# **Academic Ethics, State Regulation, and Political Anarchism**

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**Ethics**

Ethics in the field of a profession, organization, function or role, is a systematic concept of proper behavior in that field. Well-known examples include medical ethics, military ethics, management ethics and business ethics. Usually, ethics in a certain field is expressed in the ethical code that is followed in that field. An ethical code establishes a system of values, principles, and rules that set the ideal standards of proper behavior for all who act in that field.

Customarily, every community of professionals in advanced fields has a code of ethics. Further, according to the general understanding of the term “profession,” any community that wishes to consider its role as a profession in the full sense of the word must have a unique code of ethics. Countless state organizations, public institutions, and business corporations have their own unique ethical codes. Several Israeli examples are the Defense Ministry, Clalit Health Services, and the Strauss Group.

Any ethical code worthy of the name is hardly a random collection of values, principles, and rules. Instead, a professional ethical code expresses the specific identity of that profession, including the purpose of the profession’s activities and the methods practiced to achieve this purpose. For example, the purpose of medical activities is to protect human life and health from certain dangers. The methods of the medical profession that are used to achieve this goal include dedicated personal treatment based on verified personal data and firm scientific knowledge. Medical ethics requires the physician to do his best to achieve the purpose of the medical activity, using the profession’s methods. Thus the physician must be highly dedicated to the patient under his responsibility, and diagnose the patient’s condition in the most methodical way possible. The treatment he provides must be justified as the best treatment under the given conditions, based on the underlying scientific knowledge and the personal data available to him.

Similarly, an ethical code of a state organization expresses its purpose and the main methods it uses to achieve this purpose. The purpose of an army in a democratic state is to protect the lives, well-being, and everyday routine of the citizens and residents from the dangers of external violence. To do this, it establishes a human force that practices discipline, has both command and professional hierarchies, and maintains an atmosphere of devotion to its vital goal and a spirit of fighting camaraderie. Likewise, the ethical code of a public organization or business expresses the unique identity of that institution or company, and its methods of expressing that identity.

Alongside the values, principles, and rules that express the unique identity of the profession, organization, function, or institution at hand, as well as its purpose and the methods, every well-developed ethical code should also include some of the values of the surrounding society or country in which it operates. In a democratic country, ethical codes include the value of human dignity and norms implementing its expression among their values, principles, and rules. A salient example is preserving the citizen’s autonomy in basic fields of life, within broad outlines. Usually, the medical team is obliged to obtain the patient’s informed consent to perform an operation or other significant treatment, as this expresses respect for the patient’s autonomy, and upholding it is part of maintaining his human dignity.

To conclude this short introduction, we note the important differences between ethics, morality, and law as three separate fields.

The study of morality may address obligations, principles, rules, intentions, acts, results, and character attributes, among other issues. But first and foremost, the study of morality addresses the field of relationships between the individual and another individual, as human beings. The idea of an obligation to preserve an individual’s dignity as a human being simply because he or she is human comes from this field. We find it not only in the theoretical discussion, but also in the work of forming a democratic government.

The study of morality is different from the study of ethics, because morality addresses the individual as a human being, while ethics in a certain area of activity is the study of the individual as he acts in this field. When an individual acts in a way that has a potential influence on another individual, such as a physician and a patient, this activity has a moral aspect, because it involves an individual vis-a-vis another individual who has significance as a human being. However, it has another aspect that is ethical, as it involves an individual in the position of physician vis-à-vis another individual in the status of patient. Medical ethics includes morality, because both the physician and the patient are human beings. But as a field, medical ethics is broader, as it includes aspects that are not derived from morality, but rather from the professional identity of the physician, and the purpose and methods of the field.

The study of ethics in a certain field of activity is also different by nature from the study of criminal law, the laws followed in the country in which that activity is performed. First and foremost, ethics and criminal law are differentiated by their topics. Ethics aspires to determine a standard for appropriate behavior, while criminal law determines a threshold of permitted behavior. Behavior above the standard is unquestionably positive, from the viewpoint of the relevant ethics. Behavior under the threshold is decidedly negative, from the legal viewpoint as well as the viewpoint of that same ethics.

The difference between ethics and criminal law is recognizable by their tools of control. The standard for behavior is upheld by the educational system, which aims to assist the individual to act properly in his/her field of activity. The educational system explains, convinces, and supports, but does not punish. The threshold for permitted behavior is maintained by the law enforcement system, which aims to deter the individual from acting in a prohibited manner in his field of activity. The enforcement mechanism threatens with punishment and uses the services of the police, the prosecution, the courts and perhaps even the prisons. This mechanism is profoundly different from the educational system that maintains the standard.

Civilized government and social systems maintain a clear operational separation between the mechanisms of ethics and criminal law. In other systems, the relationship between these mechanisms is complex, but this is not the place to address the issue of this relationship. It is sufficient here to assume that each of these two mechanisms should operate in its own unique field, and that both are necessary.

**Academia**

We have seen that the values, principles, and rules in the ethics of a profession express the given identify of that profession, and this includes the purpose of activity in that profession as well as the methods practiced in it to realize that goal. They instruct the professionals to act according to the best of their abilities to realize the purpose and methods of the profession through their professional activity. Similarly, the values, principles, and rules in the ethics of an organization express the specific identity of that organization, and instruct the actors in that organization to realize its purpose and methods, to the best of their abilities, through their activity in the organization. Therefore, in order to study the ethics of a profession properly, we must first determine its identity, and to properly study the ethics of an organization, we must know and understand its identity.

An institution of higher education, whether a university or college, is an organization, and many members of its staff are professionals in their field of activity in the organization. Thus to study academic ethics, first we must clarify the organizational identity of the institution of higher education and the professional identity of the professional who acts within this institution.

An institution of higher education has a complex purpose:[[1]](#footnote-1)

1. Conducting research on the knowledge of aspects of the world, in both breadth and depth;

2. Training the next generation of researchers;

3. Training experts in certain areas;

4. Teaching at an advanced level to “raise the intellectual tone of society.”[[2]](#footnote-2)

An academic institution aims to realize the first element (1) of its purpose by enabling its staff or their groups to conduct research for expanding knowledge and deepening understanding of various aspects of reality. Research for expanding knowledge must include conducting experiments. Research for deepening understanding must include presentation of theories. Research for expanding knowledge and deepening understanding must include testing theories against reality through appropriate experiments.

An institution of higher education conducts research through numerous units, which are varied and independent. The decentralized format is not based on considerations of administrative or financial efficiency. Rather, it expresses a significant component of the identity of every institution of higher education that intends to conduct research. Varied aspects of reality accommodate diverse research methods. Physical research on the structure of materials, biological research on the human genome, historical research on the First World War, and comparative legal research on the constitutions of democratic states – all these differ widely. Each one has its own methodology, which is different from other research fields. Each study carried out in an institution of higher education is conducted within a certain discipline, in accordance with its specific methodology. Each discipline is defined by the field of questions addressed by its researchers, on certain aspects of reality and through its own methodology.

Here we should clarify several aspects of the above-mentioned methodology. In principle, the methodology is the tool through which research in a certain discipline attempts to reveal the truth of a certain facet of reality, or at least to approach it. For this reason, the methodology can solidify or become flexible in order to make progress. On one hand, the methodology can require the researcher to put the results of his experiments through strict statistical tests, while on the other, it can permit another researcher to conduct a new type of experiment. The methodology is not under the individual researcher’s control, or under that of the institution. Rather, the methodology is the concern of the community of researchers in that discipline, and they express their approaches, among other ways, by presenting the results of their own research and by their reviews of articles submitted for publication in the professional journals of the discipline. Every study is carried out within a particular discipline, according to the methodology practiced by the international community of that discipline.

The results of the research are intended for presentation to the public in journals and at professional conferences, in a manner that enables everyone active in the international community of that discipline to become acquainted with the results and to use them for further research. The constant progress of knowing and understanding aspects of reality is the concern of the entire community, not merely of a few individuals within it.

An institution of higher education aims to realize the second component (2) of its purpose through the researchers in a specific field, who view themselves as responsible for training the next generation of researchers of that field. In some fields, training the next generation is carried out naturally by involving advanced students in research activities. This cooperation forms the natural framework for training the students to perform supervised research in the present and independent research in the future. In other fields, training the next generation is a more complex task, requiring awareness of responsibility and special activities.

An institution of higher education carries out the third component (3) of its purpose by maintaining special frameworks for training professionals in fields of significant social importance, such as teaching, medicine, psychotherapy, engineering, social work, accounting, and law. Because this involves training students for activities in contexts of social need, naturally the academic training of these professionals must account for central characteristics of these social requirements.

Simultaneously, the academic institution fulfills a vital role in training professionals with social importance, in that it instills in its students most of the professional components, and it should do so at the highest level. Every professional requires an established infrastructure of methodical knowledge in the background field of the professional activity. This knowledge must be updated continuously. The work of presenting updated methodical knowledge is a natural activity that is part of the institution of higher education, as long as that institution conducts research in the required background field. Every profession also requires a distinct skill, command of the “toolbox” for solving problems that the professionals must know how to solve, or at least make a reasonable attempt to solve. Some of this skill can be presented in an updated manner by researchers who are working on developing the required skill. Another portion of the skill is acquired through practice and based on personal experience. In addition to command of knowledge and skill, in a continuously updated manner, a professional must understand his activity and know what justifies the methods used in it. This is another component of the professionality that researchers in the background field of the profession must know how to present at the highest level.

Finally, the institution of higher education works to implement the fourth component (4) of its purpose, which is to pursue teaching at an advanced level to broaden the education of each student and strengthen his/her ability to know and understand aspects of reality, discuss them in a responsible manner, and reach conclusions through valid arguments. Toward this end, the institution of higher education establishes educational programs in its unique discipline, enabling development of its students’ education and abilities, from the basic stage to the most advanced levels. Furthermore, each course given as part of a complete educational program must be organized around a specific topic, which is discussed broadly throughout the months of study, using appropriate professional literature that the students must use and in which they must demonstrate the required level of proficiency. The planned structure of the course is presented in the syllabus, a document designed for this purpose, which enables the student to prepare for the course and to track his/her progress. Publication of such a course plan represents the lecturer’s commitment to giving the course according to the plan, as part of the complete course of study of the specific disciplinary unit in the institute of higher education.

