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Observatory for Fundamental University Values and Rights

Past, Present and Future of the Magna Charta Universitatum

Proceedings of the Conference of the Magna Charta Observatory 18-20 September 2008

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Preface

Bastian Baumann,
Secretary General Magna Charta Observatory

The Magna Charta Observatory conference that took place in Bologna from the 18th to the 20th September 2008 was special because it contextually celebrated the twentieth anniversary of the *Magna Charta Universitatum*. The event, however, did not only look back at the last twenty years but also provided a glance into the future of higher education in general, and of the work of the Magna Charta Observatory in particular.

More than three hundred participants attended the meeting. The range of participants was of a very high profile and reflected the diversity of stakeholders involved in higher education. Rectors, former Rectors, students, politicians, representatives of governmental and non-governmental organisations and many interested individuals gathered in the Aula Magna of Santa Lucia for a period of three days.

On 18th September 1988, Rectors of 388 universities signed the *Magna Charta Universitatum* in Bolo-

gna. The document became a cornerstone for the understanding of the University and the reference model for institutional autonomy and academic freedom. In 1999, Ministers from 29 European countries signed the Bologna Declaration in the Aula Magna of Santa Lucia and paved the way for the largest reform process that European higher education has seen since 1968. While ministers signed the Bologna Declaration, a film was playing in the background that showed the 1988 signature ceremony of the *Magna Charta Universitatum*. The two documents are substantially different. The Bologna Declaration is an intergovernmental declaration of intent whilst the *Magna Charta Universitatum* is stemming from the academic community itself and forms the basis of a community of shared purpose – written by and for universities. However, the preamble of the Bologna Declaration mentioned the *Magna Charta Universitatum* as defining the fundamental principles upon which the European Higher Education Area should be established. There is also a linking element and for this reason many former ministers attended this year's conference.

The *Magna Charta Universitatum* is the document defining the principles and values of European higher education; it proved to be of global relevance. Indeed, despite the different contexts in which universities are operating all over the world, the *Magna Charta Universitatum* describes the essence of the University, the values of academia, which do not know any geographical boundaries. The document is still very alive and relevant. This was manifested by 45 new universities that have during this conference signed the *Magna Charta Universitatum*,

bringing the total number of signatory universities to 630, one third of which are from outside Europe.

Twenty years is – not only compared to the long history of universities – relatively young. Many people in this age make their first experiences in higher education. It is an age of vivid involvement in societal issues, reflected criticism of the established and of striving for more insight and knowledge. All these are part of the fundamental values and principles that the *Magna Charta Universitatum* entails – and form the basis for the work of the Magna Charta Observatory.

Since 1988, many changes have come about the higher education systems and thereby the universities; it is still very difficult to predict where the reforms will lead. Therefore, the Magna Charta Observatory had asked Jon Torfi Jonasson to write an essay on the future of the university. This essay, entitled *Inventing Tomorrow's University. Who is to take the Lead?* was published before the conference and it was discussed during the conference. The proceedings of the 2008 conference cover most of the interventions made. However, due to the very comprehensive format of the conference, not all of the interventions are included in this book.

The conference also served as a tool for inspiration for and affirmation of the work of the Magna Charta Observatory. The main aim of its work is to uphold, defend and spread the fundamental principles and values of the *Magna Charta Universitatum*. This is being done at a global level and in cooperation with its many friendly organisations and – obviously – the signatory universities.

Presidential Address

Giorgio Napolitano,
President of the Republic of Italy

I would like to express my deep appreciation for the initiative of the University of Bologna and the International Observatory to celebrate the twentieth anniversary of the *Magna Charta* of the European Universities, signed in Bologna the 18th of September 1988 by 400 rectors from the whole world.

With that document, of which the Alma Mater Studiorum serves as the guardian, the international university community proclaimed with strength the principle the autonomy of academic teaching from any kind of political or ideological conditioning.

By emphasising the inseparability of teaching and research activities as well as the fundamental educational value of the permanent dialogue, the *Magna Charta Universitatum* has reaffirmed the absolutely essential role of universities in the intellectual, civil and social training of young generations.

Since then, the refusal of intolerance together with

the diffusion of culture through research and free discussion have now become – if it is at all possible – even more fundamental values for building open societies and peaceful collaboration among different cultures and experiences, in a world characterised by the irreversible global dimension of knowledge.

In this spirit, and with the wish that universities, above all in Europe, will continue to develop the demanding way opened with the drafting of the *Magna Charta Universitatum*, I express my sincere wish for the success of the celebrative day and send a very warm greeting to the Rector and the members of the Magna Charta Observatory.

Foreword

Pier Ugo Calzolari,
Rector University of Bologna

Many universities came to Bologna to witness the celebrations of the 20th anniversary of the *Magna Charta Universitatum*. Also many individuals were present, who have played a crucial and indispensable role in the creation of the *Magna Charta Universitatum* and in the diffusion of the values and principles formulated within it. They will recall the excitement of those days 20 years ago, the enthusiasm during the drafting of the text, the strong feelings it aroused, the flashes of inspiration, the hopes that were pinned upon it, the anxious scanning of the horizon for indications that might have helped to predict the future role of the oldest institution in the Western world (second only to the Catholic Church) in a world where the stirrings of profound transformation and unrest were already apparent.

The notion of a knowledge-based society had yet to appear but there were already intimations of the pivotal role that universities might play in the context of a soci-

ety that was beginning to rely more and more explicitly on education and scientific research – on knowledge, in other words – to fuel its economic advancement and social development.

The globalisation of economy and culture, the internationalisation of institutions, the third mission of the universities (i.e. the knowledge-transfer) were all incipient but the indications of their presence were confused and oblique – as one would say following the Latin tradition *in speculo et in aenigmate* (seen "through a glass and in a dark manner").

The minds who drew up the *Magna Charta Universitatum* had understood that history was radically changing. They realised that the universities could not afford to rest on their laurels because new demands were about to be laid on them by their own national communities and by an emerging global society. These were difficult demands requiring rapid responses, entailing complex requests of reorganisation and change, in order to avoid our universities being gradually transformed into venerable cultural museums. Venerable they might be, but they would still have been museums.

There was a need to return to and restate the fundamental principles, to re-knot the main threads in the elaborate tapestry that history had woven for the universities throughout their many centuries of illustrious service to society. These threads represented the principles of autonomy, academic freedom and academic responsibility, as preconditions for any involvement in the new ventures that the global society was somewhat confusedly, but incessantly, formulating.

Bologna and its *Alma Mater* were due to present to the world the *Magna Charta Universitatum* – a seminal

document that represented the first call to universities across the globe to recognise their potential new role and the profound responsibilities that came along with it. Those fortunate enough to be present on 18th September 20 years ago will not have forgotten the intense awareness of taking part in a historical event, of being summoned to take on new and arduous, but also exciting, responsibilities, of not wanting to leave to chance the task of building the future, of honouring an almost thousand-year-old tradition that had begun in the noble city of Bologna. That memorable day was bathed in glorious sunshine and the ancient stones of Bologna's Piazza Maggiore provided a frame of extraordinary beauty for an event so loaded with emotions and memories.

Since that time, the Magna Charta Observatory has taken on the responsibility of spreading the message of the *Magna Charta Universitatum*. It abides and reinstates the traditions whilst adapting it to the restless momentum that our society periodically imposes. I would like to draw particular attention to its commitment to upholding university integrity and institutional ethics. Since that pledge was made, the University of Bologna has had the great honour of conserving the original document, signed by the Rectors of all the participating universities.

Twenty years after the original signing of this important document, it is now more than 630 universities from all over the world that have expressed their commitment to adhere to the principles of academic freedom, and academic responsibility in relation to society at large. The *Magna Charta Universitatum* represents the fundament for the operation of universities – throughout the last centuries and in the future.

The Magna Charta Universitatum: 20 years of Lively Relevance for the Future

Michael Daxner,
President of the Council of the
Magna Charta Observatory, Bologna

To introduce an anniversary is always both a privilege and a burden. The privilege is to lead an association that has survived for some years and is based on a text, which has come of age. It is 20 years since hundreds of rectors of European universities signed the *Magna Charta Universitatum*. The burden is to avoid any shortcut into both history and assessment, and to resist the temptation to launch a vision into the future before we all have given us the pleasure of recapitulating the history.

Gratitude needs to be expressed towards all who have made it possible that a text could become a leading idea of the university in present and future. The University of Bologna, headed by its Rectors, dwelled 920 years; it is a symbol of the lasting effects of an idea, which can only survive by motivating and surviving permanent change, and as such survives short-lived fashions and temptations. Fabio Roversi-Monaco and Josep Bricall give the overview on the history of the *Magna Charta*

Universitatum and make a first assessment of its impact. The President of the Republic of Slovenia, Danilo Türk, scholar and a politician at the same time, calls science and society under the over-arching motive of academic freedom and the autonomy of institutions. This is also an appeal to universities to consider themselves not only as places of study and research, but also as one of the lead institutions of civil society and human organisation.

The Magna Charta Observatory embarks upon a European tradition expressed in the *Magna Charta Universitatum*. However, the interest the text received from other parts of the world is more than a strong indication about its relevance in a global context. More than one third of the signatory universities by now are from outside Europe. This gives rise to the necessity of the Magna Charta Observatory's work without geographical limitations at a moment of global change and re-orientation. The celebrations surrounding the 20th anniversary of the *Magna Charta Universitatum* reflect this dynamics adequately.

Celebrations are tricky. If there is too much of a nostalgic recollection of the beginnings, the messages and visions are drowned in genealogy and recalling the heroes of the past. If we look only into the future and envisage change and re-orientation, the cause for celebration vanishes. Let me avoid both traps and go directly into the important aspect of the relationship between the text and reality.

The eminent authors of the *Magna Charta* were trying to give a message to both the academic community and the society of the new Europe emerging. This Europe then was less complete as it is now, and globalisation was much younger than today. Thus, also *Magna*

Charta serves as both a universal fundament and a interpretable guide for the future of universities. After 1989, the connotation of freedom and autonomy has changed everywhere. The West has the advantage that civil liberties and an advanced provided though imperfect democracy a good framework for attempts like the *Magna Charta Universitatum*. In other parts of Europe, authoritarian regimes have barred the civic element from really bridging the gap between the institutions and the people, or more concrete, between study and research on the one side, the needs and expectations of people on the other. Both sides had to change, but not by meeting somewhere in a blurred middle of the road. The spirit of democracy and the republican idea of science for the good of society are facing new dangers and must avoid new risks. The phenomenon of democracy fatigue or even the notion of post-democracy as an unlucky real option in many societies needs to be pointed out. In addition, no country is really protected from temptations to return to censorship, limitations of academic freedom and undue intervention by the state and vested interests. No country, and I should say, no institution. We are right to point at the negative effects from Homeland Security in the United States, but we should not pretend to be flawless in this respect. We often are careless in considering that also other regions and systems observe our academic freedom and institutional autonomy keenly; nothing is easier to be shaken up than the failures and flaws of role models. This is why the Magna Charta Observatory has to understand itself more than ever as a human rights advocacy and a principled agency of higher education reform. The principles make us strong and credible.

The world has changed, since we signed the *Magna Charta Universitatum*. Too much emphasis has been laid upon September 11 as to signify a Grand Change, as if a new era had begun by this cruel act. This observation is directly related to our agenda. It is not terrorism that costitutes risks to our freedoms; it is the fragility of our liberties that lowers our ability to defend ourselves and to trust in our principles. Of course, this is too brief a statement for coping with all the problems of an insecure global society. However, it is not difficult to understand that beside security and safety a third relative in this family of qualities is needed: certainty. Only if we are certain about our principles, we can hope for a future, and we can plan it. Of course, as intellectuals and scholars, there is not certainty as a dogma or a doctrine, but as the principle of openness, of doubt, of criticism, – in one word: of freedom to investigation and communication. Sometimes, I feel depressed by the easiness a first-things-first approach wipes away all our principles when an emergency is being declared. Nevertheless, emergencies, if not caused by natural force, are never unexpected; they are constructs of interpretation. It is our power as members of the academic community to know about this, often better than those in power are. It is our virtue to keep distance to the very heart of power, but at the same time to avoid distance to the problems and conflicts that form our reality. In a status of emergency, the people might forget universities. Nevertheless, when they open their eyes the next day, they might remember that some problem resolution may rather come from science than from populist rhetoric. It is not only the academic freedom that armours the university for serving the people when problems become too big,

but also its autonomy to being able to stand by and not wait for being called or being dismissed.

If there is a peace dividend for Europe at all, it lies in novelties such as in the establishment of the European Higher Education Area, the goal of the Bologna Process. Whatever serves cohesion without levelling diversity, has to become a success. Being luckier than many other regions, we have to ask ourselves what should happen in those regions of wars and humanitarian military-assisted interventions and where the limited or failed statehood complicates the interplay between the government and civil society? Do we have to play a role there? Yes, I think we should be active in these areas, and we should combine our forces with advocacies like Scholars at Risk or the Scholars Rescue Fund. Moreover, we should be there as mediators and facilitators, we have the right and the duty to intervene. We are no membership association. This means that the commitment and engagement of our signatories is the institutional expression of a strong ethical principle. Andrei Marga, one of our eminent Council members, has often warned of relativism in basic principles: if the purpose of policy is freedom, it is an indivisible and supra-ethnical, supra-national principle. Interpretation will have to find accurate modes to apply this principle to the daily lives of rectors, professors and students; the text of the *Magna Charta Universitatum* is strong enough to allow this interpretation without flattening the content. No, we do not believe in social progress without democracy, we do not think that market and wealth can develop without including the people's rights, and in our case, without the people's ownership of their universities. The republican principle of the *Magna Charta*, as I have mentioned be-

fore, is the dual commitment to perceive our institution as a public cause, as *res publica* and to link the internal life of the institution to the state of democracy and civil society in the environment, i.e. society itself. Transparency, inclusiveness, outspoken usage of our privileging rights, observance of our duties are among the values we should take care of. This is what the signature under the document means, and this is what our constituencies expect from us.

This may sound stern and rigid, but it implicates also another dimension: The joy of freedom. We enjoy academic freedom and do not see it as a burden; autonomy is a pleasure compared to being just an element in a chain of command. When lined up for signing in 1988, I felt that there could be "more" content, more explicit commitment in the text. I was a newly appointed university president then, and hoped to change the world from my provincial campus… One year later, I felt that it was exactly the right tone and argument to convince many rectors in countries that would stand up for a new unified Europe, and that this time it was the universities which also took part in the moment of renewal of a continent and a culture. I do not feel ashamed about my critique then, but I praise the wisdom of the soft footprint that had proven to be so effective.

The Magna Charta Observatory will continue to engage globally and increase its activities outside Europe. It is not that we want to overstretch our means and capacities, but we have to follow also the calls from those who think that we are needed. We are not becoming an international agency, but we have to act both in a transnational and in a local way – worldwide. As we have often discussed, in a period where the nation state

is only one option for organising societies, and many failed and deficient states do not provide much guarantee of our liberties, we have to look for other sources of governance in order to secure our range of activities and impact; also our accessibility and authority. We shall try to become visible as what we are: an international advocacy for human rights and academic freedoms. Central Asia, notably Afghanistan and Kazakhstan; Latin America, the Middle East and the Mediterranean, the United States and its neighbours show already signs of reciprocal response to our efforts to become global. Only a few human rights associations with an origin in Europe have been less accused of behaving Euro-centrist or culturally colonialist than the Magna Charta Observatory. We have our roots in Europe, quite well, but today, a global community of scholars and students has absorbed the European University. In this respect, we are far ahead of international institutions in the fields of business or military, and we are proud of this kind of globalism. It needs real people; it needs persons to realise the high aimed demand from a universal approach to academic freedom and institutional autonomy. Therefore, the Observatory is determined to cooperate with university associations worldwide and to share responsibility for the social well-being and the right to participation in institutional decision making of all these persons, not least the millions of students.

We will not compete with all those among our friends who have a broader scope and are active in all other parts of higher education reform. However, we will be at their side and help including academic freedom in all reform activities, as the principle and the indispensable ingredient of any policy enhancing good universities.

Thanks to the authors of the *Magna Charta Universitatum*, thanks to its interpreters, translators and advocates, thanks to all its known and unknown applicants, it has proven to be a strong and flexible text, treasuring principles and openings towards a future in which more things than ever are all but certain. There is reason to celebrate the text; there is reason to celebrate the great number of signatory universities from all over the world that keeps on growing every year and thereby proves that the *Magna Charta Universitatum* is very alive and relevant – it was during the last 20 years and it will be in the future.

The Purpose of Academic Freedom Today

Danilo Türk,
President of the Republic of Slovenia

The establishment of universities is one of the most significant achievements in the entire intellectual and social history of humankind. Universities have been and continue to be the breeding ground of ideas and knowledge, which is generating cultural, scientific and technological development. They are the centres of critical thought and the vanguard of innovation. Modern development without universities is unthinkable.

A university is always a sensitive and complex system. It is a combination of tradition and innovation. It is a mixture of strictness of methodological discipline and relaxation of creative imagination. Its rituals are often formal while its way of life must allow informality and even space for eccentricity, which is necessary for creative thinking. Only a combination of all these qualities makes the right intellectual atmosphere at a university that is fundamental for its best output.

Universities feel constant challenges to their ways

of working – challenges coming both from within and from outside. Again, the University of Bologna, the Alma Mater Studiorum, is an excellent example of these challenges. About 500 years ago, in 1516 it was here, at this University, where Ulrich von Hutten wrote his famous second book of *Epistolae obscurorum virorum*, the Letters of Obscure Men, a sharp satire which ridiculed the then outdated ways of scholastic thinking which still dominated in the majority of European universities. Von Hutten's work, together with that of such great figures as Erasmus of Rotterdam, provoked an energetic discussion in the entire European area. It helped to change the European university landscape and the intellectual situation of Europe as a whole. This was a prime example of change coming from within universities. The ability to generate change from within should remain a value cherished by the universities in our era as well.

Universities are never really monolithic or immutable organisations. They are both subject to internal diversity and comprehensive change. In addition, they have to learn from each other and from national university systems. Today we often look, and rightly so, towards the US-American universities, which have become the most dynamic and creative part of the global university landscape in our time. At the same time, it has to be understood that modern US-American universities have incorporated and developed further much of the European achievement. At the end of the 19th century, the US-American universities looked towards Europe where the major universities already developed methodologies of ambitious research based on teamwork and leadership by the most illustrious professors of the time.

That model resembled ambitious and energetic organisation of businesses of that era and invested heavily in research, which had to be organised in new ways. Ambitious and rigorous research was also the major guarantee of quality of teaching. Investment in laboratories, libraries – and in great professors – became the trademark of university excellence. All these requirements were first understood and tested in Europe and are as valid today as they were at their beginning. If anything, their importance has only increased.

At the same time, universities have to cultivate those values, which guarantee their status and their role in the society. Central among them is the value of academic freedom. The assembly at this conference is gathered to celebrate, to nurture and to give specific content to this fundamental value.

This is no coincidence. Three out of four basic principles proclaimed in the *Magna Charta Universitatum* express the value of academic freedom:

First, the Charta defines the university as an autonomous institution;

Second, it emphasises freedom of research, teaching and artistic creation and

Third, it reiterates the openness of university to engage in dialogue.

These are pronouncements of fundamental importance because there is no better guarantee of university's creativity, innovation and, ultimately of its role as an agent of social, economic and technological development. Academic freedom must be enjoyed both by the institution and by the individuals, in particular teachers, researchers and students who make up the institution.

The actual exercise of any freedom invites further

questions. Two among them are fundamental: First, freedom *from* what? And second, freedom *for* what? They are continuously relevant to the academic world.

Over time, the answers to the first question have become clear and universal. Universities have to enjoy real autonomy and their professors and students have to enjoy freedom from political interference and of all other forms of pressure coming from public authority. To this, I would add that undesired influences, which might originate from the private sector and which limit the freedom of research and teaching must be rejected.

The second question, i.e. freedom *for* what, is more difficult to answer in an unequivocal manner. The purposes for the establishment of universities vary. They also change over time. The purpose of a university and its freedom needs to be constantly reviewed and refined. This process of review and refinement is precisely the place for creativity, academic ambition, openness and dialogue. All these qualities have to be expressed in the daily life of a university and in the development of its vision. Thus, freedom is given specific purpose. Moreover, freedom with a purpose is a powerful tool of change.

Freedom with a purpose requires a careful reflection about the means at our disposal. It is therefore logical that the *Magna Charta Universitatum* pays particular attention to the instruments for the realisation of academic freedom. One among them is as important as it is time-specific in Europe today.

Europe is in the process of re-establishing itself as a single intellectual space. It already existed as such centuries ago, at a much lower level of social, economic and intellectual development. Later on, the creation of

nation states gave rise to limitations, although, truth to be said, intellectual creativity was never completely confined within the state frontiers. The era of divisions has reached its peak during the Cold War when the ideological and political divide between East and West greatly disfigured the intellectual Europe as a whole and, in its Eastern part, the exercise of academic freedom and human rights as well. But that period is over and the frontiers among European nation states are melting. It is only natural that the idea of Europe as a single intellectual space, while never dormant, became one of the most promising and potentially most powerful ideas of Europe in our time.

The concept of Europe as a single intellectual space can mean many things. It means an enlarged geographical area of academic debate and cooperation, offering a variety of exciting opportunities to all participants. It also means an additional dimension of the European Union, the most powerful European institution today. Last March, the European Council, under the Presidency of Slovenia, has called for the creation of Europe's fifth freedom. To the free movement of people, goods, services and capital, the EU will add the freedom of movement of knowledge. Let us think together and try to define, with the necessary academic rigour and precision, the requirements of freedom of movement of knowledge in Europe.

The emerging single European intellectual space can be developed into a powerful instrument of academic freedom. A space undivided and vibrant with intellectual communication will be an important guarantee of excellence, creativity and innovation.

However, as every researcher knows, the develop-

ment of an instrument is a major task in itself and takes time and effort. The reality today is that Europe as a whole has too few well-trained researchers – taking into account both those working at universities and other institutions. It is obvious that without a sufficiently strong force of researchers Europe will not be able to develop a sufficiently active role in science, technology and innovation and that the emerging European intellectual space will not be able to develop its full potential. In other words, as an instrument of academic creativity and freedom, the European intellectual space needs serious investment to develop a sufficiently strong cadre of researchers. Their careers must be made sufficiently attractive, their contracts sufficiently stable and their role in the European intellectual space sufficiently active.

The benefits of all-European participation in research are historically proven. This recalls that a century ago a young lady from Poland, Marie Sklodowska, after moving to Paris, conducted pivotal research on radioactivity, which opened a new chapter in science and changed the world. There is, obviously, no substitute for individual geniuses. But the creation of a propitious working environment is a major contribution to the proper use of human talent.

The European Union seems to be aware of this. The work done so far on the creation of the European Research Area is praiseworthy. It is concentrated on such fundamentals as the open recruitment, transparency, favourable working conditions, better mobility and more secure career paths for researchers. The European Charter for Researchers and the Code of Conduct for their recruitment represent a valuable conceptual and policy framework for the future development. It is very encour-

aging that in the three years after adopting these two fundamental documents they have received more than 800 signatories representing around 200 organisations from more than 20 European countries. This clearly demonstrates the awareness that Europe must strengthen its total potential in research in order to be able to cope with the challenges of today and those awaiting us tomorrow.

However, more needs to be done. The European Research area and, more broadly, a single European intellectual space require also an improved management and financing of research. Increasingly, research is conducted on a competitive basis and so is its access for funding. Financing of research is moving towards project based funding. For universities this represents a problem since they are, generally speaking, not best suited for funding on a competitive basis, complying with the requirements of the providers of the funds. Additionally, universities are the custodians of scientific disciplines and have a responsibility for the fundamental research in those disciplines. This requires human resources and makes them less competitive with respect to projects funded by industry and other private sector funders.

