

The ethics committee – concerns following an indirect experience

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Abstract

The paper uses a concern guided representation about the ethics committee. At the first hand, there are the needs, interests and beliefs of the ethics committee as such and its actions tend to impose them as concerns in order to effectively solve the problems posed before the committee. At the second hand, there are the needs, interests and beliefs of the institution within which the committee works and they are also concerns for the institution. The relationships between these two types of concerns could be consensual or conflicting each other.

The institution analysed here is the university, and the ethics committee which causes concerns acts within this specific bureaucratic institution.

The presupposition this paper is basing on is just the bureaucratic character of the university, and the discussion about the types of concerns it has – related to the concerns of the ethics committee – brings forward that the ethics committee could be just an insignificant wheel within the functioning of the system. For this reason, the ethics committee itself cannot transform the specific of bureaucratic organisation, although it could be an impulse for this transformation, but be a mean of change only within the general social modernisation.

Introduction

The concern guided representation is a specific tool for grasping human action, be it inward or outward institutions. Here the notion of concern is not linked to psychology – as meaning rather worry, care, disquiet, anxiety – but to praxeology, being simply *discursive preoccupation* for the realisation of the assumed purpose of an action, a system of actions or an institution. Thus from the beginning we have to distinguish the upstream of the action (intention, purposes, plan, beliefs, interests and wishes), not from its downstream (positive or negative results, unveilings, finished and unfinished situations), but from the action itself. In this respect, the concern is an interface between the upstream and the action, it *relating* the ideal precedents of the action (intention, purposes, plan) with the “material” components of the action (as doing, watching, controlling and correcting, and also as the conjunctures as institutions, settlements, rules).¹ Therefore the concern is not the purpose, except if we differentiate purposes as such in purposes before the action and purposes *concerning the action*, i.e. even during the action. The needs generating the action are described by the concerns.

If so, the concern guided representation separates not only the (initial) intention from the concern toward the realisation of this intention, but it also emphasises that only the real (sincere) intention concerns the realisation, the effective action. The distinction between real (sincere) intention and the false intention (the fallacy) is not studied from a psychological standpoint but from a praxeological one: if the institutions created in the upstream, at the moment of the conception of the action were, or not, realised, so if the institutions created for the effectiveness of the assumed intention correspond to the institutions created in the upstream. Agency being individual² – at this level theory obviously focusing on the

¹ This is somehow as in the computer science.

² Even rationality (as linked to the rational choice theory) refers, according to Bruno Verbeek - *Introduction*; in Bruno Verbeek (ed.) - *Reasons and intentions*, Ashgate Publishing, Aldershot, Burlington, 2008, p. 1, to the “individual selection of actions that are most effective to realise the preferences of the agent”.

intentions -, the correlation of the individual wills and actions within the collective ones is generally manifesting as institutions. Discussion about the individual action places in the light the intention, while the praxeological research about the collective action – the concern.

Letting this apart, if the first intentions before an action are present-directed intentions related to the first desires and wishes, and if the plans for this configure the ideal architecture of the future conducts responding to these first intentions – plans being related to present-directed intentions, to do such and such -, they include and are temporal constructions and, at the same time, are the result of deliberations over the transposition of the ideal plans into the future. Being permanently subjected to revision, plans become the design of future-directed intentions.³ The concerns are temporal transformations of future-directed intentions formed earlier and manifested not only through the plans for the actions had in view, but first of all as importance, through the actions and institutions resulting from these concerns. They show signs of the sincerity or fallacy of the intentions manifested through the plans, as well as of the earnestness of the plans: therefore, the results – actions, institutions – are not so much related to the intentions, or not directly related, but to the concerns that are always demonstrated, “formalized”.

People generally relate actions to the intentions supposed to determinate them. The theories of agency also do this. But this relationship between actions and intentions does pass through the institutional frame within which they occur: it certainly could and needs to be understand not only as “end-neutral”⁴ for better grasping the logic of the human action, but also as an individual model. However, this one uses elements as language, discourse (internal and external), writing, that transcend the individual character of the model. Consequently, praxeology uses and occupies with at least three models: the individual, the collective, the institutional one. The model concerned here is the last one.