The institute of higher education can attempt to “raise the intellectual tone of society” not only through instruction for the bachelor’s and master’s degrees, but also through events and publications designated for the general public. These should also demonstrate a high level of presentation of facts, theories, arguments, abilities, forecasts, and other issues involving various aspects of reality.

Above we have addressed the organizational identity of the institution of higher education. We will now offer a short clarification of the professional identity of the individual who acts within such an institution. We will focus on members of the “academic staff” of the institution of higher education, those who work in research or teaching, or both.[[3]](#footnote-3)

A member of the academic staff who conducts research within a certain discipline in an institution of higher education should be a professional researcher, just as a member of the medical staff, who works in medicine as part of a certain department in a medical center, is a professional. Professionality is expressed in the full command of a certain field of knowledge; in fully developed skills for addressing the professional problems that arise in the field of activity; in continuous updating of knowledge as well as skills; in thorough understanding of the research questions and methods; and in the specific professional ethics.

A researcher’s professional ethics are expressed through constant fidelity to several values. Here we will mention only a few. First is the value of truth as the object of perception and understanding. Second is the value of methodological responsibility, which obligates the researcher to act according to the accepted research methods of the discipline’s international community. Third is the value of cooperation, which requires the researcher to share the research results with the entire community, and to consider the results of other researcher’s studies within that same community.[[4]](#footnote-4)

Another similarity between the professionality of a physician and that of a researcher is expressed in the specialization of each of these. A profession is a framework that establishes an infrastructure of knowledge, skill, updating, and understanding. A specialization requires a framework of professional activity that includes knowledge, skill, updating, and understanding in a field that is narrower than the broad field of the general profession. A physician who performs cardiothoracic operations is not merely a physician and not merely a surgeon, but also a specialist in cardiothoracic operations as a medical solution for certain medical problems. The researcher is not just a professional in the research topic of his discipline, but also a specialist researcher in his particular field of research, in his sector in the general framework of the discipline.

Here we should address a unique aspect of professionality that is not stressed in the usual descriptions of a specific professional ethic or in the world of professional ethics in general. A professional who has an in-depth understanding of the concept of professionality and who operates in a manner that reflects that understanding is also modest. He is able to distinguish accurately between what he knows and understands, and what he does not know and does not understand, in his professional and specialty fields as well as the adjacent fields. He is also able to distinguish precisely between what he knows how to do properly and what he does not know how to do properly. He expresses the recognition of these distinctions and their importance in his professional activity by not overstepping the boundaries of what he knows and understands, and the boundaries of what he knows how to do properly. In so doing, he will not permit himself to be described as one who operates outside his fields of knowledge, understanding, and abilities. This is appropriate modesty.

In the case of toddlers, children, and youth, we delegate teaching to professionals. This is because whenever it is possible to realize a given professional purpose, it is better to do so professionally rather than in amateurish ways. The study of teaching in an institution of higher education that limits its purpose to teaching in certain fields should be conducted by experts on teaching in the fields studied. This is the case in colleges that specialize in teaching. But the study of teaching as part of an institution of higher education that views its primary purpose as research raises difficult problems regarding the professionality of “teaching at an advanced level,” as required above in principle (4) of the purpose of the institution of higher education.

**Academic Ethics: Academic Freedom**

In every common presentation of academic ethics in the fields of research and teaching, the value of academic freedom stands out, and appears surrounded by a special aura. To understand what is involved in loyalty to this value, we must first clarify its content and the justification for its ethical status. First we will address the academic freedom of researchers, and then we will turn to the academic freedom of teachers.

Academic freedom in the field of research is primarily independence in the primary aspects of the research activity: choosing the research topics, choosing the research methods, and choosing the interpretation of the research findings. In an institution of higher education, internal and external intervention will not be permitted in these three choice processes.[[5]](#footnote-5)

It is very important to realize that academic freedom, in the sense of independent choice processes, is not total freedom that would permit the researcher to do whatever he desires. As we recall, every research activity takes place within a certain discipline. The researcher is free to choose his own research topic out of the topics in his discipline. The researcher is free to study his research topic in accordance with the given methodology of his discipline. The researcher is also free to interpret the findings of his research in accordance with the interpretation methods practiced in the international community of his discipline, or that are accepted in that community as legitimate new methods within the discipline. Every step in the choice process expresses the researcher’s decision, which on one hand is free from internal or external intervention, but on the other should express unquestionable loyalty to the constraints that the discipline places on his/her activity within it. The researcher does not have complete freedom to do everything he might desire.

The researcher, as such, is also a professional. Therefore, his academic activity should be conducted in accordance with the relevant professional ethic, which also places limitations on the activity. One relevant example is the method of conducting experiments on human beings. In every field in which this method is used, it is significantly limited in accordance with the ethics of experimentation on human beings.

We also recall the natural limitations that apply to research activity, when it demands assistants, equipment and sites for conducting experiments, computers of a certain level of power, and in general, whenever funding is necessary to carry out the research activity.

It is important to clarify that insofar as we are discussing the conceptual significance of the researcher’s academic freedom, there is no difference between this freedom and the professional freedom of a physician, engineer, or judge, who should conduct their professional activity in accordance with the demands of their discipline and professional ethic. Those who surround academic freedom with a special aura do so mainly because of the resistance that is expressed by the researcher’s academic freedom against any attempt to intervene in his/her research activity, at any stage. Because in the long history of academic research activity, attempts at intervention have been made mainly by state authorities, to this day academic freedom is still portrayed first and foremost as a defense against the authorities. A deeper look at the accepted level of academic freedom reveals significant intervention of non-governmental entities in academic research activities, such as the pharmaceutical industry and the work of non-governmental organizations that encourage social activism.

From the topic of academic freedom, we now move to the issue of academic freedom in teaching. Both topics address the same formative principles. Primarily, academic freedom in the field of teaching is, therefore, independence of the main aspects of the teaching activity, at the level of the individual course: first, choice of the course topic; and second, choice of the teaching methods, including choosing the books or articles that the students must read and comprehend. Third, in many courses the students are given writing assignments during the course, and a paper or exam at the end of the course, and here as well, academic freedom is expressed as independence. Fourth, course participation is sometimes conditional on previous participation in other course, and in the field of these prerequisites as well, academic freedom is expressed as independence. In an institution of higher education that preserves academic freedom in the teaching fields, no external intervention will be permitted in these choice processes. Usually, internal intervention will be permitted, as part of the obligation to adapt the course to an entire curriculum, as it is administrated by an academic unit or appropriate body of the institution of higher education.

 Here we should add that an academic unit also enjoys academic freedom, insofar as it is responsible for establishing and implementing a curriculum for its students. In this field as well, external intervention will not be permitted in an institution of higher education that upholds academic freedom in its fields of instruction (except for two exceptions, to which we will return below). Again, internal intervention will be permitted in accordance with the regulations of the institution of higher education. When this involves a new curriculum, the accepted practice is to hold a discussion in various entities of the institution of higher education, in accordance with its regulations, and this discussion is not considered harmful to the academic freedom of the unit responsible for the curriculum.

Discussion of a new curriculum takes place, under appropriate circumstances, as part of the regular activity of the state regulator, such as the Council for HHHHhhhHhhigher Education (CHE) for universities and colleges in Israel. An Israeli institution of higher education is not permitted to establish a new curriculum or degree without the advance permission of the CHE.[[6]](#footnote-6) Below we will describe in detail the relationship between the principle of academic autonomy and the regulatory principles.

Discussion of a new curriculum may take place when an institution of higher education establishes such a program for the academic education of a certain group of designated students. For example, on occasion, institutions of higher education hold detailed discussions with the IDF regarding curricula in the military academies. The institution of higher education may hold such a discussion and agree on a curriculum, while constantly preserving the independence of its academic considerations. Cooperation by the institution of higher education with an external entity regarding an accepted curriculum is not wrong in terms of maintaining academic independence. There is no fault involved, even when the partner has an interest in including a certain course in the curriculum, when this course is given in accordance with academic independence for the aspects of course topics, teaching methods, assignments, and prerequisites. The resistance that is sometimes heard regarding the existence of academic curricula designated for military officers or members of other defense organizations does not express a will to protect academic independence, but rather the objection to any cooperation of an institution of higher education with a defense organization. This objection is based on extreme anti-Zionist viewpoints, and the present context is not the place to discuss them.

It is very important to understand that academic independence, in the meaning of independence of choice processes that are required to hold a course, is not complete autonomy that permits the lecturer to do whatever he may desire. Usually, each teaching activity is carried out within a certain discipline, or within several disciplines, in special cases, but never in a framework that is entirely disconnected from any discipline.[[7]](#footnote-7) Lecturers are free to choose the topic for their course, but they must choose from among the research topics of their discipline, and study this topic according to the given methodology of their discipline. This includes the methods of interpreting findings that are practiced in the international community of the discipline, or that are accepted in that discipline as legitimate new methods within it. Lecturers are free to choose for themselves a method for presenting the course topics, whether routine or new, but they must pass the professional tests of a responsible, reliable, fair presentation of the topics that are the subject of the course. The lecturers choose the assignments and prerequisites based on their considerations, but these choices must also pass professional tests and tests of suitability to the curriculum of which the course is a part. Each step of choice expresses the lecturer’s decision, which on one hand should be free of external intervention, but on the other hand must also meet the internal demands of suitability for the curriculum, including meeting the requirements for assignments and prerequisites, and particularly expressing clear fidelity to the constraints that the lecturer’s discipline places on the teaching activity. The lecturer does not have complete freedom to do whatever he pleases.

**Academic Ethics: Integrity**

In an institution of higher education, in his/her research activities the researcher should express loyalty to the constraints that his/her discipline places on the research activity conducted within it, and in the conduct of his course, the lecturer should also express such loyalty to the constraints arising from the discipline within which the course is conducted. This applies to the professional requirements of responsible, reliable, fair teaching, as well as to the internal requirements of the institution of higher education for suitability of the course to the curriculum of which it is a part, the course assignments and prerequisites. All these are part of the ethical obligations of the researcher and lecturer in the institution of higher education, and we may consider them as obligatory principles derived from the value of integrity.