Here the role of governments is critical. In their decisions of funding, governments have to pay attention to the dual role of universities – that of custodians of disciplines and that of research organisations competing for specific projects. Public universities have to enjoy the necessary support for their work on the basic scientific disciplines.

Governments also have to provide a general regulatory framework, which will enable employers and

funders to ensure that the performance of researchers is not undermined by instability of employment contracts. Public authorities have to think about incentives, which will ensure retention of researchers and attractiveness of their career.

This aspect needs to be strongly emphasised. Today in Europe, too few young people are taking up research as a career. While this is not a purely European problem it is particularly significant in Europe and especially so in the context of the vision of a single European intellectual space. How can this vision succeed when too many young people view science as an option, which is – by comparison with other job opportunities – too difficult, one that requires hard work and long studies but at the same time implies poor rewards, low social status and professional uncertainty?

Much more needs to be done at the level of general perceptions and public conscience. Science and intellectual work need to regain higher respect and social prestige. It must become clear that our future depends on our ability to find solutions to enormous problems posed by global warming and environmental degradation and that such solutions are unlikely without major changes in technology and our way of life. Making this clear to the public is the task of political leaders. We have to explain to the public that the era of quick profits is bound to end. Global warming has already created conditions, in which the time for change is running out. Our future depends on technological innovations, which in turn, require more investment in science. The world as a whole is lagging behind. Nevertheless, Europe is expected to show the direction of change and is expected to take the lead.

Therefore, perceptions must change. In addition, there is a need to remove barriers, which currently hinder a more integrated European Research Area. The existing national regulations do not favour mobility of researchers across national borders. Very often such mobility involves serious risks with regard to advancements in career, to social security benefits and to pension rights of the mobile researcher.

It is obvious that, in reality, the concept of "freedom of research" is not automatically implementable. It requires sophisticated organisational models, careful policy making by universities, governments and constant care for adjustment and change. In addition, viewed from the perspective of European Union as a whole, it requires tackling such issues as specialisation and promotion of excellence in areas of specialised expertise. Obviously, in matters like this, the role of governments, the European Commission and its financing of research is indispensable. But a proactive role of the universities is also called for. Each university can define its strategy of research and teaching in a manner aware of its area of specialisation, within the European intellectual space as a whole.

Teaching, obviously, involves a series of additional questions. Are the teaching processes at the European universities sufficiently informed about the broader European picture or are they still predominantly defined by national factors? Is the organisation of teaching sufficiently responsive to the evolving needs of societies or is it still insulated from labour markets? Are the structures and rules of governance of European universities adequate? Moreover, importantly, is the funding of university teaching adequate?

Governance and management of universities are constantly on the agenda of public debate in all European countries. Ideally, this debate should help defining the relationship between public authorities and universities and to refine their respective roles. While public authorities have to help developing the university system as a whole, the universities involved in these debates define the actual scope of their autonomy and, indirectly, the scope of the academic freedom. This type of dialogue has been a characteristic of development in Europe throughout history. In our era, it has only gained in intensity and is now involving the European Union institutions as well. The EU Agenda on the Modernisation of Universities is one of the products of this dialogue, which is contributing to improved coherence of development of higher education in Europe.

This dialogue also helps in clarifying the funding reforms needed and should lead to an increased and more efficient funding of university education, including the investment in quality and reform.

Among all the efforts to help in the evolution of university teaching in Europe, curricular reforms constitute a separate category, one of special importance. Again, the name of Bologna is relevant in this context.

The basic purpose of the Bologna Process is to establish a "Europe-wide" area of academic mobility and thus to create a solid foundation of the integrated European intellectual space. This purpose is to be achieved by the removal of various obstacles to mobility across borders, by stimulation of studies outside a student's *alma mater* and by addressing other problems. Let us keep in mind that in many European countries the degree programmes are too long, that the dropout rates are

unacceptably high and that there is often a mismatch between the profiles of graduates and the needs of the labour market. The resulting unemployment among university graduates represents a waste of potential and a sad reminder that improvement is sorely needed.

The early attempt to address the issue of mobility of students, known as the Erasmus programme has clearly been a success. As a former professor of international law and mentor of a number of Erasmus students coming to Ljubljana, I can testify on the success of this programme. Not only do students gain from comparing different academic perspectives, or from working with different teachers, the very experience of a different academic environment and social contacts with fellow students in another European country add to the capital gained in the process. The success of this and other similar programmes is beyond doubt. These programmes have to be expanded.

At the same time, the Bologna Process has reached an important stage of its realisation. Many universities have established, in accordance with the Bologna Declaration, a system of studies organised in two cycles – combined with a credit system. The degrees became more comparable.

On the other hand, the quality assurance procedures, which are also required under this system, are likely to take more time to test and fully establish. Progress made so far in the area of external quality assurance is encouraging. The initial success of the European Register of Quality Assurance Agencies is promising. However, more needs to be done. The Bologna Process must yield a higher quality of university education in Europe. Ranking of universities will continue to be indispensa-

ble. This will continue to be so, not least because of the tendency among parents and students to follow the international ranking of universities and to base their decisions on the ranking achieved. Let us work towards the highest standards of achievement. And let us not lose optimism.

The Bologna Process reform is aiming at several objectives. One of them is to achieve an earlier completion of studies and better employability of the graduates. This presents an important challenge: On the one hand, the students need to be informed about the employment opportunities sufficiently early and must be stimulated to choose among disciplines, which offer a good professional future. On the other hand, employability in many fields of studies, especially in social sciences and humanities, requires that students obtain knowledge and skills beyond the specific field, in which they have studied. This is important because in the future the intellectual will be increasingly expected to operate in a solution-oriented mode inspired by the concept of the common good. This will be necessary in Europe, as well as in all other parts of the world. Moreover and most importantly, the ability to innovate in a solution-oriented mode is the only way, which will guarantee the European intellectual an adequate place in the globalised world.

The European Union is becoming increasingly aware of this. This year, during the Presidency of Slovenia, the EU started a series of activities under the heading of intercultural dialogue. Intercultural dialogue offers an additional policy framework for the strengthened role of European universities in the globalised world. Again, the question is how the principle of academic freedom

can help in this process. What is the purpose of academic freedom in the context of a global intercultural dialogue? And what role should the European universities seek in this context? This is a question worthy of an in-depth discussion, one that will be at the same time rigorous and practical.

Among the specific questions, which need to be addressed, the following come to one's mind immediately: Are European universities sufficiently connected with the universities in other parts of the world? Are they sufficiently present in the most dynamic parts of the world today such as East and South-East Asia? Do we have sufficiently developed models of cooperation and are the governments ready to invest in assistance to such models? What can we learn from the experience of other universities, in particular the US-American universities?

Some of the answers are not new. European and, more generally, Western universities have been traditionally open to students from every corner of the world and have done more than any other type of institution to bolster knowledge and freedom as universal values. By doing this they have also indirectly helped in the rise of other civilisations and enriched the texture of the present-day intercultural dialogue and mutual communication among civilisations. Europe must increase the number of students and professors from other parts of the world to study and work at European universities. This is the most fundamental and time-tested form of intercultural dialogue and cooperation among civilisations.

In addition, there is also a great scope for innovation. Europe should direct its intellectual potential towards

an intensified exchange with the Mediterranean, the Middle East and Asia where the academic development is booming. To the observers from other continents, Europe often projects an introverted image. However, today, the concept of a unified European intellectual space cannot be complete without an appropriately developed global dimension. Let us use the concept of intercultural dialogue for this purpose. Let us think big and let us innovate.

Slovenia has launched, earlier this year, the creation of a Mediterranean University, which will connect a number of European and other Mediterranean universities, teachers and students in an effort to promote academic excellence in a selected number of areas and to create an intercultural environment of research and teaching. While not entirely new, this idea is being carried out in Slovenia, a Mediterranean country, which offers a fresh space for cooperation not burdened with any kind of historical legacy and completely open to pragmatic innovation.

European universities should invest more in cooperation and establishing institutions of higher learning and research in other parts of the world, especially in the Middle East and Asia. Some of the European universities are among the key participants of the current revolution in higher education in the Gulf countries. More can be done. Kishore Mahbubani, a distinguished Singaporean scholar and diplomat has recently suggested that Europe could help reviving one of the ancient centres of higher education in the Arab world. Seen in a historical perspective this would represent an act of gratitude for the contribution of the great Arab scholars who – more than a millennium ago – preserved the intellectual heritage

of ancient Greece and made their own contribution to the intellectual growth of Europe. Moreover, in a contemporary context such a project would also represent a real contribution to overcoming the friction between the predominantly Christian Europe and the Arab part of the Islamic world. Above all, it would be an investment in our shared future. I deem this kind of ideas valuable and worth considering as examples of the purpose of the principle of academic freedom today.

Academic freedom is at the centre of the very existence of European universities as it has always been. In addition to its basic purpose of protection of universities, their professors and their students, academic freedom has three time-specific purposes:

First of all, it calls for the development of a unified European intellectual space and a unified research area as the basic tools to give full strength to the creative potential of Europe;

Second, its purpose is to enable a comprehensive discussion with a view to the necessary reforms of teaching, so that both employability of university graduates and their ability to solve problems is assured;

Third, and perhaps most importantly, academic freedom today should produce new and exciting models of global academic cooperation with Europe as a key agent for creativity and development at the global level.

Is all this doable? Can these purposes of academic freedom be realised in our lifetime? I believe that, yes, it is doable and it should be. In fact, only the success in realising these purposes guarantees an appropriate positioning of Europe in the future world.

From the Origins of the University in Europe to the Universities of the Globalisation

Josep Bricall, Former Rector University of Barcelona
Fabio Roversi Monaco, Honorary President of the Magna Charta Observatory

1. The principles and the success of the Magna Charta Universitatum

Starting in 1986, the preparations for the Ninth Centenary of the University of Bologna, the oldest university in the Western world, were an opportunity for the organisers – the Rector, Fabio Roversi Monaco and his colleague Giuseppe Caputo – to relaunch the tradional concept of higher education, underlining the decisive role it has played in European history and in the development of Europe. The meeting in Leuven of twenty-five prestigious European universities enabled them to convey to the Ministers of the European Community the urgent need to approve the *Erasmus* Project proposed by the Commission. *Erasmus* was an initial attempt to promote a European dimension for higher education and research, but there was a degree of risk involved for universities, in the sense that higher education policy might be determined by others, beyond the universities,

and there was also a risk that they would forget their historic mission.

In the spring of 1987, the approval of the *Erasmus* project and the imminent abolition of frontier controls between the European countries led a group of Rectors (for the most part, recently elected) to meet in Bologna to reaffirm the historical significance of the University. The defence of this shared tradition was not an attempt to isolate the academic world from modern times, but rather the opposite. It was an attempt to come to terms with the new conditions, taking the initiative before change took place, based on an awareness that there was a need to rectify certain practices in the universities that were difficult to justify. No attempt was made to conceal from the Rectors the fact that this process of change would be difficult.

The starting point was an awareness that the universities needed to be willing to undertake reform and adapt to changing times in order to avoid the risk of discontinuity and critical developments that had occurred in certain historical phases, in particular the risk of inactivity, due to an inability to deal with the demands of the outside world.

For this reason, they drafted the project of the *Magna Charta Universitatum*, not as a reaction to *Erasmus* – that received an enthusiastic welcome – but rather as an attempt to move beyond *Erasmus*. The initiative was intended to promote the role of the universities in the service of society as a whole.

Those drafting the *Charta* were conscious of this fact. For this reason, they proposed a pro-active approach with regard to the decisions of the European governments and the Community. At the same time, they were

aware that a number of Universities in Europe had been subject to political constraints imposed by dictatorial governments and there was a need to proclaim the principles of certain universal truths.

However, in this context, something else happened. Initially conceived as a document to be submitted to the European Universities for their approval – and it is significant that all those who contributed to drafting the *Magna Charta* were members of Universities in Europe – the *Magna Charta* immediately aroused the interest of Universities in the rest of the world, in particular the United States, Canada, Latin America, Asia and Australia. The document immediately started to circulate around the world. It was the first written statement in the history of higher education containing the fundamental freedoms and proclaiming the underlying principles of University institutions at global level.

It was therefore the outcome of a long process, which was not simply Eurocentric, since the indications laid down in the *Charta* are based on an awareness of numerous innovative aspects, inspired by the experience of other countries in a global perspective rather than within national confines. The *Charta* took account of new experiences relating to key issues and the great changes in society to which the universities have made a fundamental contribution, particularly in the nineteenth and twentieth centuries.

2. The University and Society: the role of the Magna Charta

A good number of the challenges that we had to consider in 1988 continue today, due to incessant changes

in society and the economy. For example, there is great emphasis on the idea of globalisation and the importance of knowledge. Technology has vastly extended communication and mobility at an international level, with the emergence of transnational trends in society and behaviour. The growth of the university population in Europe may have slowed down, but on the other hand university education has developed in terms of the range of teaching and research. The demands on the University on the part of society have therefore increased.

Universities have been characterised over the centuries by their cultural mission that has had a strong impact on society. This mission is based on fundamental teaching programmes and fundamental research, not determined by objectives outside the University. However, over the course of time, and with an intensity that was unknown until the present day, those responsible for social organisations and the public administration have voiced the need to apply research results in a rational manner, and more citizens are demanding a university education (that needs to be rapidly updated) in order to make progress in their professional careers.

As a result, relations between higher education and society have moved forward faster than could be expected, giving rise to the need for a new kind of dialogue. In effect, the traditional "contract" between society and the University was based on separation, but today there is a need for interaction. The *Magna Charta* states this clearly, prior to the emergence of these developments, and this needs to be underlined, even though we need to be aware of the limits of this statement.

The traditional contract was based on a clear separation between institutions: the mission of the Univer-

sity in relation to the collectivity consisted in providing knowledge by means of research, which, at least in the technological field, is transformed by manufacturing industry with the development of new products and processes for the purposes of economic growth. Scientific communication was therefore uni-directional, from the University to society, but not the other way round: for many people, this arrangement appeared to be favourable to the University, that was able to defend its autonomy in the field of research.

In fact, this is not the case. The new framework, that is gradually developing at a global level, with systems based increasingly on the market and more open institutional structures, has given rise to strong interconnections between the institutions, that are linked in a close network of relations. This has had a major impact on Universities and on science, with an "invasion" on the part of society, with its emerging needs, resulting above all in a strong involvement in the economic and productive system.

The *Magna Charta* does not deny the existence of these problems, but rather it attempts to shed light on them.

It has attempted (and been able) only to highlight the problems to be dealt with on the basis of shared values and in an unequivocal manner in order to safeguard at a global level, in a period of rapid change, our allegiance to basic principles, the enduring validity of which we are here to defend.

In the same overall framework and with the same intentions, the Magna Charta Observatory was set up, playing a role consisting mainly of interpretation, aimed at safeguarding, developing and upholding these princi-

ples and, where necessary, bringing them up to date, in order to enable them to play an enduring role in a world undergoing rapid change.

Reference to the *Magna Charta*, as a written statement of principle, becomes essential to prevent the system of communication, at times of an instrumental nature, that is continually extending its reach, from taking control of the issues that have traditionally been the concern of the Universities, acquiring a monopoly of information in response to the uncertainties and lack of awareness of higher education.

The system of communication at times plays a deviant role, presenting issues that, in a context such as the current one, play a dominant role in the public agenda, without giving rise to a critical analysis, which would make it possible to deal with complex educational and research issues.

It is thus the case that those receiving this information are aware only of the interpretation of current issues by those who operate outside the University and fail to promote its mission.

3. The relationship between teaching and research

The message of the *Magna Charta* of the Universities signing it highlights the fact that although there may be a crisis in the relation between the two essential components that have so far characterised the mission of the University, that is to say Research and Teaching, there is no doubt about the principle of the necessary connection between these characteristic elements.

This essential connection enables the University to develop and move forward. Although it may be neces-

sary to rethink the methods adopted in the past to bring together these two activities, and to pursue these objectives, it is not acceptable to separate them, especially in the absence of any justification for such a move.

The development of relations within the University and between Universities, which may be seen as a form of progress, at times gives rise to a discussion – periodically renewed in the media, academic conferences, and in the cultural and political debate – of an instrumental nature, in examining the problems (the very serious problems) that Universities need to face.

However, this discussion is often lacking in substance. In addition it takes place outside and, it might be said, to the detriment of the University, that is subject to external appraisal, focusing on developments that it is hoped will attract the attention of the general public, that tend to have a limited vision of higher education, and above all, fails to show a genuine interest in those issues.

The new contract that is taking shape and that is in need of official recognition must be based on a higher level of interaction between society at large and the University, leading to the joint production of knowledge.

On the one hand, communication now works in both directions, since society "responds" to science. On the other hand, science is required to produce knowledge that is of social significance (that is to say, valid even outside the laboratory and the lecture room), and this implies a process of interaction between individuals, groups and institutions in the research field.

As a result, research tends to become more and more complex, with a need to deal with interdisciplinary questions, and to rethink methods, structures and the organisation of teaching.

A more direct commitment towards the community in terms of teaching and research needs to become a central value for the University in the Knowledge Society in order to show that higher education firmly intends to play a fundamental role in serving the interests of the public.

4. Research and funding

As Magrath has rightly noted, in spite of the tensions that have been repeatedly underlined by the Observatory (Felt), with regard to:

– relations between research structures and teaching programmes (due to their differing respective requirements),
– the quality of the infrastructure,
– teaching loads that become ever more burdensome, always assigned to the same people,
– limited career prospects and meagre salaries,

the close link between teaching and research continues to be indispensable because the University needs to produce useful knowledge, educating students to continue to learn, and this implies not just the handing down of knowledge, but also its continual development.

In this connection there is a need to take a firm stand, rather than give in to the pressures of business leaders, who either as individuals, or through the institutions or as part of the system of governance, intend to exploit the new information and communications technologies, also with a view to training the scientists of tomorrow. We need to be vigilant, to defend the link between teaching and research.

If the link between teaching and research is broken,

the University will be required to perform tasks that are not properly speaking part of its mission, even if they are significant tasks in relation to the needs of funding bodies: the state, economic organisations, private enterprise, and other institutions.

In this case the predominant tendency will be (and to some extent already is) to assign to the University a primary role in the training of "knowledge workers" for the new labour markets, thus turning the University into an instrumental body that produces an intellectual workforce capable of adapting and continually learning on the basis of changing market requirements (as noted by Magrath).

This trend undoubtedly reflects real problems, and can result in placing too great an emphasis on the economic role of the University, and in this case, the outcome may be that there is a stronger interest in research than in the quality of teaching. This is because the connection with the economic interests already mentioned, that are significant for the nation as a whole and for the University, is related to research funding, particularly for research that is considered suitable for producing significant economic results in the short term.

Also in the light of the *Magna Charta*, we need to seek to assimilate and understand these phenomena and the needs that they reflect, particularly as we are not dealing with "inventions" but the real needs of society.

However, we cannot agree to this becoming the new frontier for higher education, and we cannot agree to it becoming the sole and predominant objective of the University. The fact is that private bodies funding the University tend to consider this function paramount.

Even if in a perspective of this kind there is space

for excellence in teaching, it is evident that this may be of an instrumental nature, based on the needs of the market, and with a substantial change in the function of the University.

Clearly, then, the organisation and status of research, and the organisation and status of teaching have been profoundly modified. Let us consider for example research that take place in networks, bringing together institutions and businesses and university laboratories and departments, and the concept of lifelong learning, extending well beyond the traditional years of study. It is reasonable to suppose that this leads to a change in the function of education and in the organisation of research.

It should be noted that there is a significant reference to lifelong learning in the *Magna Charta*. This issue attracts considerable attention at global level, and may be considered an essential feature of globalisation.

5. The European dimension of higher education

The European dimension also continues to exist and is expected to develop even further. Moreover, in Europe, as in the experience of other continents, higher education promotes the values of the continent. In the present circumstances, individual states are not sufficiently large to deal with the complexity of learning and to guarantee the mobility that historical processes require. Present-day governments appear to be incapable of formulating higher educating policy on their own.

Hence the renewed interest in the European Higher Education Area. In a number of countries, the Bologna Declaration has been applied in a contradictory and simplistic manner that is both hasty and superficial. How-

ever, we believe that such an area does exist, and that within it there is a need to identify, analyse and to some extent implement an overall plan for a modernisation of the system, that does not turn its back on the principles of the *Magna Charta*, but aims to come to terms with new developments and to cultivate closer links with society at large.

This is a difficult task as we are well aware of the diversity in terms of form and at times also of content, and the different criteria of evaluation of concepts and objectives, such as excellence in teaching, characterising European nations and universities.

Regrettably, we are witnessing the overall inertia of the higher education system in Europe, with certain exceptions. In addition, there is an inward-looking tendency in the universities of certain countries, resulting in modest outcomes and a low level of productivity.

The fact is that it is not just a matter of the quality of researchers and not even a question of the allocation of funding. Resources have been inadequate for some time and further cuts are planned. The problem is also a matter of research being spread out among numerous centres that may produce high-quality research but are not linked together. Often there is a lack of connections across disciplinary boundaries, for example in the case of nanotechnologies and biotechnologies, where at least in Italy we are not achieving the outstanding results that could be achieved by means of closer coordination across disciplinary boundaries.

In addition, the fact that research is carried out in a higher education system organised along corporatist lines, as is the case in Italy, without an overall plan and adequate governance, undermines research efforts.

These structural weaknesses are encountered in other institutions and contexts in which research is carried out, beyond the confines of the University, and as a result, there is considerable dispersion, and inadequate strategic planning.

The problem of research is therefore part of a wider problem in that the Universities seem to be incapable of performing their true role.

In performing this role, the development of links with business for technological research and transfer is no longer an option but an absolute necessity. In effect, the process of innovation that feeds into industrial production has its roots in university laboratories, and only the link between academia and industry can produce significant results. As noted by the European Commission for university research, centres of excellence for research are the only driving force capable of turning Europe into a knowledge society that will ensure development and growth in the long term.

In this connection, there is a need to interpret the Bologna Declaration of 1999 in the perspective of the *Magna Charta Universitatum* of 1988. It is significant that the Ministers signing the Bologna Declaration made reference to the *Magna Charta Universtitatum* both in the Preamble and in the ensuing agreements.

At the same time, the Universities that were subject until 1990 to regimes that had little respect for academic freedom welcomed the text of the *Magna Charta* enthusiastically, to the point that they incorporated it into new legislation and placed it in the meeting rooms of the Academic Senate.

6. "True Universities" and the transformations taking place

Technological innovation and social progress have a territorial dimension: higher education institutions contribute to social and economic progress at local, regional and national level – in short, to territorial development.

The response of higher education to territorial needs gives rise to the need to take certain decisions. The number of Universities should probably be reduced (even if we are aware of the difficulties arising from a proposal of this type), or alternatively forms of cooperation should be promoted, with networks of universities leading to mergers in order to reach a critical mass. Moreover, they should develop forms of specialisation to enable to play a significant role in the territories where they were established, whether recently or in more distant historical periods.

In this connection there is a need to eliminate a certain amount of dead wood, in order to channel more resources to Universities that respond to the needs of society in the present historical period.

The point here is once again the necessary connection between excellence in teaching, and a research programme that will allow it to maintain a level of excellence. This also relates to the issue of "true" Universities to which the *Magna Charta* refers, not as a matter of chance, but in connection with a more wide-ranging analysis.

Naturally, when the *Magna Charta* was drafted, no thought was given to the situation of instability and almost frenetic change that we have witnessed in recent years.

This needs due consideration, since this frenetic movement gives rise to the need for the universities to act prudently in order to avoid undermining the most noble elements of its mission in society in a drastic and futile manner. In spite of shared methods and values, the multiplicity of objectives to achieve has forced higher education institutions to become specialised. This specialisation is not the exclusive preserve of certain academic disciplines, but rather a reflection of their diversity based on their different functions within the university.

