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A History of Croatian Committee on Ethics in Science and Higher Education from 2014 to 2018

Abstract

In this paper, the author deals with a history of the Committee for Ethics in Science and Higher Education of the Republic of Croatia from 2014 to 2018 from the pluriperspective philosophical and historical point of view of destrolution, neo-sycophantism, and the theory of post-communist chaos. The author provides relevant media coverage on the work of the Committee, and its leader, as well as the most important subjects of the Committee's work that have reached the public through the media. The paper presents a case study of the abuse of ethical committees and principles on the example of the Croatian scientific and university community in a given period of time.

Keywords

Committee on Ethics, Croatia, destrolution, humanities, politics, university autonomy

Introduction

In our new human epoch, ethics becomes in demand when ethos becomes questionable. New decision-making situations most often require new ethical rules or at least a review of them. Many principles are more indicative due to their general meaning, while in a more specific situation of decision-making and action, the ethics of responsibility should be reached. In the system of science and higher education, the bearer of this responsibility is the scientist as such (Knezović, 2016, pp. 74–77).

According to Hoffmann and Miošić (2017), higher education gets public space only when it comes to academic dishonesty, viz. moral dishonesty, especially when the protagonists are politically, viz. public figures. The fact is that the scale of unethical actions is not negligible and should never be neglected. How much the system is unregulated and abused in the Republic of Croatia is shown by the fact that the same authors noticed in Article 16 of the Rules of Procedure of the Committee on Ethics in Science and Higher Education (CESHE). It is an advisory body for the promotion of ethical principles and values in the territory of the Republic of Croatia, appointed by the Croatian Parliament. Hoffman and Miošić thus state:

“An interesting feature of decision-making in CESHE is the fact that, in theory, it is possible to adopt a decision of the Board with only a third of the total number of votes, insofar as the presence of a majority of the members of the Committee is required for the adoption of valid decisions (5 out of 9) and more than half of the votes of the present members of the Committee (3 out of 5).” (Hoffmann & Miošić, 2017, p. 9)

Already this realization opens the possibility of scientific subversion and open ground for the abuse of ethical bodies and principles. That this is indeed the case, the same authors claim:

“It should be noted that CESHE itself weakens its own position and relevance in the system by inconsistent practices of publishing information about its work, making it all the less likely to successfully point out its importance and function as a body, which can improve the practice of lower levels by pointing out problems and public recommendations for improving the system.” (Hoffmann and Miošić, 2017, p. 20)

All of the above, especially from the sphere of the systematic destruction of ethical institutions, authorities, and values, was noticed and defined by the Croatian philosopher Ante Čović under the term *destruction*. It is a matter of the systematic destruction of the institutional, legal, and factual order, and especially the destruction of those institutions, authorities, and values that are important for national and cultural identity (Čović, 2020, p. 17). The promotion of ethical principles, *in bona fide et sine ira et studio*, in the system of science and higher education is of vital national, cultural, identity, and value interest for every developing country. From the very introduction, which is also the author’s motivation for studying the work, actions, and media repercussions of CESHE from 2014 to 2018, i.e. his last term, it is possible to read how such a Committee in the system of science and higher education should reach a high level of legitimacy and thus create the effect of justified action in ethical disputes. In addition, the period from 2014 to 2018 attracted the author’s attention because it was during this period that the work of CESHE received the most media attention, and the committee did not exist from its establishment until this period. The analysis of the work of the CESHE in the relevant Croatian media is also one of the incentives for the research, because it opens the possibility of abuse of ethical committees and principles, both in the work of the committee and in the reporting on its work. Therefore, with this paper, the author intends to present a case study of the abuse of ethical committees and principles using the example of CESHE in the specified period, with its development path, methods of action and hidden political goals. The author will approach the topic from the point of view of contemporary Croatian philosophical teachings of neo-sycophantism and the theory of post-communist chaos with the interpretation and analysis of media repercussions. The aim of this paper can be explained by an ancient Greek term, *aletheia* (ἀλήθεια); that is, the special meaning of the truth that comes to light from obscurity.

CESHE – What It Is and What It Served

Article 112 of the Law on Scientific Activity and Higher Education in the Republic of Croatia defines CESHE as the highest advisory and professional body for the promotion of ethical principles and values. In addition to the field of science and higher education, the definition of the promotion of ethical principles has been extended to business relations, public relations, and the application of modern technologies, as well as in environmental protection and competition. Regarding the work and activities of CESHE, it issues opinions and views on ethics inadmissibility in the form of views, opinions, recommendations, proposals, or remarks. Therefore, the powers and decisions of CESHE are exclusively declaratory (Law on Scientific Activity and Higher Education, 2017).

The work of CESHE is organized by a document called the Rules of Procedure. Here we will single out some of the more important articles on the topic of this paper. According to that document, the chairman of the Committee is relieved

of their duties if their conduct violates the reputation of their duties, and especially if they violate business secrets. As a rule, the committee discusses cases in which it has been previously discussed in a higher education institution or scientific organization. The original minutes of the Committee meetings are kept at the Agency for Science and Higher Education, and the Chairman of the Committee supervises them. Both the chairman and the members of the Committee may not disclose information presented at the meeting that is considered confidential; for example, agenda, minutes, hearings, acts, information, etc. (Rules of Procedure, 2014). Thus, as a rule, CESHE should not share its work with the public. Sources for research on this topic were published publicly on the website of the Documentation and Information Centre of the Croatian Parliament. Some parts of the abbreviated minutes were also published by the media. But such information had to be kept secret.

