even the heightened participation rates since 1945 have not brought the same improvement to the status of women in society at large.

References

4. Ibid.
5. 1945 figures are excluded from the long-term comparisons because of the relative absence of men in wartime.
7. Sydney University does not have figures for male/female honours degrees until 1990.
11. Ibid., p. 170.
15. Table 1

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<th>Teaching and Research Staff, Universities</th>
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THE UNIVERSITY VISITOR:
A GUEST FROM ANOTHER AGE

Australian universities, being largely modelled on their British counterparts, have in the majority of cases acquired the office of University Visitor. The purpose of this paper is to examine the need, the implications and the extent of recognition of the Visitor in Australian universities so that an opinion can be formed about the usefulness of this office.

HISTORICAL BACKGROUND

The function had its origins in the remote past as an essential ingredient of the Constitutions of eleemosynary institutions which appear to be one of the earliest examples of corporate identities. The distinction between eleemosynary and other types of corporations was succinctly summarised by Sheppard in his Law of Mortmain as follows:

"Corporations were subject to visitation whereas other institutions were not out of the Universities and are not necessarily connected with them."

Lay corporations are now subdivided into two classes, eleemosynary and civil. Eleemosynary corporations are such as are constituted for the perpetual distribution of the free alms, or bounty of the founder of them, to such persons as he has directed. These are of two general descriptions: hospitals for the maintenance and relief of poor and impotent persons; and colleges for the promotion of learning, and the support of persons engaged in literary pursuits: of which the greater number are within the Universities, being corporations within a corporation of which they form a component part; and other colleges are out of the Universities and are not necessarily connected with them.

It is unclear exactly when the divisions between various corporations occurred but the differences were well established in England at the beginning of the 19th century so that ecclesiastical and eleemosynary corporations were subject to visitation whereas other lay corporations were not. A further difference that can be observed between the two kinds of corporations subject to the Visitor's jurisdiction can be seen in the type of a person appointed to that office. Whereas the ecclesiastical corporations followed the established hierarchy, the eleemosynary corporations left the identity of the Visitor up to the legislator who passed the enabling legislation.

This is but a brief historical outline of the rise of the visitatorial jurisdiction. Any such historical synopsis would be incomplete, however, without a review of the early cases which shaped the extent of the Visitor's role.

One of the earliest cases to define the powers of a Visitor was Phillips and Bury's "Sir John Holt J.C. in a judgement which was actually a dissenting judge's opinion in the Court of Kings Bench but which was subsequently approved by the House of Lords when reversing the judgment of that Court, stated:"

The office of Visitor by the common law is to judge according to the statutes of the college and to keep and defend upon just occasions and to hear appeals of course. And from him and him only the party grievous ought to have redress; and in him the founder hath imposed so entire confidence that he will administer justice impartially that his determinations are final and examinable in no other Court whatever."

In substance the English Courts still follow the precedents of that statement. In more recent times the law pertaining to Visitors was consolidated and enlarged upon by Sir Richard Kingersly V.C. in the case of Thomson and University of London. Whatever relates to the internal arrangements and dealings with regard to the government and management of the house, of the domus, of the institutions is properly within the jurisdiction of the Visitor and only under the jurisdiction of the Visitor and this Court will not intervene in those matters; but when it comes to a question of right of property, or rights as between the University and a third person, the Visitor is, or with regard, may be, to a breach of trust committed by the corporation that is the University, and so on, or any contracts by the corporation, not being matters relating to the mere management and arrangement and duties of their domus then indeed this Court will interfere."

From these two quotations, but especially from the latter, a number of conclusions can be drawn about the extent of the visitatorial jurisdiction before the beginning of the 20th century:

- In the beginning, only a member of the corporation can instigate a complaint or appeal. Thus, in the first instance, the jurisdiction of the Visitor is confined to questions arising between members of the corporation and cannot be invoked in any disputes arising between the corporation and third parties.

Visitorial jurisdiction is therefore essentially limited to corporations and does not extend to other persons within or outside the corporation.