Clearly, there may be a different emphasis on education and training on the one hand (in addition to providing a basic education in the humanities, an important objective in professional terms, in relation to the future careers of our students) and research on the other hand (considering the need for it to take place within the University, in response to specific demands from the social and economic context) and finally the concern for human and social problems. This is the reason for the reference in the *Magna Charta* to the humanistic tradition in Europe. The reference here is to Fundamental Principle 4:

"A university is the trustee of the European humanist tradition; its constant care is to attain universal knowledge; to fulfil its function it transcends geographical and political frontiers, and affirms the vital need for different cultures to know and influence each other".

At the same time, this distinction characterises higher education institutions, in response to the quantitative and qualitative changes in society. This means that university studies do not necessarily play the same role at the local and territorial level, nor should this level nec-

essarily influence the content of higher education in a decisive manner. It may play a different role depending on the institution and the international scientific community.

In this connection, a significant part of the *Magna Charta Universitatum* project consists of the promoting role of the University in defending this diversity of situations that should be considered to be a fundamental asset, with a combination of different disciplines, kinds of progress and science thanks to the connections between teaching and research, and the attention paid to human problems, thus making a fundamental contribution to society as a whole.

In defending this fundamental asset, it becomes clear that the key issue is probably that of research, and the role of research in Universities providing mass education. In my opinion, based on an awareness of the fact that similar problems also affect higher education in the United States (and in many respects also in Latin America) and the fact that the United States have adopted a theoretical and practical approach that is partly based on principles different from our own, we need to uphold and underline the fundamental principle of the autonomy and independence of the University.

At the same time, in many parts of the world and in Europe, higher education and business are now very closely connected, in order to achieve a rapid transfer of research from the University to industry, in a global context, but in many cases without cultural prospects or long-term ideals.

We need to move beyond the strongly held belief that funding is the main challenge for the University today. It is not as simple as that. Even if Universities are

essential for economic success and social development because they produce an intellectual workforce, this is not all that matters. In particular, technological development does not necessarily facilitate cultural awareness.

7. More on the University

Inevitably, these matters lead to a question that has frequently been debated in meetings of the Collegium of the Observatory, perhaps in a rather repetitive manner, that of "True Universities" that is worth considering in this commemoration of the 20th anniversary of the signing of the *Magna Charta*. The *Magna Charta* defines them as "centres of culture, knowledge and research" where "cultural, scientific and technical development" takes place on which the future of humanity largely depends (Preamble, 1).

Mention should be made of the observations made by Stephen Lay, who has just been presented with an award for his essay. "A consideration of the development of the university suggests that its central function should in fact be the maximisation of the influence of reason in human society". However, this would appear to be insufficient. The University needs to identify its fundamental function in operating in society and for society, but in our view it must remain a unique institution, respecting pluralism and capable of understanding and placing value on the variety and flexibility of approaches to the various problems relating to teaching and researching, while defending the role of Reason and the rules that descend from it.

In pursuing these objectives, the independence and autonomy of the University are essential premises

and values, and it is extremely important for the various Constitutions to safeguard this independence and autonomy. Otherwise the Universities would not even be tempted to resist the imposition of the constraints, often inspired by requirements of a contingent nature, that Governments and Parliaments have imposed on many occasions, in general without fully achieving their goals, at least in Europe in recent decades, but with the deleterious effect, at least in the majority of cases, of destabilising existing structures.

Moreover, as already noted, the State and the legislature do not necessarily have the degree of awareness and the authority that is needed to deal with the complexity of the academic world, enabling them to implement effective higher education policies, although there is an urgent need for such policies. National governments do not allow the Universities to enjoy complete autonomy, in the majority of cases, but they are not able to dominate them, nor reduce them to a passive role. In any case, they do not seem capable of responding to their needs and promoting their development.

The danger of being entirely conditioned by the demands of the market can result in "centrifugal" forces, in the sense of *de facto* command and control of the Universities by external actors. Evidently, the added value of true Universities is their capacity to respond to objectives of their own, determined in an autonomous, independent and above all coherent manner, objectives that respond to the challenges arising from the present-day world, starting from the principles laid down in the *Magna Charta*.

We should not be unduly concerned about the recent radical changes in society: they represent a challenge for

each university, and the universities that are not capable of responding to them will go into a steady decline. But the added value of the University is to take decisions in response to these challenges – in other words, to govern them – on the basis of the principles laid down by those signing the *Magna Charta*.

It must be said, then, while recognising the validity of the observations made by Stephen Lay, that if there is an institution that for centuries has been the greatest force connecting the common experience of Europe, **this institution must be safeguarded in no uncertain terms**, and encouraged to operate in such a way as to develop the role it performs in the service of the collectivity, that expects results from an activity for which it provides financial support.

Autonomy, independence and innovation in the service of society are therefore all closely connected: to consider them as separate issues does no good.

8. The environment and energy

Finally, the text of the *Magna Charta* reveals a sensitivity to issues that have become increasingly relevant in recent years.

In effect, the third part of the Preamble lays down that:

> *"the universities must give future generations education and training that will teach them, and through them others, to respect the great harmonies of their natural environment and of life itself".*

In the vision of the *Magna Charta*, the University is directly involved in the protection of the living world and the environment. Globalisation, that is taking place in terms that even today we are not in a position to fully appreciate, is inevitable, but it can no longer be seen in terms of Utopia. This is because there does not seem to be a balance between competition and solidarity (in the sense of cooperation), and because at least two major issues have not been adequately considered the destruction of the environment and the question of economic insecurity.

The regulation of competition, without resorting to protectionism on the part of the wealthy nations and without putting a brake on the growth of the low-income countries, represents a first step; the second should be the reduction of the environmental impact of economic growth. The priority is therefore to develop new energy and environmental technologies in Europe and the United States, and to promote a greater awareness in the BRIC countries (Brazil, Russia, India and China) and other emerging countries with high rates of growth. This development and the creation of a global market for these new technologies appear to be a sustainable form of Utopia (as argued by Fitoussi).

At the same time, cooperation lays the foundation for a peaceful future, because it increases the level of solidarity between nations. Moreover, providing global public goods, such as health, education, environmental protection and energy, should generate more growth. The provision of two public goods – environmental protection and knowledge – in contrast with certain widespread beliefs – can be a driving force for future growth by promoting relations between the developed coun-

tries, the emerging nations, and the developing countries. It is widely recognised that the developed countries are the chief sources of pollution in the world, and the emerging countries and some developing countries are likely to overtake them in this respect in the near future. Developing these technologies and providing a technology transfer for the countries that are prepared to take environmental protection measures would be a step forward for Europe and the United States.

9. Globalisation

In Europe, the diversity of forms of higher education gives rise to different concepts of quality and excellence, in connection with the concept of approximation between the various systems.

The Observatory continues to provide an analysis and to offer services to help universities as autonomous institutions to take decisions with the necessary independence from social, economic and political forces. However, autonomy in itself is not sufficient to safeguard the continuity of the cultural heritage of the University.

The lesson of 1988 is that the University can preserve its values and identity by adapting to changes in social life and responding to globalisation.

a) Economic aspects

It has been underlined on many occasions that there is a significant link between the economic problems concerning higher education funding and certain aspects of globalisation that we consider particularly relevant.

We wish to begin by pointing out that, as a matter of principle, we need to move beyond the firm belief,

that is still widespread and deeply rooted, that funding is the main challenge, if not the only one, for higher education.

This is a simplistic view, of an instrumental kind and – I would argue – completely outdated. In any case, the question of funding cannot be dealt with as a continual challenge and competition.

The Rectors who invoke respect for the autonomy of the University without making any innovative proposals (but rather rejecting innovation) and without adopting policies promoting responsibility, and who at the same time complain of the reduction in state funding and the low level of public spending on higher education as a percentage of GDP, tend to forget that the form of self-government that characterises European universities has – and must have – a price, in the sense of a commitment to safeguard the maintenance and development of the institution and its mission on the part of the institution itself and its faculty members.

The University cannot base its mission on that which is economically advantageous, nor can it contribute to the development of a concept of higher education that is always funded by the State without a clear definition of responsibility and without eliminating the "self-reference" or inward-looking tendency that is widespread today.

Such a University would not be capable of addressing social problems and it would not be the kind of University that upholds the principles laid down in the *Magna Charta*.

In this connection, we need to underline the fact that in 1988 (and in the ensuing years) we had the support of the entire academic world and we must therefore move

in the direction that the Universities indicated at that time.

Taking due account of the role that the economy now plays in research and academia and the consequent effects on the development of the University does not mean that we accept the primacy of the economic and competitive aspects of knowledge; it does not mean giving in to entrepreneurial pressure, with all the consequences from a structural point of view; it does not mean giving priority to applied research while neglecting the likely – or rather inevitable – tensions between the disciplines focusing on culture and pure science (as argued by Felt). However, it does mean accepting responsibility for adapting an institution, which by definition and due to its history is responsive to emerging needs and requirements.

This economic influence gives rise to the need to establish explicit and recognisable rules, leading to a general consensus about the need for such rules and the need to comply with them, at the various levels of governance (the community level, the national and regional level, students and faculty), while safeguarding the rules within the various structures that make up the University (faculties, departments, institutes). We should not overlook the existing virtuous examples, reflecting an ethical code of scientific practice for all those who have made a commitment to teaching and research.

But let us also keep in mind that the changing conditions of the production of science in the University and collaboration with the world outside academia have a profound influence on the behaviour of faculty and on scientific results, and consequently on the community of faculty members and students in the University. This

ethical dimension of the activities that take place within the University needs to be more clearly stated at global level, since the statement of ethical rules is a way of promoting responsible behaviour.

This is an indispensable element in the challenge of globalisation. Nevertheless, the idea and practice of globalisation and the rules that are now taking shape, although conditioned by the economic system, should not make us overlook the differences existing today among the various Universities.

This means different experiences, different responses to the same problems, different levels of integration of the Universities with the regions where they are located, different meanings of autonomy, and different systems for acquiring economic resources.

At the same time common elements have been identified that derive from the nature of a tradition that is based on enduring allegiance to a spirit and a mission that the *Magna Charta* carries forward.

In this connection, a transformation of the principles laid down in a spirit of unity in 1988, with a view to setting aside the *Magna Charta*, would be unthinkable.

Clearly there is a need to tackle certain forms of degeneration and incongruent behaviour, increasingly linked to economic development, and there is a need to overcome the difficulties in terms of growth in the global perspective in which the Universities operate, but this overall global framework can become a unifying element and needs to be correctly interpreted since it has given rise to parameters for defining a European and global higher education system.

b) Cultural and scientific aspects

Today there is a clear awareness of the problem of

joint European regulation of higher education institutions, and a clear statement of principles is starting to emerge.

Today, in the presence of a network of relations that has at times given rise to significant results in terms of teaching and research, these problems are often addressed at global level in the context of university systems and disciplines of a variable nature operating at different levels of efficiency.

It is in this context that we have to consider the question of elite higher education institutions, and the implementation of measures that facilitate relations between the leading Universities of the world.

The impression is that issues relating to the economy, innovation, technology transfer, and globalisation are often mentioned together because they all concern these leading Universities.

It is in this connection that the problem of funding takes on a particular significance, since an increase in funding, that only a limited number of higher education systems have achieved, makes it possible to attract the most talented students and the most advanced and productive researchers and faculty members.

But it may be argued that this gradual development of high-level global networks is not in contradiction with, but rather reaffirms, the principles of the *Magna Charta*, because in a global perspective the separation of teaching and research is not an objective to be pursued or condoned.

In addition, if globalisation means accepting the idea that only an exclusive group of Universities linked together at global level can produce the knowledge to be made available to other universities for them to "con-

sume", we would reject such an idea. It would be in contradiction with a pluralist system that makes possible a correct interpretation of the principle laid down in the *Magna Charta* linking teaching and research.

It is in this perspective that we need to interpret the claims that this is the future of the University. The idea of the University as an ivory tower in which there is a separation of teaching and research is not acceptable, and even less acceptable is the concept of the University as a kind of supermarket of products distributed by others, that would be the outcome of a clear separation of teaching and research.

Underlining the need for Universities to do research does not mean simply considering lists of Nobel prize winners, important as they are, but it means promoting a clear idea of what higher education means, even though the teaching component may be prevalent.

At times research may produce results that do not meet initial expectations. There is a need to select the actors (institutions and researchers) who are able to achieve the results initially expected of them.

The globalisation of higher education cannot be the outcome of an economic and political operation designed and implemented by huge multinational enterprises or by governments working in synergy, as this would reduce the role of the Universities to an instrumental one, as institutions without the links to society at large that are needed to safeguard the mission of the University to serve the interests of the community.

Once again, reference should be made to the concept of autonomy that must be that much stronger, not just at a theoretical but also at a practical level, in order to counter the risk of economic dependence.

All of us are aware that in principle European Universities are widely supported by the nation states and the European Union. But we are also aware that this support, that in any case needs considerable integration from social actors at territorial level, gives the State greater control, providing an opportunity for political interference.

Moreover, the private-sector support for the Universities in the United States that have succeeded in explaining their indispensable mission to the community can result in domination by market forces, the role of which should be a means and not an end (as argued by Magrath), with an even greater risk for autonomy and freedom.

In the context of globalisation, these problems become ever more pressing. This is because the efforts by multinational corporations to promote a select group of Universities as research leaders, providing an opportunity for their work to be heavily influenced, are quite a different matter compared to integration with the community.

Cultivating links with business in order to win funding for research and to improve teaching does not mean failing to respond to the needs of society, which, even if in an uneven manner, has gained some insight into the significant role of educational institutions, and continues to have faith in them (Magrath).

Knowledge is not simply that which is useful for economic development. The development of the market, that is a law unto itself, has resulted in prosperity, but also consumerism, the cult of the ephemeral, the widening of the gap in income distribution and life expectancy, and a strong environmental impact.

These issues are also closely linked to processes of globalisation, in which the Universities need to play a leading role as part of the overall system and as individual institutions, without accepting a purely passive role.

This is related to the principle of autonomy, which includes a kind of delegation of powers on the part of society, and gives rise to the need for strategies in response to the market that tends to impose its own conditions (the reference here is to the contribution by Gibbons).

Compared to the past, for the Universities the principal objective is not only that of educating the political and business leaders of tomorrow, but above all, of preparing students to become active citizens in a complex society that is undergoing continual change. Moreover, the world of work also requires new abilities and competences: communication skills, information and communications technology skills, modern language skills, the development of critical and creative skills, and the ability to manage one's own life. These are skills that the Universities need to be able to teach their students.

The society that demands an increase in knowledge for all, that has created mass higher education, and that requires lifelong learning, needs a structure that is lean and not bureaucratic, but has a role of its own, and can speak for higher education at global level and at the level of individual disciplines in an authoritative manner.

In this way the higher education systems of the various countries, and the individual Universities, that need to remain completely autonomous, would be able to pursue their objectives and joint programmes, as well as to develop effective relations between Universities and safeguard the free movement of students, so that

they can make good use of their professional competences and the knowledge acquired in the Universities of Europe.

In this perspective there is a need to standardise structures and degree course levels in a harmonious manner in order to facilitate mobility for students and faculty members, without which globalisation is for a privileged elite. There is also potential for obtaining more research funding from industry, provided that the education and training of human resources linked to the demands of the knowledge industry is not governed by those providing funding but by the University.

Certainly, this would be a post-Humboldtian University, without a clear model of reference, but rather based on diversity and experimentation, at times of a fragmentary nature. In this context, the application of the *Magna Charta* takes on particular significance.

European Universities have entered a critical phase as a result of the increasing impact of society and due to their stronger presence in society. This impact has been so strong that the demand for university places has increased beyond all expectations in the context of an increasingly prosperous or at least increasingly consumer society, whereas significant parameters of academic life have deteriorated, due to this major impact.

There is therefore a need to take action to redefine fundamental principles and at the same time to explain why it is essential to provide Universities – if they are to continue to be true Universities – with the conditions of autonomy and independence which society has granted, at least over the last two centuries, and the necessary financial support.

If there is to continue to be a direct commitment on

the part of the community, supporting the close connection between teaching and research, as the most significant feature of the central role of the University in the knowledge society, it will be clear to society that higher education can continue to serve the public good.

Globalisation cannot be allowed to lead to a situation in which for economic and functional reasons, alongside a number of leading Universities the others are expected simply to disseminate research results produced elsewhere, as if selecting products from the shelves of a supermarket.

The exercise of a critical spirit is essential and this can be achieved only in a context of continual research and scholarship carried out in an autonomous manner.

On this basis, in the light of the fundamental principles of the *Magna Charta*, the Universities of Europe, America, and the Asia-Pacific region would do well to form a kind of coalition to safeguard the unity of teaching and research, and uphold the value of autonomy and independence of the University as the heart of the knowledge society, with a view to pursuing and developing collective interests and the public good.

Academic Freedom Facing Major Challenges in Afghan and Central Asian Higher Education Institutions

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This article intends to present some of the major challenges that have threatened academic freedom in Afghanistan. On a smaller scale, the study will also examine the status of academic freedom and institutional autonomy in Central Asia. In the course of its history, higher education in the region has been subjected to foreign ideological invasions, government control, restrictive legislation, traditional academic mentality, obsolete curricula, ineffective management systems, and many other related factors.

In the 1960s and early years of the 1970s, Afghanistan for almost a decade – called the 'Decade of Democracy'– enjoyed some limited academic openness at its first and largest university, Kabul University, but the last three decades of war have brought insecurity, violence and terror to the country's campuses. Therefore, academic freedom, as well as institutional autonomy, like democracy in the region, is a new phenomenon,

which can only mature when democracy is strengthened and institutionalised.

Higher education in Central Asia began after the Bolshevik Revolution in 1917, with Kazakhstan and Uzbekistan having established their first universities in 1917 and 1918, but academic freedom and institutional autonomy, like freedom of expression, was never tolerated by the totalitarian regimes in the region until the fall of communism in the 1990s. Following the disintegration of the communist-era higher education system, Kazakhstan, followed by Mongolia and Kyrgyzstan, led the path toward reform and a modern restructuring of its institutions of higher education. However, in the area of academic freedom, Turkmenistan, Uzbekistan, and Tajikistan still exercise control over their universities.

In general, higher education in Afghanistan, as well as in Central Asia, has always suffered from being politicised, culturally or nationalistically or religiously localised. Ultra-nationalist or ideological regimes, with racial, ethnic or linguistic prejudices, have been responsible for legislating, sponsoring or promoting a culture of discrimination in academia. Although there is a rising trend in the region to globalise academic standards, academic freedom and institutional autonomy, which require a strong democracy and civil society, are not yet considered a priority for these countries.

Since its start in mid-twentieth century, Afghan higher education has faced many challenges, which in one way or another have threatened academic freedom. The total control of every dictatorial and ideological Afghan government over the higher education institutions, which culminated during the communist and Islamist ideological regimes from 1978 to 2001, have produced

a culture of government control and censorship. Today the legacy of that tradition persists in the academia of the country despite some major democratic changes in other areas of society.

During the second half of the 1960s and the first half of the 1970s, Kabul University, as the largest university in the country, began to flourish in both quality education and academic openness. When political parties, particularly leftist groups, infiltrated the university and campus violence increasingly threatened the presence of international and Afghan staff, this institution was turned into a centre of political activities and ideological propaganda. With the communist coup in 1978, the university lost most of its western-educated Afghan and international staff. During the Soviet occupation, Kabul University was not different from any Soviet-style Central Asian university.

Afghan higher education since its beginning in 1932 has often been used as a policy tool, a centre for recruiting supporters for different oppressive regimes. On the other hand, opposition groups have also recruited most of their supporters from the same institutions. Except for a few short periods of its history, Kabul University has always been a centre of political and ideological activities, where in the 1970s many of the leftist and fundamentalist groups started their activities.

The most blatant violations of academic freedom took place during the civil war. The communist regime of the ruling Khalq Party executed hundreds of academics and intellectuals, with thousands of them imprisoned or forced to leave the country, on charges of anti-revolutionary actions or thoughts. Kabul University and other institutions of higher education became centres of com-

munist propaganda, disinformation against the West, and recruitments of young members for the ruling party, where dissidents were constantly harassed, punished and dragged into police cars for interrogations, which often ended in disappearance of the victims.

Marxist-Leninist literature and pro-Moscow propaganda books flooded Kabul University library and public libraries throughout the country. Academics, writers, poets and artists were forced to serve the system in their works. Ideology replaced knowledge, disinformation overshadowed truths, and the university was reduced to a centre for creating and disseminating lies and disinformation. This was also a period when Kabul University and other institutions of higher education have been fragmented into smaller units for the sake of security and for government control. In those dark days, every Thursday school and university students were required to pour into the streets of their cities, with banners and flags, demonstrating against the resistance fighters and their supporters in the West.

Some of the Mujahidin groups also exercised full control over the higher education institutions in their areas and at times used these institutions as a means of promoting their ideology, collecting funds from their Islamist and Arab supporters, and recruiting young people for the war. Although a number of Afghan higher education institutions were established in Pakistan, many of them were intended either for profit, such as the Afghan University, or for religious purposes often funded by Arab fundamentalists in the Arab world, such as the Institute of Science and Technology, which were later moved to Jalalabad and Nangarhar.

Following the fall of the Mujahidin government in

Kabul, the extremist Taliban demonstrated their barbarity by banning girls from attending schools, most of which they turned into centres of religious teachings. They closed down a large number of higher education institutions and launched a terror campaign against secret home-based schools in Kabul and other major cities. Only medicine, agriculture, engineering, and a few other practical disciplines were allowed to be offered at few institutions in the country, because of their practical use for the war. To the Taliban, all seeds of all knowledge and sciences are in the Koran. The Koran is all we need to understand and teach, they argued, but the scripture was often interpreted in terms of their brand of Jihad and fanaticism.

Revival of Higher Education

During the first half of the current decade, which was an era of optimism and liberation, Afghanistan witnessed major changes in different political, economic, social and education areas. In 2003, with the assistance of DAAD, Michael Daxner, the President of the Magna Charta Observatory Council, helped the Afghan Ministry of Higher Education to draft a new higher education law. The new law, together with the other documents prepared in the same year, could have put Afghan higher education on a modern path if implemented. From 2002 to 2005, UNESCO, World Bank and DAAD made many efforts to modernise the higher education system by drafting a Strategic Action Plan and several other important reform documents for the Ministry of Higher Education. This was a period of physical and academic reconstruction of universities, a period of hope and optimism.

However, a change in the leadership of the Ministry of Higher Education slowed down the pace of reform and revitalisation in 2005.The new leadership, following a policy of micromanagement and tight government control over the institutions, was too conservative to launch any major reform program. In the same way, the existing leadership, following the same traditional path of its predecessor, has been rather reluctant to allow higher education institutions to move toward autonomy.

Since 2002, universities have come a long way from non-existence during the Taliban to an era of reconstruction and development during the last six years, but academic freedom and institutional autonomy have never been a priority for the government. There have been recurrent cases of violations of academic freedom on the Afghan campuses. Some students have complained of being harassed, coerced and abused by their teachers. Sometimes classrooms are unfriendly, professors are dictatorial or ethnically biased, and students are rarely encouraged to think critically and analytically. Without academic freedom and other modern changes, Afghan higher education can hardly respond to the needs of the country and the new global challenges.

Cultural Discrimination in Academia

Afghan higher education, like other aspects of society, has been affected by ethnic conflicts and discriminations. Speakers of the two national languages, Farsi and Pashto, representing the two main ethnic groups in the country, have often been at odds over usages of Farsi words in official Farsi memos and documents. The Farsi language spoken in Afghanistan is officially called

Dari, but the common people in Afghanistan, Iran and Tajikistan call it Farsi, which is not very different from the same language spoken in Iran and Tajikistan. However, every ruling Pashtun government, including the existing one, has decreed that the non-Pashto speakers of the country must use certain established Pashto terms in official memos and documents in place of what they label as Iranian terms, but these so-called Iranian terms have their roots in common Farsi/Dari words.