In addition to the Rules of Procedure, the Code of Ethics is the key programming document of CESHE adopted in 2006 following the establishment of the Committee. Its primary purpose is to establish expected relationships based on accountability and academic integrity, rather than, for example, explicitly listing what is ethically permissible and what is impermissible (Code of Ethics, 2015). Therefore, there is no illusion of a deontological vacuum in the key documents of CESHE because it is defined by the Law, Rules of Procedure, and the Code, where the key activity of CESHE is exclusively ascertaining and warning, not implementing and judging. In order to better understand the problems of CESHE's work in the period studied in this paper, we must mention how it started in 2006 and what controversies it has encountered since its inception. The overview will provide a more complete picture of its development in Croatia.

The principled position of the work of this convocation was to defend the dignity of the Croatian scientific and university community against denunciations and defamations of the same. A large number of cases that were the subject of CESHE's work had insufficient evidence, and there were those scientists who tried to diabolize others in the media. It should be emphasized that the Committee, in accordance with the Law and the Rules of Procedure, did not discuss cases without the prior opinion of the parent institutions from which the persons who were the subjects of a particular ethical dispute come. It is also necessary to emphasize that the committee in its history had only one philosopher and bioethicist at its convocation, who resigned after the constituent session in June 2006 (Report on Work, 2006–2008).

Thus, from the very beginning, CESHE had structural difficulties and shortcomings in its work. It is also a fact that the members of this convocation were those with the lowest scientific and teaching titles, and not prominent scientists and university teachers with the highest scientific and teaching titles. There are several reasons for such an age and scientific-professional criterion. First of all, veteran scientists have much more practical knowledge and experience of the scientific system and higher education than scientists with the lowest scientific titles. In addition, as retired scientists or university professors, they are often removed from any influence of ethical dilemmas in relation to scientists employed in institutions in research or teaching positions. It is quite logical that at least one scientist in an ethics committee should be a philosopher, i.e. an ethicist, since this is the basic task of such a committee, i.e. an expert in moral evaluation. There was some suspicion in the Croatian Parliament that CESHE was a kind of extended arm of the

Ministry of Science and Education, because the Ministry could send cases to it for discussion, and through the Agency for Science and Higher Education, which operates within the Ministry, CESHE was served. This was noted by a parliamentary representative and philosopher Gvozden Flego, who said in a parliamentary debate on 13 March 2008:

“The moment the executive body of authority begins to perform professional tasks for a body, that body actually ceases to be completely independent and autonomous.” (Croatian Parliament – Informational-Documentational Office: *Phonogram of the debate on 13 March 2008*)

The chairman of the Parliamentary Committee for Science, Education and Culture, Croatian historian and teatrologist Petar Selem, said at the same debate:

“I am not sure that we can really define the purpose of this committee.” (Croatian Parliament – Informational-Documentational Office: *Phonogram of the debate on 13 March 2008*)

The same debate was attended by a parliamentary representative, lexicographer, and the former Minister of Culture Antun Vujić, who said that CESHE is a parastate structure because it interferes in matters intended for the courts, and thus works outside its powers (Croatian Parliament – Informational-Documentational Office: *Phonogram of the debate on 13 March 2008*). Therefore, these objections were not made by politicians but by prominent Croatian scientists and university professors, all three of whom are listed. This shows that the Croatian academic community was also dissatisfied with the structure and methods of work of the committee.

Although it is a fact that such parliamentary ethics committees have, for example, Scandinavian countries, Austria and Great Britain, the fact that these countries were not burdened by the transition from a totalitarian communist system to democracy is persistently omitted. On the relationship between communism and ethics and morality, the Croatian historian Jure Krišto concluded that the annulment of morality was a direct result of the teachings of Karl Marx and Friedrich Engels in terms of radical relativity. This can be described in a very simple sentence: “There is no truth and no lies – everything can be this way and that way.” Moreover, according to him, the denial of morality and ethics was the direct path of communism into evil deeds (Krišto, 2019, p. 158). Thus, the communist state and social organization of Croatia from 1945 to 1992 was the key reason for the lack of ethical sensibility and the importance of ethics in science and higher education.

Totalitarian systems were immune to all aspects of ethical principles, and the transition in post-communist countries was made only formally and politically, not systematically and institutionally. Among other things, Čović (1993) concludes that the institutions did not go through the expected procedure of democratic legitimation, but became involved in political processes and democracies and clashed with the political order. Thus, the delegitimization of the existing institutional system was missed. More about this will be discussed in the last chapter of this paper.

The first convocation of CESHE was held for the last session in 2009, and the new and so far last convocation was confirmed by the Croatian Parliament on 6 June 2014. The competent parliamentary committee proposed, and the Parliament confirmed the following composition of nine members of CESHE: moral theologian, psychologist, economist, art historian, professor of dramatic arts, economist, geophysicist, and finally physician and president of CESHE,

who will profile himself as a key figure of that Committee, especially in media appearances (Appointment Decision, 2014).

One year after the appointment of the Committee, on 15 June 2015, CESHE adopted Amendments to its Code of Ethics at the proposal of President, i.e. amendments to Article 7 which states: that the Code is in the legal rank of the Constitution of the Republic of Croatia and the Law on Scientific Activity and higher education; institutions are bound by their codes of ethics; a hierarchy of ethical judgments is introduced from parent institutions to CESHE, which becomes the last instance. The key differences are that institutions are no longer obliged to adopt their own code of ethics, rather they are required, and new goals for CESHE's work are introduced: combating discrimination, conflicts of interest, and other dishonourable behaviours (Amendments to the Code of Ethics, 2015). However, at first glance we can see the controversy of this amendment because no law, rulebook, decree or decision, let alone a code, can override the importance and significance of the basic document of the state, which is the *constitution*.