The functioning of the institutions shows the importance of the intermediary elements as language, discourse (internal and external) and writing for a concern-based representation. If actions are communicated, and if communication also means documents which reproduce, keep in memory, warn about and depict the leaps of the actions, the reasons and the ends, these documents are related to the actions and institutions in the way to emphasise the coherence between the ideal, formalised form of the actions and institutions, and these ones. Certainly it is not only a question of coherence, but one of efficiency of the actions and institutions; the coherence and efficiency of both the ideal forms and the effective ones send to the concerns of the institutions for these goals.

Let’s say one word more here. The term of commitment characterises both the individual thinking and conduct⁵ and the social one. Institutions show the degree of commitment not only of the individuals behind them and participating to them, but also of *the singular structure each institution represents*. Indeed, although every institution is a complex – as every human and social structure, moreover -, and in this respect is relevant for the practical reasoning, intentions and commitments of its members, it conducts like a unit according to its goals, generally described through the agency of communication. In this respect and from this point of view, the analysis of the internal coherence of the official documents and, on the other hand, of the coherence between the official documents and the actions of the institution shows the concerns and commitments it carries on as entity within the social frame.⁶

This image is basing more on Margaret Gilbert’s theory on the joint commitment as single common commitment⁷ of the participants to an action or structure, than that of Bratman’s two agents’ shared intention.⁸

³ Michael E. Bratman - *Faces of intention. Selected essays on intention and agency*; Cambridge University Press, Cambridge, 1999, pp. 2-3.

⁴ *Ibid.*, p. 6.

⁵ See also Verbeek [2008] pp. 6, 7.

⁶ Michael E. Bratman - *Temptation Revisited*; in Verbeek (ed.), [2008] p. 115: “instrumental rationality is a relative rationality to an agent’s ends, valuings, plans, policies, preferences and the like”.

⁷ Margaret Gilbert - *Rationality in Collective Actions*; in „Philosophy of the Social Sciences“, Vol.36, No. 1, 2006, pp. 3-17.

In the following we intend to apply this concern guided representation to the analysis of an ethics committee within a specific institution, the university.

University as bureaucratic institution

If bureaucracy is a historical social category corresponding to the mediating relations between the ruling elite and popular classes, if – irrespective of its internal fragmentation and hierarchy from a social and an occupational standpoint – it is related to its intention and will to preserve its benefits, it is not difficult to understand that *bureaucracy repeats/takes over the general conduct of the upper classes to isolate themselves into the “inner circle”*, to use Orwell’s formula. This tendency is generated by the refusal of any critique that would challenge their positions: not the reforms, anyway always getting from the top, are unpleasant for them but the questioning of the structural relations of force⁹. From this viewpoint, bureaucracy and democracy are opposing.

Not only the political, military and administrative strata, so rather depending on the state, are belonging to bureaucracy, although these ones are emblematic for it, but also the strata of teachers and doctors. If every bureaucratic professional category is socially fragmented - the upper stratum converging with the ruling economic and political elite, while the under stratum is superposing with the traditional ruled, the middle stratum being in a state of instability -, if its entire social conscience reflects not only this fragmentation but the *affiliation to a mediating and privileged category*, the tendency to defend its position and to self-encircle within the frame of its own bureaucratic status is a normal continuation. Once again, the fear of transparency, public control, criteria and judgements appears as acting for an internal management of the institutions where bureaucracy is constituted, miming democracy, taking over its formal procedures but emptying them of the power they have. The relations of the bureaucratic institutions with their external environment have the same forms. And if we do not forget that the characteristics of bureaucracy manifest within the interior of the private institutions too, the importance to understand the functioning of the bureaucratic institutions as such appears urgent enough.