For example, the Farsi word "danishgah" (university), considered to be an Iranian term, is derived from the word "danish" (knowledge), which is a most common word in all Farsi dialects, including Pashto. Yet some ethnically biased government officials or ultra-nationalist organisations chastise the use of the word "danishgah" instead of the Pashto word "pohantoon". This has caused a great deal of tension on the university campuses and in the press. Even the Afghan Parliament was almost polarised when discussing the issue.

The Farsi speakers argue that they must have the right to choose their own words from their own language. Speakers of another language must not be allowed to impose their own words on them. The word "danishgah" is commonly used in both Iran and Afghanistan. Farsi speaking academics, writers, scholars, journalists, clerks and officials, who consider this kind of language discrimination as a sort of Pashtunisation of Farsi in Afghanistan, exercise great caution in avoiding using the forbidden terms in their writings, fearing a variety of direct and indirect punishments by the government. Several university professors, civil servants, and reporters have been removed from their positions and punished on charges of using prohibited Farsi terms in their writings.

To the anger of many Farsi speakers of the country, surprisingly the 2004 Constitution of the country legalised this cultural discrimination at a time when the government and the people should have made many joint efforts toward healing the wounds of their three decades of ethnic conflicts. Many Farsi speaking intellectuals, particularly those who were involved in drafting the Constitution, argue that this sentence in the Constitution was not mentioned in the original copy that the Afghan Grand Council (Loya Jirga) approved in early 2004.

This sentence in Article 16 of the Constitution – "*Scientific as well as national administrative terminology and usage in the country shall be preserved*" – has been interpreted to justify persecution of some Farsi-speaking writers, journalists and academics simply because they have not used the prescribed Pashto terms. This legislation of cultural discrimination has polarised the Afghan academia and the media, provoked ethnic violence and hostility on the campuses and streets of major cities, and mitigated the effectiveness of genuine efforts toward national reconciliation and unity.

In predominantly Farsi speaking parts of the country, the enforcement of Article 16 has also provoked reverse discrimination and hostility against the minority Pashto speakers in schools and academia. Yet the so-called language watchdogs, led by the Ministry of Information and Culture, keep tagging those who disregard Article 16.

In Afghan academia, some of the persistent offenders are demoted and their research papers for academic promotion are rejected. The persistent offenders are sacked from their positions. Even the use of Iranian references in research is disparaged, without counting the quality

of their contents and the depth of their scholarship. Afghan students returning home from Iranian schools and colleges have been grappling with such absurd discriminations in their classrooms. Many of them complain of being unfairly treated, ridiculed because of their Iranian accents, and sometimes failed by their ethnically fanatic professors.

Control over Private Higher Education

Private higher education is a new phenomenon in Afghanistan and the republics of Central Asia. Only recently, Kazakhstan, Kyrgyz Republic, Mongolia, and Tajikistan have permitted the creation of private higher education institutions. In Afghanistan, the American University of Afghanistan, as the first private and independent institution of higher education, began its classes in 2006. Within the last two years, more than 13 institutions of private higher education have registered at the Ministry of Higher Education and the number of students in these institutions has exceeded 6000. The first three republics of Central Asia have the largest number of private universities. For example, Kazakhstan has 114 private universities and 50 state universities. Mongolia has 29 private universities, while Tajikistan has only two official private universities. Turkmenistan has not yet allowed any institution of private higher education to operate on its territory.

Legislation for public and private higher education in Afghanistan and Central Asian republics, which is often drafted by ministries of higher education, stipulates provisions not only on major policy matters such

as licensing and accreditation, they also tend to impose micromanaging regulations on these institutions. Institutions of higher education are periodically requested to provide reports on their curricula, syllabi, textbooks, staff, students, etc. These regulatory policies are often restrictive, rigid, at times discriminatory, and often unprofessionally drafted. The recent Afghan Higher Education Law, which is based on the old law that the communist regime had enforced, was intended and is intended to preserve the status quo and perpetuate the government control over the higher education institutions. Because of these deterrents, both private and public higher education systems in the region, except in a few countries, such as Kazakhstan and Mongolia, is not expected to be sustainable.

In the new democratic Afghanistan, private education is growing fast, but there is no sound mechanism to assure quality education. Except for the American University of Afghanistan, all private institutions of higher education, which have been established within the last two years, are for-profit, but they are not making enough profit to assure quality of education. In the absence of a proper government or non-government evaluation mechanism, many of these private institutions may lose their students and thus collapse, as in Central Asia, Russia, Ukraine and other countries.

As in public higher education, private higher education is suffering from an old and irrelevant legislation. The failure on the part of the government to consult the private sector when legislating for it has been a major setback for encouraging Afghan and foreign businesspeople to invest in the private sector of the country, in-

cluding the private higher education sector.Among the Central Asian republics, Uzbekistan and Turkmenistan still appear to be exercising tighter control over their institutions of higher education. The state in each republic appoints rectors of the state universities. Universities are not allowed to have boards of trustees, just as their students are not allowed to have their independent councils or government bodies. Higher education policies and regulations, except in Kazakhstan, have remained unchanged in Turkmenistan and Uzbekistan, but Kazakhstan and Kyrgyzstan have taken some major steps toward reforming their systems. The government, led by the president of the republic, and his cabinet, is the only stakeholder. Institutional and individual academic freedom in its Western sense is a new concept in many of these republics, particularly in Turkmenistan and Uzbekistan.

The new Turkmen President Gurbanguly Berymukhamedov, somewhat departing from the Niyazov-era, has made some effort in improving the higher education system, but there has been very little change in the quality of higher education in the country. To some extent, he has been able to slowly challenge Niyazov's isolationist policy and cult of anti-intellectualism by welcoming Russian-educated Turkmen to teach at the Turkmen schools and universities. However, the higher education curricula and textbooks used during the Niyazov regime are still there, and include the self-proclaimed scripture the Ruhnama or the spiritual guide for the Turkmen people.

Kazakhstan and Uzbekistan began their higher education during the second decade of the 20th century.

In Kazakhstan, higher education began after 1917 and witnessed significant growth in the 1960s. The number of universities and institutes exceeded 50. Kazakhstan had the highest percentage of students per 1,000 people among all Central Asian republics. Uzbekistan established its first university, the National University of Uzbekistan named after Uluqbek, in 1918. Today Uzbekistan, after Kazakhstan, has also the largest number of state universities and higher education institutions in the region. According to the Uzbek government website, there are 59 institutions of higher education, including 16 universities, 39 teacher-training institutes, medical, technical, economic, agricultural, and other institutes. Over 300,000 students major in about 276 fields.

A distinct difference between the two republics is that Kazakhstan, as well as Kyrgyzstan, have allowed a large number of private higher education institutions to open. However, despite these remarkable developments, the governments, particularly in Turkmenistan and Uzbekistan, often suppress academic freedom and institutional autonomy.

Corruption is another major problem in Afghan and Central Asian institutions of higher education. In many of these countries, aside from corruption, nepotism, favouritism, and discriminatory practices against the minorities, particularly in Turkmenistan, have negatively affected quality and equity in higher education. Enrolment at medical, engineering and law departments at some universities in the region are often bought. Although there has been some improvement in education equity, corruption is still rampant in the Turkmen higher education system.

Traditional Academic Mentality

The legacy of traditionalism in education, ideological brainwashing and control, with resistance to autonomy for the universities, has generated a conservative culture in Afghan higher education. Therefore, any reform intended to bring autonomy and academic freedom to the higher education institutions has been resisted or ignored. Other reforms, such as quality assurance, accreditation, governance and student participation, have often been perceived as a threat against the status quo – the established practices, rules, and policies in Afghan higher education.

Moreover, the traditional and mediocre academic mentality, which still prevails in Afghan universities, as well as in Central Asian universities, has been too reluctant to initiate or support any major reform in modernising the system even when there were moderate governments receptive to changes in education. Even the so-called politically progressive academics, who were once in the forefronts of leftist movements in the 1970s, have not demonstrated serious interest in academic freedom and other reforms.

Academic Freedom, New Concept

Academic freedom, unlike freedom of expression, is a new concept in Afghan and Central Asian academia. Regional and local human rights organisations in the region have seldom used the term. Reporting on violations of academic freedom in Afghan academia, if any, has always come under the violations of human rights or freedom of expression. As the culture of government

control and censorship is still prevalent, the challenges facing academic freedom and institutional autonomy in the region are much more daunting, demanding regular reporting on the status of academic freedom in hundreds of institutions of higher education in Afghanistan and Central Asia.

Making Academic Freedom and Institutional Autonomy Real in Boundary Conditions: Some Issues from African Higher Education

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The *Magna Charta Universitatum*, at the level of its proclaimed fundamental principles, is a powerful normative declaration. Some of its text betrays very specific regional concerns which have to do with the geopolitical ambitions of a Europe that seeks to be more politically, economically and educationally integrated. Yet many universities that are not in Europe are signing up to the *Magna Charta*. Why is this the case? It is possible that the normative constants that it proclaims are not well observed or valued in some non-European contexts. Nevertheless, its central normative reference points, which revolve around the moral and intellectual independence of research and teaching, openness to dialogue, tolerance, free exchange of ideas and information, internationalism, cosmopolitanism and university service to society, have found a resonance in universities, countries and regions whose political, economic and social conditions are quite different from those in

Europe. At a symbolic level, this is one of the strengths and attractions of the *Magna Charta Universitatum* in that it constitutes an invitation to seek a connection to the trans-geographical values that it represents. But, paradoxically, another of the attractions of the *Magna Charta Universitatum* may lie precisely in its European origins and lineage. To some countries and institutions outside of Europe, signing the *Magna Charta Universitatum* represents an affiliation that they hope will make them more Europe-like, since there may be some associated social, political and academic benefits from such an affiliation. So aligning with the normative constants, transcending Eurocentric parameters, and being more Europe-like are all part of the complex, possibly contradictory impulses connected to the *Magna Charta Universitatum*.

The power of the normative as indicated above lies in its symbolic principles. But a purely normative approach has its limits[1], especially in relation to implementation. One such limit has already been mentioned – the tension between text and context. Does the relevance of the text have the same resonance in different contexts and circumstances? Another equally important limit is at a conceptual level. Does the text mean the same to different actors even in the same context? The conceptual and contextual challenges to the *Magna Charta Universitatum* hinge around the difficulty of devising a consensual, universal and timeless definition that is relevant to different interest groups in different and changing circumstances. We may use the same or

[1] See A. du Toit (2007, 7) in *Autonomy as a Social Compact*, Council on Higher Education, Pretoria.

similar terminology but the content of the terms that we use may differ in substance and nuance because we are fighting quite different contextual battles around academic freedom and institutional autonomy. What does academic freedom mean – is it a negative right (e.g. freedom from censorship, intimidation, etc.) or a positive one (e.g. freedom to access higher education) or both? Is it a freedom only within the parameters of the university or does it overlap with freedom of expression for the academic as citizen beyond the university? In what sense is academic freedom an individual right and in what sense a collective one? What is the relationship and difference between academic freedom and institutional autonomy, since we sometimes tend to use them as almost overlapping terms? Can the one exist without the other? Analysts[2] have pointed to historical instances of their separate existence, e.g. academic freedom in von Humboldt's Prussia existed without institutional autonomy. Conversely, greater current levels of institutional autonomy in a managerial mode are sometimes argued to be a threat to academic freedom. In steering the *Magna Charta Universitatum* into the future, holding the balance between the normative constants on the one hand and the conceptual and contextual challenges on the other will continue to be a strategically challenging task.

The *Magna Charta Universitatum* is one of a family of declarations that focus directly or indirectly on academic freedom and institutional autonomy. Some of these other declarations are also celebrating anniversaries the same year. For example, it is important to re-

[2] Du Toit, *op. cit.* (2007, 13).

member and honour the 60th anniversary of the Universal Declaration of Human Rights which upholds freedom of thought, conscience and expression. It is also the 20th anniversary of the Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education which was adopted at a general assembly of the World University Service eight days before the signing of the *Magna Charta Universitatum*. In a globalising world and in light of the stated global ambitions of the *Magna Charta Observatory*, it is necessary to reflect on whether and how these different Declarations speak to and hopefully reinforce each other in ways that benefit particular struggles around academic freedom and institutional autonomy that are currently underway. I want to mention briefly one such declaration that comes from the African continent – the Kampala Declaration on Intellectual Freedom and Social Responsibility[3] which was adopted in November 1998 in Kampala, Uganda. I will draw on some of the issues from the Kampala Declaration together with current concerns in African higher education in the hope that these may have some resonance for thinking about the *Magna Charta Universitatum* going forward. Hopefully, it will also contribute to making more visible the African higher education presence in the *Magna Charta Universitatum* discussions which has been limited to date.

As the text of the Kampala Declaration makes clear, at the time of its adoption, the context was one of political repression, economic coercion (through structural adjustment programmes) and acute material and

[3] See University of Minnesota Human Rights Library http://wwwl.umn.edu/humanrts/africa.

educational impoverishment. These are the boundary conditions referred to in the title of this paper – fragile and unstable conditions; often well below the minimum required for the credibility of democracy, for economic development and for higher education functionality. These are conditions which are likely to endanger academic freedom and institutional autonomy as much as other human rights and freedoms. The key messages from the Kampala Declaration are

• Academic freedom and institutional autonomy are not narrowly relevant 'guild' rights – they are embedded in wider popular struggles for democracy and human rights.

• Academic freedom and institutional autonomy go hand in hand with the social responsibilities of intellectuals, including their participation in and support for popular struggles as well as professionalism, tolerance and solidarity with those persecuted for their intellectual activities.

• Academic freedom and institutional autonomy incur obligations for the state, for example, refraining from imposing censorship but also providing adequate funding for the effective discharge of core functions of higher education.

In the current debates in African higher education relevant to this topic, there is a view that the political liberalisation of the late 1980s and 1990s has improved somewhat the conditions for formal democracy, and that economic challenges have become more dominant.[4] As

[4] See Altbach P. (2005), *Academic Freedom: International Challenges and African Realities*, in JHEA/RESA, Vol. 3, Number 1; E. Sall, A.M.B. Mangu (2005), *The Quest for Academic Freedom Today*, in JHEA/RESA, Vol. 3, Number 2.

pointed out, this may be true in qualified respects only and the harassment and intimidation of academics, intellectuals and students continues in many countries. What is clear is that the globalising pressures that are reshaping higher education systems in many developed countries are also taking their toll on African higher education – the power of the market, the demand for efficiency without the injection of additional resources, and the emphasis on competition are becoming dominant themes. State funding has increased only marginally in some countries and privatisation is the order of the day, including within public higher education institutions. Using the discourse of the knowledge economy, multilateral lending institutions and donors still exert enormous pressure on state policy directions through signalling 'appropriate' policy options. Economic deprivation and entrepreneurialism are having a harsh impact on all social sectors and are widening existing social justice gaps within and outside of higher education. Such a context cannot provide the enabling conditions for academic freedom and institutional autonomy to function as real rights beyond the formal declarations.

What lessons are there from the debates within African higher education in relation to the fate of and prospects for academic freedom and institutional autonomy in Africa and beyond? I would like to put forward four issues for consideration:

• An adequate material base that could support higher education infrastructure, salaries, research and teaching resources, etc. is necessary for academic independence. Sheer survivalism in dire economic conditions[5] con-

[5] See A. Mama (2006), *Towards Academic Freedom for Africa*

strains the freedoms to undertake research and teaching and to choose institutional priorities and strategies in a way that privileges academic principles and professional considerations.

• Academic freedom and institutional autonomy cannot be pursued separately from a wider human and social rights package embedded within a democratic dispensation. Formal political liberalisation in Africa is important but requires the development of substantial democratic cultures and traditions, also within higher education institutions. Constitutional and legal frameworks and rules are crucial in order to provide formal protections for academic freedom and institutional autonomy but also need to be buttressed by a culture of traditions, practices and conventions in order to give content to formal rights. This puts on the agenda the importance of identifying and making real the necessary and sufficient conditions for academic freedom and institutional autonomy to be secured and safeguarded.

• There are clear dangers for academic freedom and institutional autonomy from the dominance of economic imperatives in higher education. Competitive individualism, the increasing privatisation of aspects of the public domain, managerialism and the corporatisation of higher education all weaken the possibilities for academic freedom and institutional autonomy to operate as collective and socially embedded rights which also incur social responsibilities. The relationship of academic freedom and institutional autonomy to the public and private goods of higher education, especially the im-

in the 21st Century, in *Journal of Higher Education in Africa*, Vol. 4, Number 3.

pact of private goods discourses on social rights issues in higher education, needs serious research and policy attention.

• There is a new instrumentalisation of higher education which is endangering academic freedom and institutional autonomy in many countries. In post-independence Africa, political leaders saw universities and universities saw themselves as instruments of social and economic development. This eventually became a more ambivalent notion, not least for the dangers that it posed for academic freedom and institutional autonomy. The current knowledge economy discourse is bringing a new market-steered developmentalism back on the agenda. The contribution of higher education to African social and economic development is absolutely vital. However, the incorporation of higher education values and priorities into the preferences of governments and markets contains the seeds of new threats to academic freedom and institutional autonomy that have to be actively re-negotiated

The above four issues are signals of incipient dangers and challenges to academic freedom and institutional autonomy in African higher education. They are probably similar to challenges in a number of other countries and regions in the developing world. However, the extent to which these constitute dangers in European higher education may only be a question of degree, both for existing and newer members of the European Union. Further, these issues may be too much in the background in a centre stage of higher education debates dominated by knowledge society, innovation and competitiveness discourses. In giving effect to its global ambitions, addressing some of the aforementioned is-

sues could become part of the agenda of work for the Magna Charta Observatory. This could help to ensure that the *Magna Charta Universitatum* retains its power and relevance into the future for an increasingly diverse community of universities within Europe as well for many which are not in Europe. One specific quote for me puts the debate about academic freedom and institutional autonomy into its proper societal perspective, irrespective of context: "Defending academic freedom is but part of a larger effort to make the world a better place to live." [6]

[6] Doumani B. (ed.), *Academic Freedom after September 11*, Zone Books, New York, 2006, p. 45.

Public Responsibility and Institutional Autonomy – Where is the Balance?

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Introduction

University autonomy is, along with academic freedom, one of the cornerstones of the European university heritage as well as of democratic society. For good reasons, it is one of the underlying values of the European Higher Education Area. That university autonomy is enshrined as a core value is of course a good thing, but it also has its own risks. Fundamental values are often taken for granted, carted off to ritual or harmless declarations and brought out in daylight on festive occasions but not given the oxygen that comes with daily use. Democracy itself is an example: less than twenty years ago, Europe was excited about democracy as the Berlin Wall fell and along with it the authoritarian regimes that were the Wall's only defenders. Today, democracy is largely taken for granted in Europe, and it suffers its share of lost illusions, even if we also understand better than we

did 20 years ago that democracy is not only about institutions, structures and laws. The structures can only work in a society imbued with democratic culture. This is one of reasons why the work of the Magna Charta Observatory is fundamental, and it is one of the reasons why the Council of Europe, as an organisation devoted to democracy, human rights, and the rule of law, is also an education organisation.

In the framework of the Council of Europe, the clearest formal statement on university autonomy and academic freedom is Parliamentary Assembly Recommendation 1762 (2006)[1], which was proposed by Josef Jařab, and he was well seconded by the Magna Charta Observatory. Josef Jařab proposed the Recommendation in his (then) capacity as a Czech Senator and a member of the Council's Parliamentary Assembly, but Senator Jařab has much more direct experience of the importance of university autonomy and academic freedom to democracy than most of us. He is not only a scholar of English literature and a former member of the Collegium of the Magna Charta Observatory. He was also a long time dissident under the Communist regime of Czechoslovakia, he was a university Rector in the early days of democracy after the Velvet Revolution, and his experience of the totalitarian regime did not shake his commitment to humanist values.

Even if the importance of university autonomy is not challenged by words, there is every reason to consider whether it is not challenged by silent practice. The "ivory tower" model of the university has, I would argue,

[1] http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta06/EREC1762.htm

never been an adequate description of reality – if it had, the university would not have survived as an institution for centuries – and it certainly is not today.

As I had the opportunity to underline in a previous contribution to the Magna Charta Observatory[2], university autonomy and academic freedom are closely related but they are nevertheless distinct concepts. Institutional autonomy refers to the freedom of institutions to carry out their mission of research and teaching, whereas academic freedom refers to the freedom of individual academics to teach, research and publish. Both are essential to democratic societies as well as to the university as an institution, but none are unrestricted. There may be valid reasons for restricting university autonomy and academic freedom, in the same way that there may be valid reasons for restricting the freedom of the press or the general freedom of expression in a democratic society. These restrictions, however, should be exceptional, and they should be limited to situations where the freedom itself may severely damage others or even endanger society.

Official Secrets Acts fall into the latter category, and the difficulty of drawing a clear line is illustrated by the potential for abuse of such acts, which are only valid if they genuinely protect the vital interests of a society and not merely protect the government in place from hostile press. Laws against denial of the Holocaust or against racial discrimination fall into the former category. Quite

[2] Sjur Bergan, *Institutional Autonomy between Myth and Responsibility*, in *Autonomy and Responsibility. The University's Obligations in the XXI Century* (Bononia University Press, Bologna, 2002), pp. 49-66.

apart from the fact that the reality of the Holocaust is not in doubt and that there is no factual basis for asserting that a person's value or abilities depend on race – which is in any case a nebulous concept – the damage caused to individuals through denial of the Holocaust or through racial discrimination is in most European societies considered more weighty than the possible restrictions on the freedom of expression caused by the laws in question. While most citizens would agree with the laws, they also need to be applied reasonably. Laws against pornography are yet another example. The majority of citizens see pornography not as a natural manifestation of one's liberty of expression but as an affront to human dignity. Nevertheless, society's understanding of what constitutes pornography evolves over time and is not the same in all societies.

A traditional view of autonomy

While university autonomy at first sight may have little in common with the preceding examples, I would argue that we need to reconsider our concept of autonomy. Traditionally, Europeans have had a legal view of autonomy, and at that one that does not distinguish very clearly between university autonomy and academic freedom. The traditional view has been that autonomy was guaranteed through laws, and the value of the law has tended to be taken at face value except in cases of fragrant violation[3]. Examples of violation were mainly to be found in authoritarian regimes, where the lack

[3] For a further development of this point, see Sjur Bergan, *op. cit.*

of university autonomy and also of academic freedom were often seen as but one aspect of a general lack of freedom of expression or of freedom *tout court*. In our recent past, the Soviet Union was a clear example, and Belarus is, sadly, a current example that shows that even if university autonomy is a more widespread feature of European societies today than it was twenty years ago – as witness by the many universities who were able to sign the *Magna Charta Universitatum* only after the regime changes of the early 1990s – it is not a universal feature. Serbia of the Milošević years provides a particular example in that the 1998 Serbian Law on Universities included provisions that were clearly at variance with the basic principles of autonomy, including the appointment of Rectors and Deans by the Government. In one case, a Rector was also dismissed and a new one appointed by the Minister of Education even after the fall of Milošević and the introduction of democratic reforms in Serbia.