Thus, for example, a dispute between a laboratory technician and the university that employs him cannot be settled by a Visitor but recourse must be made to the appropriate court.
To avoid misunderstandings it must be made clear that the role of the Visitor's functions can only be involved in questions between corporators, does not exclude the exercise of his or her jurisdiction in cases where a body corporate or a person is involved in cases where a corporation or corporators are involved in questions between corporators or the corporation and its corporators carries with it the Visitor's jurisdiction to determine whether an application to a special court, most likely a higher court, because the Visitor's jurisdiction is not a matter of discretion. The Visitor can only deal with matters arising out of disputes between the corporation and its corporators and outside parties, or concerning the rights and liabilities of outsiders in relation to the institution or its corporators, cannot be the subject matter of the Visitor's determination.

The second limitation is that matters arising between the corporation and its corporators alone which concern compliance with the demands of the public law, that is to say law that is applicable to all persons without regard to their character as insiders of the institution, travel beyond the limits of the Visitor's jurisdiction.

Thus, with respect to the maintenance of order, the Visitor has functions in relation to the foundation instrument and not offences against some other statute or at common law. That is not to say that an overlap may not exist between the common law or other statutes and the foundation of the founding Act contains a reasonably exhaustive list of matters that a Visitor may properly deal with. These matters must impose duties that are owed between corporators or to the corporation itself rather than to the public at large. This would be very much a matter of the courts and will depend on the interpretation of the founding Act.

Lastly, by the very nature of determining his/her duties the Visitor has to interpret the founding Act and ascertain what rights and obligations flow therefrom and whether these rights and obligations involve the corporation. Such issues are, of course, threshold matters and, if wrongly determined, would give rise to an appeal to an appropriate court, most likely a Supreme Court of the State or the Territory. Such are the limits of the Visitor's jurisdiction as a result of the historical formation of the office and the early cases fleshing out its duties. Since then, we have seen a number of changes in the nature and ascertain what rights and liabilities of outsiders in relation to the institution or its corporators, cannot be the subject matter of the Visitor's determination.

The Visitor's Office in Australian Universities
A brief outline of the relevant legislation is provided for all Australian universities. As the matter of corporate identity and the extent to which members of the academic staff are corporators, these sections are included as well.

New South Wales
- University of Sydney
  Enabling Act: University and University College Act of 1900 which was enacted pursuant to a Royal Charter of the University of Sydney dated 27 February, 1858.
  By section 6 the University of Sydney is incorporated. By section 7 the Senate is established as the governing body.

Section 17 states:

The Governor of New South Wales shall be the Visitor of the University, with authority to do all things that pertain to visitors as often as he deems meet.

In chapter 5 of the By-laws the members of the corporation are defined to include fellows, officials deemed to have the same rights within the University as masters and doctoral graduates, master and doctoral graduates of the University and bachelor graduates and their equivalents. Exemption is provided (section 12(1)) on the grounds of conscience.

- University of Newcastle
  By section 4(2) the University is incorporated. Section 14(1) includes academic staff as members of the Convocation.

Section 31 provides for the Visitor along the same lines as the University of Sydney Act.

- University of New South Wales
  There is no provision for a Visitor in the Enabling Act. Although there are provisions for the election of members of the Council, there is no provision for academic staff as such in the enabling Act or statutes or by-laws enacted thereunder.

- Macquarie University
  Section 4 provides a corporate identity for the University. Section 14(1) includes academic staff of the University in a convocation.

Section 30 provides for a Visitor along the same lines as the University of Sydney Act.

- University of New England
  Section 4(3) provides incorporation for the University. Section 10(1) includes academic staff as members of the corporation.

There is no specific provision for a Visitor in the Enabling Act but specific persons are mentioned as University Ombudsmen in the list of appointments. It is interesting to note that in the 1982 Calendar the Governor of New South Wales is mentioned as the Visitor under the section headed Officers and Staff of the University. In 1980, as today, no specific enactment was provided for the Visitor in the enabling Act and one can only speculate why that entry was dropped from the 1982 Calendar.

- University of Wollongong
  Section 9(1) provides incorporation for the University. Section 29 allows academic staff to become members of the Convocation. Section 36 provides for the appointment of a Visitor along the same lines as the other Acts.