During the first meeting of the new convocation, the last president of the previous convocation was invited to the meeting, who then informed CESHE about the previous work and activities. From 2014 to 2016, CESHE dealt with 43 cases in 12 sessions. Although they announced the drafting of a document on the freedom of scientific research, which has no restrictions other than ethical ones, by the end of the 2018 term, CESHE did not draft it. They also promised to draft a document on the issue of plagiarism, which they also failed to do. It should be noted that the Croatian philosopher, who is not a member of the Board and is in no way bound by it, also participated in the work as a representative of CESHE in the European Network of Research Integrity Offices (ENRIO). In his report on the work from 2014 to 2016, the President states that:

“Although he is not a member of the Committee, Professor once attended the ENRIO meeting on behalf of the Committee; so for the sake of continuity and in agreement with the Ministry of Science, Education and Sports of the Republic of Croatia participated once again.” (Annual Report, 2014–2016)

It is not possible to find in any publicly available CESHE document when and in what way Professor was elected Croatian representative in ENRIO and why a non-member of the Committee participated despite the nine-member convocation. This may call into question the committee's responsibility to be represented internationally by someone who is not a member.

The first official criticism of CESHE's work was sent on 25 February 2016 by the Government of the Republic of Croatia, where the opinion on the CESHE Report on Work from 2014 to 2016 pointed out that the report should be more detailed, that a greater role is needed in the activities undertaken by the Committee with the aim of performing tasks and a more detailed description of the handling of cases (Government Opinion of 25 February 2016). The fact that the highest level of executive power in the state criticized the work of the committee seriously called into question its work and activities.

It is significant that since the same year, the President has been appearing more and more in the Croatian media and talking about the work of the Committee, while other members of CESHE have not done so. As a result of such statements, a prominent Croatian professor of mechanical engineering filed a complaint against him for abuse of office and unethical behaviour for

revealing confidential matters to the public, which is prohibited by CESHE's rules of procedure. Aware of the recycling of defamation and the creation of a deontological vacuum, the President publicly demanded that he be able to carry out the application in a formally clean and impartial manner, even to the extent of recommending that the applications be repeated (Fire Among Scientists, 2016).

What made the CESHE convocation under his presidency memorable in the Croatian academic and university community, but also in the media, was the handling of previously processed and resolved plagiarism claims by Croatian philosophers from the University of Zagreb, and counterclaims of plagiarism also by Croatian philosophers, mostly from the Institute of Philosophy in Zagreb. The situation also entered the sphere of public interest, as one of the accused was the Minister of Science and Education from October 2016 to June 2017. CESHE discussed these cases at its meeting on 27 October 2016, and a majority decision was taken to withdraw the items from the agenda. Of the seven places indicated on the motion, which was sent to twenty different addresses, CESHE found plagiarism for failing to provide a bibliographic citation for a statement by the American philosopher Stephen Schlesinger. By sending the application to multiple addresses, the applicant engaged in hostile, labour, educational and academic harassment in breach of the Code of Ethics (Minutes of 27 October 2016). The applicant's intention was not primarily an accusation of ethical failure, but a denunciation. However, CESHE did not analyse the case in depth, but equated plagiarism with failure to cite, which will be discussed in more detail later in the paper.

Only a day after the session, CESHE Deputy President submitted a request for dismissal. He explained his resignation by explaining that things had gotten out of control in the work of the Committee and that he had been prevented from doing his job conscientiously and peacefully through media activities. Exactly one month later, another member of CESHE resigned and emphasized that the decisions of the Committee were always made with the required majority, but not always unanimously. In his resignation, he asserted that certain facts had occurred at the disputed session of 27 October 2016; in particular, that the Committee had experienced instrumentalization in the Croatian public. Finally, on 2 December 2016, President also resigned from the post of President, but not from the post of CESHE member (Lilek, 2016a; Lilek, 2016b). Instead of identifying ethical shortcomings and detailed analysis of reported cases, the committee was more viewed in the media from a personnel perspective.

Although he claimed that he resigned due to pressure on the case of Minister, the real reason was the violation of the Rules of Procedure regarding continuous appearances in the media, which CESHE members resented. The crisis around CESHE escalated when the Rector's Assembly of the Republic of Croatia, which consists of all rectors of public universities in Croatia, on 5 December 2016 asked the Government and the Parliament of the Republic of Croatia to dismiss the Committee and appoint new members. The rectors pointed out that CESHE has lost credibility and formal legitimacy for further action, but also moral credibility (Press release of the Rectors' Assembly, 2016). Thus, the leadership of all Croatian universities completely distanced themselves from the work and activities of the committee in that convocation. But there was no end to the resignations in CESHE. On 13 December 2016, psychologist member also resigned from the membership of CESHE, claiming

that her work in the Committee was difficult according to the principles of the Rules of Procedure and the Code, thus implying violations of these two acts (Requests for Dismissal, 2016). Ultimately, the violation of these two acts was a key failure of the work and management of that committee, which dealt more with itself than with specific situations.

It should be emphasized that the complaint against Minister was filed in 2011 and has been updated since the Code of Ethics was amended. In that situation, President of CESHE was in a conflict of interest because he was a witness in the court proceedings for one of these reported cases, although his excuse was that he had been summoned to court as an expert. In fact, the key statement is from the minutes of the session from 1 December 2016, when Deputy President said that these cases from 2011 were actually resolved because it is evident from the documentation of the last convocation of CESHE. In addition, he objected to the minutes of the last session because he said that it was shortened, mitigated, and did not reflect the real atmosphere of the last session. Namely, when the application against Minister was discussed, CESHE members came to the conclusion that the application itself was unethical because the applicants violated the Code of Ethics by sending the application to several addresses of public universities and scientific organizations. This position, as well as the position that there are elements of plagiarism in the application, was *de facto* rejected by CESHE with 3 votes in favour, 3 votes against, and 1 abstention. The results of the voting were similar in regard to the charges against Croatian philosophers from the University of Zagreb (Minutes of 1 December 2016).

