# **Academic Ethics**

Edited by

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## **Academic Ethics**

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# **Series Preface**

'Ethics' is now a considerable part of all debates about the conduct of public life, in government, economics, law, business, the professions and indeed every area of social and political affairs. The ethical aspects of public life include questions of moral right and wrong in the performance of public and professional roles, the moral justification and critique of public institutions and the choices that confront citizens and professionals as they come to their own moral views about social, economic and political issues.

While there are no moral experts to whom we can delegate the determination of ethical questions, the traditional skills of moral philosophers have been increasingly applied to practical contexts that call for moral assessment. Moreover this is being done with a degree of specialist knowledge of the areas under scrutiny that previously has been lacking from much of the work undertaken by philosophers.

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#### SEUMAS MILLER AND TOM CAMPBELL

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# Introduction

A major decision for us as editors of this volume had to be whether to go for a scatter-gun approach, covering as many of the topics that have been seen as pertaining to academic ethics as we could, or to focus our fire on what we regard as the central and defining elements of academic ethics. We decided on the latter approach and will outline our reasoning in this introduction.

Questions about ethics are by definition important, but we need to recognize that there are misleadingly different uses of the word 'ethics'. To some, for example, 'ethics' is synonymous or interchangeable with 'morality', to some it is a broader term encompassing values generally, and to some 'morality' is concerned with particular and specific codes of conduct (as in 'Christian morality') while 'ethics' is concerned with abstract universal principles. Again, for some, 'morality' is concerned with describing or delineating certain values that particular groups do in fact have, while 'ethics' is reserved for the study of reasoning behind, or argument for, such values. Our usage would confine 'ethics' to this meta-study of morality and would distinguish between a moral (or a set of moral) 'theories', which it is the business of ethics to study, and various particular 'moral codes'. Thus: Christianity is a 'moral code', utilitarianism is a 'moral theory', and 'ethics' is the study of moral theories such as utilitarianism.

About the meaning of 'professional ethics' there is probably more uniformity and clarity. The 'ethics' of a professional group refers to the essential values, principles and kinds of behaviour that are thought appropriate to the profession. 'Professional ethics' are more akin to 'moral codes' than to either 'moral theory' or 'ethics' as we use these tterms. But it must be noted that, although comparable to a moral code in that they involve a code of values, professional ethics are not necessarily concerned with nor confined to specifically moral values. Stealing, for example, is generally agreed to be morally wrong. Because it is morally wrong, academics should refrain from stealing just as doctors, shopkeepers, or anyone else should. But that does not make refraining from stealing a part of academic ethics. So in this volume there is no sustained discussion of appropriating university property for oneself or false expense claims, not because they aren't wrong (they are), and not because academics may do such things (they shouldn't), but because such behaviour is not the direct concern of academic ethics. The focus of academic ethics is on principles and modes of conduct that are incumbent on the academic in view of his being an academic as distinct from anything else.

Conversely, some things that may not be regarded as moral issues in general become issues of importance in academic ethics because of the particular nature of academic life. Generally speaking, there is nothing morally wrong with being a researcher in a large business corporation. But there are serious questions about the extent to which and the terms on which universities and professors should work with or for industry, and the issue is a central one in academic ethics. Sometimes whether an issue is properly a part of academic ethics is debatable. One can argue, for example, about what aspects of student/teacher relations are a fit subject for academic ethics: if one thinks that certain relations between professor and student are wrong because they are always wrong between people, as rape is always wrong,

then those aspects have nothing to do with academic ethics as such: no teacher ought to rape a student, because nobody should rape anyone. It is morally wrong, rather than an offence against academic ethics, even when it takes place in an academic setting. But when it can be argued that there are aspects of the relationship that are peculiar to the academic setting and the nature of the student/teacher roles, then they are relevant to academic ethics.