The ethical codes of innumerable organizations and professions include the value of integrity, but we may identify differences among them in the meaning of this value. First, we recall frequent use of the expression “integrity” as an expressive alternative for the word “honesty” in an organizational, professional, or other context. This is a conceptual error. Clearly, the description of a certain activity of an engineer, judge, or researcher as a demonstration of professional integrity includes more than the description of the same activity as a demonstration of honesty within the professional activity. An engineer can behave with honesty, being very careful to avoid harming human life, welfare, dignity, and choice, and still not behave with the professional integrity of an engineer, which requires him/her to propose only the optimal solutions for problems for which he must propose solutions as part of his activity as an engineer.[[8]](#footnote-8)

The ethical value of integrity is not the same as the moral value of honesty. Still, the value of integrity has a complex connection to moral issues. An individual who takes it upon himself to act as a professional in a certain field or as part of a certain organization, or as holder of a certain position, takes responsibility for acting properly within the framework of the professional activity he has taken upon himself. The same is true within an organization or as part of fulfilling a role. Such an individual can be compared to one who promises a colleague to act in a certain manner as part of a joint activity, such as a person who makes marriage vows or one who signs a fair contract. Fulfilling the promise and honoring the contract are moral obligations; however the content of the promise or the contract is not moral, but ethical, according to the identity of the marriage vow or the contract of cooperation. Of course, proper behavior in a profession, organization, or role requires behavior according to the ethics of the profession, organization, or role. As we know, ethical obligations are more numerous and weightier than the moral obligations involved in activity within a profession, organization, or role.[[9]](#footnote-9)

Following is an example of the place of the value of integrity among the values and principles of an organization’s code of ethics. We offer this example from the ethical code of a certain organization, but for the purposes of the present discussion, we will not specify its identity. Suffice it to clarify that the organization’s regulations require organization personnel who find themselves in a dispute regarding their activity in the organization to contact the internal mediation institution of the organization, to attempt to solve the dispute at hand with its assistance.

The value of integrity:

“The organization and each one of its members conducts every activity within the organization in a manner that is appropriate to the organization’s purpose, regulations, ethics, and rules of operation.”

“Principles of integrity:

1. Members of the organization conduct every activity in the organization based on the accepted understanding of what is demanded of them according to the purpose, regulations, ethics, and rules of operation, and in accordance with every law.

2. The organization and its members operate the mediation institution as the primary, principal and appropriate mechanism for solving disputes among themselves, according to the regulations of the mediation institution and the accepted understanding of its articles, ensuring that every decision of the mediation institution is based only on the regulations, the accepted understanding of them, and fair and relevant judgment.

3. Organization members are permitted to make suggestions for change in any of the organization’s arrangements, but they must do so only through the means designated for this according to the relevant regulation. When it becomes clear that there is no means for making suggestions for change, the organization will create such means as soon as possible.”

The place of the value of integrity in an institution of higher education will be parallel to its place in such an organization. There is no justification to exempt an institution of higher education from the entire group of organizations acting in the spirit of such a characterization of the value of integrity.

Therefore, the value of integrity requires researchers in an institution of higher education to carry out research activity in that institution according to the institution’s purpose. Among other actions, this obligates the researchers to act within the disciplinary framework of each researcher, in accordance with its methodology, as it is carried out by the discipline’s international community. In addition, the value of integrity obligates lecturers in the institution of higher education to perform teaching activity in courses within the discipline of each researcher, following the course syllabus and the curriculum of which the course forms a part, according to the professional requirements of teaching and other requirements of the institution of higher education.

Violating any of the obligations that are derived from the value of integrity represents unethical behavior. When the status of an individual who takes it upon himself to be a researcher or lecturer in an institution of higher education is parallel to the status of one who has committed to certain behavior or who has signed a contract for certain behavior, violating such an obligation also represents immoral behavior.

**Autonomy**

Arguments about academic freedom are sometimes presented as conclusions arising from the autonomy of institutions of higher education. We will now see that analyzing the relationship between the term “academic freedom” and the term “autonomy” of institutions of higher education leads to the opposite conclusion: autonomy is not the basis for academic freedom, but rather serves as an organizational mechanism for protecting academic freedom from improper internal or external intervention.

Paragraph 15 of the Council for Higher Education Law 5718-1958 states:

A recognized institution is free to conduct its academic and administrative affairs within its budgetary framework, as it sees fit.

In this section, “academic and administrative affairs” include determining a research and teaching program, the appointment of the authorities of the institution, the appointment of and promotion of teachers, determining methods of teaching and study, and any other scientific, educational or economic activity.

Apparently, then, this section grants every institution of higher education total independence to act “as it sees fit” in its internal fields of operation. In truth, it is subject to significant limitations in substantial areas of its identity as an institution of higher education.

The clearest limitation appears in this same section, in the expression “within its budgetary framework.” Because the budget of an institution of higher education, university or college receives most or almost all of its funds from the state budget, it is not possible in any fair or reasonable arrangement that such an institution of higher education deviates “as it sees fit” from its budget, expecting to cover its deficit from the state coffers. Below we will offer additional conclusions arising from the fact that an institution of higher education is a state-funded institution.

Another limitation is expressed in the delineation of the matters pursued by an institution of higher education: “its academic and administrative affairs.” An institution of higher education is not “free” to define these “academic affairs” and fund them as it so desires, “within its budgetary framework.” An institution of higher education is not “free” to dismiss half of its academic staff, and subsequently to cancel research and teaching programs, use the amount saved from its budget to purchase an airline company and manage it as a legitimate business for the benefit of its shareholders, who are the members of its administrative committee. Of course, such a scenario is unacceptable, because it would be a clear deviation of anything that can be reasonably described as funding “the academic and administrative affairs” of the institution. The very identity of the institution leads to the ethical obligation (and seemingly, the legal obligation as well) to delineate the entirety of the “academic affairs” of the institution, based on the principles that we outlined above. These principles also include a concept of academic freedom, in order to realize the purpose of the research and of the teaching. Clear deviation from these principles annuls the institution’s character as an institution of higher education, and therefore it cannot be tolerated. Excessive deviation from the concept of academic freedom, as we have described above, also negates the institution’s character as an institution of higher education, and therefore this is also unacceptable from the aspect of academic ethics (and apparently from a legal aspect as well). A milder deviation from the concept of academic freedom lowers the academic level of the institution of higher education, and thus it is also unacceptable from the aspect of academic ethics. An institution of higher education is supposed to preserve its character as such, and therefore it should protect the academic freedom of its researchers and teachers.

Academic freedom is thus one of the fundamental components of the institution of higher education, and it must be protected from any damage, whether through internal or external intervention. An institution of higher education is “free” to defend its academic freedom “as it sees fit,” through effective and reasonable means that do not harm any basic principle underlying its identity as an institution of higher education. The concept of academic freedom is mainly a given, while the means of protecting it can be more flexible.

Ostensibly, defense against internal intervention should be firmly anchored in the internal provisions of the institution of higher education, such as its rules, regulations, and even its organizational structure. In fact, the usual routine operation of an institution of higher education is replete with situations in which problems of internal intervention in academic freedom may arise. A problem of internal intervention of members of the academic staff may arise while they are performing roles within the institution of higher education, or as members of one of its central committees, and making decisions regarding curricula or appointments and promotions in research and teaching fields located far from their personal field of expertise. A problem of internal intervention might arise of an authoritative body within the institution of higher education that is not comprised only of members of the institution’s academic staff, but rather includes other individuals or is comprised only of non-staff. In the United States, these can be representatives of the state, in the case of a public university of a certain state, while in Israel they can be donors or external experts in economics or similar individuals. The considerations underlying the decisions of such bodies can be widely varied, in a manner that raises questions regarding the relationship between the nature of their decisions and the obligation to preserve academic freedom.[[10]](#footnote-10) These are interesting issues in the field of academic ethics and academic freedom, but we will now set them aside.

External intervention is intervention of an individual or entities that on their own have no defined or binding status in the internal arrangements of the institution of higher education. Entities that might wish to change the internal arrangements of a certain institution of higher education can include: a party in a state parliament that has its own platform; a non-governmental organization with its own social agenda; an organized group of graduates of the institution of higher education, who have an interest in its traditional ways or in changing them; or other such bodies. An attempt at external intervention from such directions takes the form of placing pressure on bodies of that same institution of higher education or on central individuals within it, so that they will act in accordance with the direction of intervention. That pressure may be personal, in the media, political, or economic in nature. Such intervention may include the attempt to harm the academic freedom of a certain staff member, a department in the institution of higher education, or even the entire institution. The institution of higher education bears the obligation to protect academic freedom from every such external intervention. Some of the protection will take the form of absolute, public attachment to the internal arrangements of the institution of higher education that are designed to preserve academic freedom, without even the slightest deviation from them due to the external pressure that is applied. Such protection can be effective as long as the source of the pressure placed on the institution of higher education is not forceful. The strongest entity that is able to put pressure on an institution of higher education, which is a particularly strong institution in any civilian context in any democratic state, is the government, particularly in the form of its bodies of executive authority. How is defense of academic freedom against state entities carried out? We will return to this question in the next section, which addresses regulation.