The new resignation of CESHE took place on 20 December 2016, by economist member, because, according to her explanation, the media texts had untrue claims about previous CESHE sessions and according to the Rules of Procedure, were not allowed to appear in public. The work of CESHE has thus certainly become instrumentalized in public, all for political purposes. She also assessed the presence of politics in the work of CESHE and opened the question of the legitimacy of CESHE due to the truncated composition (Requests for Dismissal, 2016). Although her remarks were justified, CESHE did not comment on them at all, but continued with the work, which was very questionable.

Despite this, as many as three sessions were held with five CESHE members, and elections of questionable legality were held for the new CESHE leader. The new moment of direct criticism of CESHE's work was manifested in the opinion of the Government of the Republic of Croatia from February 2017 on unaccepting of the CESHE's work report for 2016. They concluded that CESHE acted contrary to the Law on Scientific Activity and Higher Education and were aware of the questionable legality of their own work, so they had to bridge those illegalities. The sessions were convened illegally, and the agreed way of voting was a violation of the institutions of CESHE and the Croatian Parliament (Government Opinion, 2017).

If we analyse the text of that report, we can see that the convocation of the session after President's resignation is obvious, because it was convened by the oldest member without explaining and establishing the principle of seniority in the work of CESHE. CESHE's proactive work was explained in the report by a planned initiative to draft a scientific data management document that was never published and participating in the work of ENRIO without any practical contribution. In ten sessions during 2016, they had 101 items on the

agenda and 26 subjects, of which 16 were from the field of social sciences and humanities (Work Report, 2016). However, the resolution of these cases remained in the shadow of the committee's relations and actions. It is clear that quality debates were held, but they were not equal given the controversial reports of political officials.

Additional analysis of the minutes shows unanimous decisions after discussions and frequent return of cases of ethical disputes to the competent institutions, and sometimes very simple conclusions that only the cases were taken into account. Thus, CESHE often referred cases to other instances without taking positions. Rarely has any ethical controversy been brought to light, except in the case of the former minister, which confirms the politicization of regular work processes. It is interesting to note that CESHE did not take positions on the basis of anonymous reports, which is a major omission in the work. The fact that an application is anonymous cannot exclude its substantive significance.

At the proposal of the University of Zagreb, the Constitutional Court session of 25 April 2017 unanimously initiated the constitutional review of the amendments to the Code of Ethics in the mandate of the disputed president and decided to repeal Article 7, paragraph 4, especially in the part that CESHE is the final instance. Judges of the Constitutional Court have ruled that the Code of Ethics is a bylaw, but it cannot oppose the constitutionally guaranteed autonomy of the university. Perhaps the Constitutional Court of the Republic of Croatia best reconnoitred the goal and purpose of CESHE, which is to set general ethical principles in the system. The Court also noted that according to the CESHE Code of Ethics, it can invalidate an ethical university award, which is also a violation of university autonomy (Constitutional Court Decision, 2017). Thus, the Constitutional Court confirmed that the ethics committee had grossly violated university autonomy with this amendment. However, this was not the only case. The Committee itself sought to increase its powers without the prior approval of higher authorities, extending its advisory role to the deciding factor.

Finally, on 14 May 2018, the Croatian Parliament withdrew the disputed report from the procedure, and the debate was never conducted, thereby *de facto* interrupting the work of the committee. On 6 June 2018, CESHE issued a press release at the end of its term. In it, they justified themselves by ignoring higher education institutions per their request and highlighted their dedicated work on plagiarism and irregularities in scientific work; so it is not surprising that the media of the time derogatorily calls the CESHE Plagiarism Committee (Press Release, 2018). This completed the work of the committee to this day.

Ethics, Destroclusion, and Media

As previously shown and analysed in the work of CESHE, the burning problem of the Croatian academic community was plagiarism in scientific papers. However, the committee's actions against them, with the exception of politically influential persons, were neither presented in more detail, nor did the committee insist on remedying other ethical violations. Interpreting and analysing the case of plagiarism in the Croatian academic community, Croatian political scientist Mirjana Kasapović, *de facto*, managed to define the components of the concept of the network of academic corruption, which is a key

ethical problem in the scientific and university community. According to her, the structure of the term consists of elements of plagiarism, conflicts of interest, monopolies, clientelism, and nepotism. The importance and problematic nature of this are assessed by the author as “a much more dangerous and destructive phenomenon for the development of Croatian science” than any other (Kasapović, 2012, p. 41).

In contrast, the Croatian philosopher Milan Polić, questioning the will to power as ethics and democracy, stated that the ideology of such a position and its corresponding speech as a hidden will to power is best revealed in cases where ethics is used as a surrogate for law or legal substitute. He cites numerous ethics committees and codes as a typical example of this (Polić, 2005, p. 421).