Victoria
- Monash University
  Section 3(2) provides incorporation for the University. Section 3(1) outlines what the membership of the University is which includes professors and members of the teaching staff and there is also a provision for some members of Council to be elected from the academic staff. Section 3(1) provides the Visitor to be the Governor of Victoria and uses an identical formulation to the other Acts.

- University of Melbourne
  Enabling Act: University of Melbourne Act of 1958 which consolidated the previous Acts and which was enacted pursuant to a Royal Letters Patent issued on 14 March, 1859.
  Section 4(1) provides a corporate identity for the University. The same section outlines the membership of the corporation which includes members of the academic staff. Section 47 provides for a Visitor to the University.

- La Trobe University
  Enabling Act: La Trobe University Act of 1964.
  Section 3(2) provides for incorporation of the University. Section 3(1) states that some members of academic staff are corporators and section 26 members of the Council. Section 42 provides for a Visitor to the University.

- Deakin University
  Enabling Act: Deakin University Act, 1974
  Section 3(2) incorporates the University. Section 3(1) provides that the University shall consist of such members of academic staff as may be prescribed. Section 38 provides for a Visitor.

South Australia
- University of Adelaide
  Enabling Act: University of Adelaide Act, 1971-1978. This Act repealed the previous Act of the same name which was 1963.
  Section 4(1) provides for a continuation of the University being a body corporate. Pursuant to section 18, the Senate is established which includes all graduates of the University and all persons in full time employment who are graduates of other universities or who have attained equivalent qualifications. Section 20 provides for the establishment of the Visitor's office.

- Flinders University of South Australia
  Section 3(3) establishes a corporate identity for the University whereas section 3(2) states that the University shall consist of a Council and a Convocation. Section 17 outlines the membership of the Convocation which includes all academic staff. Section 24 provides for the Governor of South Australia to be a Visitor.

Queensland
- University of Queensland
  Section 5(1) establishes a corporate identity for the University. Section 4(1) outlines the membership of the body corporate and Section 15 establishes a Convocation which includes all full-time members of academic staff. No specific statutory provision can be found in the University Act although, on page 9 of the 1982 Calendar the Visitor is specified as the Governor of Queensland.

- James Cook University of North Queensland
  Section 4(2) provides incorporation and Section 4(1) outlines the membership of the corporation which includes academic staff. No specific provision is made for the Visitor in the enabling Act, the statutes and by-laws enacted thereunder or even as the case at the University of Queensland and the University of New England, under the heading outlining the officers of the University.

- Griffith University
Section 4(2) provides incorporation whereas Sec­
tion 19 specifies the membership of that corpora­
tion.
Section 19 establishes a Convocation of the Univer­
sity (includes academic staff). No provision has been made in the statute for a Visitor and none has been appointed.

Western Australia
- University of Western Australia
Enabling Act; University of Western Australia Act of 1911.

Section 5 provides that the Senate shall be the governing body of the University. By Section 6 the University is made a body corporate. Section 17 establishes a Convocation and outlines its member­ship; all members of the Senate, all graduates of the University and members of other institutions that are authorised to grant degrees.

Section 7 provides for a Visitor among similar lines as provided in other Acts.
- Murdoch University
Enabling Act; Murdoch University Act, 1973-1978.

Section 4(3) provides incorporation for the Univer­
sity. Section 19(2) outlines the membership of the Convocation which includes, among others, all per­sons that are full-time members of academic staff.

Section 9 provides for a Visitor in the person of the Governor of Western Australia.

Tasmania
- University of Tasmania
Enabling Act; Australian National University Act of 1899. The most recent consolidation occurred in 1961.

Section 4(2) provides incorporation for the Univer­
sity. Section 4(3) provides that the University shall consist of a Council and a Senate. Section 10 outlines the membership of the Convoca­tion which includes all permanent members of the teaching staff of the University that are employed on a full­time basis.

Section 16 provides for a Visitor in the person of the Governor of Tasmania.