We will now reconsider the limitations placed on an institution of higher education, even when it is “free to conduct its academic and administrative affairs within its budgetary framework, as it sees fit.” An institution of higher education is an entity that has public status, because there is a clear public interest in its existence, and also because it has state responsibilities.[[11]](#footnote-11) All civilians have a definite interest in the existence of a system of institutions of higher education, which carries out advanced research, trains various professionals, and strengthens the “intellectual tone” of young citizens, among other roles. In a state the size of Israel, which has few universities and not many colleges, we may assume that the public interest in a system of institutions of higher education also leads to public interest in the existence of every institution of higher education, as long as it meets reasonable, objective academic standards. Such a public status brings with it a system of ethical (and other) responsibilities that apply to every entity of public character. A salient example is the fairness required in the process of new appointments and promotions of members of the academic staff. We may easily conceive that the cumulative memory of every experienced academic staff member can suggest examples of such processes in which fairness lies in significant doubt. When an obvious defect occurs in the fairness of a process in an institution of higher education, those responsible for the process have endless ways of justifying the defect by cloaking it in academic pretensions, but the institution of higher education in which they act is not “free” to behave “as it sees fit” in these processes, although section 15 of the Council for Higher Education Law cited above mentions “the appointment and promotion of teachers” as one of the “academic and administrative affairs” of the institution of higher education. A process that takes place within a public body (or “quasi-public”) must take place in a fair manner, and if not, then redress in court may be sought. In several such cases, and in similar cases of a defect in proper behavior, the courts in Israel have judged in favor of members of the academic staff and against the institution of higher education of which they are members.[[12]](#footnote-12)

A particularly important example of the limitations imposed on the institution of higher education on “academic and administrative affairs” relates to the distinction between ordinary and exceptional academic activity.[[13]](#footnote-13) The issue of this distinction arose when several universities decided to pay members of their academic staff an “academic grant” in exchange for academic activity that they called “exceptional,” such as advising students for advanced degrees, or judging research proposals or scientific projects. The University of Tel Aviv argued in court that its senate had decided that advising a student in writing a thesis for the master’s or doctoral degree was subject to the decision of the staff member, as s/he sees fit. The university also argued that a decision against the senate’s position was a blow to academic freedom. The court rejected the argument: “Every decision of an administrative body may be subject to review and appeal by the court – and the senate decision on this matter is also subject to the same” (section 21 of the court decision). Thus we see that the definition of “ordinary” academic activity as well as determining the freedom of a staff member on questions of advising students for advanced degrees are not subject to the decision of the institution of higher education, but rather made on the basis of the concept of academic freedom and of “ordinary” academic activity, which are not under the control of the relevant institution of higher education.[[14]](#footnote-14)

The limitations placed on the institution of higher education as the holder of state authority are obvious. According to the Council on Higher Education Law, an institution of higher education grants academic degrees that are recognized as such in various legal contexts. Clearly, the conduct in such a field of academic activity must meet the accepted standards of any entity holding state authority, such as reasonableness and fairness.

The conclusion arising from the discussion of autonomy of institutions of higher education seems unambiguous. An institution of higher education is “free to conduct its academic and administrative affairs within its budgetary framework, as it sees fit”; however, various kinds of significant ethical limitations (as well as other limitations) are placed on what it is permitted to view as its “academic and administrative affairs,” and what it is permitted to view as “fitting.” These include ethical limitations derived from the fact of its identity as an institution of higher education as well as limitations derived from its public character and from its legal power.

**State Regulation**

In a developed state, the state authorities bear responsibility for maintaining components of the infrastructure of civil life, which are required so that every citizen can pursue a reasonable and meaningful life routine. Therefore, the authorities bear the responsibility for maintaining the infrastructure and for its proper functioning in the fields of personal security, health, education, culture, transportation, and other such areas. One of the fields of educational infrastructure is that of higher education.[[15]](#footnote-15)

A state can maintain its own mechanisms that sustain of their own accord the required infrastructure in a basic field, such as the field of personal security. But it can also maintain private or public systems that are not arms of the state, that will sustain the required infrastructure in a basic field, such as health. Because the state bears the responsibility for this basic field, even if it does not maintain it through the power of its own systems, it must supervise the existing systems and take the necessary steps, for assistance or change, to ensure the proper functioning of the service provided to citizens through the suitable infrastructure. This is one of the ways in which the concept of state regulation has entered the developed state. In the health field, for example, the state must maintain a mechanism of state regulation designed for control and guidance of the public and private institutions in the health field, to ensure the complete propriety of their operation. Throughout the democratic world, some of the institutions of higher education belong to one state or another, and some of these institutions are private or public, subject to regulation.

A private or public institution is subject to regulation in order to ensure the propriety of its operation, as far as possible. Here the question naturally arises of who is supposed to carry out regulation of a private or public institution that is not a state institution. The full answer to this question begins with the distinction between institutions that the state funds, and institutions that do not depend on state support. When discussing an institution of higher education, such as any university whose budget is derived from the state budget, regulation of the institution is based on a dual principle – it is conducted by the public as well as on behalf of the public. Regulation by the public focuses on the manner that the institution uses the funds that come from the taxpaying public and are granted to it by the state. Regulation on behalf of the public focuses on the quality of activity taking place at the institution – does it provide appropriate service to the public as part of the higher education system? When speaking of an institution of higher education that does not usually receive funding from the state budget, regulation of that institution will be only on behalf of the public, and will focus on the quality of activity performed within it.

Regulation by the public and regulation on behalf of the public are not entirely disconnected, as one of the audits of that an institution’s regulator must perform is whether the budget received from the state serves for activity of suitable quality. Indeed, this is one of the regulatory controls performed by the public. A public audit can give an opinion on that institution’s priorities in using the resources placed at its disposal from the state budget. An institution of higher education can conduct research and teaching in any area, whether it be science or culture. An audit for the public will check the academic quality of the research and teaching in this field at that institution. An audit on behalf of the public, however, can be made based on a preference for another field of research and teaching, from the public’s point of view, as it is presented by its delegates in parliament and government. It is inconceivable that such a preference lead to elimination or deterioration of the given field,[[16]](#footnote-16) but certainly preference may be given to another field, to significant expansion of existing fields, or to opening fields of research and teaching tracks in other fields. Because a significant part of regulation by the public assumes the public’s priorities, as it is represented by its delegates, clearly some of the regulation of an institution of higher education cannot be performed by the institution itself. Rather, it must be performed by a mechanism capable of conducting regulation on behalf of the public, based on assumptions of the public’s priorities. The conclusion reached here is that part of the regulation by the public of state-funded institutions of higher education must be performed by a state mechanism.

Regulation on the public’s behalf, which as said focuses on the quality of the academic activity, can examine the propriety of the academic activity, in the research and teaching fields of the institution of higher education. It can check the academic level of research in a certain field, and the academic level of teaching in a field, but it must also perform other controls of the propriety of academic activity. To clarify, we will briefly examine an example of regulation in another field. Regulation of a hospital on behalf of the public, by the state regulator of the health system, will involve, among other issues, checking the relationship between the activities conducted in the hospital and the defined identity of the hospital, as expressed in its purpose, methods, and professional and organizational ethics. If, for example, the regulator discovers that the medical staff is engaging in religious proselytization, attempting to convert the patients under the cover of medical care, the regulator will take the proper steps to stop this proselytization and conversion, because it is not part of the hospital’s purpose, as this is defined, and it breaches the ethics of medical treatment. Similarly, regulation on the public’s behalf of an institution of higher education by the state entity responsible for regulation of the higher education system, will include examining the relationship between the activity performed at that institution of higher education and its defined identity, expressed in its purpose, methods, and professional and organizational methods. If, for example, the regulator discovers that the academic staff is engaging in political indoctrination, attempting to recruit support for certain political parties under the academic cover, it will take the appropriate steps to stop this indoctrination and recruiting, because these activities are not within the purpose of an institution of higher education, as so defined, and they are contrary to academic ethics. Such findings are in themselves severe when they arise in a regulatory check conducted on the public’s behalf. But they are even more serious when they are revealed in a regulatory check performed by the public, in a state-funded institution of higher education, when the scenario observed is of taxpayers’ money used for party propaganda and recruiting support for certain parties, under an academic cloak.

We will now return to the regulator’s audit on the public behalf regarding institutions of higher education, focusing on the academic level of the academic activity. We find that a professional, thorough, responsible examination of the level of research in a certain scientific field within an institution of higher education must be performed by experts in the field and in its academic research. Such experts may be found in the academic staff of that institution, and they may be found in the academic staff of other institutions of higher education, in Israel and abroad. Who should be given the responsibility of performing the audit on the public’s behalf?

We can surely assume that the experts in a certain field and its academic research in an institution of higher education are interested in conducting research in their field at the highest possible level, according to the standards of the international community in their discipline. We can also be confident that an institution of higher education supports its experts in a certain field, as long as they are working to uphold the academic level of research in their field at that institution. Is this enough? The general custom is not to rely on internal quality control, but rather to hold external quality controls as well. An external committee that periodically checks the academic level of research in a certain field, within a certain university, is equivalent to an external committee if it is appointed by a regulator. But it can also be equivalent to an external committee even if the university itself appoints it, provided that it contains definitive experts from the academic staff of leading universities in that research field.[[17]](#footnote-17)

In this manner, it is possible to perform creditable regulation of research and teaching at an institution of higher education. There remains one other branch of academic activity in institutions of higher education, which should also concern us in the present context of a brief discussion of regulation. This is the field of academic ethics. The state regulator of the health system should investigate to what extent the medical staff in state hospitals maintain medical or nursing ethics. Similarly, the state regulator of an institution of higher education should investigate to what extent the academic staff in state institutions of higher education upholds academic ethics. Who should perform regulation of the proper preservation of academic ethics?

Popular wisdom leads to the common but ineffective answer: self-regulation. Of course, in a field of human activity, where all engaged in it, or at least almost all, behave like angels, self-regulation of ethics in the field sounds like a good idea. But there is no such field of human activity, and every field needs a mechanism of control over ethical behavior. Cumulative experience has been unsuccessful in placing an ethical control mechanism exclusively in the hands of the individuals active in the field.

Two weighty obstacles prevent any responsible implementation of self-regulation of academic ethics in institutions of higher education in Israel. First, there is no academic ethics for the entire system, not even in the “soft” framework of support for a general declaration on principles of academic ethics, which is accepted by many universities and colleges in the United States.[[18]](#footnote-18) Usually, there is no academic code of ethics for each individual university and college, as is the usual practice in many institutions of higher education outside Israel. There is a code of ethics for one university only, and a code of ethics in unclear stages of development at another university. There are individual codes of ethics in the system of the dozens of colleges. Such a situation is no basis for creditable independent regulation regarding academic ethics.

Secondly, there is no reason to trust the institutions of higher education in Israel to conduct true self-regulation regarding academic ethics. The state comptroller’s report on enforcement of the disciplinary regulations in institutions of higher education[[19]](#footnote-19) exposed an appalling picture of laxity in enforcement. If an institution does not make appropriate efforts to apply its significant norms to its staff members, when violating these norms should lead to punishment of the violator, then we cannot assume that this institution will instill in them the required ethical norms in a reasonable manner, as violating them is not accompanied by any punishment measures.