Analysing CESHE, Polić concludes that in fact, this political body decides on the choice of ethical decisions that will be determined by a majority vote what is and what is not ethically justified, based on a code of ethics that he himself previously adopted in the same way (Polić, 2005, p. 422). Polić spotted an obvious legal surrogate. This creates the illusion of sublime absoluteness and will be transformed by the arbitrariness of nine members of CESHE, or as he calls them – political aides – so one might remember that such a rulebook was passed without the participation of the Croatian university community, which is a violation of the Constitution of the Republic of Croatia, guaranteed autonomy of the university. The same author considers the committees for the ethics of mystification to be quite prosaic commissions and ordinances. According to him, the standard rulebook is thus translated into a code of ethics that acquires a kind of mysterious power that it cannot have as an ordinary rulebook. The Ethics Committee thus grows from an ordinary commission into an untouchable mediator with moral universality, which, as Polić claims, ordinary mortals have nothing to discuss. In such a situation, ethics is a par excellence ideology as the most effective means of acting as a weapon when it normatively wants to target another. Ultimately, the will to power is hidden behind the supposed generality of the ethical norm because ethical bodies do not suffer exceptions (Polić, 2005, p. 423). That is why the work of CESHE has remained compromised and politically conscious without nurturing and working its fundamental task, that is to promote the value of ethical principles in scientific discourse, not motivate political persecution at the expense of manipulating facts.

According to Ašperger (2006, p. 30), institutions have the primary responsibility for the integrity, and thus for initiating indictments, and not CESHE. At the same time, the role of the government is to supplement the role of institutions only when the procedures in them fail. However, this controversy is much more complex in nature. Tomašević and Jelčić (2012, p. 243, 247), questioning the ethics of scientific research, came to the conclusion that the crisis of modern society is actually a moral crisis in terms of value systems and codes of norms, which leads to the subjectivization of morality. Practice is not guided by reason, and thus an ethical vacuum is created without universality and defaults as a form of *vitae*. That is why we are talking about destrolution as a manifestation of systemic destruction. Carriers of destrolution drag justification and legitimacy as self-defence for action. In the case of ethics in Croatia, this phenomenon has reached its completion, completely written down its genetic trajectory, exposed the methods of action and covert goals, and brought to light key stakeholders.

It all started with the work of the so-called Forum for Ethics and Development of Science and Higher Education (FEDSHE), which was founded in December 2007 as an informal association of citizens. FEDSHE brings together prominent scientists in Croatia and abroad who, with their knowledge and experience, can contribute to the development of the science and higher education system. Through phrases about excellence, quality, and ethics, they have actually reached key political positions in order to be able to manage human resources in the Croatian science system and higher education (Čović, 2017, p. 11). Precisely because of this, the noble idea of promoting ethical principles was lost, and it was replaced by personnel policy. As the core task of the association coincided with the area of competence of Assistant Minister, as the head of CESHE, and one applicant in the field of abuse and additional engagement in ENRIO on behalf of CESHE, it can be concluded that all three of them found themselves in a conflict of interest. Due to that, but also the fact that the Ethics Committee of the Faculty of Humanities and Social Sciences, University of Split, and the Regional Council for Humanities of the National Council for Science, Higher Education, and Technological Development determined that in the case of Minister there is no plagiarism or its manifestations, the report is in every sense unfounded and in a morally and academically inadmissible manner has abused ethical bodies and principles solely for the purpose of public defamation and political gain. Therefore, the Regional Council for the Humanities issued the opinion “that this incredible ‘invasion’ of attacks on a whole range of people from the scientific community, more precisely from the scientific field of philosophy, constitutes as an abuse of ethical bodies in science and higher education and the Committee on Ethics in Science and Higher education of the Republic of Croatia, whereby such actions play on the very purpose of the existence of ethical bodies” (Dismissed Accusations, 2016).

It should also be noted that the report, at least the one against Barišić, was at that time sent to a non-existent body because CESHE did not have a mandate at the time. The last session of the first CESHE convocation was held on 23 November 2009, the application was sent on 9 February 2011, and the new CESHE convocation was appointed on 6 June 2014.

That is why, when we talk about destruction and the media, then it is quite clear that as a society we have fallen into a civilizational depression of collective hysteria in public life which is manifested in a priori condemnations carried out through public lynching, destruction of factual and institutional order, in the terror of incorrect political correctness, in suppressing criticism and abandoning the principled approach and amputating a mentally reserved place for the other side. The characteristic of such media is in the phenomenon of collective hysteria of a priori blame, condemnation without appeal, media executions, which in our time has taken the form and scale of the historically known phenomenon of witch-hunt (Čović, 2020, p. 17).

President of CESHE has become the key and only media face of CESHE since the beginning of his term. One of the first media appearances, which did not concern ethics, but was from the science system, was in newspaper *Večernji list* on 3 March 2015, when he said that humanistic scientific journals receive irrational amounts of financial support. Consequently, during his term as the head of the Commission for the scientific publishing activity of the Ministry of Science and Education, he reduced the number of co-financed journals. Ultimately, he stated:

“Personally, I think that Croatian science has no potential to produce so many relevant scientific journals.”

It is ironic that, in previous statements, the title of the article brings Silobričić’s quote:

“Mornar removed me because I wanted world level science.” (Kustura, 2015)

On the other hand, Minister is the media person who also marked the mandate of President as the head of CESHE. Only two days after his appointment as minister, the Croatian political party Pametno, in which President holds a high position as a member of the presidency and one of the founders, issued a press release entitled “Moral slap on the entire education system”, protesting Minister’s appointment. The statement pointed out that Minister has a pale scientific opus and a number of scandals. Interestingly, the statement was not signed individually (Moral Slap, 2016). It is this fact that is proof of the political motivation of ethical condemnation. On the same day that the statement was published, journalist Ana Brakus published an article in *Novosti*, a political and social weekly for Serbs in Croatia, entitled “We are Publishing the Contents of the Report Against Barišić Hidden For Five Years”, where she described the report from 9 February 2011. under the title “Report against prof. dr. sc. Pavo Barišić for plagiarizing several parts of someone else’s article, books, and Internet sources in the article ‘Does Globalization Threaten Democracy’ (Synthesis Philosophica, vol. 23, no. 2, 2008, pp. 297–303.” (Brakus, 2016). The journalist was given a statement for the article by one of the applicants who in 2019 was deprived of the scientific title of senior research associate due to fraud with a fictitious book (The Unfolding of the ‘Tamagotchi’ Affair, 2019).