Australian Capital Territory
- Australian National University
Enabling Act; Australian National University Act of 1940-1960.

Section 4(2) provides for the incorporation of the University, Section 19(1) provides that the University shall consist of a Council, a Convocation, graduate and under-graduate members of the University. Section 16 outlines the membership of the Convoca­tion which includes graduates of this and other universities and members of Council but there is no blanket provision for academic staff to be admitted as members.

No provision is made for a Visitor.

Conclusions on extent of provisions
Given the above information, a number of conclu­sions can be made about the extent of statutory provisions for the Visitor, namely:
- Only six out of nineteen universities do not have a Visitor specifically providing for it in the enabling Act. Of the six, a further two (University of Queensland and until 1989 University of New England) have a Visitor specified in the body's calendar under a heading of "senior officers of the university.
- Most universities have a Convocation of some type which outlines the membership of the corpora­tion, but only eleven or so of the universities have all academic staff included as corporators. Other uni­versities have a membership which is predomi­nantly based on persons that have graduated from the university or possess qualifications. Some confusion could arise because of this multi­plicity of entrance requirements for members of academic staff to become corporators. These provi­sions have certainly imposed an easy identification of persons within the university who are or are not eligible for corporate status. It is interesting to note that some universities have undergraduate students as corporators, but the majority do not.

If ever the Visitor's Office becomes a successful forum for the settlement of industrial disputes, the entry requirements for corporate membership ought to be streamlined and basically include the governing, teaching, research and studying popula­tion of the university.
- All nineteen universities mentioned are corpora­tions of a eleemonysary type and as such, are eligi­ble for the visitorial powers. The enabling Acts do not make provision for a Visitor to act as a visitorial officer.
- All Visitors cited in the above pages are State representa­tives of the Crown.
- Given the wide formulation of the visitorial pow­ers, the Visitor specified for Australian universities must be a general visitor. The question is usually settled by the formulation of the visitorial powers in the enabling act.4 The courts have generally taken the Visitor's power as general in absence of any express formulation.3

Given the third point above the question arises whether in fact the State representative of the Crown has the right, in the absence of any statutory pronouncements, to become a Visitor based on the rights flowing to him/her because of the nature of the institution. Or, to put it another way, would a member of the corporation at, say, the University of New England, be able to invoke the Visitor's jurisdic­tion to settle an internal dispute? Matthews1 is somewhat inclined to the view that universities that do not appoint a Visitor do have one as a matter of strict law but the matter is by no means settled. The only solid support cited is a passage from Shelton which states that a corporation (even in a specific provision) is made in the enabling act but to read down the importance of the Visitor and the matters over which he has power.

Case law on the Office of the University Visitor in Australia
To determine the direction of this jurisdiction, as well as its limits, it is necessary to see which of the most recent cases are examined and only those concerning academic staff. As a corollary, a brief examination of the history of the attempts made to use the fact that a Visitor is specifically provided for in a number of universities as an argument against the jurisdiction of the state industrial commissions over the universities concerned.

Visitor as an industrial arbitrator
In two recent cases, the university administrations sought to obtain exemption from the jurisdiction of the state industrial commissions by arguing:
- that the University Act is a special Act which vests in its governing body an exclusive power to deter­mine all conditions of employment for its academic staff and by the maxim of generality, specialibus non derogat the special provisions of an earlier act do not repeal the general provisions of a later statute.
- that the Visitor of the University has exclusive jurisdiction to determine any dispute between the University and the academic staff employed by it.
- that academic staff are not engaged in an industry or a calling and their work cannot be deemed industrial,

In the first case, the University of Western Australia Academic Staff Association (Union of Workers) applied for an award before the Industrial Commissi­on. The University then gave notice that it wanted to determine the dispute by means of conciliation, arbitration and mediation, and the Industrial Commission had the matter heard before the Full Bench of the Western Australia Industrial Appeal Court. In a deci­sion handed down on 8 June, 197926 all Justices found for the University on the third ground above and only one Justice addressed himself to the vis­itorial question. Wallis J. had this to say on the importance of the Visitor as an arbitrator;