The clear conclusion is that in the present situation, the proposal to place the preservation of academic ethics in the hands of self-regulatory mechanism is unfounded. A state regulator must be involved in reasonable regulation of academic ethics. Below we will further explore the nature of appropriate state regulation.

The Council for Higher Education (CHE) is the state regulator of the higher education system in Israel. It fulfills the roles of regulator for the public and regulator on behalf of the public. In this context, it maintains a mechanism of checking every proposal to develop a new curriculum in an institution of higher education, and a mechanism for controlling the quality of research and teaching in the academic fields of activity in the institutions of higher education. It has also attempted to implement controls of academic ethics on certain issues, and we will discuss this in depth in the next section. Before doing so, we return to the question raised in the previous section – the question of defending academic freedom from state entities.

 A reasonable arrangement to defend academic freedom in institutions of higher education from external intervention of state entities, and one that fits democratic values, will insist on establishing a state regulator for the higher education system. Such a regulator can protect academic freedom from state entities only if it merits dual trust: on one hand, trust by the state entities that it is properly fulfilling the roles of regulator by the public and regulator on behalf of the public, and on the other, trust by the institutions of higher education that it is preventing unjustified external intervention of state entities in the higher education system.[[20]](#footnote-20)

Heads of higher education institutions are likely to be interested in managing their contacts with state entities independently, in other words, without the mediation or intervention of the CHE in these contacts. While we may understand the will of the organization directors to be as independent as possible in their independent contacts, the widespread custom of managing relationships with state entities in a way that circumvents CHE weakens the CHE’s ability to defend institutions of higher education from problematic external intervention by state entities. It is unreasonable and unfair to demand that the regulator provide effective protection from an entity when the institution is pursuing independent contact with it. For effective protection of academic freedom from unjustified intervention by state entities, the institutions of higher education should accept the CHE’s instructions as their state regulator. It is difficult to justify assertions and claims of an institution of higher education regarding the CHE’s weakness when it ignores the CHE’s instructions on significant issues, at its organizational convenience.

To conclude the discussion of state regulation, we recall the structure of the CHE. By law, the CHE chairman is the minister of education, and at least two-thirds of its members “will be persons of status in the field of higher education,” who are recommended by the minister. The widespread custom to identify “status in the field of higher education” with members of the academic staff of any institution of higher education. Ideally, we would assume that members of CHE, which is a state regulator, act within it for the public good, according to the proper principles of state regulation of the higher education system. In truth, however, a CHE chairman (not the present one) has acted within it out of political motivations, and some CHE members acted within it as representatives of the interests of the higher education institutions in which they served. Such instances weaken the power of the CHE to properly fulfill its role as a trustworthy state regulator. It may be possible to correct the distortion through a different composition of the CHE, but this is not the place to discuss this in detail.

**Testimonial**

In this section I will present my testimonial regarding the attempt in which I was recently involved to enable the CHE to fulfill its role as state regulator in a certain field of academic ethics. A full description of the attempt of all the events, analyses and lessons will fill an entire book, and therefore, here I will focus on a few main aspects. I will emphasize at the outset that my role in this attempt, from A to Z, was reinforced by the concepts I have outlined above regarding ethics, academia, academic ethics, academic freedom, and state regulation.[[21]](#footnote-21)

**1.**

Over the years, the CHE and ministers of education have received many complaints from students regarding lecturers who have engaged in political indoctrination as part of their activities as lecturers, including during their classes. The CHE held four meetings on this issue. Finally, at the meeting on December 21, 2010, it decided to publish “a public statement by the Council for Higher Education.” The public statement had three main points: first “recognition of the supreme importance of academic freedom and excellency”; second, “absolute repudiation” of “any attempt to politicize academia”[[22]](#footnote-22); and third, the determination that preservation of academic freedom and defense against politicization were “the responsibility of the academic institutions.” According to that decision by the CHE, “part of its [the CHE’s] function is to verify that the institutions are in fact fulfilling this responsibility.”

In the documents that the CHE sent to me regarding the institutions of higher education and the CHE, I found no evidence of organized, public activity to adopt the principles of the above-mentioned public statement by CHE at the institutions of higher education, or of any regulatory activity by CHE on this issue.

Certainly, such an absence of activity is completely improper. In such a situation, the institutions of higher education are not following the directives of the state regulator, and the regulator is not carrying out any controls over its own behavior in this area of academic ethics. For this reason, a proposal was made to give the principles of the above-mentioned CHE public statement more detailed expression in the format of an “ethical code” regarding “proper behavior in fields of overlap between academic activity and political activity in institutions of higher education.” The minister of education, who served as CHE chairman, appointed me to write recommendations for CHE regarding such a code of ethics. Here we should clarify at once that this was not an “ethical code for academia” or an “ethical code for academic institutions.”[[23]](#footnote-23)An ethical code for an academic institution should encompass all fields of academic activity and determine the rules of appropriate behavior in each of those fields, in accordance with the founding principles of academia and of the academic institution itself, and in accordance with the values and principles of research and academic instruction. An ethical code for academia should be such a document that applies to every academic institution defined as such. My mandate was not to approach this broad scope, but rather to focus on one corner, which has possible overlap between academic activity and political activity, and thus a suspicion of misuse of teaching and research contexts for illegitimate political goals.

**2.**

Naturally, the first step in developing the requested document is relevant characterization of the term “political activity.” The well-known cliché, “everything is politics,” does not help us to characterize the relevant phenomenon. If a person teaches a math course on partial differential equations, this does not concern me in the present context, even if someone says that the math lecturer’s activity is political in one way or another.

The characterization of “political activity” in the recommendations document is very narrow, as befits a context addressing limitations that should be placed on behavior. The key concept of the characterization is the relationship to the current party activity and to the current inter-party struggle taking place in the known spheres:

“Political activity is:

(1) Any activity that includes direct support for a party represented in the Knesset or that is publicly active, or that includes direct opposition to such a party, in a distinct manner;

(2) Any activity that includes direct support for a party representative in the Knesset or for a person who has a direct connection to a party, as such, or that contains direct opposition to such a person, as such, in a distinct manner;

(3) Any activity that includes direct support for a certain position in a known public controversy, expressed continuously in the Knesset and in the public discourse, with a clear connection to a party or parties, in the Knesset or outside it, or direct opposition to such a position, in a distinct manner.”[[24]](#footnote-24)

Academic instruction in some fields, such as law, political science, and philosophy, may sometimes address an issue under public debate, but possibly this will encompass no ethical flaw, even if the debate “is expressed continuously in the Knesset and in the public debate, with a clear connection to a party or parties, in the Knesset or outside it, or direct opposition to such a position, in a distinct manner.” In the language of the recommendations document:

“An institution of higher education will protect its students from political activity or other activity of a member of its academic staff that deviates from the limits of freedom of instruction, as part of academic freedom.

An academic discussion within a course that follows the course syllabus in a certain academic discipline, on a topic related to issues involving political activity, while giving a professional and respectful presentation of the arguments on both sides, does not constitute damage to students that mandates defense by the institution.”[[25]](#footnote-25)

A law class may address issues of international law in the territories under military occupation; a class on political science may address questions of the relationship between religion and state in a democratic state; a class in philosophy may address philosophical views on conscientious objection and civil disobedience. So that the discussion will have no ethical flaw, it must be carried out within the discipline of that course, and not in the format of publicist deliberations. It must follow the course syllabus, and not be disconnected from the course topics as they are defined in the syllabus. The presentation must be professional; it must be distinctly grounded in the topic being taught. The presentation must be made respectfully, not in open contempt for positions with which the lecturer does not identify. The presentation must offer arguments on both sides, not only arguments in favor of the lecturer’s position, as if there are no other positions. In this way, any controversial subject can be studied properly, without ethical faults. I see no difficulty in meeting these ethical requirements.

**3.**

The recommendations document inspired many reactions of many different varieties. In this article we will review several reactions that address fundamental issues. In the present context, we will distinguish between reactions that were published before the document was written, and reactions to the document itself.

Following the announcement of my appointment, an online petition was opened, with the title: “Ignore the Conclusions of the Bennett-Kasher Committee.” The content read: “We, as academic lecturers, hereby declare in advance that we will completely ignore the conclusions of the Kasher Committee for determining ‘guidelines for political expressions of academic lecturers.’ The state has no authority to determine how we may express ourselves in academia.”[[26]](#footnote-26)

First, we will examine several details. The signers declare that they will ignore the conclusions of the committee for determining “guidelines for political expressions of academic lecturers.” What is the source of this expression that is written as a quotation? It is not taken from my letter of appointment, but rather from a misleading headline in *Ha’aretz*. In responsible academic discourse, we do not rely on fictitious quotations that were published in newspapers – rather, we rely on the available sources. The signers express their advance objection to the committee, while granting it a mandate that it was never given. In responsible academic discourse, we use verified factual assertions, not imaginary ones. The text of the petition reflects the signers: their top priority is not the ethics of responsible academic discourse, but rather another issue.

We will ignore the use of the expression “committee,” which does not fit the circumstances. However, we will examine the name of “the committee” in the title “Bennett-Kasher Committee.” The committee for economic social change is called the “Trachtenburg Committee,” after the name of the person appointed as its chairman. It is not called the “Netanyahu-Trachtenburg Committee,” using the name of the person who appointed the committee as well as the name of its chairman. Use of the expression “Bennett-Kasher Committee” alongside a photograph of Bennett, surrounded by the titles of seven topics in which he did not behave according to the views of *Ha’aretz*, was not intended as an acceptable description of the committee, but rather for another reason.

Finally, we address the general approach expressed in the text of the petition. The task of my appointment was to present recommendations to the state regulator of higher education in Israel. In the present composition of the CHE, the decisive majority is held by members of the academic staffs of institutions of higher education. The petition implies that the signers will not honor CHE decisions to adopt the recommendations that I present to them – in other words, they will ignore the decisions of the regulator, which they call “the state,” even though the decisive majority is composed of representatives of academia itself. A responsible academic discussion of CHE behavior should begin with a clear understanding of the status of the state regulator, which has a majority of representatives from the bodies that it regulates. The announcement to completely ignore was not intended for such a discussion, but rather for another purpose. We will now discuss that purpose.

