expectations as a consumer (see Nixon, 2004)? I think that such responsibilities include:

- a special type of academic honesty structured most clearly around scientific procedure;
- reciprocity and honesty in expression (e.g. by accurately and responsibly referring to other people’s work within your own – avoiding plagiarism);
- academic manners (as in listening to and taking account of other people’s views);
- striving towards self-motivation and the capacity for independent learning, along with ‘learning how to learn’;
- submission to discipline (most clearly in the case of assessment – for both assessors and the assessed);
- respect for the environment in which members of the college or university work; and
- adherence to a set of commitments and policies collectively arrived at (on equalities, grievances, harassment, etc.).

Institutional strategic choice and decision making should ideally come from all of these members of the university community, having of course consulted appropriately outside. But there is a danger here. Universities can too easily become header-tank institutions, doing what is easy rather than what is right.

That said, and to return to the question of autonomy, the evidence is that they make sounder choices when they decide what is right for themselves: when their first order commitments (who they are) guide their second order choices (what they do) rather than the other way around.

Values and the university

So what are these commitments in philosophical, more particularly, ethical terms? Is it possible to distil the essence of HE institutions’ values and ethical commitments? Is there an ‘academic oath’ functionally equivalent to the doctor’s Hippocratic oath? Eric Ashby thought that there was. He thought that it lay in the HE ‘teacher’s duty to his pupils’ to inculcate ‘the discipline of constructive dissent’. He thought that it lay in the HE ‘teacher’s duty to his pupils’ to inculcate ‘the discipline of constructive dissent’. ‘It has to be a constructive dissent which fulfils an
overriding condition: it must shift the state of opinion about the subject in such a way that the experts are prepared to concur’. This led him to a firm defence of academic freedom:

Innovative thinking is unpopular and dangerous. So society has to be indulgent to its universities; it must permit some professors to say silly and unimportant things so that a few professors can say wise and important things. (Ashby, 1969)

Ashby’s focus was on the teacher. Some institutions in the USA believe that such an oath is even more about students to the extent of requiring graduates to affirm certain propositions about how they will proceed to live their lives in the light of their ‘academic’ experience.

Another approach is more relativistic. It will stress context, the potential effects of force majeure (consider the German universities’ response to Nazi edicts), or the need to respond to what ‘funders’, ‘customers’ or ‘stakeholders’ think and say they want. Institutions will claim to have sticking points, but they will also be willing to negotiate and compromise. This approach to ethics will – at its best – be one of ‘progressive engagement’ rather than (literally) dogmatic assessment and response. There is a powerful sense of such a tendency in the Institute of Business Ethics (IBE) and the Council for Industry and Higher Education (CIHE) document Ethics Matters (IBE and CIHE, 2005). (Incidentally, a pedant could have fun with the title: is it that ‘ethics matter’ – in which case we should decide what to do about them – or a report on the ‘matter of ethics’ – in which case we might be less certain about our approach?). The report states categorically:

Universities and colleges are complex and autonomous organisations, each with a distinct history and culture. Ethical issues and priorities will not be the same in all institutions and each HEI will need to tackle ethical concerns in a way that makes sense for its own organisation. (IBE and CIHE, 2005, p. 7)

To say this, of course, is to commit to a certain philosophical view of ethics: that they will be situational, and to an extent provisional. It is a view that resonates well with certain characteristics of the university project and community: that it is always wrestling with complex and often ‘wicked’ issues. It is not, however, the only view. Others would argue that ‘ethical issues and priorities are the same in all institutions’, painful and awkward though this might be for their managers and for many of their members; that the question of ‘managing ethical issues’ does not arise: there is simply the issue of managing their consequences. If this dialogue is to be worthy of the name, it needs to accept that keeping ethical commitments will be hard, may have negative effects on the
bottom line and should not sink into the pre-emptive, ‘damage-limitation’ mindset that has come to characterise some institutional reactions to some legal and related codes. That way may lie the ‘surface compliance’ traps of speech codes and political correctness, as well as the ‘displacement effect’ of hiding behind other people’s responsibilities (in his recent book, Bruce Macfarlane (2005, p. 118) reports on how academics may be relieved when the responsibility for ethical judgement is taken away from them and dealt with formally at a different level in the organisation.

On the other hand, as the chair of the European University Association (EUA)/Association of Commonwealth Universities (ACU) conference on ‘charting the course between public service and commercialisation: prices, values and quality’ reminded delegates: ‘as we preserve our values, we should remind ourselves that they are those of a university, not a seminary’ (EUA and ACU, 2004, p. 39).