"... whilst there is no express power to register a group of academics as an association akin to that of the respondent or to settle disputes between a non-commercial and its employees by means of conciliation, arbitration and mediation, it does not follow that the Visitor has the exclusive jurisdiction to hear and determine complaints and appeals relating to the internal affairs, membership, government and management of the appellant."28

This would seem to be cold comfort to the Staff
Association, especially given the fact that a Visitor could manifestly not provide with a resolution of their application. The second case arose in New South Wales where the University of Newcastle disputed the ability of the University Academic Staff Association of NSW, a registered State union, to apply for an award. The purpose of objection taken were similar to the ones in the Western Australian case. This case was originally heard before Macken J. of the Industrial Commission who, in 1981, for the union, the University of Newcastle then appealed to the Full Bench of the Industrial Commission. In a joint judgement, the Industrial Commission handed down its decision on 28 October 1981, and found for the union on all of the jurisdictional points in dispute. The Full Bench, at the end of their decision outlined what they considered to be the scope of the visitatorial jurisdiction and then stated: As far as claims and complaints are concerned, the jurisdiction of a Visitor is confined to hearing and determining claims and complaints concerning the internal affairs of the corporation. Under the University Act the professors are included in the corporation and a dispute between a professor and the Council of the University concerning the action of the professor would, we apprehend, be cognisable by a Visitor. The type of question we would wish to leave open is whether a tribunal under the Industrial Arbitration Act would be deprived of jurisdiction to deal with a dispute between a professor and the University concerning the terms of the professor's employment or concerning his removal from office because that is a matter within the visitorial jurisdiction. We distinguish such an internal dispute from one between an association to which the professor belongs and the University, for the association would not be a member of the corporate body and the visitor would have no jurisdiction. It is submitted that, of these two interpretations, the second one is infinitely more preferable as it does preserve what can be considered to be the traditional area of visitatorial jurisdiction while at the same time allowing the Industrial Commission jurisdiction to conciliate and arbitrate on industrial matters. The former decision effectively destroyed the necessity of the staff association while providing it with nothing in return. If the staff association was a corporation then perhaps the visitatorial jurisdiction could be invoked, on McFadden's interpretation of the extent of the visitatorial jurisdiction, that is very unlikely. Other recent cases In the recent cases of Clark and University of Melbourne the Full Court of the Supreme Court of Victoria discussed generally the history of the Visitor at the University of Melbourne and concluded generally that the members of the University, if they come within the ambit of the legislative powers of the University must do so at their own risk and in full appreciation of the extent of control the University can exercise over them, including the jurisdiction of the Visitor. The Federal of Australian University Staff Associations recently instituted a case on behalf of a lecturer whose tenure application was refused by Council. The Federal decided to commence the case by a writ of certiorari in the Supreme Court. The case has not come up for hearing yet, but it is interesting to note that the University's Statement of Defence included the following ground: the matters complained of by the Plaintiff in this action concern the internal affairs or government of Deakin University and are within the jurisdiction of its Visitor. The case is scheduled for hearing sometime in 1983. Most recently of all was the case of Murdoch University v. Bloom and Another. In that case a member of the university staff sought to present a petition to the Visitor and the University sought a declaration that the Visitor did not have the jurisdiction to determine the matter. The Visitor has rights to study leave. By a majority (Burt C.J. and Smith J.) the court held: that the Visitor had no jurisdiction to hear and determine the first statement appearing in the staff member's petition that he is entitled by virtue of his terms and conditions to a 12 month study leave. That the Visitor had the jurisdiction to determine the alternative