**4.**

The recommendations document was presented to the CHE chairman, the minister of education, on May 11, 2017. The document reached the media, was published in a link, and provoked reactions from various directions. The cat was let out of the bag, and the nature of the other purpose mentioned above became clear. Following, for example, is a citation from “the decision of the Faculty of Social Sciences and Humanities at Ben Gurion University of the Negev” of June 12, 2017: it “protests the minister of education’s intention to submit an ethical code for CHE authorization and to require institutions of higher education to follow it. In our opinion, in the process that he is promoting, the minister of education aims to establish a system of supervision and follow-up of the statements of lecturers at universities and colleges. This is an unacceptable step characteristic of totalitarian regimes, and forms part of the general trend of silencing democratic criticism of the state.”

In the decision above, there is not one word addressing the recommendations document. Further, it contains no mention of the CHE decisions on issues of academic freedom and politicization from late 2010. It is the overall disregarding of these, including by this specific faculty, that underlies the initiative of the CHE chairman. The decision ascribes to him the practical intention of “establishing a system of supervision and follow-up of the statements of lecturers,” although no mention is made of this intention in the letter of appointment or in the recommendations document, and as if it not the role of the state regulator, by the public and on behalf of the public, to conduct “supervision and follow-up” whose goal is to prevent misuse of academic authority in the service of political goals. The jewel in the crown: “the general trend of silencing democratic criticism of the state.” Who is guilty of this “general trend”? The faculty council declined to explain, but it stands to reason that it refers to the civil camp that supports the parties that form the present government – in one word, “the right.”

In that same spirit and in a clear manner, Dr. Avraham Frank, of that same university, offers practical suggestions: “In the coming academic year, the lecturers in all the relevant faculties will dedicate ten percent of their course time to ‘uninhibited, initiated political activity’... Here I present a series of sample questions to be asked in courses... 5. To what extent are Netanyahu, Bennett, Regev, Shaked, Deri, Bitan... assets or burdens to the State of Israel? 6. Is the fact that they are in the government due to a low level of education of the Israeli public? ... 11. Is Bennett suitable for serving as minister of education?”[[27]](#footnote-27)

The decision and proposals here are not responsible academic public statements, but rather steps in a vulgar political struggle.[[28]](#footnote-28) All the instances of deviation from responsible academic behavior that we have seen above and will discuss below are explained by their vulgar political character. We will now give several short characteristic examples.

First of all, in vulgar politics, it is permissible to ascribe to the enemy things that never happened, such as proposals that he never made. One responder writes that “Professor Kasher’s proposal that political personalities, such as the minister of education, may levy sanctions, is likely to promote the politicization of universities.”[[29]](#footnote-29) The recommendations document contains no such proposal – this never happened. The entire proposed system of “implementation and supervision of the preservation of academic freedom, the limits of academic freedom, the status of students, and caution against appearances of political identification” is supposed to take place within the institution of higher education, according to its arrangements, and should be operated by it.[[30]](#footnote-30) Furthermore, the recommendations document contains no word about sanctions. For decades, my fundamental approach has been that ethics should be implemented in educational ways, and enforced through disciplinary methods that include punishment. This is also stated clearly in the accompanying letter to the recommendations document, section 5(e).

Secondly, in vulgar politics, it is permissible to discuss not only opinions but the individuals who hold them as well. I will disregard the following column title: “Public call to denounce the non-kosher ethical code” – this kind of wordplay based on my last name is a stupid childish game, and at the age of five I ceased to allow it to provoke me. The article itself does not stop at denouncing the code, but calls to “denounce Asa Kasher and boycott his document, ‘The Universities’ Ethical Code.’” Why can he not merely criticize the document? Why does he see fit to call to insult me personally? The answer is obvious: because this is the method of vulgar politics, which makes a constant attempt to weaken the enemy in any possible manner. One corrupt way is to attack the enemy, instead of his opinions.

This author is not the only one who used these methods of vulgar politics. One lecturer went even further in stating, “We have here a court philosopher, of an embarrassing intellectual level, whom the regime knows how to manipulate each time it needs a pseudo-intellectual fig leaf.”[[31]](#footnote-31) Indeed, what have we here? Aside from out-and-out lies and uncivilized crudeness, as well as a distinct expression of political vulgarity, the style of this discussion unfortunately resembles many others.

Third, in vulgar politics it is permissible to connect the opposing opinions and persons with an aspect of the Nazi regime. Therefore, the same respondent sees fit to relate to his readers the story of Emil Julius Gumbel, a leftist, pacifist Jew, who was dismissed from the University of Heidelberg in 1933 at the instigation of a Nazi student organization. The analogy that he tries to give is false in all aspects.

Fifth, in vulgar politics it is permissible to attack every aspect of the enemy’s life, to cross every border. One lecturer found it appropriate to publish his “explanation” of my recommendations, based on my connection with the ministry of defense following the death of my son, Major Yehoraz Kasher, in 1991. The “explanation” is a series of lies and absurdities, and out of respect for my late son I will not bother to go into detail. As an aside I will only mention that he even misspelled my name. His statement was published on the Academia-IL network, which is administrated by Prof. David Levi-Faur, of the Hebrew University. I occasionally read complaints that Prof. Faur does not permit the publication of certain letters. But he published this despicable letter with no hesitation.[[32]](#footnote-32)

I can add many examples of political vulgarity of many shapes and forms, but I will limit myself to a few that are of particular interest.

**5.**

A responsible academic discussion on a topic in any field requires its participants to be knowledgeable in the field, as such a discussion should use terms, distinctions, arguments, perceptions, assertions, etc. from the language and world of that field. By contrast, often expressions of vulgar politics on a topic in that field do not reflect the knowledge appropriate to a responsible academic discussion. But they do contain pretentious expressions that reveal the desire to be considered academically valuable.

A distinct example is a text written by several philosophy teachers[[33]](#footnote-33) objecting to the recommendations document, entitled “Declaration on the Ethical Code for Academia.” Above we have already explained the fraudulent aspect of this title and those similar to it. We note here that the text does not recall the title of the recommendations document, “Rules for Proper Conduct in Fields of Overlap Between Academic and Political Activity.” It contains six declarations, and we will respond to them here in brief.

We begin with the second declaration: “The content of the document is not a declaration of general principles based on the academic ethos... but rather a list of rules of dos and don’ts. It is a fundamental confusion of an ethical code and a disciplinary code.” This argument is completely unfounded. The person who wrote it proved that he has no inkling of knowledge in the fields of professional and organizational ethics and the world of ethical codes. The distinction between an ethical code and a disciplinary code is not equivalent to the distinction between a “declaration of general principles” and a “list of rules of dos and don’ts.” An endless number of ethical codes includes both general principles and rules of dos and don’ts. The difference between a disciplinary code and an ethical code is in another dimension. A disciplinary code is a basis for internal judgment that enables the imposition of punishments, while an ethical code is not a basis for internal judgment and does not serve to impose any punishments, because its only goal is educational.

We return to the first declaration, on a similar issue: “The document confuses ethical principles, which are formulated in a voluntary manner by the professional community to whose members they are intended to apply, and rules of discipline... The proposed ethical code, however, is the result of a political initiative of the minister of education, and is intended for application to the universities through the Council for Higher Education, which is a government body. Under these circumstances, clearly the document is not a voluntary ethical code, but rather a subjection of academic activity to government supervision.” Again, we have before us an unfounded assertion, disconnected from the world of professional and organization ethics, including its ethical codes, and from the world of regulation of activities having civil significance. An ethical code can be voluntary and formulated by the community to which it is meant to apply; it can also be the result of a government initiative, and subject to government supervision. Numerous examples of this combination appear in the ethical codes of companies in the United States.[[34]](#footnote-34)At the initiative of two politicians, a senator and a congressman, a law was passed requiring the United States Securities and Exchange Commission to institute regulations for proper disclosure. Implementation on the New York Stock Exchange, for example, which is the regulator of trade in securities, includes a regulation requiring a public company to disclose many details of its ethical code (and if it does not have one, it must justify the reason why). The code is supposed to include attention to certain issues that the stock exchange lists, and obviously it must include rules of behavior. State initiative and supervision are in keeping with the freedom of a public company to form its identity, values, principles and rules, as long as these do not violate the law.

I will also comment on the assertion that the recommendations document is “subjecting academic activity to state supervision.” This is an ambiguous statement, as one aspect is obvious, but the other is false. Is medical activity in Israel subject to state supervision because its state regulator is the ministry of health, which is headed by a minister who is a politician? If the intention is that the medical activity is subject to supervision of a state regulator, by and on behalf of the public, in a system headed by a minister who is a politician, then the answer is positive, and this is a good thing. If the intention is that the politician dictates to physicians how to diagnose, operate, heal, etc., then the answer is negative, obviously. The relationship is similar between the CHE and the minister of education who directs it, and the institutions of higher education. The CHE is a state regulator by the public and on behalf of the public, but when a member of the academic staff at an institution of higher education engages in research and teaching in his disciplinary field, and in accordance with the arrangements of the institution in which he serves, the CHE does not intervene in his everyday activities. However, on occasion the CHE will initiate a quality check of the teaching and research activity, through trustworthy external experts, and this is desirable.

The third declaration addresses the definition of “political activity” in the recommendations document, and argues that this definition “includes within it what is indeed political activity (activity of direct support or opposition to a party or a politician) as well as that which lies within the realm of the thought and expression of any citizen (expression of a certain position in relation to a recognized public controversy).”

This is a false argument. The recommendations document does not define “political activity” in this manner. The definition demands of the “recognized public controversy” a list of additional conditions: it is “expressed in an ongoing manner in the Knesset and in the public discourse, with a clear connection to a party or parties, in the Knesset or outside it, or direct opposition to such a position, in a distinct manner.” The third declaration ignores the fact that the definition limits “political activity” to that which has “a clear connection to a party or parties.” According to the recommendations document, expressing a certain position on a recognized public controversy is not “political activity” as such.