This means that the reality of university autonomy has not been widely questioned in democratic societies. The emphasis on legal provision and structure is not unique to considerations of university autonomy. Rather, democratic societies in Europe as well as in North America have tended to have a relatively formal view of what constitutes democracy. There has often been more emphasis on legislation and institutions than critical questioning of whether the laws and institutions functioned as intended. There were cases in which laws and institutions were clearly not democratic and that gave rise to reform movements, of which the Civil Rights movement in the United States in the 1960s is a vivid example. This movement led to legal reform, in particu-

lar in the South, and the Black population obtained the right to vote in states where this right had previously been curtailed. Even after the reforms, however, Blacks participated far less actively in political life than the White population. In the same sense, democracy was widely seen to have been established in the countries of Central and Eastern Europe once laws and institutions had been reformed in the wake of the regime changes of the early 1990s. These reforms were of course fundamental and their importance should not be underestimated. Legal and institutional reforms were a necessary condition for democracy, but there was relatively little debate of whether they were sufficient conditions. As an example, it was only at the Third Summit of Heads of State and Government of the Council of Europe[4], in Warszawa in 2005, that the concept of democratic culture was taken up in official texts adopted by the highest level of the organisation, *in casu* in the Action Plan[5]. Democratic culture designates the set of attitudes, skills and understanding that make democratic laws and institutions work in practice, and it is therefore an essential condition of democracy.

The legal approach to autonomy has been combined with a strong emphasis on public financing of higher education. This is a characteristic that distinguishes higher education in Europe from that in the United States, even if the element of public financing has varied over time as well as between European countries. Public funding has been seen as a guarantee of independence, and

[4] See http://www.coe.int/t/dcr/summit/default_EN.asp?

[5] http://www.coe.int/t/dcr/summit/20050517_plan_action_en.asp

public authorities have been seen as neutral arbiters defending the public interest, or at least as more neutral than non-public actors. Again, this view is not unique to issues of university autonomy. A very illustrating example was the debate on broadcasting regulations in the Nordic countries in the 1980s, when moves were made to abolish the public monopolies on broadcasting and the legislation was amended to allow private broadcasting physically based on the territory of the country concerned. While the resulting liberalising of broadcasting is uncontested today, in the 1980s there was a minority opinion that saw the public broadcasting monopoly as a guarantee of objectivity, a view that of course contrasted sharply with the strong emphasis on the diversity of the written media – a diversity cherished by all parts of the political spectrum.

New challenges to university autonomy

The preceding paragraphs lead us to a consideration of the environment in which university autonomy is exercised today. A part of that context has not been modified substantially over the past generation or two. European societies are democratic, and if anything, the main change has been the extension of democracy to parts of Europe that were under authoritarian rule until some 20 years ago. The ideological commitment to democracy is strong in most European countries. Belarus is a spectacular exception in terms of its official ideology, but also in Belarus democracy is a strong ideal for the opposition to the current regime, which includes a significant part of the academic community. The ideals of university autonomy and academic freedom are strong,

as are the ideals of human rights, the rule of law and the freedom of expression. The changes over the past generation or two do therefore not alter the fundamental ideological basis for university autonomy.

What has also not changed is the fact that autonomy is not absolute, and that universities must relate to the societies of which they are a part. Nevertheless, European societies have changed in ways that may challenge university autonomy and led us to rethink the concept as well as the ways in which it may be implemented.

Legal considerations

Even if university autonomy is not merely a legal issue, it is important that the principle of autonomy be included in national legislation. This is, however, not a major concern, as it seems to be well covered and as there seems to be no reason to expect that political authorities would in any way want to take away provisions concerning university autonomy.

However, higher education legislation is not the only kind of laws that may affect university autonomy. Like other organisations, universities are bound by a range of laws and regulations of more general scope, and these will normally not have been devised with a particular view to their possible impact on university autonomy. Two trivial examples are safety regulations for laboratories and public accounting rules. University autonomy cannot be invoked to claim that there is no need for university laboratories to be protected or that there is no need for a university to keep accounts, nor would any university leader make such claims.

Other areas may be more problematic. Let me point

to two in particular: immigration rules and labour legislation. Most countries would like to increase academic mobility, and European ministers have made this one of the main goals of the Bologna Process. At the same time, however, many European governments aim to reduce migration, and they have shown little inclination to exempt students and staff from a general tightening of the regulations covering visas and work permits. I am personally not convinced that European countries have the policies we would need to attract many of the foreign students that have not been admitted to the United States following the September 11. European countries are less vocal about their restrictions, but they have restrictions all the same. The effect of these is that while university autonomy is a key principle of our societies, universities cannot make autonomous decisions on what students to admit and what staff to hire. If their preferred candidates do not obtain visas and work permits, university autonomy in admissions and hiring remains theoretical.

Most countries have laws regulating working hours, and in many countries, these stipulate the maximum amount of hours an employee may work in a given period, such as a week, a month or a year. It is of course difficult to see how certain activities could be regulated, since some research is carried out by individual researchers and is not necessarily restricted to their offices. Inspiration may come and ideas be formulated at any time of the day, and writing may be done in any suitable place. Nevertheless, some kinds of research activities could be regulated. If no special provision is made for university staff, this could reduce the ability of universities to conduct certain research activities (e.g. labora-

tory experiments) or provide certain kinds of intensive teaching (e.g. intensive courses on campus or during field trips). Depending on the provisions, labour legislation could also make it more difficult for universities to run schemes under which staff may take on increased teaching loads in one period in order to have more sustained time for research in another period. The point is not that university employees have no need for labour protection and some regulation of working hours, but rather that such regulations must be flexible enough to allow a trade off between periods of intense activity and periods of less intense activity, and that they must take account of the fact that many university employees choose to work more than a standard working week of 35, 38 or 40 hours.

Labour legislation, in brief, must take account of the fact that universities are not ordinary companies run on a classic company model. They are places at which people choose to work because their motivation lies in their commitment to a set of ideals or their personal interest in a discipline rather than in more classic motivations like remuneration and career perspectives, even if these motives are of course also present and even if remuneration is not the only motive for those working in more classical business companies.

In order to illustrate some of the possible impact of general laws on institutions that carry out a specific mission that may require specific legal provisions, it may be of interest to look at a very recent court ruling concerning the Catholic Church. The details of the case have only partially been made public, and they are of little importance to this article. For our purposes, it is the principles of the case that matter. In summary, a

lower level court – *tingrett* – in Norway has found the Catholic Diocese of Oslo at fault for having removed a parish priest from his functions[6], and the court bases its ruling on labour legislation protecting employees from dismissal except in strictly defined circumstances. The Diocese argues that only the Church – through the local Bishop – has the authority to decide who can rightfully be a priest. It follows that only the Bishop has the authority, under Church law, to decide who can be a priest in a parish under the jurisdiction of the Bishop. The priest in question is a member of a religious order and was recalled to his country of origin by the superior of his order. However, he refused the order and rather than bringing an appeal within the Church, according to Church law, he brought a civil case arguing he was wrongfully removed under Norwegian labour legislation. It is this line of argument that the *tingrett* has now decided in favour of, and the Diocese has announced it will appeal to a higher court.

The case is therefore still pending, and it is of great interest because it concerns the freedom of religion, guaranteed by the Constitution as well as by international conventions to which Norway is a party – and its limits – and the competence of religious bodies to define doctrine and requirements for employment. The Catholic Church is a minority church in Norway, but it has a high public profile in part because many of its members have or have had high profiles in Norwegian society and in part because it plays an important role in

[6] See http://www.katolsk.no/nyheter/2008/07/15-0001.htm; accessed on July 16, 2008. The court holding, by the *tingrett*, was issued on July 15.

catering for immigrants. It is of course also a Church with a well developed doctrine, church law and structures and with a stronger international dimension than almost any other institution one can think of, with the much more loosely structured institution of the University as one of the very few possible "rivals". It may also be worth noting that the right to select candidates for ordination is not at issue: the priest has been rightfully ordained. The Diocese does, however, maintain that by disobeying the Bishop as well as the superior of his order, he cannot, according to Church law, administer the sacraments and he also cannot fulfil the functions of a parish priest. Despite the court order to reinstate the priest temporarily pending the outcome of the appeal, the parish will continue to be served by other priests. The case does therefore seem to concern the right of the Church to decide who is a priest in good standing, which is a precondition for serving as a parish priest.

While this case concerns the Catholic Church, one could well imagine cases in which universities could justifiably argue that a given provision of a general law prevents the university from fulfilling its key functions. Even if the principle of university autonomy is enshrined in national law, other legal regulations may conflict with this principle and in effect reduce or threaten university autonomy. How would a court rule in the case of, say, professors who had been duly appointed 20 years ago but who had not kept abreast with development in their field and could therefore no longer teach competently? Would it be for a court or for an autonomous university to decide whether or not competence once held had been lost?

Increasing demand on public authorities and institutions

There may have been a view in the past that universities were beyond doubt useful to society in the long run, even if their usefulness may have been difficult to demonstrate in the short run. That view is not predominant today, when all sectors of society are faced with question of their "added value" and demands for "value for money". Governments depend on the continued confidence of votes as expressed through elections but also strongly influenced by a public debate that rarely views higher education and research as absolute and unquestioned values. Public debate is even contradictory: higher education and research institutions are expected to provide answers to current problems and challenges, yet there is little understanding of the fact that immediate solutions are rarely possible and that even relatively quick solutions depend on sustained research in areas that may have been considered peripheral but that suddenly come into the spotlight. Many European countries had little competence on the Arab world prior to the oil crisis of the 1970s and an understanding of Arabic societies and political culture could not be developed overnight. Climate change is probably the most serious challenge we face today, and while there is increasing awareness of the importance of facing up to this challenge, it can only be achieved through a combination of the political will to make difficult choices and competence developed though basic research in a wide range of disciplines as well as the ability to work across traditional academic disciplines.

Today, higher education works in an environment

characterised by increasing demands on public institutions. The point here is not whether a higher education institution is publicly or privately owned and operated but rather that European public opinion tends to see beyond formal ownership and consider that higher education institutions fulfil public functions.

European Ministers of Education have also underlined the public aspect of higher education in the context of the Bologna Process. Twice – in Prague in 2001 and Berlin in 2003 – the Ministers underlined that higher education is a public good and a public responsibility. The operational part of their statement concerns the public responsibility, and it can be analysed from several angles. One question is whether the Ministers were stating the obvious or expressing their concern that what has been an essential element of the European academic heritage is no longer a truth held to be self-evident. My view is that Ministers were not stating the obvious. If we want public responsibility for higher education and research to remain a key feature of European policies, we also need to reconsider how this responsibility should be defined and implemented in our modern, complex societies. The Council of Europe has taken up this challenge, and the result of our reflections have been published[7] as well as given rise to a formal policy recommendation[8].

[7] Luc Weber and Sjur Bergan (eds.), *The Public Responsibility for Higher Education and Research* (Strasbourg, 2005: Council of Europe Publishing-Council of Europe Higher Education Series, Vol. 2).

[8] Recommendation Rec (2007), 6 of the Committee of Ministers to member states on the Public Responsibility for Higher Education and Research.

There is, then, an increasing demand for return on public investment and a decreasing willingness to spend public funds on purposes that are not seen as providing tangible return in the near to medium term. The increasing demands on public authorities gave rise to "new public management", which was intended to make public authorities more responsive to political priorities as well as more efficient in their management. From the vantage point of someone working in public administration, it is questionable whether actual practice corresponds to the intentions. Rather, the "new public management" seems to have provided non-public actors with greater freedom of action through deregulation of several sectors, whereas for public institutions the effect seems to have been the opposite: more bureaucracy and more detailed management by public authorities.

The clearest example is perhaps what has come to be called the "audit society", where considerable time and efforts spent on reporting and verification rather than on activities that are directly beneficial to the target groups concerned. For higher education institutions, this means that time and effort that could have been devoted to research, teaching and service to the broader society are spent on reporting and justification of activities. This is a phenomenon that most staff would immediately recognise, and the demands for reports and justification come from within as well as outside of the institution, even if some of the "internal" requirements have "external" sources. It is also important to underline that the alternative is not to abolish all requirements for reporting and audit. The issue is not eliminating reporting and verification, but finding reasonable control mechanisms that allow competent authorities to verify that funding

is well spent according to intentions while ensuring that institutions and staff are able to spend a sufficient proportion of their time and resources on their primary tasks. While the issue may seem technical, it directly concerns the principles of university autonomy. How can universities be autonomous if a significant part of their resources are spent fulfilling reporting and audit obligations imposed by outside authorities? My point is not that external control is illegitimate. Rather, what has come to be called the "audit society" illustrates two important points: firstly, that any good idea can be perverted and, secondly, that nothing is as elusive to regulation – and perhaps also to regulators – as common sense.

A diversity of actors and sources of finance

One characteristic of modern societies is the diversity of actors. At one level, one might question the scope for political decision making. With a high number of diverging agendas and interests and a stronger role of economic actors as well as of sector organisations, one may question whether the ability of political authorities to make and implement decisions that bind all of society is not less today than it was a generation ago. This is of course not to say that political decision making is irrelevant or unimportant, but political decision makers today do seem to face stronger competition from decision makers in other areas. In part, this is linked to the seemingly increasing complexity of individual societies, and in part it is linked to internationalisation and the decreasing importance, in many areas, of national borders and national legal space. Not least in the economic area, actors unhappy with conditions in one

country may have a rich choice of alternatives, which may again be used to influence conditions in the first country. The government of country A may decide that corporations of a given kind should pay a 25% tax on their earnings, and may have valid reasons for its decision, but corporations may leave the country if country B is a viable location and only imposes a 10% tax. In modern societies, the public sphere seems to be shrinking and the private sphere expanding. Whether this is seen as a positive or a negative trend of course depends on one's vantage point, and the trend most likely has positive as well as negative effects. At the very least, however, there is reason to be concerned about our civic culture.

There is also reason to reflect on how, as societies, we can deal with the divergence of political, legal and economic space. The economy is largely global, politics is anything but local, but our legal space is mostly national, with the notable exception of EU legislation. It may well be argued that some of our most important advances in improving social conditions were made at a time when the economic, political and legal space largely overlapped. Therefore, social legislation and policy could be enforced within a single framework. At the time, this framework was the nation state, but a return to the nation state is neither possible nor, most likely, desirable. Rather, the challenge is creating a new political and legal space to match the global economic space.

Universities, therefore, need to relate to a diversity of actors, only some of which are public authorities. This has a direct impact on university finance. While classic public financing of higher education and research is important in Europe and is likely to remain so, this

kind of basic financing is less important than it used to be. Few higher education institutions can fulfil their ambitions through classic public financing alone, and public financing is becoming more diversified and more strongly linked to projects and/or earmarked for specific purposes and objectives. If a university receives a grant from the ministry responsible for technology, foreign trade or industry, this is still public funding, but unlike traditional block grants through the ministry responsible for higher education, this kind of public funding is likely to be given for carefully defined purposes. The same is likely to be true for most finance available from non-public sources, whether from business companies, large health organisations such as those combating cancer or cardiac disease or even private donors who may be generous in their support but are likely to have precise views of the academic disciplines on which they would like their money to be spent. The trend, therefore, is for a higher proportion of overall higher education to be earmarked, which means that institutions have less influence over their use. They have a choice of whether to accept such funding or not, but they have less influence over actual use than they have with traditional allocations through the ministry responsible for higher education.

The traditional view of public authorities as neutral and disinterested funders is overly naïve and underestimates the potential risks of relying on single source funding. A development toward a diversity of funding sources could therefore potentially strengthen university autonomy, but this potential is largely undercut by the predominance of earmarked rather than "free" funding from other sources as well as by the conditions at-

tached to some of this funding. As one example, project funding provided on the condition that the funder has the authority to decide whether research results from the project may be published according to the standards of the discipline is highly problematic in relation to university autonomy as well as academic freedom.

The primacy of the economy

Bill Clinton's 1992 campaign slogan "It's the economy, stupid" has been quoted so often that it may have become a cliché. It nevertheless seems to give an apt description of much of the public debate about higher education in Europe. Even someone who tries to follow the public debate in this area could easily be left with the impression that the sole purpose of higher education is to help improve our economy.

Since saying that man does not live from bread alone could be taken to mean that our daily bread is unimportant, I haste to underline that contributing to economic well-being *is* an important purpose of higher education. My point is simply that current public debate is too one sided, and that by creating the impression that higher education has only one basic purpose, it contributes to reducing university autonomy. The Council of Europe has identified four main purposes of higher education:

- preparation for sustainable employability;
- preparation for life as active citizens in democratic societies;
- personal development;
- the development and maintenance of a broad, advanced knowledge base[9].

[9] Recommendation Rec (2007) 6.

If public authorities and funders see only one of these purposes – the one relating most clearly to the economy – as relevant and fail to appreciate the broader mission of higher education as well as the link between the purposes, universities will be strongly encouraged to give priority to programmes and projects contributing to this goal in the short run. While this may ultimately be for the university to decide, and the priorities of others may therefore not impinge on university autonomy in a formal sense, there can be little doubt that university autonomy would be much better served by public recognition of all four major purposes as being of equal value. Even if universities may be formally autonomous to ignore the priorities of public authorities and other funders, there can be little doubt that funding priorities strongly influence university policies.

Institutional differentiation

That brings us to a different consideration of priorities and funding. Europe today has a more diversified higher education landscape than it had the proverbial generation ago. This is partly because the number of private institutions has increased, even if public institutions are still more numerous and above all cater to a far greater number of students than do private institutions, at least in most countries. It is also because the typology of higher education institutions has diversified in many countries. In addition to comprehensive research universities many countries have also seen the development of what is often but unsatisfactorily referred to as non-university higher education. These are, for the most part, institutions that provide more profession-

ally oriented higher education and that offer a higher proportion of their programmes at first degree or short cycle level, even if many also offer second degree programmes and some may even offer third degree (doctoral) programmes. Internationally, the German term *Fachhochschulen* is often used as a generic term for these institutions.

The diversification of higher education institutions raises a series of issues in relation to university autonomy. Clearly, *Fachhochschulen* were developed – and funded by public authorities – because there was felt to be a need for the kind of higher education these institutions offer. In terms of academic prestige, they have, however, not come to be seen as quite the equal of universities. Even if they offer higher education programmes of good quality and for which there is a clear need, some see them more as a second choice rather than as a real alternative, and prestigious academic careers are rarely built through *Fachhochschulen*. At the same time, our higher education landscape would be much poorer without *Fachhochschulen*.

This illustrates the importance of criteria for funding and career development. Both universities and public authorities may underline that higher education has at least three main missions: teaching, research and service to the broader society of which higher education is a part. Both universities and public authorities may underline the importance of developing and maintaining excellence in teaching as well as the importance of high quality learning environment. Academic careers are nevertheless built primarily on research achievements. Unless excellence in teaching is made as rewarding as excellence in research, staff and institutions will strive

for key roles in research. Again, decision by formally autonomous institutions will be strongly influenced by criteria set outside of the institutions.

The importance of considering these criteria is underscored by the beginning debate about whether the Humboldtian model is a viable model for Europe in the future. There is broad agreement that there should be a link between higher education and research, and the Humboldtian model assumes that university teachers are also active researchers. This is true for many European staff, but it is not true for all staff or even all universities. A different way of seeing the relationship between research and higher education would be to require that all higher education teachers have direct personal experience of research at some point in their training and/or professional career, but also to say that not all staff will necessarily be active researchers throughout their career. In the same way, some institutions may have only some or even very few staff members conducting research and may instead offer good quality study programmes, which again would require staff with a personal experience of research at some point of their career. There seems to be increasing awareness in Europe that the Humboldtian model of the unity of research and teaching is not of universal validity in Europe today, and there is also an emerging awareness that we may have to face an uncomfortable debate on whether Europe can afford to assume that all universities will be good quality research institutions. The debate has already started in some countries, and in Albania the current government has put forward a master plan for higher education that stipulates that public research funding will be available mainly for select areas that are either unique to the

country, such as Albanian language, history or culture, or in which the country has specific needs in terms of its economic and social development. The plan also stipulates that publicly funded research be limited to three of the country's eight public universities.

The above paragraph refers to priorities set by public authorities rather than autonomous decisions made by higher education institutions. However, unless higher education institutions set clear priorities for their own development, they may well be reduced to reacting to priorities set by public authorities and other funders without the benefit of a clear institutional strategy. Such a strategy does of course not offer full protection against priorities set by others, and any good university strategy needs to take account of the environment in which the institution operates. It is also a valid argument that it would be far easier for higher education institutions to adopt a strategy favouring excellence in teaching over excellence in research or emphasising the role of the institution in relation to its local community if public support for higher education were based on a broader set of criteria. Nevertheless, higher education institutions may strengthen rather than weaken their autonomy if they take the lead in a comprehensive debate on institutional profiles and structures as well as public support mechanisms rather than leave the initiative to public authorities and other funders or let it be dictated by ranking lists.

Time perspectives: the long run vs. the short run

Time is, in my view, one of the most serious challenges to university autonomy. Public patience is in short sup-

ply, the demand for immediate results is increasing, and democratic societies do not seem to excel at long term planning. Perhaps this is also a side effect of watching television more than reading books and of communicating more by e-mail than by letter. Modern societies are fast moving, and that has many advantages, but they tend to leave insufficient time and space for deeper reflection. High quality research cannot be developed overnight, and neither can high quality study programmes providing society with graduates that have the kind of specialised competences en vogue at the moment.

The narrow time horizons of modern society are therefore a threat to university autonomy. How can universities set sustainable priorities and develop high quality teaching and research programmes if they cannot have a certain guarantee of sustainable funding and political support? How, ultimately, can societies ensure that its young people will aim for careers that may provide intellectually stimulating work but that are relatively badly remunerated in relation to the sustained effort required, lacking in positive media attention and devoid of immediate gratification?

In the difficulty of providing reassuring answers to these questions under present conditions, however, we may also find a germ of hope. Our societies need to move beyond the quest for quick fixes and look at longer term trends and solutions. Climate change is an enormous challenge, but it is also an interesting one in that it is at once urgent and long term. It is urgent to start to address the issue and to do more, but we will not know tomorrow whether the efforts we make today will be successful. What we do know with reasonable certainty is that if we do nothing today, our successors

will be faced with even more unmanageable problems tomorrow. Those addressing climate change, but also other fundamental issues like democratic culture, social cohesion and intercultural communication, are perhaps modern societies' equivalents of the builders of cathedrals in the Middle Ages: they are convinced of the fundamental importance of what they set out to do, but they also know that they will very possibly not see their work completed. Autonomous universities should help our societies face up to this kind of challenge.

Public responsibility and university autonomy

At the outset, the balance between public responsibility for higher education and research and institutional autonomy is dictated by a paradox: the basic conditions for university autonomy are set by public authorities.

Higher education is fundamental to developing the competences our societies need to develop as humane and sustainable societies. This requires vision at political level as well as by university leadership. It requires cooperation between public authorities and autonomous institutions, and the role of both must be reconsidered to meet our current needs while also respecting the values on which European higher education is built. The Council of Europe Recommendation on the public responsibility for higher education and research[10] developed a nuanced approach to the responsibility of public authorities. They should have:

- exclusive responsibility for the framework within which higher education and research is conducted;
- leading responsibility for ensuring effective equal

[10] Recommendation Rec (2007) 6.

opportunities to higher education for all citizens, as well as ensuring that basic research remains a public good;

• substantial responsibility for financing higher education and research, the provision of higher education and research, as well as for stimulating and facilitating financing and provision by other sources within the framework developed by public authorities.

Only autonomous higher education institutions able to develop a clear view of their role and mission in modern societies can go beyond our short term concerns and help our societies find solutions to the more fundamental problems we face. Only autonomous higher education institutions able to take due account of all major purposes of higher education can provide the education and competences that modern societies need to be sustainable, not only environmentally but also economically, politically, culturally and socially. Addressing these issues requires sophisticated citizens able to analyse complex issues, often on the basis of incomplete evidence, and able to weigh priorities as well as long and short term benefits and risks. Public authorities should take the lead in creating the conditions in which fundamental issues become a key part of the agenda of our societies and in which the need for a broad and advanced knowledge base is not only recognised in rhetoric but acted upon in practice.

