

Better legal protection of doctoral research fellows

Research ethics does not only concern norms and legal requirements. It is also concerned with realising the old Oriental proverb that love is greater than truth. Having been urged by the Parliamentary Ombudsman, the ministry has now proposed legal amendments that will reinforce the legal protection of doctoral research fellows.

If understood literally and not seen in a context in which compassion and love also have their rightful place, research ethics may become perverted into a dogma of truth (1). The norms of appropriate research and publication ethics must be demonstrated by the university teachers taking the lead as role models. Thus, we have responsibility not only for the «production of candidates», but also for compassion and culture in our contact with academic recruits. If we place excessive emphasis on production and the instrumental aspects, we may promote a form of educational «schizophrenia» in which instead of promoting health and human growth, the medical academy is turned into a battleground for ambitious cynics (2).

In 2011, the Faculty of Medicine and Dentistry in Bergen decided to terminate a PhD project and exclude a doctoral research fellow for life. This was an unjust punishment. The case has circulated at the University of Bergen for more than three years. Now, the university central appeals board has reached a legally binding decision: the Faculty's allegations of wilful cheating have been deemed groundless, the exclusion has been deemed groundless, the refusal of a renewed submission of the thesis has been deemed groundless – and the candidate's punishment for «grossly negligent» use of sources had been «served» by May 2012. Efforts are now being made to ensure that the university management, the supervisor and the candidate's department will help put an end to the case in a manner that may also uphold the candidate's dignity (3).

To me, this case illustrates a major dilemma in the way in which we understand science and its place in society. The triumph of science may have made humanism arrogant. We shall not relinquish the demand for truthfulness, but truth without compassion may soon turn into barbarism. When the demand for truthfulness transforms into blind faith in scientific objectivity, academia may become its own worst enemy. Self-righteous protection of personal truths may turn into arrogance and censoriousness. In such an environment, phariseism, hypocrisy and double standards may gain a foothold unobserved. Typically enough, during the process against the PhD candidate it was discovered that a prominent

professor at the University of Bergen had stolen three-quarters of a manuscript for a popular-science article from another source – without crediting the authors. This plagiarism had no consequences for the professor. At the same time, the university authorities were of the opinion that the PhD candidate deserved a life sentence.

Jesus' philosophy of knowledge

Secular mentality is characterised by an uninterested disregard of the pioneering philosophical work of Jesus during the period that followed the Axial Age. He remains uninteresting to the secular majority, and believers often lack the candour to promote His radical philosophy of knowledge and morality. Contemporary philosophers, such as Charles Taylor and Jürgen Habermas, claim that we need to revise this secular narrow-mindedness and return to the Axial Age (4, 5). Jesus' great service was exactly to point out that empirical knowledge and understanding with the aid of reason are harmful if they are placed in a context in which love and compassion do not constitute the fundamental basis.

In secular ignorance, the «Matthew Effect» is understood as unfair distribution of material goods. Jesus' message was that speaking exclusively to reason helps establish social inequalities. His advice on knowledge was to include our fellow humans in a narrative community, in which we empower each other through an attentive moral dialogue (Matt 13, 12). Our contemporary period therefore needs a reformation among the secular and the faithful alike (6).

The legal safeguards must be reinforced

I have chosen to be involved in this case, not least because I have discovered how fragile the legal protection provided against intolerance and discrimination may be. During the processing of the case, the Parliamentary Ombudsman found that the legal basis is incomplete and the legal safeguards for doctoral candidates are arbitrary. He therefore exhorted the former government to reinforce the applicable legislation and ensure better legal protection and equal treatment. The Ministry of Education and Research has proposed amendments to the Act relating to universities and university

colleges, and these have been on a hearing round. I remain unconvinced, however, that this will lead to better legal protection.

The government wants to base the legal protection on the Act on ethics and integrity in research. The problem with this act is that it fails to distinguish between wilful cheating and gross negligence. Experience from this case indicates that the boundaries between these forms of misconduct may be subject to a great deal of subjective discretion and arbitrary negotiation. Can we accept a legislative basis that puts wilfulness and negligence on an equal footing? Is it reasonable that academic institutions are to be authorised to pronounce «life sentences»?

Another material deficiency in the government's proposal is that the candidates are not to be ensured legal assistance. In the case in question, representation and contradiction were ensured by external pressure. Is this worthy of a state governed by the rule of law? The hearing memo assumes as its premise that PhD candidates are employed by institutions and thus automatically entitled to representation through membership of trade unions. Through their employment relationship they are also assumed to have the financial wherewithal to ensure legal assistance (7). The candidate in question was unfamiliar with Norwegian trade unions. He was not unionised, and the Norwegian Association of Researchers declined to represent him. His scholarship expired when the decision to exclude him was made, and he had no financial means.

The government ought to take a new look at its proposal. We in academia ought to think carefully before we are bestowed with competences that we do not deserve.

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Received 21 February 2014, first revision submitted 3 March 2014, accepted 4 March 2014. Editor: Erlend Hem.