statement that the Vicer-Chancellor's decision to limit the period of the petitioner's study leave is harsh and unjust and contrary to the spirit and intention of the petitioner's contract of service. Wallace, J. dissenting took the view that the Visitor had the right to hear both claims based broadly on the wording of the enactment in the enabling act (which has the word 'shall' rather than the word 'may' which is found in other statutes). On the extent of the visitatorial jurisdiction Wallace, J. had this to say: The dispute between the Plaintiff and the First Defendant is essentially an internal affair because it involves entitlement to study leave and therefore comes squarely in my opinion within the Visitor's jurisdiction. The Visitor is not an anachronism, he is the subject of appointment in a statute expressly fram­ ing Parliament's intention in the month of June 1972, I endorse all that Megarry C.J. had to say in Patel v. Bradford University Senate. Wallace, J. seems to have followed the spirit of the British cases and what appears to be the correct interpretation of the Visitor's jurisdiction — to look at the facts whether the dispute is internal to the workings of the University and is between corpora­ tors rather than whether it is contractual in scope or not. With respect, this sort of interpretation severely limits the usefulness of the Visitor as a majority of cases arising in modern universities can be classi­ fied as contractual. In any case, in the matter heard before the Visitor on 5 May 1980 the Visitor held for the University in the matter in which he had jurisdiction. In the course of his decision he stated: In my ruling on the preliminary point of jurisdic­ tion I accepted that a Visitor has no authority to interfere with the exercise of a discretionary power unless that power has been exercised from motives, ile­ gal or improper. Needless to say that it is very difficult to find for the petitioner if that sort of test is used. Lastly, we have the following statement as to the visitatorial jurisdiction given in a recent case: When the question is whether a Visitor has jurisdiction to hear and determine a matter of status and a public law is involved, the determination of which is not an internal affair, and rights of property, the Visitor determines. Again, the test is based on the dispute in question having to be internal and between members rather than being put on a strictly contractual basis. Conclusion The majority of Australian universities do possess a specific statutory enactment, usually found in the enabling act, which establishes the Office of Visitor. Although the matter is far from settled, it is likely that even the universities that do not have a specific enactment for a Visitor would still possess a Visitor in the person of the Crown, by nature of the institution. The British cases outline the nature of the visitatorial jurisdiction which, to simplify somewhat, include all domestic matters which could form a dispute between members of the corporation. Initially the disputes would have been mainly a matter of status although gradually contractual elements peculiar to the university environment were included as well. In Australia, as evidenced by Bloom's case, and others, the contractual element was never really accepted and this coupled with a very strict, almost commercial interpretation of the nature of the Office, resulted in a very limited application of the visitatorial jurisdiction. Thus we have a system that allows the Visitor to adjudicate on the matters of status and a very limited definition of 'internal matters'. Given the problems with this jurisdiction and the very uneven definition of the corporators under its influence, do we need a Visitor at all? I believe we do. The Visitor still serves a useful function, especially in States where the prospective petitioner does not have any access to the state industrial commission. I believe, however, that the ancient office should be streamlined and rational­ ised as follows: By ensuring that all full-time members of aca­ demic staff are included as members of the corporation. By ensuring that the Visitor does not have any jurisdiction over matters involving logs of claims or awards for all members of academic staff. The fact that such matters are generally brought by the Staff Association which is not a corporation should sufficiently distinguish this case from the case of an individual bringing a petition before the Visitor (in which case the Visitor would have jurisdiction). By applying the test as outlined in Thomson and the University of London. I would go as far as to say that no appeal should lie from the Visitor's deci­ sion provided that it is made within the jurisdiction as defined. **-**
NOTES AND REFERENCES