In return, public authorities have a right to expect higher education institutions to use their autonomy to define institutional priorities and strategies that help us create and then maintain the kind of societies in which we would want to live. It is worth recalling the words of the Chilean sociologist Eugenio Tironi: the answer to the question "what kind of education do we need?"

is ultimately to be found in the answer to the question "What kind of society do we want?"[11]. Higher education institutions have to engage fully in this debate, and they have to do so on the basis of their autonomy.

More than ever, in the age of the sound bite, where "novelty usurps beauty"[12], society needs institutions that by definition take the longer view. Our societies need highly competent specialists in a very broad range of disciplines, but we also need intellectuals, i.e. people who not only know a lot about a specific field but who have the understanding to put this knowledge into a broader context and to reflect and act critically on the basis of their understanding.

That, perhaps, is the essential mission of higher education and the ultimate justification for both public responsibility for higher education and university autonomy. This is too complex and important a task to be left to management consultants and PR people. Public responsibility for higher education and research as well as university autonomy are essential instruments to make the endeavour succeed. The Council of Europe has launched important work in this area, but the Council's project and recommendation should be the start of a crucial discussion and not the end of it. Defining the responsibility and roles of the range of actors in higher education should be an important element of the European Higher Education Area beyond 2010.

[11] Tironi E., *El sueño chileno. Comunidad, familia y nación en el Bicentenario* (Taurus, Santiago de Chile, 2005).

[12] Pope Benedict XVI in an address to the World Youth Day in Sydney, as reported by the International Herald Tribune; http://www.iht.com/articles/2008/07/17/asia/catholics.php, accessed on July 17, 2008.

Student Freedom in University Life

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To provide a contribution on academic freedom is challenging. It is challenging because the concept of academic freedom has never really been associated with the students. When we talk about academic freedom, we think of teachers and researchers not of students.

The concept of academic freedom is intimately linked to "freedom" as a fundamental human right. When analysing the definition of this concept from the viewpoint of the members of the academic community, we discover multiple facets that enrich the common understanding of what it actually entails. In the classical academic understanding, academic freedom means the right to express a reasoned opinion, but for students the practical focus is more on the freedom to express critical opinions and on the right to form an association. Also, as professor Jon Torfi Jonasson mentions in his latest study "If academic freedom refers to independence from all restraining forces that may pervert in any

way the accumulation, preservation or transmission of knowledge, it also implies some liberty of choice as far as the content and methods allowing for the best study of a particular field."[1] Although I do agree that the freedom of researchers to choose their own knowledge path and their methodologies is essential, the concept should be understood in a broader manner. Students also have the right to active participation in the learning and research process and to an equitable education system that a modern concept of academic freedom should encompass.

If we go back to the early years of the University of Bologna, we will find that the law students resorted in student guilds to protect themselves from the financial opportunism of the citizens of the city. These guilds emulated other corporate organisations that were customary in the economical and social life of the medieval towns and were known as *universitates*. Stephen Lay tells us in his essay "The Interpretation of the *Magna Charta Universitatum*" that "by 1195 the students of Bologna organised themselves into two universities, one for Italian and the other for non-Italian students. Each group elected their own leaders, rectors and other officials. These organisations proved very effective in protecting the rights of the students in the face of civic impositions"[2].

If we consider the developments in the academic community and the student movement in Europe over

[1] *Inventing tomorrow's University: Who is to take the lead?* (2008).

[2] Lay S., *The Interpretation of the Magna Charta Universitatum and its Principles*.

the last years, it is remarkable that the need for students to organise themselves created such extraordinary results. This episode is a historic lesson of the potential that student associations have in the development of the academic community as a whole and in fostering the values of academic freedom. Unfortunately, the right to associate or to express critical opinions is seriously hindered in many countries around the globe. The European Students' Union (ESU) has been trying to foster academic freedom and to empower student organisations to defend students' rights.

Students are facing two different forms of abuse of power: violations against the natural right to association/expression and corruption/academic malpractice. These problems are equally affecting academic freedom and the way in which we perceive institutional autonomy. While violations against freedom of expression are often direct and harsh (expulsion, imprisonment, torture), the latter are often subtle and oblique (bribes, sexual abuses). There is an obvious need for addressing both nuances with adequate measures and for strong support from the academic community and international organisations.

The strong cooperation between ESU and the Magna Charta Observatory has been a cornerstone for redressing academic malpractice. Both organisations have benefited from each other's perspectives and embarked on concrete projects for eradicating corruption in all its forms. Nevertheless, there are still many challenges to academic freedom and academic integrity all around the globe, including the Western world.

However, there is also always a reactive force and therefore we can see a number of good practice exam-

ples in different countries that encourage us to continue fighting the infringement of academic freedom, academic integrity or human rights. In both Romania and Serbia, coalitions of stakeholders including student unions, teachers' trade unions, university administrations, NGOs and ministry representatives have undertaken anti-corruption campaigns. These campaigns raised the public's awareness and led to sound initiatives related to watchdog activities for the academic communities, but also brought about concrete changes such as the universities becoming more transparent to the society or the introduction of ethical criteria in quality assurance exercises.

Another example is a change in the Norwegian law on higher education. The law now states that universities and colleges shall create an understanding for the principles behind academic freedom. After a proposal from Norwegian students, the law also specifies that these principles shall be communicated as a part of the teaching process.

We can conclude that there is a need for support from university leaders to protect student freedom and to fight academic malpractice. Since corruption is a very delicate subject, the mere acknowledgement of its existence is perceived as an attack on the prestige of the university. Hence, HEI governance bodies, academic staff and sometimes-even students deny the phenomenon. As Vanja Ivosevic rightly points out: "Many professors feel as if they might be betraying their colleague instead of considering that they are betraying their students and the quality of the institution. Often, a fear for their own position at the HEI is present, as well as the fear of possible pressures that other colleagues might apply infor-

mally. However, the only way to keep the reputation of all teachers intact, as well as the quality of HEI, is to sanction, openly and quickly, those individuals who are involved in academic malpractice"[3].

Academic malpractice is a disease that affects all regions and universities in Europe and often derives from an abuse of power. Some universities already have an ombudsman handling complaints and trying to solve unjust situations. For the system to be effective there is a need for a European equivalent, that will ensure academic integrity at a larger scale, by acting as a higher court of appeal for students and teachers. There is a need inside the universities, but also outside, on the international level.

Concretely, universities need to learn how to establish procedures to tackle these problems. Formalised, well-implemented and widely accepted procedures create trust in the institution, its teachers and staff, as well as its quality. An institution's commitment to integrity is seriously questioned when such procedures do not exist, are not applied, are used arbitrarily or are not functional.

We have realised that these problems do not disappear in a move to a more industrial society or with membership of the EU. In fact, research is showing that more and more new problems of academic malpractice are arising (because of the standardisation of education, the Internet, commercialisation, or political pressure on global themes such as climate change). Therefore, an

[3] Ivosevic V., *Academic Malpractice: Threats and Temptations*, in *The Management of University Integrity*, Magna Charta Observatory, 2008.

ethical code alongside functioning procedures should be developed by all higher education stakeholders with the help of international organisations that have already accumulated experience in this field.

There is a need to continue addressing these issues publicly, as academic malpractice is not disappearing, but diversifying in light of the new challenges that have an impact on university missions and systems of governance. Strong communication networks formed by student organisations will ease unsheathing complaints regarding academic malpractice at national and international level, sharing good practice examples of fighting infringements of academic freedom. Furthermore, student unions need the continued cooperation with the Magna Charta Observatory as a moral authority and source of expertise.

The *Magna Charta* itself broadens the understanding of academic freedom: "Each university must – with due allowance for particular circumstances – ensure that students' freedoms are safeguarded, and that they enjoy concessions in which they can acquire the culture and training which is seen as their purpose to posses." These student rights include:

- The right to freedom of expression and thought
- The right to actively participate in the learning process and to take full advantage of it
- The right to association
- The right to co-governance in all decision making bodies.

In practice, this means that students should be able to:

- Express themselves in classrooms and outside the university, without fearing any reprehension, academic or political pressure

• Choose their own study programmes, subjects, final thesis topics, seminar topics and benefit from student centred learning and flexible learning paths

• The right to free access to adequate means of support in order to take up, progress through and complete their educational programme

• The right to organise themselves freely in legally recognised entities. Students must not suffer academic, financial or legal consequences stemming from such involvement.

All these basic student freedoms are intrinsically linked with the recent ongoing reforms in higher education. The Bologna Process has put a significant emphasis on equity in higher education. It also defines student participation as a *conditio sine qua non* for changing the paradigm in higher education.

Student centred learning is usually declared as highly desirable, but hardly achievable. It implies very practical changes in the design of curricula, course content, pedagogical methods, but also a change of mentality towards students as full partners in the educational process. This obviously generates a cascade of effects over the universities that have been accepted on a declarative level, but are rarely seen on the ground.

Therefore, the Bologna Process has not only generated the transformation of university missions, objectives and formal structures, but it has been a true vehicle for liberation by empowering student in the academia.

Counterpoint

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Despite the challenge I knew it would be, I decided to comment on Prof. Jon Torfi Jonasson's Essay *'Inventing Tomorrow's University – Who is to take the Lead?'* the latest publication of the Magna Charta Observatory. In part, this is because I had the honour of chairing two of the workshops or dialogues that served as the partial source for the Essay that Prof. Jonasson has written. I can certainly attest to the richness but also relative inconclusiveness of those discussions, as the issues we grappled with were many and complex. As in any good conversation or dialogue, there were many points of view raised, at times contradictory, and it was not always clear where our thoughts were taking us. The author has managed to pull the various strands of thought together into a coherent and balanced Essay, which is not only an analysis of where the university has come from but also tracing a clear path forward, urging the

university itself to take the lead to chart with its stakeholders its future destiny.

In his book the *'Ideal of the University'*, Robert Paul Wolff, states 'when a social institution such as the university is in the process of being reconstructed, it is not easy to tell friends from enemies.'[1] I believe this statement reflects the complexity of the Essay and the overall project that served as its background.

I like the title of the Essay, though it stands somewhat in contradiction with the content and conclusions he reaches. In fact, the Essay neither calls for, nor predicts the invention of a starkly different new institution. It does however urge each university, as an individual institution, together with its stakeholders, to define and redefine its role and mission and to do so with courage, while embracing fully those intrinsic academic values and principles of the *Magna Charta Universitatum* of free pursuit of truth and dissemination of knowledge even when these may go against current orthodoxy. As he states, "academics and their institutions should take a proactive stand on many issues, exercising their freedom, vis a vis technological and financial interests."[2]

The Essay takes us on a historical and philosophical journey, in search of the essence of 'the' university or the meaning of the *Magna Charta Universitatum'*s concept of a true university. It ends on the notion of a differentiation of missions, not as an imposition by public policy (as it is in many parts of the world), but as

[1] Wolff R.P., *The ideal of the university*, Transaction Publisher, New Brunswick, USA, 1997, p. xxxiv.

[2] Jonasson J.T., *Inventing Tomorrow's University*, 2008, p. 137.

actively pursued and defined by the institutions themselves, while integrating and influencing stakeholders' perspectives. The author places the fundamentals of what defines a university squarely on the terrain of values and principles rather than utility or even service and purpose.

Despite the difficulty in preparing a commentary on such a well-structured, comprehensive and erudite Essay, which touches on all the important issues being debated in higher education today, I am also very pleased that the International Association of Universities has been involved in this exercise. The Association's leaders have had numerous, and at times endless, definitional discussions about which institutions of higher education should or should not be admitted to membership. Furthermore, the Association has had to grapple with such questions in the context of tremendous diversity of institutions coming from a variety of academic traditions and evolving in profoundly different situations around the world. The Association's choice to become as inclusive as possible is, I believe, in line with this Essay, especially since this shift in IAU's admission policy, was accompanied by a decision to require each newly admitted institution to express its commitment to a number of key values including, among others:

- academic freedom in the dissemination, creation and pursuit of knowledge;
- institutional autonomy balanced by social responsibility and responsiveness;
- excellence and merit as the standard measure of performance;
- opposition to all forms of discrimination based on gender, race, religion or ethnicity;

• respect for divergent opinion;

• promotion and development of intercultural dialogue and learning;

• freedom of academic mobility and enhancement of the internationalisation of knowledge; and

• promotion of human rights, justice, freedom, human dignity and solidarity[3].

Universities and higher education as a sector are certainly attracting unprecedented attention, analysis, assessment and questioning from policy makers, the media, industry, and the public let alone from academic researchers and leaders of the universities themselves.

'Inventing Tomorrow's University' constitutes a valuable contribution to the many debates about the future of the university and of higher education. It is crucial, that the Magna Charta Observatory and organisations such as IAU, which in some respects are 'disinterested', continue to nurture such debate because the views about the future of the university and the higher education system more generally are very diverse and often ideologically polarised. As in other areas of debate, so in higher education the neo-liberal vision of the world where 'markets know best' is often pitted against the conviction that for a more pluralist, socially cohesive society to flourish, other values and thus other ways of regulating change, must be present to balance the economic competitiveness imperative.

Why the intense focus on the universities and higher

[3] See: http://www.unesco.org/iau/membership/pdf/commitment_Institutions.pdf and *Academic Freedom, Institutional Autonomy and Social Responsibility*, in IAU Speaks Out-Policy Statements, 2006, also available online at www.unesco.org/iau.

education more generally? The institutions and the sector, are being questioned, and often challenged on many fronts, among which I would stress the following few:

• Student and societal expectations and needs are continuously growing and diversifying;

• the State or public authorities are unwilling or unable to cover the costs of responding to those expectations or, more importantly, to respond only to some, yet feel they have an even greater stake in universities than before;

• in many ways, due to globalisation, the frame of reference of the institutions of higher education and especially for the universities is shifting from national to regional and international without a parallel shift in regulatory mechanisms, with the only notable exception perhaps in Europe;

• information and communications technologies have given rise to a knowledge industry, increasingly global but highly asymmetrical, in which universities are only one actor among many.

All of these and many other trends tend to reinforce the general questioning of the value, the proper role of universities and by extension the ways in which it is governed, whether and if so, how it prioritises its disciplinary focus and research pursuits, who within society it should serve.

In fact, there is a rather spectacular consensus almost worldwide with regard to why the university should change. Yet, there does not appear to be the same consensus about the model of higher education – at the institutional or systemic level – towards which to move in the future, nor what paths the transformations should follow. In fact, in this regard, some strong ideological

cleavages become quite stark, as studies and scenarios for the future are developed. In such future oriented studies, the product, or the higher education institution model designed, seems most largely dependent on the weight that is placed in each scenario on the different forces that are likely to prevail and exert most influence in the future. Thus, the values and priorities do determine the model.

If we agree that universities and higher education are a public responsibility, and consider that they serve the public interest, – even if not fully publicly funded – then the debate on the future of the university is a debate about the kind of society we find most desirable. We must first determine what value we place on equity, on competitiveness, on social justice and on fulfilling the needs of society. In this regard, I agree with Robert Paul Wolff when he points out that societal needs are not the same as market demand and that by meeting demands, universities may still fail to be responsive to societal needs[4].

What makes the debate so particularly heated at this time is that the university has gained an unprecedented pride of place at the heart of national and regional economic competitiveness strategies and agendas. Often, the university is seen as a proxy for the future well-being of the economy based on knowledge and innovation.

The importance gained though, is a double-edged sword, placing the university on a tight rope rather than on solid ground. It seems to me that such centrality to the economic health of nations brings with it equal measure of potential benefits and potential risks and dangers for university development.

[4] Wolff, 1997, p. 39.

Perhaps somewhat anti-climactically but also unsurprisingly, *Inventing Tomorrow's University* concludes that the only future for the university is to be multiple and diverse, as long as the institution retains as the core, invariant function to cultivate learning in particular through scholarly teaching and research. Beyond this core, the diversity can flourish. The author also stresses that both the form and the substance are to be considered when defining a university – what he calls the task and the conduct what the French call *le fond et la forme*. It is also in the manner in which the university – staff, students and institutional leaders, often with highly diverse views, work together to create and protect their space of freedom, in other words institutional autonomy. This space of freedom is essential and critical for making choices to define and pursue the mission and deal with competing and contradictory viewpoints. According to Robert Berdhall, president of the American Association of Universities, this environment enables scholars and scientists to be free of past dogma, to liberate them from the stifling deference of inherited authority and to advance the frontiers in all fields. Berdhall feels that this openness to new ideas enables students to challenge their teachers, to become critical and creative thinkers in their own right[5].

Clearly, this 'space of freedom' is not located on the moon. The Essay under review offers a thorough examination and analysis of the many stakeholders and moulding forces that are and will likely continue to

[5] Berdhall R., *Higher Education Outcomes: Quality, Relevance, Impact*, paper presented at IMHE General Conference, 2008.

shape these institutions. It sets out three categories of drivers exerting influence on university development, each category belonging to a different sphere: the world of education, the world of politics and those drivers issued from prevailing social culture – commercialisation, globalisation or technology. On these, as we have seen earlier, there is strong consensus.

I would argue though, that all these forces are in fact coming together in a rather new and interconnected way through the growing influence and impact of comparisons and the output measurements and indicators that allow for such comparisons to be built. Increasingly, it is these indicators, as they structure the league tables and rankings both nationally and internationally that are dictating the model and establishing the values, which university leaders are to follow. The popularity and widespread use (despite the equally widespread criticism) gives these processes a far more pervasive impact than might be perceived at first. They are moving well beyond the establishment of 'reputational differentiation' and are, as demonstrated in Ellen Hazelkorn's recent research, influencing internal policy making and planning in universities as well.[6]

This trend could and may have a tremendous steering effect on the future of universities in the short and medium term. By largely failing to include indicators that look at university work in a holistic manner, focusing rather on research intensity, research outputs and even assigning different weights to research fields, these

[6] Hazelkorn E., *Are Rankings Reshaping Higher Education?*, paper presented at IAU 13th General Conference, Utrecht, July 2008.

comparisons are defining rather than just describing the model. Their growing importance becomes a tool for policy makers who determine funding, a reference point for stakeholders and for staff, students and university leaders.

Despite the widespread discussion of the weaknesses of such rankings as the Shanghai Jiao Tong Academic Rankings or the Times Higher Education World University Rankings, or many others more recently designed in Germany, in Leiden, and elsewhere, the influence they exert, needs to be taken into consideration. Because, even as incomplete and far from perfect instruments for steering university development as they are, evidence is mounting that they do steer.

This demand for readable comparisons is both a result of and a response to the exploding number of and diversity of institutions. Their popularity with policy makers and governments is a consequence of the importance of universities for national economic development and the desire to determine how to invest public funds to get good value for money. The public likes them too because they are clear, scientifically defensible, yet simple to understand. Of course, those that do well often cite them giving them even more credibility, as the top ranked institutions are usually world-renown.

In his paper entitled 'A Funny Thing Happened on the Way to the K-Economy; the New World Order in Higher Education, Research rankings, Outcome measures and Institutional classifications', Simon Marginson explains the reasons for the meteoric rise in importance of international rankings.[7] He also lists several dangers

[7] Marginson S., *A Funny Thing Happened on the Way to the K-*

in what he calls the Knowledge Status System, which they have brought about. In relation to our discussion, one of the most important risks he points out is that this system will not favour diversity and plurality as institutions will be under both formal and informal pressure to change objectives and activities towards those that may lead to league table success.

In addition, in these indicators, what place is given to a mission focusing on equity or widening participation, on quality of teaching, on student-centred education, on social inclusiveness or community engagement, cultural or artistic contributions? These are very hard to measure in quantitative terms, are contextual and reflect distinct values and mission choices. So far, too little attention has been paid to them.

How many universities will have the courage, capacity and support to go against the dominant trend? To be innovative, to fix other goals, to focus on missions not rewarded through the rankings and status comparisons? What can be done to mitigate these potentially negative steering effects of national and global comparisons which, by the way, do little to encourage a collective or systemic approach but rather push towards a market-like competition in which the number of winners is always finite and always much smaller than the number of those who lose?

There is a general recognition that a multiplicity of rankings, comparisons and a large number of indicators are needed to ensure that the diversity of institu-

Economy; the New World Order in Higher Education, Research rankings, Outcome measures and Institutional classifications, IMHE 2008 General Conference papers.

tions can be reflected and protected in these exercises. Much more focus on assessing quality of the learning experience and the fulfilment of the service function of the university are needed. Academics and scholars need to employ their not inconsiderable expertise to design measures and indicators that are fairer, that cannot easily be manipulated, that are more comprehensive in their assessment of all university activity and they must do so in ways that respect plurality of languages, cultural and economic contexts. In some respects, this is both in the interest of universities but also their responsibility in that communicating and informing the various stakeholders and publics in transparent and objective ways is of increasing importance in the information society.

In keeping with the author's statement that academic freedom and institutional autonomy are not given but must be gained, another vast and related challenge in the struggle for control over institutional destinies is the one of building or rebuilding public trust without falling into the trap of focusing the discourse exclusively on utilitarian aspects of the university endeavour.

Again, this is a responsibility of the university as an institution but needs also to be sustained at the systemic level. Universities cannot claim to shape future society without being credible and respected, without being perceived and thus acting as the source of objective, expert knowledge. They need also to be viewed as institutions concerned with addressing humanity's challenges. All of this requires universities, the members of the academic community to demonstrate, explain and track proactively, and on an on-going basis, the ways in which they contribute to the economic, social, cultural and artistic life, how they both shape and question

the society around them. They certainly do so now. But mostly, such contributions are to be found in rhetorical statements of university leaders; finding effective ways to showing these contribution in ways that matter in 'real life' is necessary and does not need to be equated with a narrowly utilitarian view of higher education. On the contrary, it seems to me that trust re-gained on some fronts, is the only way to enlarge the space of freedom so essential for the university – such trust is the key for giving the institutions the luxury of the benefit of the doubt.

Here too explaining the work of universities, indeed all higher education institutions must integrate a clarification of the importance of the core invariant – a commitment to learning through scholarships and research based on the scientific method, as well as the crucial value of openness to diverse points of view, are all essential for quality of the overall higher education effort. Placing these aspects at the centre of the message about higher education contributions is essential, but not as an exercise in marketing but rather as part of an ongoing pedagogical process.

We need to focus our energies on narrowing the gap between our own rhetoric and our actions; on closing the distance between the text and reality. However, it has to be done with integrity, honesty and modesty, paying attention to context and recognising that such a process may place various institutions on different paths rather than one superhighway towards the so-called knowledge society.

Counterpoint

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Within the higher education community, we often hear that we are living in times of significant changes. Some claim we are in the midst of the largest reform wave that had hit the shores of universities worldwide since 1968. Some would go even further and claim that the changes taking place are unprecedented in the history of university, which stands in stark opposition with some claims that one of the trademarks of the university is indeed continuous change.

Possible sources of change seem to be numerous and are often, in the European context, connected to the Bologna Process. It is interesting to notice that, despite having no binding character, the Bologna Process is often used as an explanation, excuse, or justification for diverse and complex reform projects in Europe. In addition to this, Europeanisation (i.e. slow emerging of the more or less visible European level of decision making in higher education) can also be observed, con-

trary to the initial Bologna determination of no decision making at the European level by European institutions. Furthermore, the latest wave of massification, coupled with decreasing support to higher education from the public purse, is often putting governments, institutions, and students alike under significant pressure to change their ways of operation. Finally, the omnipotent globalisation, to which, rather too easily, almost all contemporary societal, political and cultural shifts are attributed to, is often understood to have brought also the increase in trade in higher education services and the overall commodification of knowledge, and thus, commodification of education.

Against this backdrop, in honouring the 20th anniversary of the *Magna Charta Universitatum*, one has to pause for a moment and to ponder on the essence of the university. This will be analysed through a series of questions, inspired by Jon Torfi Jonasson's essay *Inventing Tomorrow's University – who is to take the lead?:* what is the University, who is the University, can we and are we inventing the University?