University is a bureaucratic institution, obviously more accentuated in countries where the bureaucratic organisation of society was stronger, as in Romania before 1944 and after, till December 1989. But even from that change of economic organisation and political regime, a *main source of income, welfare and power remained the bureaucratic position*. At high and low level as well. For this reason, the bureaucratic character of an organisation as the university is part of the bureaucratic character of the entire social tissue. If generally we are witnessed the expansion of bureaucracy and the blurring of responsibilities, rights, criteria and values: maladministration, aggressive abuse of power and inefficiency being features of the entire political structure, the connection between the non democratic behaviour at the top of political and the same non democratic behaviour in the internal organisation of different institutions would not be a surprise. Not even some specific institutions as the organisation of the high level education are exceptions from the rule.

There are some aspects that have to be mentioned:

- a. even if the rules seems to be democratic in the whole Romanian society, in particular cases as in the university the treatment of people *depends upon the bureaucratic nets from within*;
- b. the enlargement of the particular official discretion from inside could be stronger than the demand of transparency (or, generally, of observation of the formal rules and criteria) from outside;
- c. there are thusly enough room for personal favouritism or enmity and there is weak solving of these aspects because of the relative autonomy of the inward nets of power from the democratic (private and state) institutions of control.

Therefore there is a strong enough tendency of insulation of the bureaucracy from the democratic control inside organisations – the tendency to impose, through the councils and senates, its interests and

⁸ Bratman, [1999] pp. 110-111; see p. 111: “a state of affairs consisting primarily of appropriate attitudes of each individual participant and their interrelations”.

⁹ See in Romania the magistrates going on strike in the autumn of 2009 for the privileged incomes – toward other layers of intellectuals as teachers, doctors, researchers – they themselves voted for in the last nearly 20 years. But privileges are a continuous feature, even though not in the same proportions, before and after December 1989.

the control of allocation of professional ascension, by transforming the mechanisms of consultation and consent into a formalistic game. Bottom-up democratic control (transparency, broadly-based, deliberative participation) is powerless just because particular nets *are intertwined and linked to the powerful political circles*. In this respect, the *participants to these circles of power are mutually dependent and reject every constructive critique of this bureaucratic system*. This is the famous 'bureaucratic inertia', which is however the set we saw of present bureaucratic capture and subjugation of democratic rules.

*Possible opposition between the bureaucratic concerns and university
Bureaucratic leadership versus democracy*

The needs, interests and beliefs of the university as a whole/as institution might be not all of them consistent with the needs, interests and beliefs of the members, and it's even possible this happens concerning some real interests of the university as such. Why this? Just because the bureaucratic leadership can impose its own needs, interests and beliefs as belonging to the university as institution. As we shall see, the instruments to frame the leadership within a conduct that puts the interests of the institution, and for the long term, before its own purposes¹⁰ do not always exist.

One example is when the internal rules of the university do not include *the means* the leadership could be criticised through, neither *the sanctions* it could receive for the infringement of some rules. In fact, though the university governance is assured by elected representatives, there are no collective structures that could control the leadership and assume the ability to criticise and possibly sanction someone at least when the official procedures are not observed. Indeed, one could criticise at the lower level, the chair, but how could be this effective if the representative structures are not only intertwined, not only opaque to the transmission of critical information from bottom to top, but without supervising collective structures and without effective rules? Just the *absence of the collective structures* and, more, *of the internal rules endorsing the capability and limits, responsibility and sanctions of the leadership and collective structures as well* is the criterion that allows the characterisation of the university as "bureaucratic organisation".¹¹

By knowing a state university, the author of this paper warns on a supposed strange lagging behind of an institution which should be a model of democratic governance, having in view that the leaders have principally no the duty to maximise the profit, as in a private university, but only to fairly manage state's money in order to achieve the educational and cultural tasks. In fact, one should be naïve to wonder about that, since the power (including in the intellectual world) and prestige (including the political prestige) follows from the authoritarian manner of leadership; and, just for the main financial source is external to the university, a main form of power is the authoritarian control of this source. There is obviously no question of partisanship for the private university, or for the state one: if we look at the Romanian e-pages concerning corruption in university and democracy in university, we do not grasp benign differences in favour of one or another. It simply was mentioned that, just for the state university is not (so much) compelled by the financial aspect, at least there would not be reasons to choose priorities in the manner of a super-concentrate decision.