Implicit in the previous paragraph is a point that needs to be spelt out. There is a widespread tendency today for people to regard any and all values as moral values. This is clearly not the case, for there are all kinds of value, such as aesthetic, intellectual, sporting, and literary that have nothing to do with morality. Consequently much that is presumed to be moral debate is in fact not about morality at all, though it may be about value differences of some kind. A further point to be noted is that not all genuinely moral issues are equally important; some bona fide moral points may nonetheless be relatively trivial. By using the language of 'rights', for instance, almost any cause can be made to look like a moral crusade, but, whatever there is to say against practices such as smoking, drinking, swearing or otherwise causing someone to take offence, it is at least questionable whether they are immoral, and, if they are, whether it is of great moral significance. The New York Times recently raised the question of whether 're-gifting' was immoral (or, as it phrased it, 'unethical'). But whatever one has to say for or against the practice of passing on unwanted presents, if it is a moral question at all (which we doubt), it is one of ineffable triviality compared to serious and bona fide moral questions such as whether abortion, defending one's home by force against an intruder, or invading Iraq are morally legitimate.

In ethics, then, there are important questions both about what are moral values as distinct from other values and about the extent to which particular issues, though moral, are trivial. By contrast, in professional ethics, something that is morally trivial or not truly a moral matter at all may nevertheless become highly significant. One might argue that drinking too much, though perhaps distasteful, boorish, impolite, better avoided and so forth and so on, is not in itself immoral; however, it seems clear that for a surgeon to enter the operating theatre while drunk would be contrary to most people's view of the demands of medical ethics.

Care then is needed in referring to professional ethics generally and academic ethics in particular. We are not talking necessarily nor exclusively about the morality of academics, and many questions that can be raised about the morality of the conduct of academics are not related to their professional ethics.

I

So professional ethics, being both less and more than morality, is concerned with the values integral to a profession. Academic ethics is concerned with what is essential to being an academic, which leads to the conclusion that the primary and most pressing question in academic ethics is to define the nature and purpose of the field. What is the academy for? Why do we have universities and colleges? (It should be noted here that there might be rather different answers given to such questions as 'What is a University for?', 'What is an Institute of Technology for?', and 'What is a College of Art for?'. The fact is that governments are eroding these distinctions, partly by physical amalgamation, partly by attempting to redefine the roles of various different institutions, and partly simply by treating different institutions as

if they were identical for all practical purposes. For such reasons, the focus of virtually all the essays we have selected for this volume is on the increasingly prototypical large university.)

There are various ways to formulate this fundamental question of what the academy is for (for example, 'What is a professor?', 'What is a university?', 'What is the ideal university?') but they all amount to raising the same question. There are also various different methods of trying to answer that question, but these are not interchangeable. One method is to study the various vision statements, statutes and codes, policies and practices put out by the institutions themselves. This, however, does not really help: apart from the woeful inadequacy of many of these documents, there are far too many of them, they differ from one another, except perhaps in their tendency to employ empty rhetoric, and of course the fact that a formal code of practice or vision statement exists does not make it a good one. To which we may add that the question of whether and to what extent academic ethics should be enshrined in formal codes of practices is one that needs to be raised. It is at least arguable that while the profession should have a code of practice, it should not be formally written down as a set of practices and procedures. Some might even say that one mark of a profession is that a person is as good as their word and that a professional community, like any civilized community, should trust the instincts of its members, rather than legislate on their behalf. Or there may be the more specific argument that while, say, it is necessary for doctors and lawyers to have specific codes of conduct covering their relations with their patients/clients, there is something about the academic world and its focus on developing understanding that makes this inappropriate. Be that as it may, we cannot simply define academic ethics by drawing uncritically on current documentation and practice (see Part IX).

Similarly, a historical approach has to be handled cautiously: universities, like most other institutions, have changed not only the way in which they do business, but the very way in which they perceive themselves; their *raison d'etre* has altered over time. A sociological or comparative approach is similarly limited. The ideas of a medieval university and a university in the Soviet Union are very different both from each other and from the prevalent idea in advanced industrial nations today. We can gain insights and suggestive ideas from past and current practices, but to evaluate these ideas we need to do something different.

Two other possible approaches are to inquire into what people, particularly students and faculty, think are the central aspects of academic ethics, and to see how those who write about it define the field. The first approach is certainly useful and relevant up to a point, but there is not a great deal of clear and convincing data. (A recent appraisal will be found in Part IV.)