The third declaration adds that “exploiting the academic platform to promote parties” and similar activities is the province of “the existing disciplinary mechanisms,” which are “trained to handle” such disciplinary infractions. In principle, I am surprised at the preference for disciplinary enforcement over ethical implementation. All who are acquainted with the world of professional and organizational ethics express the opposite preference. On a practical level, I wonder at the comprehensive reliance on “the existing disciplinary mechanisms,” seeing as the state comptroller recently criticized them severely for their laxity.[[35]](#footnote-35)

The fourth declaration repeats the same false description of the definition of “political activity” in the recommendations document, and argues against the prohibition of “expression and examination of views on topics under public controversy.” This is a particularly outrageous assertion. The recommendations document contains no such prohibition in any shape or form. We have already noted in section 2 above that “An academic discussion within a course that follows the course syllabus within a certain academic discipline, on a topic related to issues involving political activity, while giving a professional and respectful presentation of the arguments on both sides, does not constitute damage to students that mandates defense by the institution.” In other words, there is no prohibition of discussion of any “issue that is related to topics involving political activity,” given that the discussion is conducted appropriately. The declaration at hand ignores this central recommendation. Whatever the explanation for it might be, this represents intolerable disregard. It has no place in a responsible academic discussion. However, in the activity of vulgar politics, it is the norm.

The fifth declaration addresses “social or civil activity [of a staff member of an institution of higher education] performed outside the framework of his position [at that institution]. It gives examples, such as “support of a civil social organization and civil political involvement” of activity outside the framework of the position, and argues that my recommendations document “will forbid such activities.” This is a fabricated assertion. The recommendations document contains no such prohibition.

Many ethical codes make demands regarding the public behavior of an individual outside the defined framework of his position. Simple examples include: a judge should not express himself in a political manner in any context; a policeman should not receive discounts from any business; a mediator should behave honestly, with integrity, in good faith, and according to the other values of mediation, “in all his deeds.” My recommendations document addresses “off-campus behavior” on issues of the academic boycott and identification as a member of the academic staff of an institution of higher education. In the spirit of many ethical codes, it also addresses “reputation and public faith.” In this context, it is proper for the staff member to “uphold the academic reputation of the institution of whose academic staff he is a member, and thus he should refrain from obscenities, abusive language, cursing, rude contempt, patently unfounded or exaggerated generalizations, and any other expression that has no place in academic expression within any discipline.”[[36]](#footnote-36) Therefore, this recommendation refutes the behavior of Prof. Alon Harel of the Hebrew University, who is one of the signers of the declarations document. In a video of a demonstration in Jerusalem, he is shown reacting to a comment made to him about the connection between Jerusalem and the Bible, and saying, “The Bible up my a--.”’

The recommendations document concludes with a recommendation and statement on public faith: “A staff member of an institution of higher education who is involved in political activity off campus will act in such a way that permits preservation of public faith in the academic propriety of the institutions of higher education and the disciplines acting within them. Therefore, [members of the academic staff of an institution of higher education], you must always be precise, demonstrate appropriate restraint, express respect for the opinions of others, and make every effort to clarify that they are not expressing themselves in the name of their institution.” Naturally, this is not a recommendation in the spirit of the false assertion in the fifth declaration. The statement is a general, practical translation from the ethics document of the American Association of University Professors (AAUP).[[37]](#footnote-37)

The five declarations that we have examined above are, in and of themselves, unclear testimony as to the background of their authors. We have already seen that they are not familiar with the world of professional and organizational ethics and ethical codes, or the world of state regulation. What justifies the expression of an individual in a field in which he is not at all knowledgeable? Various possible explanations arise, and we will not choose among them at this time. One possible is that this is not an academic discussion at a particularly low level, but rather an expression of vulgar politics; however, there are other possibilities as well.

The sixth declaration removes all doubt in the matter: “We cannot disconnect the document and its meaning from the social and political context in which it was created,” it states. It then explains: “... The government that initiated authorship of the document has taken steps in the past few years that are clearly and sometimes even explicitly designed to limit freedom of expression and the political space of its opponents. These fact, as well as the statements by ministers and members of Knesset representing parties in the government, do not permit us to avoid the conclusion that the purpose of the document is not to bolster academic freedom and promote scientific research, but rather to create a cooling effect and to threaten the academic community.”

The accumulation of declarations that we have examined, this collection of false and specious arguments that are boorish and disconnected from reality in the world of ethics, represents another step in the continuing struggle between the opposing camps of vulgar politics. This is no responsible academic discussion on issues of academic ethics in the fields of overlap between academic and political activity, but rather another step in the struggle against “the government that initiated authorship of the document.” At the foundation of the declarations we have examined is the behavior of the government “in the past few years” with statements “by ministers and members of Knesset representing parties in the government.” It is not surprising, then, to the professional and responsible academic observer, that the clumsy attempt to pretend to address the recommendations documents itself is revealed, under responsible professional analysis, as an expression of the full wretchedness of vulgar politics.

Had I thought that this was a series of declarations reflecting a responsible academic discussion of my recommendations document, I would merely shake my head at the miserable sight of several dozen philosophy teachers sharing in this inferior statement. But now that we have exposed in our discussion the familiar aspects of vulgar politics, we have yet another example of its wretched character, so familiar from the petitions, demonstrations, speeches and other expressions of public life in Israel. No involvement in such an activity of vulgar politics can surprise me, and I have long considered it worthless.

This leads us to an explanation for a general phenomenon that we may discover in negative responses to the recommendations document. Many of the responses falsely described the definition of “political activity” in the recommendations document in exactly the same way as the statements of those we cited above. We may accuse them of negligence, haste, amateurism, or ignorance in their attempt at an academic reading and understanding of the recommendations document. But a better explanation arises when we relate to it as routine involvement in another struggle of vulgar politics.

Yet we should express concern at the sight of vulgar politics finding a foothold in the decisions of academic bodies. Here we cite part of the decision of the senate of Ben Gurion University of the Negev from July 2, 2017: “The proposed ethical code... broadens the definition of the term ‘political activity’ to include any ‘expression of opinion’ that is the topic of public debate.”[[38]](#footnote-38) This assertion is patently false, as we have already seen above. Shall we say that the senate of the university behaved with negligence, haste, amateurism, or ignorance? Would it be better to say that the senate joined the tumult of vulgar politics? Here we are caught between Scylla and Charybdis.

To conclude, we may say that the demonstrations of vulgar politics by academic staff, of which we have seen typical examples, are incontrovertible testimony to the obligation of the Council for Higher Education to pursue regulation of academic ethics in institutions of higher education, in the field of political activity that is often disguised as academic activity.

**6.**

Finally, here we should briefly describe another aspect of the recommendations document incident. After my appointment by the CHE chairman and minister of education was made public, the presidents’ forum of the committee of university heads (Hebrew acronym: VERA) published its statement, dated February 15, 2017. The position paper is full of clichés, such as “the ethical code will harm freedom of expression, which is vital to academia,” “This is a slippery slope that represents a real danger to the character of the state,” and other such statements. We must recall that this position was expressed before even one word was written in the recommendations document. Therefore, we have here an objection on principle, whose justifications demand investigation.

The first sentence of the statement of the presidents’ forum of VERA characterizes the approach more than the vague clichés do the motivations: “VERA demands that Minister of Education Naftali Bennett repeal the decision to require a uniform ethical code for the behavior of academia.” This description of the decision of the chairman of the Committee for Higher Education is divorced from reality. It is not supported in my letter of appointment, but rather by a deceptive headline in *Ha’aretz* newspaper. I wonder whether such a distortion is appropriate for the forum of university presidents. Certainly, it is not appropriate for the approach of a relevant academic discussion.

The last sentence of the statement is no less interesting: “Binding disciplinary and ethical rules have existed for years in all of the institutions, and there is no reason to require a uniform set of rules of any kind...”[[39]](#footnote-39) Indeed, every university has a disciplinary code, but what does it have to say about the problem of possible overlap between academic and political activity? I asked the president of Hebrew University to send me what the disciplinary regulations of Hebrew University say on this issue. Below is the response I received regarding the relevant disciplinary infractions:

“2b. Negatively exploits his position when fulfilling positions of teaching, training, research, and administration.

2d. Acts on the basis of external interests or out of a situation of conflict of interest in fulfilling his position at the university.

2g. In activity related to his position at the university, behaves in a manner that is inappropriate for an academic employee.”

I have not seen any Israeli university responsibly addressing the problems of overlap between academic and political activity in such sections of their disciplinary rules. Several cases whose details are known to me did not reach the disciplinary system, but rather ended with an informal conversation with an individual in one or another position, and sometimes the violators returned to their sinful ways.

According to the statement above, binding “ethical rules have existed for years in all of the institutions.” This is an astonishing assertion. There is only one university that has an ethical code (Ben Gurion University of the Negev, since 2007). This university proposed that other universities adopt its code, but not one of them has done so, nor have they established their own codes. The University of Haifa is pursuing a process of writing an ethical code, but its progress is hardly impressive: I was told six months ago that the process is almost completed, and that it awaits the final approvals. How can VERA make such as assertion, which is completely false? Again, possibly this is a case of negligence or haste, if not worse. But I think that there is another reason, which lies in the realm of organizational politics – which is also vulgar.

The relationship between the CHE, the state regulator, by the public and for the public, and the institutions for which it is the state regulator, are not organized in a complete, reasonable, composed manner. The institutions of higher education and their staff members are not interested in state regulation, except for that to which they must become accustomed, because the legislator has established it. They are interested in enormous budgets given to them by the state, without the state performing any real regulation of their activities. In organizations whose ethical development is slow (and perhaps has not even begun), their senior activists consider the law sufficient. They do not want ethical limitations on their activity, because in this way it is easier for them to manage the complex systems of internal politics of their institutions,[[40]](#footnote-40) sometimes to the benefit of their supporters.

VERA opposes a “uniform ethical code,” but for decades the universities (except for two) and their academic staff have had no interest in any code of academic ethics. They are interested in complete freedom of action, much beyond proper academic freedom. They have an interest in subsidized political anarchy: the state funds the institutions’ activities, the institutions use the budgets for research and teaching, but also to pursue political activity, in the inferior form of vulgar politics. Subsidized political anarchy is a position that has no moral justification, and it befits us to act to restrain it, by implementing the concept expressed in the recommendations document.