President’s public appearances regarding the work of CESHE are nothing but a media capitalization of the case, and it is obvious that he abused the duty of CESHE president for party and ideological-interest purposes and violated the provisions of the Rules of Procedure (Professor Čatić demands dismissal in 2016).

The University of Zagreb reacted to such behaviour with a statement dated 31 October 2016, that President of CESHE had involved CESHE in a media and political campaign. They pointed out that his speech was irresponsible and did not comply with ethical standards. They noticed that he used the methods of media trial, and this is best described in the following sentence:

“Even after the allegations are denied [...], they are repeatedly repeated as media-proven truths. [...] The media production of political pressure will impose personnel solutions at will on recognizable interests and political circles. [...] usurped the right of the supreme ethical tribunal by the method of taking it out of the closet according to political needs, to retroactively apply to ethically processed cases, i.e. rejected, and concluded on two ethics committees.” (Press release of the University of Zagreb, 2016)

In addition, President stated in the media that he learned about Minister’s case from the media. That is hard to believe if you read the article by Croatian physicist Antonio Šiber on his personal blog from 11 November 2016, in which he points out the connection between President of CESHE and one of the applicants through the Commission for Scientific Publishing of the Ministry of Science and Education of the Republic of Croatia, but also an incredible number of members of the Smart party in key management positions in the Croatian science system. The same author sarcastically recalls the FEDSCHE maxim of January 24, 2008:

“Against conflicts of interest in science and higher education in Croatia.” (Šiber, 2016)

As there was more and more talk about President of CESHE in the media, so were his affairs from the past. The key is that at one time, as the head of the Immunology Institute, he participated in its ruin due to suspicious financial activities; it is repeated that he is in multiple conflicts of interest, and he abused the position of CESHE leader to collect cheap political points for the Pametno (Silobrčić’s sinking) party. However, the current rector of the University of Rijeka and Croatian philosopher Snježana Prijić Samaržija at the session of the National Council for Monitoring the Implementation of the Anti-Corruption Strategy in Rijeka on May 20, 2019, characterized him with the following sentence: “Academician Silobrčić has become a symbol of ethics in science and higher education during his presidency.” (Ethical Challenges, 2019)

The Croatian media still helped to reveal the meaningful truth, the *aletheia* of the whole case. On the internet information portal *Promise.hr*, on 12 January 2017, the speech of the new head of CESHE, is relayed, in which he admits that someone from the committee sent it to the media. The opinion was publicly available prior to the verification of the minutes of the CESHE session, and the new president ultimately indirectly confirmed that the previous president had instrumentalized the Committee for political purposes. No one from the Committee wanted to say who sent the documentation to the media, and according to the Rules of Procedure, the president of CESHE is responsible for supervising the documents (“It’s not me; it’s not me!”, 2017).

The real collapse of media ethics and the ethics of some Croatian politicians was the news that the world-renowned scientific journal *Nature* wrote about the affair of Minister. However, the authors of this text are not foreign but domestic, namely Croatian journalists of the *Index* internet portal, Nenad Jarić Dauenhauer, and Mićo Tatalović. These are articles that do not bring statements from the “other side” at all, and the texts were advertised with pompous headlines by their parent portal *Index*.

Nevertheless, the best interpretation, and entirely about the work of CESHE from 2014 to 2018, was given by the eminent Croatian and world-renowned ethicist Luka Tomašević, when he said that CESHE itself had strayed ethically; the debates were systematically politicized and the public manipulated. The key, in that statement, is his next sentence:

“The naked unethical conduct of the Ethics Committee in Science and Higher Education and its former president, Academician Silobrčić, surpassed all the ethical deviations that the national history of the academic community has recorded in just over a quarter of a century of Croatian independence.” (N. B., 2017)

Neo-Sycophantism and Post-Communist Chaos

The case of the work of CESHE and its leader from 2014 to 2018 should be viewed from the point of view of historical-philosophical and socio-political phenomena characteristic of Croatia from the end of the 20th and the beginning of the 21st century. Today, public denunciations, what history used to remember as witch-hunts, are talked about in some exotic areas. However, in the new era, the burning of witches comes to light in a transformed form (Barišić and Čović, 2019, p. 92), more precisely, in the form of neo-sycophantism. The problem of the ethical point of view, which is crucial for the

validity of the legal system, arises when the minimum ethical limit is exceeded. There are cases where ethical bodies take on the role of courts, as in this case, and investigations are conducted in public, that is, through the media. Media pressure and the influence of activist campaigns in this case resulted in impartiality. Neutrality is, in that case, enforceable only through the law (Barišić and Čović 2019, pp. 94–99). It is this interpretation that best illustrates the work and activities of CESHE.