What is the University?

The essay provides the reader with the opportunity to travel through time and explore the past of the university. The insight into the history is useful for understanding the ideologies, circumstances, and wider societal changes that have shaped and continue to shape higher education. Change is sometimes too well hidden under many layers of the potentially novel approaches to the old challenges (novel being understood in relative terms). Furthermore, it may be difficult to grasp com-

pletely the extent of change, having in mind that it takes place slowly and gradually. Yet another reason why travel back in time is useful is the recognition that many of the elements from the past are still present in the way universities operate. What better proof of that than to look with a keener eye into the ceremony of signing of the *Magna Charta Universitatum*, the robes and the rectors' chains, even the venue itself. In addition, the author's historical overview, especially the analysis of different models of higher education organisation, provides a good opportunity to evaluate one's own higher education system and to identify more clearly the commonalities and differences with others.

Many persons would agree with the author's advocacy of the inseparability of teaching and research and may support the claim that teaching and research are the essence of the University. Nevertheless, it has to be borne in mind that it took quite some time for the science(s) to "break into" the university and that for more than a half of the University's long history; research did not take place within the walls of academia. Furthermore, we are witnessing today that the nature of both teaching and research is changing. To understand these changes one has to focus more on the massification of higher education and consequences of it. This means that massification cannot be seen only in terms of increasing numbers of students or institutions, but also in terms of the increasing diversity of the student population, in terms of their socio-economic backgrounds, age, family commitments etc., all of which are shaping their motivations to study and are affecting their expectations from higher education.

In this respect, higher education is not to be observed

as an isolated activity. One must take full account of the fact that higher education is preceded by lower stages of education and thus is a part of a particular sequence of education transitions. Changes taking place in the prior transitions would and do eventually affect higher education.

In almost all countries in the world, primary education is now compulsory, even though at some point in the past this was not the case. Many countries have already moved to compulsory secondary education, motivated by changes in the society and in the economy. Coupled with predictions of more and more jobs requiring higher education in the future, one should reflect whether, and if yes – when, higher education (undergraduate studies in particular) will obtain the same air of necessity[1]. To a certain extent this is taking place already: higher education may not be a legal obligation (as is the case with primary education), but it is, nevertheless, often a strong implicit expectation of parents, peers, labour market, wider society and individual students themselves.

All this has a profound effect on the higher education landscape in terms of educational paths, content, teaching and assessment methods, goals, roles, organisation, funding and types of institutions. Although one keeps referring to "universities", it should be clarified what the essence behind that label is. One the one hand, there are quite diverse institutions that bear the label of a university, some of them not involved in research ac-

[1] It would be interesting to analyse if this would imply that higher education will begin to resemble earlier stages of education, especially secondary education, as some critics of the Bologna Process state.

tivities at all. On the other hand, some of the *Magna Charta Universitatum* signatories do not have the word "university" in their name, yet they are characterised by the infusion of teaching with research in their operations. Changes in the legal arrangements, governance, funding, and division of labour between university and non-university sector are essentially questioning the very use of the label "university". There are countries, which abolished the binary divide (e.g. UK or Norway) and therefore allowed former polytechnics to take the label first and then afterwards some of the essence of the "University"[2]. Some countries made a step towards a stronger connection between the two sectors (e.g. Serbia), and there are countries, which are still maintaining the divide (e.g. Finland and Croatia), even though this may not necessarily prevent the non-university institutions from diving into research and awarding PhDs, i.e. essentially introducing some of the claimed essence of the University. Therefore, the question to be asked is whether one can still see the label "University", research and awarding PhDs as a prerogative of one particular type of institutions. In recognition of the extent to which practice has gone beyond theory, one should take a different stand and allow for a more flexible approach.

With respect to teaching and research, together with the celebrated blend of the two, another question is of interest: what does the desired (and sometimes idealised) complementarity between them actually mean? Does it entail the situation in which the same individu-

[2] A number of processes may be at work here but the debate of academic and vocational drifts, isomorphism, innovation, and imitation go beyond the scope of this reflection.

als are doing both teaching and research? This will not necessarily guarantee that there will be mutual benefits and many studies show that teaching may be at loss in that relationship, especially when one is faced with academic staff who is more or less prone to seeing "teaching as the necessary evil". Does it entail the process in which teaching is informed by research, meaning that the new ideas, changes and challenges are introduced in curricula? If yes, can and should this be the case in all undergraduate courses, especially having in mind the complexity of research in some areas and the increasing number of students who are not necessarily interested in continuing their education in a research career path but would rather opt for shorter labour market relevant qualifications?

Who is the University?

To attempt to answer the question "what is the University" means also to be able to identify "who is the University", i.e. when referring to the institution – which groups and/or individuals is one actually referring to. Is it only the academic staff that is seen (by others and by themselves) as the personification of the University? Is it possibly the academic staff of a particular rank, e.g. full (tenure) professors? Is administrative staff included or are they seen as aliens in the University? What about students? And what about those who are outside of the walls of academia? If such outsiders to the everyday university life are included in the decision-making, can one still speak of inside and outside of the walls of academia? It seems that attempts to identify, in a strong normative way, who should and who should not be considered as a stakeholder in higher education is a futile

attempt to disregard the developments that have already taken place – the University is no longer an ivory tower (even though it is debatable to what extent it was an ivory tower in the first place).

The author interestingly introduced the space and time dimensions. He also suggested identifying the stakeholders by tracking down who benefits from higher education. If observed in a sufficiently long term perspective, beyond the average duration of studies and average length of academic careers – society is the one reaping all of the benefits and therefore society is the ultimate stakeholder. Although true, this is the easy way out of the decision-making conundrum. One seldom has the luxury of a long term perspective. Many decisions must be taken with a short term perspective in mind and, therefore, analysis of shorter term benefits must be made in order to identify legitimate stakeholders. In addition, with increasing and ever more creative uses of ICT in both teaching and research, the spatial dimension of the problem is no longer easily grasped. Decisions taken with local, regional or national interest in mind have effects, and increasingly more so, beyond the neatly drawn and sometimes too heavily protected borders. Therefore, it becomes impossible to make a clear and clean map of those who benefit which complicates matters with respect to identification and authorisation of stakeholders. This is the reason why there can not be a one-size-fits-all claim that one group or the other is, by virtue of some of its attributes, the key decision-maker with regards to higher education.

Indeed, as can be seen from even a brief and superficial analysis of higher education systems around the world, decision-making over higher education is characterised by a multitude of stakeholders on differ-

ent levels, all of which have their own vested interests, very often mutually and even internally conflicting. Governance arrangements are also testimony to particular political, social and cultural traditions and this further impedes identification of desired or appropriate decision-makers. Furthermore, even if one were able to make a clear and non disputable identification of all the stakeholders, the issue of representativeness comes to the fore. Who represents them? How are these representatives chosen, elected, appointed? Who has the saying on what matter?

This issue is most evident when it comes to student participation in decision-making. In many systems, primarily in former socialist countries, participation of students in higher education decision-making was introduced only due to external pressure stemming from the Bologna Process. Nevertheless, despite the principle of "students as full partners", it remains to be seen whether students are indeed treated as full partners in all countries participating in the process, i.e. to what extent the legislative changes, introduction of student participation as one of the accreditation or quality assurance standards and focus on this issue within the stocktaking exercise has indeed affected the culture of the academia and brought students on a more equal footing with the academic staff or government representatives. The dynamic nature of legitimacy to participate in decision-making is also visible in the introduction of employers' representatives in some structures, primarily on the European level (e.g. the Bologna Follow Up Group) but also, in some cases, on the national and institutional level.

These developments may stir up a fear that the academic staff will be over-run or by-passed in issues of

governance of higher education. While stating that these fears might be legitimate in some cases, they are not an excuse for the academic staff to claim sole legitimacy to decide on higher education matters. The arguments put forward by the author, including those related to the specific "scanning power" of universities to understand stakeholders and synthesise their demands, those related to the apparent unique awareness of long term stakes or those related to sufficient competence to be the judge of quality of learning, teaching and research, are heavily normative in nature and are not supported by sufficient empirical evidence. In addition, such arguments essentially place remarkable responsibility on the shoulders of academics and motivate further questions:

• are academics adequately trained (prepared) for such a responsibility (e.g. what training do academics receive to be able to adequately assess teaching of their peers);

• are they sufficiently motivated to do so, i.e. what incentives are in place that would promote such behaviour?

The demand to place the university matters entirely in the hands of academic staff does not resist the evidence of various forms of academic malpractice throughout Europe. Malpractice is not only executed by the academic staff. Rather, precisely, because many different groups unfortunately take part in such activities key decisions, oversignt and control must not be left to any of the groups alone. If the academic staff holds true to the values of knowledge, truth and critical discourse, it must also hold true to those values for inward analysis and (re)invention as well.

Inventing the University?

Here the question is whether one is in the position to invent the University of Tomorrow. As was mentioned earlier, studies of policy implementation and change in higher education show that the goal of significant change over a short period of time is almost never achieved. Inventions and innovations, if taking place, need to be incremental in order to really diffuse through the University and not get blocked on one level or the other, before reaching the target. In this respect, and if one keeps the useful distinction between *text* and *context*, introduced into the debates by Mala Singh, the following questions emerge:

• what values (should) remain?

This question does not intend to threaten the ideas of academic freedom and institutional autonomy, but merely to question whether the understanding of these ideas has changed in the light of shifting conditions under which higher education operates, e.g. to what extent the multitude of actors means that institutional autonomy should be exercised with respect to an increased number of potential "controllers". Furthermore, in light of the evidence of academic malpractice, should integrity, transparency, participation of stakeholders and openness of the institution be introduced as values as well?

• what is/will be the reality in which these values are/will be relevant?

The answer to this question requires a thorough analysis of trends and forces shaping this reality, avoiding the perception of any of these trends as omnipotent and not succumbing to the discourse of change for its own sake. This means that one has to question what are the

new elements in the effects of globalisation on higher education and how this relates to Europeanisation and internationalisation; what market or markets higher education operates in and how this affects the notion of institutional autonomy.

The issues of *text* and *context* must be discussed and debated continuously if University is to remain a living institution. Stepping beyond normative labels into essence is the best way to celebrate the vibrant life of the University.

Universities Addressing Global Challenges

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Knowledge should know no other limits than those set by the human mind

Through its mission of creating and disseminating knowledge, the university's place is at the very heart of the globalisation process regarding its intellectual components. Ideas are fundamentally valued by the way they are circulating and how they are dealt with. Therefore, we can assert that the university represents a vector driving forward globalisation thanks to its vocation of serving and promoting the connate progress of thought and know-how, even when the latter may in parts not bear the seal of the university.

A historical example is the modernisation in the XV century of the printing technique, which brought about the dissemination and increased the value of knowledge with global and irreversible consequences, and which ushered in the Renaissance and a unique cultural rebirth

in the Europe of the XV and XVI century in literary, artistic and scientific fields as well as in the economic one, entailing great discoveries and the birth of modern capitalism and colonialism. The Renaissance led to a profound change in the mission of the university and to the advancement of new disciplines, the teaching of which would have been unimaginable in the preceding centuries. The notions of "progress" and "discovery" slowly entered into university language, despite opposition from religious authorities. At the same time, in Europe, national languages began to limit the domination of Latin and this period of intellectual, moral, and critical embrace paradoxically symbolised the exacerbation of national identities. Oddly enough, it was more and more difficult to move from one university to another as the frontiers would close and local and regional particularisms would progressively assert themselves.

The XVIII century with the Enlightenment and its major revolutions and the XIX century to a greater extent, during which new ideas would assert themselves and new socioeconomic relations would establish, witnessed the emergence of the modern concept of "university". It was in 1806 that the university as a body of public education teachers of various degrees (Alma Mater) was set up and in 1809 when Wilhelm von Humboldt founded the first modern university in Berlin: a higher education institution consisting of a complex of teaching and research units, of institutes, centres and laboratories, also dedicated to research. Thus, for the first time, research was part and parcel of the mission of universities, leading to new responsibilities with regard to multisectorial, multidisciplinary innovations and preparation for the future.

From this period onwards, scientific discoveries essentially became a pursuit of university laboratories, while the great strides made by knowledge and its spread are the concern of "teaching researchers", a modern concept which emerged at the end of the XIX century.

The university thus became a privileged place in which scientific research contributes to preparing the future of societies and, as such, universities benefit from the recognition and constant support of authorities. The notion of "progress", foundation of the modern globalisation process, is closely linked to that of "university", to its laboratories and its research centres. Scientists and researchers owe their social and international recognition to universities.

The university is the trustee of its autonomy, academic freedom, accountability, defence, as well as of the wealth of knowledge it generates. Likewise – and this remark is fundamental – the progress brought about by production technologies and industrial revolutions leads to the generation of new jobs and new needs in terms of vocational training. In most European countries and in North America new universities are created, some of which are noteworthy today thanks to their capacity to develop solid links with the so-called "entrepreneurial" society, while preserving their autonomy and academic freedom. These universities, which are on the top of the world rankings en vogue today, have known how to spread and diversify the contract domains linking them to the society, opening new freedom space and new fields of competences founded on a new university culture driven by innovation, evaluation, development and competitiveness. Thus, the XX century,

the century of major disasters paradoxically made possible by scientific and technological progress, but also the century of the greatest advances made in all fields of knowledge, saw how universities slowly but steadily became key players of the socio-economic and cultural development. Access to higher education becomes a major challenge for a society exposed to globalisation in all sectors of human endeavour, particularly in education and research. The democratisation of access to higher education, which is sometimes called "massification", imposes a new approach on universities to their mission, enabling them to reconcile quantity and quality with due regard for equity and merit promotion.

In addition, the latter half of the XX century witnessed the progressive end of the "institutional" colonialism and the emergence of new countries striving to assure their future and that of their youth thanks to self-governing and efficient education and training systems. New universities were created, most often in an incoherent and anarchic manner. For these emerging or developing countries higher education is a determining factor for their future in a world in which globalisation could place emancipation and destruction side by side. Cooperation and solidarity at international level are called for, particularly in the university world, if we want to avert crises with dramatic consequences for the future of these countries and by transitivity for the so-called "developed" countries. With these words I would like to highlight the humanitarian and intellectual challenges of a globalisation process which should not focus only on economy and trade. With the modern transportation means, technological progress made, an increasing demography, humanity's physical space keeps shrinking,

while its virtual space is constantly expanding; as for time, it presses forward all sectors of activity at great speed, making our universities follow a new and more complex geometrical pattern with regard to their mission. This geometry, which is progressively designing its contours and structures, will strongly depend on the challenges triggered by a globalisation process, which we will have to control and guide in order to safeguard ethical and humanistic values. In this context, novel terms and expressions impose themselves as new challenges for a multifaceted higher education at grips with globalisation. To name a few: quality assurance, governance, diversification, mobility, international recognition, networks, competitiveness, rankings, etc.

Faced with these new challenges, universities and higher education institutions, worthy of this name, do not seem to have another alternative but to promote the essential values which have allowed them to resist the vicissitudes and hazards of modern history. It is thanks to these values that universities can accomplish their fundamental missions in the framework of a social contract continually renewed around the fundamental principles of autonomy, academic freedom and accountability. This last remark highlights a major challenge of the XXI century University, which can rely on UNESCO's support, as the latter's mission is to serve the honour of the human mind through education, science, culture and communication, the foundations of any university endeavour.

Academic Freedom and the Individual Scholar: Practical Strategies for Positive Impact

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Harmonious tension — Individual, university, state, society

The emphasis in this text on the individual versus the institutional or systemic should be understood only as a starting point. It should not suggest any claim of priority of individual scholars over the university, the state or the social context, in which they are situated. Scholar, university, state and society should in an ideal sense be experienced in harmonious tension – each dependent upon and shaped by the other, strengthened to the extent that each is respected, and weakened to the extent that any are neglected or infringed.

Therefore, this text not only addresses academic freedom and institutional autonomy, but a corresponding responsibility to be actively engaged with the state and society. That is, scholars and institutions must commit in good faith to engaging with the state and soci-

ety in order to establish and maintain that harmonious tension that marks the healthy higher education sector. Claims to autonomy or academic freedom without such commitment undermine these values.

Of course, we know that in practice this harmony is hard to maintain or often altogether missing, leaving tension that is often visited heavily upon the university and more often on the individual scholar. It is in recognition of this that Scholars at Risk (SAR) was established with a mandate both simple and ambitious: to organise universities to promote academic freedom and to defend the human rights of scholars and their communities everywhere. This mandate grows from a profound respect for the long history of attacks on scholars and universities – with examples easily recounted from every region and every decade from the present at least through the previous century and indeed well before – as well as the many prior and ongoing efforts to assist.

To meet this mandate, SAR is focused on the primary activity of providing direct assistance to threatened scholars – offering temporary positions of sanctuary and professional reintegration at universities participating in our network to scholars whose lives or careers are threatened in their home country. In practice, this primary activity of sanctuary simplifies our mandate to a single, practical, action-oriented question: *How can we provide the most effective assistance to the greatest number of individual scholars facing threats?*

Advantages and risks of an individual approach

There are certain advantages to exploring the challenge of academic freedom as SAR does through the lens of

the individual scholar. First and most practically, it is through the creative agent of the individual scholar that academic freedom is exercised and its benefits reaped. In a healthy higher education system – that is to say one that has achieved some measure of harmony between scholar, university, state and society – we should expect to see individual scholars enjoying their academic freedom and productively engaged in teaching new generations, producing quality research, contributing new insights and new discoveries. Where scholars are restricted, intimidated, imprisoned or harmed, the benefits of higher education are undermined or lost.

Second, examination of large numbers of individual scholar cases by groups like SAR and other important organisations like the Magna Charta Observatory and the Network for Education and Academic Rights provides a broad view, from which one can identify patterns and trends, such as in recent years apparent increases in restrictions on scholars' travel or in prosecutions of scholars for speaking or writing words allegedly harmful to the reputation of their state or its leadership. By identifying patterns in individual cases, we might be able to better identify strategies for intervention that will benefit all scholars and universities, and ultimately the state and society.

Finally, an individual approach is advantageous as a means of testing alternative approaches to strengthening higher education values, which focus instead on the university or state levels. Any measure of the success of these approaches at reform or improvement must at some point account for whether they have improved the conditions for scholars to perform their professional and social roles.

Of course, an overly narrow focus on individual cases to the exclusion of university, state or social conditions negates these advantages and carries its own risks. There is the risk of treating the symptom, not the disease: where systemic conditions impede the academic freedom and harm the well-being of individual scholars, responses to individual cases alone are inadequate to improve conditions for all scholars.

There is also the risk that while treating the symptom the disease will spread: Where systemic conditions are badly deteriorating, responses to individual cases alone will inevitably be overwhelmed. This is the problem of all humanitarian work – where urgent human needs are great it is difficult to allocate resources to long-term systemic strategies. However, without such strategies the rate of urgent need may outpace relief, in which case the system itself will collapse.

SAR alone and in partnership with others is attempting to reconcile these advantages and risks. Starting from our work on behalf of the academic freedom of individual scholars, we have begun to explore new activities aimed at the university, state and societal levels. As I outline these briefly, I will highlight areas where we would invite your suggestions, corrections and active partnership.

Scope of the problem and types of threats

We must begin from the perspective in infringements of the academic freedom of individual scholars by recognising that the scope of the problem is immense. Scholars today suffer threats to their academic freedom and to their basic human rights at alarming rates. While we

do not yet have the means to precisely measure these threats – something we are working on – our experience with individual cases over eight years provides a basis for discussion. Over the last eight years, SAR has received more than 2000 requests for assistance from over 100 countries. Added to these must be the hundreds and perhaps thousands more requests received by our partner organisations like the Council for Assisting Refugee Academics (UK), the IIE Scholar Rescue Fund (USA), the Magna Charta Observatory and others. Moreover, these are only the complaints of which we collectively know – certainly only a small percentage of the actual total. We see therefore that threats to scholars and academic freedom are a significant problem.

Facing this immense challenge, our first question was *"what types of complaints should be dealt with?"* We decided that threats could be divided into two classes, broadly labelled *physical vs. nonphysical* threats or preferably threats to the scholar's *life or liberty* vs. threats to their *career or quality* of their scholarship.

Life or liberty threats include harassment (including surveillance, denial of accesses or permissions, confiscation of notes and computer files, professional or personal slander or defamation, physical or sexual intimidation), arbitrary dismissal threatening economic survival; exile (internal and external), arrest on false charges, detention without trial, trial and imprisonment, torture, disappearance, murder.

Career or quality threats include among many others obstructions on hiring and promotion, interference or undermining of teaching or research; restrictions on travel or collaborations; and limitations on access to information, materials, equipment or advanced training.

We decided to focus on *life and liberty* threats not so much as a matter of principle but of limited resources: a scholar whose life or liberty is at stake should take priority over a scholar who is physically safe and working but experiencing non-immediate threat to his or her career. We also reasoned that to the extent that providing help to an individual scholar has any symbolic power, as either a deterrent or a catalyst for positive engagement with the source of the threat, the symbolic effect of a case involving *life/liberty* threats would be greater and therefore would have a greater chance of impact on conditions generally.

Still, *career and quality* threats are real and important. In terms of sheer numbers of scholars harmed, career and quality threats are far more common and destructive to the health of higher education systems. We have therefore long recognised the need to develop activities, which address these threats to academic freedom, and indeed have begun to do so.

Addressing the more severe life and liberty threats first, of the 2000 or so requests for assistance SAR, through member universities and other partners, has been able to assist approximately 20%, including arranging for positions of sanctuary for approximately 200 scholars. In these cases, universities review profiles of scholars seeking assistance, including in most cases the scholar's CV, sample publications and letters of reference. Interviews may be arranged. Universities decide for themselves whether they might be able to invite a particular scholar to visit, generally for one academic year although sometimes longer, sometimes shorter. Financial support for the visits varies depending on the location, but has included support from state or

university funds, outside support from foundations or other partners including the IIE Scholar Rescue Fund and individual donors. Funding is always a challenge, but this generally has been something we can work out. Most important is to have university partners willing to serve as a host. With more university partners, we can help more scholars, so I invite every university to join our network, and invite everyone affiliated with a university to help us in conveying this invitation to the appropriate people.

Academic sanctuary, private and official advocacy

In working with these most severe cases of individual scholars whose life or liberty was at stake, we came to see that relocation to a position of sanctuary is not a realistic or satisfactory solution in many cases. For example, the scholar in prison may *some day* benefit from a position at a university elsewhere, but the immediate need is to urge the scholar's release. Additionally, rather than to seek relocation for a scholar who has been wrongfully discharged from his or her position at university, a more satisfactory solution would be to urge for reinstatement. We therefore developed activities aimed at strengthening the position of individual scholars still in their home countries, and in so doing, strengthening respect for academic freedom and related values of higher education.

One effective activity in this area involves advocating on behalf of scholars who are missing, are wrongfully detained, face unwarranted prosecution or are otherwise unfairly restricted. In these cases, we may send communications to the universities or govern-

ments involved urging respect for the scholar's well-being and fundamental rights, emphasising the importance of international cooperation in scholarship, and seeking affirmation of their commitment to academic freedom and higher education values as well as specific redress for the scholar in question. These communications may be accompanied or followed by a request to friends and partners around the world to send letters, faxes and emails respectfully expressing concern for the scholar. In most cases, these requests are done in cooperation with academic societies or partners like the Network for Education and Academic Rights. In appropriate cases, these communications may request a meeting with a higher education official, embassy or other officer where network members might directly express concern for the scholar, seek information and open a dialogue about issues of academic freedom and higher education values.