1. The world of higher education is highly varied, and thus it is always possible to identify institutions that are exceptions to the rule. In this discussion, each characterization that we define applies to most institutions of higher education, if not all. The Israeli institutions are not exceptions. [↑](#footnote-ref-1)
2. This expression was used by John Henry Cardinal Neuman, who wrote a book on the concept of the university, and also established the Catholic University of Ireland, which evolved into University College Dublin. [↑](#footnote-ref-2)
3. Another issue that bears clarification is the professional identity of the other staff members in the institution of higher education, insofar as it has unique components that are not common to their activity in the institution, or to activities of management, infrastructure, security and similar issues in other organizations. However, we will not address this topic here. [↑](#footnote-ref-3)
4. *The Ethics of Scientific Research: Values and Basic Principles* (The National Council for Research and Development, Committee on Ethics in Science and Intellectual Property, 1998). The values listed in this document are: truth, freedom, responsibility, integrity, cooperation, and professionality. I served as chairman of the committee that wrote this document. https://www.openu.ac.il/code\_of\_ethics/download/research\_hebrew.pdf [↑](#footnote-ref-4)
5. This refers to the research activity of an individual, on his own. When research is conducted in groups of more than one researchers, the independence discussed here, in the primary aspects of the research activity, will be at the level of the entire research group, and not at the level of the individual researcher. [↑](#footnote-ref-5)
6. Ra’anan Har-Zahav, Barak Medina, *Higher Education Law* (Tel Aviv, 5760-1999), ch. 3. [↑](#footnote-ref-6)
7. The phenomenon of an author or poet serving in an academic institution does not conflict with this requirement, which is part of the nature of an institution of higher education. For example, during their academic tenure Haim Be’er and Amos Oz published theoretical articles in the field of literary research as well as literary works. [↑](#footnote-ref-7)
8. For details and references, see Asa Kasher, "Professional Ethics and Collective Professional Autonomy: A Conceptual Analysis,” *Ethical Perspectives* 11 (2005), 67-98. [↑](#footnote-ref-8)
9. Naomi Kasher, “Honesty,” *Ethical Issues in the Consulting and Psychological Treatment Professions* [Hebrew], eds. Gabi Shefler, Yehudit Achmon, and Gabriel Weil (Magness Press: Hebrew University, Jerusalem, 5763) (3rd edition, updated, 5768/2008), 88-109. See also: https://plato.stanford.edu/entries/integrity [↑](#footnote-ref-9)
10. Many examples from the United States can be found at: Inside Higher Ed, https://www.insidehighered.com/news [↑](#footnote-ref-10)
11. On this issue, see: Ra’anan Har-Zahav, Barak Medina, *Higher Education Law* (Tel Aviv, 5760-1999), 270-272. The authors describe the status of the institution of higher education as “quasi-public.” [↑](#footnote-ref-11)
12. Sometimes such a case ends in a settlement between the sides, obligating both to confidentiality regarding the settlement and its details. Therefore, members of the academic staff and the public are not adequately acquainted with the law on these issues. [↑](#footnote-ref-12)
13. Har-Zahav and Medina, ibid., 278-279. The decision was given in Civil File (Tel Aviv) 95/528, The State of Israel v. Tel Aviv University. [↑](#footnote-ref-13)
14. The discussion on this issue is based on section 29(b) of the Budget Foundations Law, which determines that “despite what is stated in every law, every agreement or arrangement is nullified to the extent that it conflicts with the instructions in section 29(a),” which requires adaptation of that which applies to all state employees, or else authorization of the Finance Minister. The agreement that some universities made regarding payment for what they decided to consider “exceptional” academic activity did not meet the requirements of section 29(a). Har-Zahav and Medina consider that the application of section 29(b) of the Budget Foundations Law to the academic arrangement is detrimental to academic freedom (ibid., 279). In our analysis, the content of the term “academic freedom,” even in the narrow field of the distinction between “ordinary” academic activity and “exceptional” academic activity, may not be interpreted at will by every institution of higher education, nor by a member of such institutions, least of all when this distinction must be made for the purposes of convenient wage agreements. [↑](#footnote-ref-14)
15. Asa Kasher, “A Jewish and Democratic State – A Philosophical Sketch,” in Asa Kasher, *Spirit of a Man* (Tel Aviv: Am Oved and Yehoraz Foundation, 2000), 13-27; Asa Kasher, “Democracy,” *A Guide to the Lawmaker*, Israel Democracy Institute (Jerusalem, 2015). [↑](#footnote-ref-15)
16. This argument is not obvious, but we will not present the full justification here. [↑](#footnote-ref-16)
17. I am aware of this type of audit activity at the faculty of electrical engineering at the Technion. The audit committees include professors from CalTech, MIT, and the Weizmann Institute of Technology, among others. [↑](#footnote-ref-17)
18. American Association of University Professors, *Policy Documents and Reports*, eleventh edition (Baltimore: Johns Hopkins University Press, 2015). In a letter to the chairman of the Council for Higher Education on the recommendations document (section 4), I explained the value of the American document on one hand, and on the other, the difficulties in simply implementing it in the Israeli context. [↑](#footnote-ref-18)
19. The state comptroller, Special Audit Report (Chapter 4): Handling Disciplinary Violations in Institutions of Higher Education, April 5, 2017. The summary states: “The report findings demonstrate the powerlessness of the institutions in handling disciplinary violations of staff members, both in identifying such violations and reporting them, as well as implementing proceedings against offenders. One reason for this is that members of the inner-institutional disciplinary authorities are chosen from among members of the institution staff. This can make it difficult for them to implement significant proceedings in an independent manner against their colleagues, the fellow staff members. http://www.mevaker.gov.il/he/Reports/Pages/582.aspx# [↑](#footnote-ref-19)
20. Intervention of state entities can be justified, in certain defined areas, such as deciding the overall budget of the system of institutions of higher education. [↑](#footnote-ref-20)
21. An updated basic bibliography on the topics of academic ethics and academic freedom appears in the appendix to my letter to the CHE chairman. It includes the following, among other works: Steven M. Cahn, *Saints and Scamps, Ethics in Academia*, Rowman and Littlefield, Totowa, NJ, 1986; Steven M. Cahn, editor, *Morality, Responsibility, and the University*, Temple University Press, Philadelphia, 1990; Matthew W. Finkin and Robert C. Post, *For the Common Good: Principles of American Academic Freedom*, Yale University Press, New Haven and London, 2009;; Robert C. Post, *Democracy, Expertise, Academic Freedom: A First Amendment Jurisprudence for the Modern State*, Yale University Press, New Haven and London, 2012; Stanley Fish, *Versions of Academic Freedom: From Professionalism to Revolution*, University of Chicago Press, Chicago and London, 2014. [↑](#footnote-ref-21)
22. [↑](#footnote-ref-22)
23. In the mistaken words of Prof. Yossi Klafter, president of Tel Aviv University and chairman of the committee of university presidents, in his column in *Yediot Aharonot* of December 19, 2017, and in the statements of the committee of university presidents, for which he is responsible as chairman. [↑](#footnote-ref-23)
24. A footnote to the characterization in the recommendations document read as follows: “Note: the expression ‘political activity is frequently used with different meanings. In the present document, the meaning of the expression ‘political activity’ is unique, that which appears in the present definition.” [↑](#footnote-ref-24)
25. Chapter (A) Rules for Institutions, section (3) Preserving Student Status. [↑](#footnote-ref-25)
26. https://www.atzuma.co.il/bennettkasher [↑](#footnote-ref-26)
27. Letter to the Academia-IL network, June 24, 2017. I do not know the source for the expression he gives in quotation marks. [↑](#footnote-ref-27)
28. Here I distinguish between a battle of “decent politics,” which is carried out in a manner that is relevant, respectful, and reasonable, and a battle of “vulgar politics,” which is carried out in an irrelevant, disrespectful, and unreasonable manner. [↑](#footnote-ref-28)
29. Arik Carmon, *Ha’aretz*, June 11, 2017. [↑](#footnote-ref-29)
30. Chapter (A), Rules of Institutions, (5), System of Implementation. [↑](#footnote-ref-30)
31. Professor David Enoch of the Hebrew University of Jerusalem, walla.com history forum, June 11, 2017. On his Facebook page, he expressed himself in terms of the desire to “destroy the brand name,” and even gained the immediate support of Dr. Anat Matar. I did not find this statement on his Facebook page, and we may assume that it was removed. [↑](#footnote-ref-31)
32. Due to pressure from some readers, the writer, Prof. Gideon Biger of Tel Aviv University, published a short apology. Prof. Levi-Faur did not see fit to apologize. [↑](#footnote-ref-32)
33. This text was signed by dozens of other philosophy teachers. After discussing the text, we will discuss this as well. [↑](#footnote-ref-33)
34. For a detailed discussion, see Eli Bukspan, Asa Kasher, “Ethics in Businesses: Legal and Moral Considerations,” *Law and Business* II (5765/2005), 159-207. [↑](#footnote-ref-34)
35. See note 19 above. [↑](#footnote-ref-35)
36. Chapter (C) Rules for Members of the Academic Staff, (13) Off-Campus Behavior: Reputation and Public Faith. [↑](#footnote-ref-36)
37. Matthew W. Finkin and Robert C. Post, *For the Common Good: Principles of American Academic Freedom* (New Haven and London: Yale University Press, 2009), 185. [↑](#footnote-ref-37)
38. Letter of Prof. Yitzchak Nevo, Academia-IL, July 2, 2017. He published many letters on this issue, including the draft of the Ben Gurion University senate decision. Possibly, he authored it. [↑](#footnote-ref-38)
39. A note appears there: “The rules and regulations that bind the university can be found on the institutions’ websites.” I invite the reader to search for ethical regulations on the university websites (except for that of Ben Gurion University of the Negev). [↑](#footnote-ref-39)
40. Asa Kasher, “Academic Ethics: Sad Memories,” *Al Hagovah*, issue 2: Academic Teaching, 2005. http://www.academicteaching.net/image/users/176149/ftp/my\_files/Articles/articals%202/Asa.pdf?id=9788822 [↑](#footnote-ref-40)