It's hard to conceive that the staff is opposing to the transparent information concerning *priorities in investment*, to the transparent discussion about the *intellectual rigour and integrity* or to the transparent focus on the contradictions within the *discourse of the rules as such* if there would not exist antagonisms between the concerns of the staff and the ones of the university as modern and modernising institution.

¹⁰ The result is a kind of indifference/alienation of the university teachers, leading to an accentuated formalism, even to an "authoritarian personality" (Adorno), as well as to a contagion of corrupt manners to ascent, anyway to a diminution of performances. See Kathleen K. Ahearn, Gerald R. Ferris, Wayne A. Hochwarter, Cesar Douglas, Anthony P. Ammeter - *Leader Political Skill and Team Performance*; in "Journal of Management", volume 30, no. 3, 2004, pp. 309-327; but also the creation within university of an "environment of uncertainty and stress", John B. Miner - *Organizational Behavior. Foundations, Theories, and Analyses*; Oxford University Press, Oxford, New York, 2002, p. 105.

¹¹ See also Naomi Hersom - *Democracy and University Governance: One President's Perspective*; in "Interchange", Volume 25, Number 1/January, 1994, pp. 19-23.

The democratic decision-making in the university must, for being robust and efficient, clear rules defining the stretching of the tasks, duties and functioning of every structure at every level, and also the sanctions of all in the case of every infringement. The collegial representative leadership is certainly a democratic one, but just as a guarantee of a fair decision-making, consultative *ad hoc* assemblies would be necessary (at the level of chairs and, in a representative form, at the level of faculty and university). These assemblies could certainly use the electronic communication, but it's difficult to imagine that the present problems would disappear without freely hearing voices from the academic community as such. And for this freedom, democratic rules are necessary.¹²

The ethics committee in university – an indirect experience

For the decision-making was tending to borrow the form from a feudal organisation, and for the representatives tended to separate from the body of the university as such (thus because the mainstream opinion did not agree with a participative democracy manner), an ethics committee was created. If this one became a wheel within the functioning of the university, that means that it was necessary because of the dysfunctions already remembered, the concrete infringements of rules and the concrete unfairness. Institutionalising ethics within university is certainly a sign of reform, reflecting *inter alia* the pressure of the European Union for a more efficient university – and this could be only through democracy also -. But the multiplication of the number of institutions is not necessarily a warrantee for the confluence between ethics and politics, or more precisely for the ethical conduct of the university leaders and members.

From an indirect but persistent experience of the functioning of university, it could be noted that the ethics committee in the university I am member of was announced (2005), much later moreover, on the site of university with an “ethical code” full of big words. But anywhere is said where it is located in the university, its programme, its members and the procedures used to work and positively influence the decision-making. Much later that this announce, the head of my chair announced too that X “was proposed by the head of chair” to be member of the ethics committee on behalf of our chair. OK. From some years now, nobody heard a word about the problems raised before the committee, the trajectories of these problems before and after the “hearings” at the committee. Not a word was mentioned on the university site about the importance/role of the ethics committee as already indispensable tool for the good governance of university.

I myself knowing concretely two of this type of problems – one of fraudulent conferring of academic credentials, and the other of infringement of the internal rules by a chief member that monopolised a material supplementary award for false performances -, I curiously waited for the “taking off the facts from the state of hiding” (as Heidegger named the truth) (which anyway were well known by all the colleagues). Nothing happened, whatever matter of ethics is excluded from all the meetings in the chair and on the university site.