The second approach is one that we are making use of here to some extent, since this is a collection culled from the published contributions of professors in the field. But, as many who write on the subject themselves say, at the present time there is not a great deal that has been written and there is not really a clear pattern or a consensus emerging, except and importantly around the view that the defining characteristic of the academy is the pursuit of knowledge for its own sake (see Parts I and II). Broadly speaking, what is published on this subject has a sporadic and undisciplined air to it, not least because nobody is pursuing their specialism here: there being no clearly defined field, let alone department of academic ethics, what is written is the product of the random interests of individuals: topics that are commonly written about include sexual harassment, the rights of various groups, teaching values to students, scientific misconduct, and plagiarism. But already a problem with such data is evident: scientific misconduct may be what many professors are exercised about, but in

itself it is not an aspect of academic ethics. No scientist should fake the figures, skew his data, and so forth. This is not peculiar to the academy. The issue that is relevant is the relationship between the academic scientist and industry (see Part III). Similarly, teaching values may exercise many professors, but it has really got nothing directly to do with academic ethics; it belongs rather to the field of pedagogy or educational theory. Getting involved with claims about particular rights demands what it seldom if ever receives: namely, extensive immersion in and study of moral philosophy (or ethics) and the language of rights in particular, which, as has been eloquently argued by Glendon (1991) among others, is generally highly misleading and confusing. But certainly whatever rights gays, first nations, or anyone else may be said to have, pursuing such questions is quite distinct from academic ethics.

Sexual harassment is more problematic. Clearly to some people today it is the heart of academic ethics, relations between people working together being regarded as both a matter for regulation by the institution and of some urgency. We take a different view (argued in more detail in Part XI) to the effect that harassment, which incidentally desperately needs adequate definition such as it does not have in most university documents known to us, is, indeed, intrinsically bad behaviour, but that there are already appropriate laws relating to it. There is nothing specific to the academy about it, and there is no cogent argument for setting up a para-legal system in the University to deal with such issues. What is peculiar to and a proper part of academic ethics is the nature of the student/teacher relationship as opposed to relations between colleagues (see Part VI). However, we do include both an analysis of 'harassment' by Holmes (Part VI) and a separate Part on the issue of collegiality in the academy (Part VII).

Keith-Speigel et al. (1993) found that 80% or more of students regarded dishonest grading, insulting, ridiculing, or flirtatious behaviour, intrusive questioning and being drunk in the classroom as unacceptable behaviour on the part of professors. Birch et al. (1999) found similar judgements made by faculty themselves, and Kuther (see Part IV) broadly supports these findings. Her study suggests that student attitudes towards professorial/student relations may be more complex (possibly more tolerant) than those of some professors; at any rate their prime concerns are that professors should have the requisite knowledge in their field and show concern for student welfare; they want them to provide a role model, even to the extent that they disapprove of drug taking in private on the part of professors, despite the fact that, in general, they are inclined to distinguish between professional and private life (even in respect of personal relations).

One detail is worth commenting on: students disapprove of professors who ignore cheating and other such transgressions and who fail to take action against them. This raises the wider issue of whether more attention should be paid in academic ethics to the sins of omission as contrasted with the sins of commission. Perhaps some of the things that are most reprehensible include the failure of the professoriate to stand up and be counted, whether in relation to cheating, corrupt administration, corrupt hiring practices, or, in general, the erosion of the academic imperative.

And so we come back to the academic imperative. Whatever data we collect from surveys, from documents, from history, there is no avoiding the fact that to make academic ethics a coherent and sustainable area of study itself, we need to evaluate that data. And we can only do that in the light of a clear understanding of the nature of the university.

II

Edward Shils set the scene in *The Academic Ethic* (1983), emphasizing the idea of a University primarily concerned with knowledge and truth for their own sakes, from which our various obligations arise. (An excerpt from this seminal work appears in Part I.) The academic, he suggested, has obligations to knowledge, to students and to colleagues, but in each case the obligations are confined to matters pertaining to the pursuit of truth. In respect of knowledge, the obligation is to be honest and to publish; in respect of students, though he makes reference to such particular issues as assessment, informal relations and sexual relations, it is all argued in terms of an institution devoted to finding, maintaining, and disseminating truth. He can be uncompromising (no student/teacher sexual relationships), and he can be blandly rhetorical: faculty should handle disagreements 'maturely' and, where academic issues are concerned, personal 'vilification' is to be deplored; the best candidate should be appointed, but 'academic citizenship' is seen as a fair criterion of selection. All in all, Shils' work is a document of its time: conceived of as a reaction to the troubles in the 1960s and 70s, it argues for focusing on the university's mission as the seeker and defender of truth, as distinct in particular from forwarding political agendas.