So there are problems with both of these approaches: the Benthamite calculus and the Kantian counsel of perfection. Yet another approach (I hesitate to call it the ‘third way’) has been set out by Bruce Mcfarlane. Following Alasdair MacIntyre, he sets out a list of ‘virtues’ in Teaching with Integrity: the Ethics of Higher Education Practice (Macfarlane, 2004, pp. 128–129). Each has a virtuous ‘mean’, as well as potential defects of ‘vice’ and ‘excess’:

- respectfulness;
- sensitivity;
- pride;
- courage;
- fairness;
- openness;
- restraint; and
- collegiality.

The problem here for many will be that it turns being an academic into a form of moral rearmament. His goal is ‘the development of the moral character of lecturers in higher education’ (Macfarlane, 2004, p. 145). Many will be uncomfortable about an approach that stresses ‘what people should be rather than what they ought to do’ (Macfarlane, 2004, p. 35).

As a contribution to the debate, I have tried to scope out what the 10 commandments given to an HE education institution (by whom?) might be. The intention is in no sense satirical, or even sceptical. In technical terms, this is to take a deontological view of ethics (concerned with
obligation) rather than an axiological (concerned with judgements of value) one. I do believe that universities and colleges can choose to behave well or badly and that it is in our social as well as moral interests to help them do the former.

1. Strive to tell the truth.
   ‘Academic freedom’, in the sense of following difficult ideas wherever they may lead, is possibly the fundamental ‘academic’ value.

2. Take care in establishing the truth.
   Adherence to the scientific method is critical here (as in the use of evidence and ‘falsifiability’ principle), but so too is the concept of social scientific ‘warrant’ and the search for ‘authenticity’ in the humanities and arts (leading, in particular, to concerns about rhetoric and persuasion independently of the grounds for conviction).

3. Be fair.
   This is about equality of opportunity, non-discrimination and perhaps even affirmative action. As has been pointed out, along with ‘freedom’ in the academic value-system goes ‘respect for persons’.

4. Always be ready to explain.
   Academic freedom is a ‘first amendment’ and not a ‘fifth amendment’ right; it is about freedom of speech and not about protection from self-incrimination (Watson, 2000, pp. 85–87). It does not absolve any member from the obligation of explaining his actions and, as far as possible, their consequences. Accountability is inescapable and should not be unreasonably resisted.

5. Do no harm.
   This is where the assessment of consequences cashes out (and presents our nearest equivalent to the Hippocratic oath, to strive ‘not to harm but to help’). It is about non-exploitation of either human subjects or the environment. It underpins other notions like ‘progressive engagement’. It helps with really wicked issues like the use of animals in medical experiments.

   As previously suggested, ‘business’ excuses for retreating from or unreasonably seeking to renegotiate agreements are much less acceptable in an academic context.

7. Respect your colleagues, your students and especially your opponents.
   Working in an academic community means listening as well as speaking, seeking always to understand the other point of view and ensuring that rational discourse is not derailed by prejudice, by egotism, or by bullying of any kind.

8. *Sustain the community.*

All of the values expressed so far are deeply communal. Obligations that arise are not just to the subject or to the professional community, or even to the institution in which you might be working at any one time, but to the family of institutions that make up the university sector, both nationally and internationally.

9. *Guard your treasure.*

University and college communities, and those responsible for leading and managing them, are, in the traditional sense, ‘stewards’ of real and virtual assets and of the capacity to continue to operate responsibly and effectively.

10. *Never be satisfied.*

Academic communities understood the principles of ‘continuous improvement’ long before it was adopted by ‘management’ literature. They also understand its merciless and asymptotic nature. The academic project will never be complete or perfect.

In other words, the claim is that there exist value domains that are special to HE and which, in wider contexts, constitute HE’s contributions to civil society in all of its endeavours.

One domain is clearly about how knowledge is effectively and responsibly created, tested and used. Another is about how people responsibly interact with each other (including what they take from the university when they move outside it). And a third is about the institutional presence of universities and colleges in a wider society.

A simple way of bringing this altogether is to recognise that we are moving towards *judgements* of good and bad behaviour at the sectoral, institutional, group (departmental?) and individual (staff and student) levels. As I have suggested, I do believe that universities and colleges can choose to behave well or badly and that it is in our social as well as moral interests to help them do the former. Perhaps we should think of identifying (and hence warning against) instances where institutions have behaved badly or have been tempted to do so.

**Acknowledgments**

I am grateful to participants in a discussion organised by the Council for Industry and Higher Education on ‘values in higher education’ on 21 December 2005, to delegates at the St George’s House, Windsor ‘consultation’ on ‘higher education: balancing enterprise and risk’ on 19–20 January 2006, to residents of Netherhall House on 7 March 2006, to audiences at public lectures at Oxford Brookes University on 1 March

**References**