On the other hand, post-communism is a phenomenon of short and intense history for the Croatian reality, which under the ideology of transition distorted images of real events and the real direction of development of post-communist society (Čović, 2006, pp. 355–357). It is no coincidence that the online portal *Etico*, which distributes information on ethics and corruption in education under the auspices of UNESCO, claims that academic fraud is on the rise around the world, and emphasizes that this is especially the case in developing and developed countries, and this is a particular challenge in former communist countries. This theory of transition is conceptually and practically involved in post-communism. According to the American political scientist Rasma Karklins, the legacy of communism affects the structure of newly democratized states. In this period of transition from totalitarianism to democracy, the avoidance of responsibility was observed. These habits are part of informal institutions, such as the aforementioned FEDSHE, which act as non-format institutions that can have a significant impact on format rules by undermining the credibility of legislation. This puts at risk the transformation of public institutions into their own feuds with the production of a culture of fear and the encouragement of paranoia among the younger generations. Karklins also notes that the most important thing is to prove the guilt of high-ranking political officials, such as the former minister, and punish them, regardless of other offenders. In the end, he concludes that corruption stems from both moral and institutional failure due to the post-communist past (Karklins, 2005). Latvian philosopher Indra Dedze comes to similar conclusions, arguing that post-communist influence is particularly evident in countries with ties to the former Soviet Union, such as Croatia in communist Yugoslavia in the middle of the last century. She calls it an overall weakening of ethical norms. (Dedze 2005, p. 5). In addition, she claims that in most post-communist countries, the system of teacher remuneration is a legacy of the former system (Dedze, Poisson and Hallak 2009, p. 12).

Ultimately, according to Čović, the transition did not help shed light on the chaotic processes in post-communist countries but served to justify them. Inaugurating the theory of post-communist chaos into contemporary Croatian philosophy, but also Croatian contemporary historiography, Čović as a spiritual horizon of the theory of post-communist chaos notices the systematic chaos of relations in state-society, in one word – *destruction* – and the chaos of social and political circumstances from constitutional harmony to institutional chaos. Thus we come to the dissolution of the State as a dissolution *iuris* by disabling the legal system, which opens space for the smooth operation of the centre of alienated state power in two ways: first, by chaotizing the normative sphere; and second, by establishing political control over the judiciary. Ultimately, such a situation hinders the productive initiation of social potentials (Čović, 2006, pp. 357–359). In this case, Čović introduces the notion of *autonomous impotence* as part of the theory of post-communist chaos, which he describes as an objective insufficiency and subjective

immaturity of intellectual and political forces for historical novelty. Thus there is a debacle of the intellectual stratum in post-communist states to justify chaos over the notion of transition where some are interpreters of external goals and others are entangled in peacekeeping without a critical and analytical approach to reality. In conclusion, the theory of post-communist chaos has no Machiavellian justification for the sanctity of goals (Čović, 2004, pp. 189–190). In such a state, the institutions did not go through the expected procedure of democratic legitimation, but became involved in political processes and democracy and clashed with the current political order (Čović, 1993). It is precisely this legal, i.e. ethical deviation, that manifested itself in the work of CESHE from 2014 to 2018 because it lost its legitimacy as an ethical advisory body obliged to promote the highest ethical principles and not be a means of abusing principles.

From the point of view of the theory of post-communist chaos, the claim of Croatian immunologist Srećko Sladojev that the disputed president of CESHE was a member of an extreme left political party called the Association for Yugoslav Democratic Initiative, founded on 2 February 1989. at the Faculty of Humanities and Social Sciences, University of Zagreb seems incredible. The party consisted of Marxists who advocated a socialist and unitarian Yugoslavia. They opposed the creation of a modern and independent Republic of Croatia. According to Croatian historian Domagoj Knežević, the founding of the party influenced the founding of the Croatian Democratic Union, the main Croatian political party of the last decade of the 20th century, which played a key political role in creating a modern and sovereign Republic of Croatia. Knežević claims that the first Croatian president, Franjo Tuđman, publicly presented his preliminary draft program for the establishment of the Croatian Democratic Union in response to the all-Yugoslav concept of the Association for the Yugoslav Democratic Initiative (Sarkotić, 2017).

Globally, the current ethical chaos has arisen on a practical level as a consequence of the collapse of European moral consciousness in the last century, the century of wars, persecution, and blood (Tomašević and Jelčić, 2012, p. 247).

Neo-sycophantism and the theory of post-communist chaos come to a complete standstill if we do not point out that CESHE left behind an unresolved case which, if it had reached the public more, would surely have further damaged the reputation of its key actor. On 31 October 2016 Josip Stjepandić, President of the Croatian Academy of Sciences in the Diaspora and the Homeland, reported the former Minister of Science and Education, during whose mandate the controversial CESHE convocation was appointed, for unethical conduct in scientific journalism. Before assuming the ministerial post in which CESHE also chaired under the chairmanship of the disputed president of CESHE, and inspecting the archives of the Croatian Parliament, it can be seen that the Parliamentary Committee for Science, Education, and Culture, which appointed CESHE on June 4, 2014 by 6 votes for and 2 votes against, had the previous Minister as its member. Namely, in the service of the Minister, Jovanović published several scientific papers during the election campaign and during the performance of his ministerial duties, which put him in multiple conflicts of interest. His co-authorship is questionable given the scope of his ministerial work. CESHE did not even comment when the previous Minister applied for the job vacancy during his term, which he then froze, nor did he react to Stjepandić's application (Landeka, 2016).