Since the publication of that book, there has been a somewhat inchoate growth in the field of academic ethics. There have been two special issues of journals on the topic of academic ethics, on which we have drawn, but there has not been a plethora of material published, and most of what has been written has been inclined to survey and cover a lot of ground briefly, rather than to present sustained arguments for particular practice or principle. Selection and organization for a volume such as this one, therefore, is a little different from what it would have been in the case of a more established discipline. Many areas that some might think aspects of academic ethics have become subjects in their own right, so that one could, for instance, easily produce a single volume on sexual harassment, political correctness, rights or post-modernism. There are other areas that in our view would benefit from extended discussion but have not so far received it: detailed consideration, for example, of hiring policies, including the question of spousal hiring, which, on the face of it is often inequitable and at a variance with the fundamental principle that the best should be hired. There are issues which some regard as relevant but we do not: for instance, there is room for argument about 'access' and 'diversity', but until such argument clearly establishes the contentious conclusion that part of the university's mission is to provide diverse access, we do not see this as part of academic ethics.

A key question has to be the relationship of the university as a non-profit organization dedicated to the dispassionate quest for knowledge with the corporate world. One might have added a Part similarly querying the proper role of the academy in respect of increasingly intrusive governments; only space prevented us. The question of the relationship between universities and business puts senior administration in the spotlight, as do many other worrying features of modern universities, so we have Part V on Administration. But an important omission here, even so, is anything reflecting on the worrying extent to which, as with CEOs elsewhere, hypocrisy seems part of the game, with self-serving terms of employment for senior administrators that are not paralleled in the terms of employment for others. Bray's (1999) study on malfeasance among administrators, while it does not reveal any increase in

malpractice over the ten year period from 1986–1996, nonetheless refers to a great deal of unacceptable behaviour in a number of areas, as do the data from the issues of the *Chronicle of Higher Education* on which he draws.

Two other issues, reference to which we have had to ignore here, should be mentioned before we turn to the positive task of outlining what this volume does focus on and why. One is the question of whether or to what extent universities can or should expect to continue to be largely self-regulating, as opposed to regulated in some manner and to some degree by an outside body or agency. The other is the extent to which the universities' commitment to scholarship, including of course the empirical research commonly appropriate to the sciences, has been transmogrified into a commitment exclusively to research, defined as empirical, and usually to heavily funded research. Securing necessary funding is of course an important issue, but equating good research with the size of grants is confusing the cost of something with its worth. Quite how university leaders have failed to see that is a mystery. That they are prepared to ignore the inevitable decline in importance of those areas of the humanities and other subjects where scholarship does not have to depend on funding is scandalous. The decline is inevitable because increasingly academic rewards, in the form of salary, chairs, teaching relief, and so on, are tied to grant acquisition before anything else (as are tenure and promotion decisions). This is a topic to which Barrow has referred on various occasions (for example, 2004), but there is very little in the way of systematic discussion of the issue.

#### Ш

Taking the phrase in its widest sense the ethics industry is in high gear. Over the past thirty years or more – arguably, since about the time of the Watergate scandal in the US – we have witnessed something akin to an electrical surge in relation to the examination of what are termed ethical questions. We now commonly refer to 'environmental ethics', 'medical ethics', 'legal ethics', 'business ethics', 'nursing ethics', 'journalistic ethics', and so forth. It seems that every profession – or quasi-profession – has decided that it is timely to advance ethical conduct among its members. (Whether or not this new self-consciousness has actually improved professional conduct is a further question.)

By most yardsticks, 'academics' are considered to be professionals. (Indeed, like journalism, 'academics' have some claim to be the second-oldest profession.) Yet the term 'academic ethics' is a vexed and rather cloudy expression, and any volume which aims at cohesiveness must set forth what the editors take this phrase to mean, and how they intend to handle it.

By tradition, Plato's Academy was the first western university, so-called because it was established in the grove of the hero Academus. 'Academic' then is simply the adjectival form of 'academy'. Thus, in conventional usage, 'academic' signifies the 'academy' or, in a more contemporary idiom, the university and its affairs. By 'professional ethics' we understand, as we have said, a body of guidelines and rules for determining acceptable and unacceptable behaviour, emphasizing that such rules are based on reasoned and rule-governed principles, and not, say, on subjective, arbitrary or capricious dictates. In a preliminary fashion, then, we can construe 'academic ethics' as an area of enquiry that is concerned with the rules that govern the life of the university.