1. At page 23.
2. (1952) 27T4, 349.
3. Ibid, at page
4. (1864) 3L.J. ch 625.
5. Ibid, at page 634.
6. Keeping peace in the Universities — the role of the Visitor (1970) BJCLP.
7. See RV Industrial Disputes Tribunal exp. Queen Mary College, University of London (1957) 2Wkli.
11. 9 Edw. VI No 7.
13. See the text enunciated in St. John's Coll, Cambridge v Toothing (1757) 1 Burr per Lord Mansfield, at p. 301.
15. T.G. Matthews, 'The Office of the University Visitor', UGLJ, 11, 2, 152, at p. 156.
17. Note 6, supra, at p. 531.
19. Ibid., at p. 201.
20. Ibid., at p. 205.
21. Ibid., at p. 206.
22. Supra, note 4.
25. In Re University of Newcastle Staff No. 296 of 1981.
26. Ibid., at p. 41.
27. Supra, n. 17.
29. Ibid., at p. 73.
31. Ibid., at p. 6 of the judgement of Wallace, J.
32. At page 15 of the decision.
33. Petition by J. De Simone and others on 16 October 1979 at the University of Melbourne.
34. Supra, n. 4.

PROFESSIONAL ETHICS IN ACADEMIA

Some years ago Eric Ashby proposed a form of Hippocratic Oath for members of the academic profession.4 More recently the Journal of Advanced Education published a draft code of ethics for its readers to consider.5 Many professional groups have adopted a formal code of ethics, though it is too weak a set of principles which members are expected to observe, while others have canvassed some of the issues which might arise in the course of professional practice (e.g. Royal Institute of Chemistry).6 In recent years there has been an upsurge of interest in some of the ethical issues which can stem from academic work largely because of revelations of fraud and improper applications of research expertise.7

The topic is a large one and somewhat daunting because of its complexity and the manner in which many of the issues interconnect. Here I shall only attempt a sketch of the outlines of its scope and indicate the general character of some of the issues. An academic has responsibilities in five major areas: research, teaching, the institution, the profession, and the community. I shall say a little about each of these but give most attention to the first two.

Research

A quite fundamental issue which arises here concerns the general thrust of research efforts and the choices which face an individual in determining his or her own priorities.8 We are all familiar with the moral dilemmas which can arise, for example, in relation to weapons research versus work aimed at enhancing human welfare, and I do not propose to discuss this topic despite its great importance.

Many problems have emerged from the manner in which research is conducted and the ways in which scientific results are published and it is this area which has attracted the most attention during the past decade, although there is certainly nothing novel about such controversies. Charles Babbage, the founder of computing science, published in 1832 his Reflections on the decline of science in England in which he discussed varieties of hoaxing, forging, trimming of results and what he called cooking.9

It is helpful to view many of these issues as having their origins in a conception of the results of scientific work as being the property of scientists in which they have certain rights. This approach has been developed in considerable detail by Ravetz who argues that the protection of these rights is necessary if scientists are to be confident that their efforts are to be rewarded. This protection is achieved through the mechanism, developed in the late eighteenth century, of publishing authenticated results and so enabling the subsequent citation of such results by others thus ensuring their attribution to the originator. What Ravetz calls an 'etiquette' has evolved which governs citation practices and the operation of the system of quality control which is in the hands of journal editors and referees. Ravetz admits, however, that "etiquette" is too weak a notion to convey satisfactorily what is involved here. It is the concern with property and the rewards which may be anticipated to come from it which leads to many of the difficulties which are generated by the operation of the quality control system. Prominent among these is the use of the work of others without adequate acknowledgement. This is often unintentional, for few of us are able to recall the origins of all our thoughts, but sometimes it is deliberate as in acts of plagiarism. Referees sometimes take advantage of their access to the unpublished work of others to plunder both ideas and data. Supervisors have been known to fail to accord full credit to the efforts of their postgraduate students.9 Name-ordering on publications at times does not reflect accurately the contributions made by each author.10 The Royal Society has attempted to avoid this problem by insisting upon alphabetical order only. Some workers neglect to publish results promptly out of a concern for secrecy in order to promote self-interest.

Because of the advancement of knowledge depends upon the authenticity of published results it is obvious that the integrity of research workers is of crucial importance. In recent years, however, there has been a spate of allegations and revelations concerning instances of scientific fraud. One of the most publicized cases is that of Cyril Burt but there have been many others.11 (see Manwell and Baker, 1981). Indeed, Brush has argued that the history of science is so replete with discrepant and improper applications of research expertise.12

The gate-keepers of science are the editors and referees of the papers which constitute the journal literature. Many editors and Ravetz has stressed the fundamental significance of their role.

If their concern is no more than the creation of intellectual property which can be cashed for material and social benefits, then there are no internal barriers to the rapid degeneration and corruption of a field at all levels.13

There is another aspect of intellectual property rights which has received little attention in the literature. This concerns ownership claims, or the ascription of ownership rights, to objects and locations rather than to discoveries or results. For example, there is a sense in which anthropologists 'own' the