To put it clearer: the ethics committee has integrated within the normal, bureaucratic conduct of university, being only a *formal* instrument without the force to impose ethical standards quality for the leadership as well as for the university members. Its *raison d'être* to really improve management and activity, to be a prevention mean and counterweight to corruption was suppressed by the “system” working unchanged. Far from being a “transmission belt” as the trade unions in the really existing socialism, the ethics committee seems for the moment to be only a “form without substance”, as were considered the democratic institutions/politics (in front of the lagged-behind economics) by the Romanian conservative writers in the last decades of the 19th century and the first half of the 20th. This bitter temporary conclusion meets the analysis of Michael Johnson, who underlined that corruption appears even with the “strength of institutions”.¹³

¹² See, as opposite, university charts where the defence of “university's prestige” barriers the public critique made by the academics.

¹³ Michael Johnson - *Syndromes of Corruption: Wealth, Power, and Democracy*; Cambridge University Press, Cambridge, 2005, p. 39.

It is obvious that the ethics committee starts from a *valuable intention*: that to impose ethical standards in the real management and activity of the university, standards that could press even in the absence of the good intentions. For the time being, in the university that is here “the object of experience” the *bureaucratic concerns of the net of leadership exceed the concerns of a democratic, modern, European university*. For the ethics committee appeared in the Western world, so they ought to appear, one has to not idealise the Western universities. But the social historical context within which the East European universities activate impulses us to understand the urgency of the institutionalisation of ethics and, at the same time, the difficulty to realise the law enforcement through the agency of ethics committee¹⁴ working in a bureaucratic environment.

That means that an efficient democratic university management could exist only with the change of the whole bureaucratic system of principles and management within university. An institution which could press for this process is certainly the ethical one, concretely the ethics committee¹⁵. It has the prestige allowing to overtake the despise of the democratic, thus ethical principles in the name of efficiency for the bureaucratic leadership, and the neglecting of the profound consequences of this bureaucratic leadership in the *subjective* world of academics, and common people as well, wondering about the *continuity* of the unfair bureaucratic relationships between the outward and inward of university. But this prestige works *only together with the democratic will of academics to freely question all the problems of university*¹⁶. This aspect of the democratic will of academics related to the prestige of ethics (represented by the ethics committee) sends to a cardinal point: that of *incontinent* ethical actions¹⁷ routinely going on even on behalf of those who have an educational task.

Au fond, the constitution of ethics committee within university shows only that the general changes in the present global society pushes to a shift from democracy focused on *inputs* to democracy more tied to the *outputs* of policymaking.¹⁸ But how to do this and in what rhythm depends on the ensemble of the social and democratic institutions and factors, and not only on the ethical tools.

This short paper tended to enlarge the technical perspective on the given situation and data, commonly used in management studies, with a suggestion concerning the causes of these data and situation. One could deduce the importance of the ideological senses in the grasping of the ethical problem within university as well as of its solving.

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¹⁴ According also to Valentin Mureşan - *Managementul etic în organizaţii*, Editura Universităţii din Bucureşti, Bucureşti, 2009, pp. 65-66, 74-76.

¹⁵ See the *university ombudsman* existing in the University of Bucharest, with very precise goals and contact information and persons, http://www.unibuc.ro/ro/ombudsman_universitar

¹⁶ See also Ana Bazac - *Despre modelul universitarului*; in Romulus Brâncoveanu (editor), *Structura universităţii – structura cunoaşterii*, Editura Universităţii din Bucureşti, Bucureşti, 2008, pp. 133-145.

¹⁷ Donald Davidson - *How is Weakness of the Will Possible?* (1970); in Donald Davidson - *Essays on Action and Events*, Clarendon Press, Oxford, 1980, pp. 21-22.

¹⁸ B. Guy Peters - *Bureaucracy and Democracy*, paper presented at SOG Conference, November 2008, http://www.qog.pol.gu.se/working_papers/SOG%520papers/Peters%2520-%520SOG%2520Conference%2520Nov08.pdf+B.+Guy+Peters+-+University+of+Pittsburgh,+Bureaucracy+and+Democracy,+paper&hl=en&gl=ro (last accessed 10 September 2009)

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