Thus we take as our point of departure the following formal definition: by academic ethics we refer to those general standards of conduct, arrived at through reasoned debate, which should govern those whose lives are caught up in furthering the common institutional mission of the university – professors, students, administrators, and others, such as researchers, whose roles are congruent with the larger academic mission. Our focus here is on such things as the obligations of professors to their students, whether it is appropriate to enshrine codes of conduct in 'law', the legitimate demands and constraints put upon both students and professors by the university's role, and the extent to which such contemporary trends as the corporatization of the university, globalization, and the pursuit of 'relevance' may compromise them.

The essays we have chosen for inclusion in this volume are limited to the concerns and issues which arise in a university setting, and not, say, to issues attendant on high schools, vocational schools, or other post-secondary institutions which might have some legitimate claim to fall under the 'academic' label. We do not claim that academic concerns are exclusively debated within the purview of the university setting, nor that 'academic ethics' writ large is exclusively bound within institutional norms. We do, however, want to stress that our focus here is on those concerns guiding the academic mission as it has come to be realized within the institutional setting of a university. Academic ethics, thus understood, may be viewed as a subset of the broader field of 'institutional ethics', where the institution in question is charged with the advancement and the passing on of knowledge.

Two points follow. First, it is apparent that not all employees of the university are part of its academic body. A large part of the university workforce – secretaries, engineers, custodial workers, public relations people, and so forth – are not themselves directly involved in its academic mission (however vital they may be to the overall functioning and well-being of a university). Those functions which are carried on in a university, but which are ancillary to the academic mission itself, are outside our purview. Second, academic ethics refers to those rules which apply consistently and throughout the whole of the university, rather than rules which are localized within a particular segment or department of the university. In this sense, 'academic ethics' is to be distinguished from, say, 'research ethics' or other kinds of professional ethics associated with specific disciplines, practices or professional schools (for example, 'anthropological ethics', ethics surrounding the 'patient-client' relationship in counselling, or even, say, the ethics of doing historical or archival research).

The field of medical ethics is tied to the practice of medicine, which aims for the health of the patient. A physician acts ethically insofar as his or her conduct seeks to promote the health of the patient, and not, say, to line his own pockets. Similarly, the field of legal ethics is linked to the practice of law, and is concerned to ensure that conduct is appropriate to pursuing legal justice in legally acceptable ways rather than simply 'winning' or amassing fame and fortune, and without misleading clients or exploiting them. In like fashion, academic ethics is linked to the practices of the university. But while we might readily agree that the aim of medicine is health, or that the law seeks justice, what, exactly, is it that the university promotes? Without some guiding principles, there is an ever-present temptation to emulate Leacock's horseman and 'ride madly off in all directions'.

To an unprecedented degree, we believe that our universities are currently suffering from such an 'all-directions' malaise. We are currently witnessing a radical alteration in the very nature of the university. Recent developments in higher education point to the inescapable conclusion that what might be termed the 'traditional university' is rapidly giving way to

something else. To cite but a few examples: the unparalleled growth of on-line and distance education, and the establishment of the 'virtual classroom' and the 'virtual university'; the intrusion of businessmen (and their methods) into the first ranks of the campus executive; the rapid expansion of administrative staff; a new emphasis on faculty securing funding from non-university agencies; the decline of the traditional liberal arts, and the rise of vocationally oriented programmes; the rise of 'technology-transfer' research parks which circle our major universities; and an ever-growing litigiousness around academic matters. Such examples could doubtless be multiplied. Whereas even as recently as 1983 Shils could confidently assert that the distinctive mission of the university 'is the methodical discovery and the teaching of truths about serious and important matters,' such a description is under challenge in an age of micromanagement, endless 're-visioning' statements, and the fiscally-motivated emphasis on the 'relevancy' of university courses (where 'relevance' is understood in terms of job preparation).