Conclusion

In any case, the basic feature of CESHE's work from 2014 to 2018 is a discontinuity of work and activities. The Board mixed ethical and moral categories. They did not distinguish between ethics as a theory of morality and moral transgressions. The media lynching and media rather than expertly proven truths led to the media production of political pressure inconsistent with ethical standards. This has led to an extension of the powers of the Board and ultimately to a violation of the autonomy of universities. Through its activities, CESHE has usurped the right of the supreme ethics tribunal, mainly by taking out of the closet cases that have been processed or rejected and closed in the home institutions of the accused scientists. False accusations, falsification of data, organising defamation campaigns in the relevant public, insulting human and professional dignity, and misusing ethical bodies for unethical purposes are the worst possible characteristics of such a committee that is supposed to prescribe fundamental ethical standards in a country. In addition, the same committee operated in a truncated composition and outside its legal authority.

As a rule, bodies outside the university system do not have the authority to make decisions that would concern the internal structure of the university, as this is an inadmissible encroachment on the guaranteed autonomy of the university. CESHE worked outside its jurisdiction and violated the fundamental principle of the legality of its work. The fact is, and according to the reasoning of the Constitutional Court of the Republic of Croatia, that CESHE has not been given the authority to decide on individual cases. Ultimately, the court found that the amendments to the CESHE Code of Ethics were formally illegal and unconstitutional. If an ethical violation has already occurred in the university system, the assessment of this can only be made by the ethical bodies of the university for the sake of university autonomy. CESHE has derogated from the decisions of the university's ethical bodies, which is also a direct violation of university autonomy. The conflict of interest in which the controversial last chairman of the committee found himself in, was of such proportions that it reminds us of mounting processes that are often encountered in totalitarian regimes, and which are by no means appropriate to modern democratic systems. In this situation, the principle of the procedure is crucial because it protects democracy and science. It is obvious that the whole case fell into yellow journalism. It is not ethical that CESHE, among other things, worked for a time without a university representative in its composition. Therefore, by all accounts, we can speak of a planned orchestrated defamation campaign. CESHE had no experts in philosophy at all, let alone ethics, which is the most pernicious professional omission of its composition. The work and activities of CESHE represent the abuse of an ethical body for unethical purposes. It should be noted that these controversies can occur anywhere else, and that it is important to point them out in order to prevent them. The Croatian case has shown that CESHE is not needed by the academic community because higher education institutions and scientific organizations have their own ethics committees and codes of ethics. In the Croatian case, a supremacist like CESHE proved to be extremely unnecessary, but also ineffective. Opinions had no legal force, and minimum ethical standards in the scientific community had already been defined. By researching similar topics of ethical disputes, the case that Croatia encountered with CESHE does not exist anywhere in Europe, nor in any of the former post-communist countries,

nor anywhere in the world, and is therefore unique. The new legislative reform of the science and higher education system plans to completely abolish the CESHE and place the prescribing of minimum ethical criteria within the competence of the National Science Council. This will prevent the politicization of ethics, because the members of this council are democratically elected and respected Croatian scientists in the country and abroad, and not persons elected according to political line.

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Vlatko Smiljanić

Povijest Odbora za etiku u znanosti i visokom obrazovanju od 2014. do 2018. godine

Sažetak

Autor se u radu bavi povješću Odbora za etiku u znanosti i visokome obrazovanju Republike Hrvatske od 2014. do 2018. iz pluriperspektivnoga filozofijskoga i povijesnoga gledišta destrolucije, neosikofantizma i teorije postkomunističkoga kaosa. Donose se relevantni medijski odjci o radu Odbora i njegova člcnika te najznačajniji predmeti rada Odbora koji su dospjeli do javnosti putem medija. Rad predstavlja studiju slučaja zloporabe etičkih tijela i načela na primjeru u hrvatskoj znanstvenoj i sveučilišnoj zajednici u zadanome vremenskomu razdoblju.

Ključne riječi

Odbor za etiku u znanosti i visokom obrazovanju, Hrvatska, destrolucija, humanističke znanosti, politika, sveučilišna autonomija

Vlatko Smiljanić

Geschichte der Ethikkommission in Wissenschaft und Hochschulbildung von 2014 bis 2018

Zusammenfassung

Der Autor befasst sich mit dem Komitee für Ethik in Wissenschaft und Hochschulbildung der Republik Kroatien von 2014 bis 2018 aus pluriperspektivischer philosophischer und historischer Sicht mit Zerstörung, Neoschizophrenie und der Theorie des postkommunistischen Chaos. Relevante Berichterstattung in den Medien über die Arbeit des Ausschusses und seines Leiters sowie die wichtigsten Themen der Ausschussarbeit, die über die Medien an die Öffentlichkeit gelangt sind. Der Beitrag stellt eine Fallstudie des Missbrauchs ethischer Gremien und Prinzipien am Beispiel der kroatischen Wissenschafts- und Universitätsgemeinschaft in einem bestimmten Zeitraum vor.

Schlüsselwörter

Ausschuss für Ethik in Wissenschaft und Hochschulbildung, Kroatien, Destroluzion, Geisteswissenschaften, Politik, Universitätsautonomie

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**Historique du Comité d'éthique des sciences et
de l'enseignement supérieur de 2014 à 2018**

Résumé

L'auteur traite du Comité d'éthique des sciences et de l'enseignement supérieur de la République de Croatie de 2014 à 2018 d'un point de vue philosophique et historique multiperspectiviste à partir du concept de « destrolution », de « néosychophantisme » et de la théorie du chaos post-communiste. Les répercussions médiatiques pertinentes des travaux du Comité et de son chef sont abordées, ainsi que les sujets les plus importants des travaux du Comité révélés au grand public par le biais des médias. L'article présente une étude de cas de l'abus des organes et des principes éthiques sur l'exemple de la communauté scientifique et universitaire croate dans une période de temps définie.

Mots-clés

Comité d'éthique des sciences et de l'enseignement supérieur, Croatie, destrolution, sciences humaines, politique, autonomie universitaire