Universities have always been somewhat chaotic places, and there has probably never been a time when academics were all of a similar mind concerning the university mission. Yet we should not be complacent, for never has there been a time quite like our own. At the heart of the matter lies a straightforward conflict between a view of the university as a peculiarly human institution designed for the preservation and dissemination of scholarship and education, and a view of it as a vocational school, focusing on skills and information relevant to employment and the economy. Governments in various jurisdictions have been successful in persuading people to accept the latter view. The choices we are faced with seem stark: Should the university be construed as an engine of economic growth? Or is it better conceived of as a place apart from the hurly-burly of the marketplace, where we are introduced to new understandings and new ways of being? Should the university prepare young people for the workplace? Or is it better understood as a place where young people come to understand their world, their cultural inheritance, and themselves? To put it bluntly, is the university an educational institution, or a vocational one?

The temptation of course is to answer that we have presented a false dichotomy. Why should not a university both educate and prepare the student for the job market by providing him or her with a set of skills? Indeed, the truth is that the university has always been charged, amongst other things, with the training of professionals (for example, doctors, lawyers, clergy). But that, though true, is a partial truth, and one that obscures a much more fundamental set of issues, namely those which surround the progressive erosion of the ideals of liberal education. We seem to have increasingly little time for any course of study which does not directly provide the student with a credential for employment.

We have defined 'academic ethics' as those rules which guide us in achieving the aims of the university; but it remains crucial to our task to flesh out what the aims of the university are. For in the university (as elsewhere) the ethic (from the Greek 'ethos', meaning custom or habit) that guides an 'educator' will necessarily be of a different order than one which guides a vocational instructor. The sort of moral contract that holds between an educator and his students is simply of a different order than that which arises between an 'instructor' and his or her 'clients'. Much mischief and confusion can arise when these two roles are conflated. Again, without some clear principles to guide our practices – principles which themselves

<sup>1</sup> The Academic Ethic, p. 3.

arise out of our way of understanding the task at hand – we are likely to be rudderless, and our institutions and the people who work in them subjected not to reasoned positions, but to capricious and arbitrary decrees from superiors. Without such general agreement on first principles, the university workplace potentially degenerates into something like a jungle, where 'might makes right', and principles are sacrificed to the expediencies of the moment.

We had better come clean, and state what we believe the academic mission to be. We can be brief here, for our idea contains nothing novel or original. To give it a name, it is the ideal of a liberal or general education, an ancient ideal that goes back at least to the Greeks, who held that a liberal education was the most appropriate kind of training for free citizens. Its basic premise holds that education consists of developing the mind, and that all educational activities and practices should be subordinate to that end. Of course, there has always been fractious debate as to how, exactly, one should proceed and how best we can achieve this end: What knowledge is of most worth? What courses of study are best suited? Should one begin with specifics and move to the general? Or vice-versa? But however much we might disagree about methods, the aim was never in doubt. For it was only through the development of mind that we could fully realize our human - as opposed to our animal - potential. In this sense, education was highly individualistic; Socrates famously compares the teacher to the midwife, in that the teacher does nothing more than draw out from the student what the student already knows. And while liberal education did not seek to fit people for specific jobs, it was believed that by providing students with a good, general intelligence, they themselves could then turn to any profession to which they were drawn.

In sum, at the core of a liberal arts education is the understanding that our human potential can only be realized through the development of the mind and the inculcation of a critical intelligence. This ideal, in one form or another, has remained constant in the Western imagination, and was, until very recently, the animating spirit behind our universities. And if one were to poll university professors, most, if not all, would acknowledge that this ideal – or some version of it – remains a crucial part of the university's mission.

But this ideal is in grave and imminent danger, and in this volume, we want to draw attention to some of the contemporary trends in universities which threaten it.

#### IV

The preceding pages explain broadly our selections and arrangement. There are some noticeable problems: the contributions are almost exclusively concerned with the North American context, but this reflects the published material, and is probably to be partly explained by the fact that the US is notoriously the land of litigation, the culture of complaint, and the province of political correctness. The extent to which a behaviourist ideology overwhelmed and still continues to undergird American thought and practice, notwithstanding the marked decline in formal commitment to behavioural psychology, needs to be recognized. It lies behind the persistent commitment to such practices as counselling, a skill-based approach to teaching (including the belief that teaching itself is a matter of mastering generic skills, rather than an art and a context specific one at that), schools of business, and the entire self-help industry. The fundamental, highly questionable, assumption is that all human activity can be understood, monitored, regulated and improved by means of unmasking a set of behaviours