This form of unofficial, private advocacy is of course well established in the wider human rights community, where it has proved effective. Its potential for positive impact in the higher education sector has not yet been reached and further refinement of our activities is warranted. In the area of establishing dialogue, for example, I know we would benefit greatly from the Magna Charta Observatory and other organisations who have a great deal of experience in establishing avenues for open and frank communications about these important questions. I would also invite everyone here to sign up to receive email alerts about scholars needing outside interventions by visiting the SAR website or letting me know if you might be willing to support this activity.

Private advocacy however has serious limitations,

including that even those cases successfully resolved provide no precedent, which might benefit the wider community of scholars. We are therefore also exploring avenues within existing official governmental bodies as means both of assisting individual scholars and of fostering wider discussions of these important issues. These avenues include established human rights mechanisms within the UN and regional human rights systems, including in appropriate cases referring communications concerning threats to academic freedom – at least those implicating fundamental human rights – to the Office of the High Commissioner for Human Rights.

We are also interested in exploring how communications might more effectively be submitted through UNESCO, including through the procedure adopted as UNESCO Executive Board Decision 104 EX/3.3 (1978). This procedure allows for submission of communications raising concern about "human rights [that] fall within UNESCO's competence" in the fields of education, science, culture and information[1].

[1] The rights within UNESCO's competence explicitly include the right to education; the right to share in scientific advancement; the right to participate freely in cultural life; and the right to information, including freedom of conscience and expression. Other rights have been included by interpretation, including the right to freedom of thought, conscience and religion; the right to seek, receive and impart information; the right to the protection of moral and material interests resulting from any scientific, literary or artistic production; the right to freedom of assembly and association for purposes of activities connected with education, science, culture and information; and the freedom of movement and the right to emigrate when raised in relation to UNESCO fields of competence.

There can be no doubt that communications demonstrating threats to academic freedom and higher education values fall within this competence, including both life/liberty threats as well as career/quality threats. The latter is especially significant because unlike life/liberty threats – which may also fall within the competence of UN or regional human rights bodies – career/quality threats to scholars' academic freedom are not likely to be well addressed elsewhere. As is noted on UNESCO's own website, *"UNESCO is the only UN body with a mandate in higher education,"* and therefore is clearly the primary UN body for career/quality communications.[2]

It would appear that, to date, the complaint procedure is underused. According to UNESCO's statistics, the number of communications considered under the procedure has been declining in recent years. Scholarly observers have attributed this at least in part to a lack of transparency in proceedings and an apparent reluctance to undertake investigatory or oversight activities, including to date never using the committee's power to examine 'questions' of widespread violations effecting many scholars. Nevertheless, the possibility of UNESCO's valuable contribution in these situations is too great to surrender the complaint procedure to disuse. We will therefore continue our exploration how best to

[2] Life/liberty communications related to members of higher education communities are also clearly within UNESCO's competence, even when other UN bodies provide complementary coverage. The UNESCO Constitution at Art. 1, para. 1 clearly sets out that UNESCO's purpose is to promote "…education, science, culture in order to further universal respect for… human rights and fundamental freedoms".

facilitate use of the procedure into our work on behalf of restrictions on the academic freedom of individual scholars. We are eager to work with the Magna Charta Observatory and any other interested individuals or groups to explore this together, and would welcome any opportunity to work with UNESCO to examine how to best facilitate the submission and review of appropriate communications.

Prevention vs. cure

These activities – academic sanctuary through temporary relocation, private advocacy, and official or public advocacy – all seek to redress threats to academic freedom by focusing on individual scholars. By definition, all are after-the-fact approaches. No matter how successful, these approaches will do little to eliminate or reduce future threats, especially widespread threats affecting many scholars.

That is, if threats to scholars are signs of ill health in the higher education sector, these after-the-fact approaches may be sometimes effective treatments, but they are not a cure. If we are to take seriously the mandate of promoting academic freedom, we must develop positive, forward-looking approaches; approaches that over time will reduce the threats and strengthen respect for higher education values.

In setting out to develop these forward-looking approaches, however, we encounter two main challenges, both of which have been in various ways the subject of much discussion, including during this important conference.

The first challenge – which I would label the *defini-*

tion challenge – is what do we mean by academic freedom? And for that matter by institutional autonomy and accountability? In addition, what is the relationship of these higher education values to evolving understandings of more general human rights?[3]

On these questions, much work has already been done and much that is helpful has been written and said on these important questions, including by many of the distinguished participants at this important event. I would not presume to attempt to summarise nor comment on this discourse. These inquiries are valuable, with significant legal, political, economic, social and cultural implications. Further explorations along these lines should be encouraged, not least because they will continue to add insights that will enhance efforts to strengthen respect for higher education values.

There is no need for delaying definitive answers to these questions. We must resist the academic pleasure of revisiting even well covered territory in favour of moving forward. There is sufficient common understanding in place. What is needed is a more formal establishment of this common understanding at the highest level and with broadest scope.

By highest level, I mean a definitive international statement of academic freedom, autonomy and related values. The *Magna Charta Universitatum*, already widely adopted and rightly celebrated these days, provides

[3] Including the question of whether academic freedom and institutional autonomy 'arise from' or are 'independent but complementary to' human rights; and in addition to whether academic freedom and autonomy, if understood as 'rights', belong to institutions or individuals and how these might be invoked and enforced.

one option. I do not know if its use could be adapted to this broader purpose, but welcome the Magna Charta Observatory's movement to engage much more prominently at the global level.

Other important statements exist of course and can contribute to their experience – the Lima Declaration and the Kampala and Dar Es Salaam declarations, for example. Nevertheless, what matters most is to push forward toward a common statement – one that will be embraced in all regions of the world equally.

It may be best therefore to build on UNESCO's already significant investment in this area. In the build-up to the 1998 World Conference on Higher Education, UNESCO commissioned an important study by the International Association of Universities (IAU) on "the feasibility, desirability and possible content of an international instrument on Academic Freedom and University Autonomy." This study concluded that such an instrument would be both desirable and feasible as long as sufficient resources were assigned to that task. This should not only mean financial resources but also the sufficient political will and constituency-building necessary to advance the project. SAR would gladly join with the Magna Charta Observatory, the IAU, NEAR and others in developing the political will necessary to advance progress on a definitive international instrument.

One simple starting point could be a joint communication to UNESCO to urge that once again academic freedom and institutional autonomy be included as one of the thematic discussions at the upcoming World Conference on Higher Education +10 just as they were in 1998. Indeed the declaration at the conclusion of the

1998 world conference included among six stated responsibilities for UNESCO to "take the initiative to draw up an international instrument on academic freedom, autonomy and social responsibility in connection with the Recommendation concerning the Status of Higher-Education Teaching Personnel". The 2009 World Conference is an important opportunity to examine progress toward this goal and for NGOs, universities and others in the higher education sector to offer assistance.

Once established, an international instrument will solve the challenge of definition and give strength and legitimacy to efforts seeking to promote higher education values and defend threatened scholars and institutions. One only needs to look at the example of another recent international statement in the human rights sector – the Declaration on Human Rights Defenders. Adopted by the General Assembly in 1998, it has provided an important, unifying standard for human rights advocates worldwide, strengthening their community and effectiveness. A statement on higher education values would do the same, giving strength to our growing community of academic freedom defenders and other advocates for higher education values.

The second challenge – which I would label the *data or information challenge* – is the question of how big the problem of threats to academic freedom and higher education values is and whether the situation is getting better or worse? We need more information and better means of comparison before we will know the true scope.

This challenge, unlike the issue of standards, requires less political will and simply more effective cooperation among private researchers and groups. We advocates

of higher education values must simply join and turn our research powers on ourselves. We need to develop new frameworks and new tools for capturing more data about all types of violations – life/liberty as well as career/quality – and for measuring the various conditions, which affect academic freedom, autonomy and related values, especially changes in conditions across borders and over time.

SAR is undertaking several activities in this area, and we are eager to cooperate with friends like the Magna Charta Observatory and others to improve and expand these. Together with our partners at NEAR, we have initiated a series of workshops on academic freedom in the various regions. The goal of these workshops is to explore the possibility of developing a common framework for analysing and responding to threats to academic freedom and higher education values applicable to situations in all areas of the world. Again, we are working through the lens of threats to individual scholars and their institutions. From working with thousands of scholars, we have seen patterns – similar patterns of isolation and intimidation are experienced by scholars in East Africa as in South Asia; in Latin America as in the Middle East. Yes, the surface reasons may change; the facts or parties may differ; but the dynamics are the same. The question then is whether these similar patterns might be dealt with using similar strategies. For example, when a scholar is wrongly discharged or imprisoned, what actions might be taken? How might these actions be shared at the local, national, regional and international levels? Our ambition is to identify and share good practices and to establish relationships that will make most effective and efficient use of limited

capacity to respond to the very large need. Although a great deal of work remains, the workshop discussions so far suggest reason for optimism. Participants from workshops in Europe and the Middle East express more commonality than difference, and equally important, express a desire to work together to see what might be done.

SAR World Survey of Academic Freedom and an International Academic Freedom Day

SAR has also initiated an ambitious project to assemble a worldwide team of researchers – in every region and perhaps even in country – to collaborate in the creation of a world survey of academic freedom and related higher education values. Such a survey would evaluate conditions in the target country against a common set of questions mapped against overarching goals and specific indicators. Based on these questions, researchers would produce country reports.

With these regular reports of conditions in many if not all countries we will finally have a basis for comparative evaluations, For example, a basis for comparison of conditions over time – that is whether conditions are improving or worsening. This will provide a basis for positive, proscriptive recommendations for changes in policies, activities or allocation of time, personnel, and funding. This will be an improvement from the after-the-fact, reactive only activities. Moreover, the detailed nature of the research underlying the reports will sustain more nuanced recommendations, creating avenues for positive engagement with policy makers and other stakeholders.

Together the workshops and survey projects aim to develop long-term research and advocacy partnerships that will solve the data challenge. SAR invites any researcher or team of researchers interested in contributing to these initiatives – including by hosting or participating in a workshop, contributing to the survey methodology, or by conducting or supervising survey coverage of a country or group of countries.

I have attempted to outline several of the concrete activities that we at SAR are undertaking, alone and more often in partnership with others, to attempt to meet our mandate of working "to promote academic freedom and defend the rights of scholars and their communities." Always our focus is on defending the individual scholar, but there is no meaningful way of working for the good of the scholar and academic freedom without also working for the university and its autonomy, or for that matter for the state and the society. A healthy higher education sector requires all these to be in harmonious tension.

In doing so I have also attempted to identify those points where our partners and we at SAR invite and offer ourselves up for cooperation with the Magna Charta Observatory and others.

Lastly, I will add one more concrete action, one more invitation that may be in many ways the most powerful possibility for promoting better respect for academic freedom, autonomy and related values.

In order to recognise and draw continuous attention to the importance of academic freedom and related values, there should be adopted and celebrated annually a worldwide "International Academic Freedom Day."

Such a day would enable universities, academies,

scholarly networks and individuals everywhere to dedicate annual attention to higher education values and the responsibility of universities in society. It might be a day for an annual lecture on academic freedom, and of related teaching and student or public activities and events. It could then receive the same publicity as, for example, the annual World Press Freedom Day. The 18th September among other dates should be considered for such a day, as it marks the signing of the *Magna Charta Universitatum*. A worldwide International Academic Freedom Day would benefit *all scholars*, for *all future generations*.

Higher Education in Egypt and the Middle East: a Magna Charta Universitatum Perspective

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This paper introduces the challenges faced by the Education reform efforts occurring in the Middle East – with special emphasis on Egypt, one of the oldest and largest education systems in the region. *The Human Development Report* identifies five pillars on which to develop the knowledge society. The reform efforts led by the National Democratic Party are indeed based on seven policies focusing on the Human Capital seen as the most important asset for long-term change. With underlying values of *University Autonomy* and *Academic Freedom* supporting all those reports, the *Magna Charta Universitatum* could play an important role in the reform efforts they are calling for.

To quote the Arab Human Development Report, "The production of knowledge is driven by strong and increasing societal demand and the political will to secure the resources necessary for stimulating a vital and capable knowledge system". In any country, this in-

volves building high calibre human capital as a base, and ensuring an environment of policies and institutional structures conducive to the system's effective functioning.

Important as they are, these policies and institutional structures are in turn affected by societal, cultural, economic, and political determinants, which also have a bearing on the knowledge system – for knowledge does not evolve in a social vacuum but rather in a particular society, that has a reality, a history, and a regional and global context.

It is this last element that has a special significance for the Middle East – and Egypt in particular – in this phase of history.

Five Pillars of the necessary knowledge society

The Human Development Report for the Arab countries in the Middle East region and North Africa introduced a strategic vision for the advancement of Arab Human Development that should be built on the five pillars of the knowledge society. The report describes knowledge as appearing to be on the retreat in the Arab countries and warns that, without mastering the capabilities, it brings to the establishment of a strong and growing knowledge base; the Arab countries will remain incapable of establishing their own knowledge space and will be drawn into the international knowledge society as passive consumers.

Freedom is a decisive and essential step towards a knowledge society and sustainable human development. Intellectuals and producers of knowledge need to be socially responsible and take their role as the *advo-*

cates for academic and intellectual freedom. Often, political regimes have controlled research and education institutions at the risk of inducing the decline of their knowledge and human development systems.

Consequently, the report outlined five pillars of the knowledge society:

1. unleashing and guaranteeing the key freedoms of opinion, speech and assembly through good governance;

2. disseminating high quality education targeted on educational outcomes and life-long learning;

3. indigenising science, universalising research and development in societal activities and keeping up with the information age;

4. shifting rapidly towards knowledge-based production;

5. establishing an authentic, broadminded, and enlightened Arab general knowledge model.

Egyptian & regional higher education reform

Societies in the Middle East are heading for a period of major change in education and in general working conditions; thus, like other nations, they are called to diversify courses and professional careers, implementing a diversity that calls for lifelong learning – now a clear obligation for all. The internationalisation of higher education in Egypt and the Middle East as well as in countries of the Maghreb is a resulting need and priority.

The National Democratic Party in Egypt thus calls for seven main policies to induce a serious reform of higher education in Egypt; in fact, they could be ap-

plied to the region as a whole while complying with the *Magna Charta Universitatum*: they include:

• Redesigning the responsibility of the state to higher education system and institutions;

• Expanding higher education supply to accommodate new enrolments according to a set vision for development;

• Improving quality through a powerful institutional shakeup;

• Setting up a versatile and flexible system, both compatible with the needs of national development and exposed to the international strategies aimed at improving and upgrading teaching as well as research;

• Creating the basis of scientific world-class research activities within the HE System should be a top priority;

• Developing a dynamic relationship between HE, business and the workplace;

• Committing clearly to integrity, an engagement to be reflected upon every institution's new mission statement encouraged to cite truth, accountability, and responsibility as essential values, honouring both academic honesty and freedom.

The Magna Charta Universitatum & higher education reform in the region

As the policies above emphasise integrity, accountability, academic honesty and freedom, the *Magna Charta Universitatum* should play a major reference role in the development of higher education in Egypt and the region, especially considering the priority needs of internationalisation, Europe remaining a key partner, in terms of history, to many countries in the region.

By calling for the abolition of boundaries between countries bound by a similar culture (like the EU countries), by expecting far-reaching cooperation throughout the region, and by believing that people and states should become more than ever aware of the part that universities are called upon to play in a changing and increasingly international society, the *Magna Charta* does also fit the vision of higher education reform in Egypt and the Arab region.

Universities: builders of modernity or education Providers?

The Magna Charta Observatory and the Education committee of the National Democratic Party organised in June 2008 a conference in Alexandria to introduce basic *Magna Charta Universitatum* principles to education leaders and university presidents in Egypt. The conference questioned the role of the university in the Egyptian context "Universities: Builders of Modernity or Education Providers?"

The conference had a very high participation of Presidents and Vice-Presidents of the Egyptian universities. Presentations by the Magna Charta Observatory delegation covered a breadth of areas leading and explaining the principles of the *Magna Charta Universitatum*.

Hossam Badrawi discussed for Egypt the relationship between modernising the university and transforming society and the role that higher education is expected to play in this development. He explained his vision of eight pillars for reforms and the seven priority policies that are urgently needed for a serious reform of higher education in Egypt, thus placing universities on the plat-

form of modernising society – as indicated previously. If these points are to converge, they certainly do not oppose the *Magna Charta Universitatum* principles.

Four Egyptian universities signed the Charta in 1988 already and there are signatories in Morocco (5), Tunisia (3), and Lebanon (1). These small contingents do not mean that the principles of the *Magna Charta* are of no relevance for Arab countries, but, more certainly, that they are not yet known in the region. In that effort to have the *Magna Charta* known in Egypt, the Alexandria meeting covered the topics of university autonomy and academic freedom also from a Middle Eastern point of view.

University autonomy

What do we mean by university autonomy in the Egyptian context, is it financial autonomy, intellectual autonomy, political autonomy? Universities fall behind political or religious groupings rather than mediating them. Universities implement modernisation the government way, so they become servants of the social powers rather than their partners.

The piper plays the tune: in the case of public universities, the government – that also has the power to appoint university executives, provides more than 90% of the funding. The Rector/President of a public university is appointed by presidential or royal decree in most Arab counties. Private universities often suffer from unclear linkages between the university managers and its owners. Moreover, even in private institutions, governments are tempted to influence the choice of the rectors.

Academic freedom

Is there absolute freedom, can professors do research in cloning or stem cell research without approval from society? Who gives such an approval, is it a state responsibility or part of the mandate of the university as institution? Is there any legislation to regulate this field? In the case of Egypt, the answer is no: it is easier to develop stem cell research in Egypt than in the EU.

Student freedom / student participation

What is meant by this? Is it the freedom of students to demonstrate against a political situation, is it the freedom to participate in shaping the future of their own education (thus, indirectly, of their own country), or is it the freedom of movement between institutions and countries? The debate is still very open in the region. In Alexandria, it was made clear that multi party elections, a clear constitutional and legal framework are important preconditions for academic freedom and institutional autonomy

These specific discussions led the group to revisit the *Magna Charta Universitatum* from the Middle Eastern point of view and to propose a statement that could reflect the long-term needs of the region when referring to the values of the *Magna Charta Universitatum*. The core of the statement reads as follows:

XXI century universities, as represented in Alexandria, intend to meet their obligations towards the societies that support them – while also retaining the traditional values of academic freedom and institutional autonomy that are outlined in the *Magna Charta* – by:

• Adhering to the tenets of scientific integrity, i.e., the forms of rational reasoning that allow the search for truth, thus inducing that permanent renewal of knowledge now required to transform humanity's perspectives on man's place in the universe;

• Translating such core values into daily practices based on a community of shared commitment built on forms of networking and clustering that sustain the universities' mutual work and their cross-fertilisation with partners in the wider society;

• Asserting their pro-active engagement in the region and world at large by becoming conscious partners of society's many powers, thus enlarging their critical potential for change while offering a platform of awareness helping to build policies of renewal;

• Striving for individuals and institutions to own the process of change – in science and society – by embodying tolerance, openness and empathy, the values universities are called to share and disseminate, thus becoming examples of good social practice;

• Empowering members and partners – academic staff, students and stakeholders – by providing tools for sensible commitment and rational change, thus inducing renewed loyalties to revised knowledge structures, therefore conquering public confidence;

• Showing political courage by doubting the obvious and risking the unexpected, thus becoming drivers of those reforms that are to make modernity a new stage of human adaptation to a world potentially endangered by man's role in its past evolution.

Development of human capital is a major challenge in the Middle East. A knowledge society built on a climate of intellectual freedom is an essential prerequisite.

Advocating for a knowledge society relevant to persons, i.e., those individuals who carry and create it emphasise the need for a powerful and deep reform in the education systems of the Arab region. The *Magna Charta Universitatum*, through the dissemination of it fundamental principals, can positively contribute to this.

The Relevance of the Magna Charta Universitatum for Colombia and Latin America

Moisés Wasserman,
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The European example of the last twenty years is highly significant for Colombia and for other Latin-American countries. The signature of the *Magna Charta Universitatum*, although a symbolic act, generated a strong commitment in the European universities towards the principles stated in it, and led to high quality standards of equivalence and mobility among the different national higher education systems and to a new role of universities in the development of society.

The question posed is whether the European example may apply and be valid or relevant to us. Europe had much greater obstacles to overcome in its attempt to reach a reasonably unified higher education system than we have in Latin-America. Only two languages, Spanish and Portuguese, are officially used by almost the entire population of the immense subcontinent. The ethnic origins and cultural sources among our peoples are closer than they are among European countries. Our

conflicts during the last two hundred years have been minor in comparison with the history of conflicts in Europe during the same period. But, despite all this favourable circumstances we have not advanced significantly in the construction of a unified policy for higher education; we have no systems of equivalence or common accreditation procedures. We have developed very few mobility programmes for our researchers, professors and students and they are poorly financed. The communication among us is difficult; we are widely unaware of the diverse initiatives in other countries of the region.

There is an additional fact that I see as exemplary. The text of the *Magna Charta Universitatum* is short and synthetic, full of ideas very strongly presented. The only obligation acquired by the signing rectors was: "to do everything in their power to encourage each State, as well as the supranational organisations concerned, to mould the policies proposed on the *Charta*". During the last twenty years the efforts have been extraordinarily successful. The lesson is that a commitment does not base its strength on formal contracts. The statement has a value that depends on its own argumentation and logics. The other lesson is that of an academic community that succeeded in convincing the European peoples that their union, and their equitable and coordinated progress was not possible without the universities being involved in the effort as a pivotal part of the same general policy.

The difficulties that Europe confronted to attain its unified system of higher education are obvious, but the fact that it is successful despite all the obstacles is encouraging, and shows us a way worth following.

I would like to point to several reasons that justify

my optimistic affirmation on the significance of the *Magna Charta Universitatum*:

The universities have been summoned as important actors to build a sense of region in Europe. The system as a whole weighs internationally much more than the sum of the individual universities do. Latin-America lacks this sense of region and confronts, with severe disadvantages, the challenges of a global world.

In its preamble the *Magna Charta Universitatum* makes a very strong declaration: "the future of mankind depends largely on cultural, scientific and technical development; and this is built up in centres of culture, knowledge and research as represented by true universities". Additionally, it points out that the effort of universities must not be directed only to a small and privileged group of students but to society as a whole. In Colombia (and I believe it is the case for most Latin American countries) universities are timidly starting to assume this statement as true and they are beginning to change their traditional inwards-looking view to one open to the society and its needs. Our universities have been politically involved during the past half century, but that affirmation does not necessarily mean that they have been open to all trends and ways of thinking. They have been more a haven for very homogeneous positions and were seen as a resistance nucleus. We were also victims of the Cold War. Universities criticised national and international events (probably rightly so), constructed explanatory theories, debated heuristically all that happened or was supposed to happen. They were more concentrated in giving a "sense" to events (sense with a very subjective charge) than in creating knowledge and new development options.

This approach must change for the true university described in the *Magna Charta Universitatum*. The formative process of its students cannot be divorced from the efforts to lead societal development with relevance and impact.

The European universities succeeded in playing a fundamental roll in the development of their societies, culturally as well as economically. The central function of research and acquisition of new knowledge in their academic programmes generated a decisive influence in problem solving, in building human enterprises and in organising a welfare society. National and regional competitiveness resulted as a by-product of academic activity.

Research in Colombian universities is relatively recent. The first (and for many years only) scientific enterprise was an initiative of the Spanish crown during the colonial time. It was a botanic expedition intended to do an inventory of the vegetal species in the country, with emphasis on those that may have economic importance. Science in Colombia was not a product of freedom. On the contrary, universities and political independence were rooted deeply in this scientific and apparently irrelevant enterprise. During almost all the republican life of the country, the universities were more like schools for professional training than spaces to create new knowledge.

It is clear now that any effort to have the University as a partner in the construction of society and the only way to offer a first grade education is through the incorporation of research as a missionary fundamental activity.

European universities have been emphasising an

education directed to care for harmony with natural environment. We Latin-Americans, owners of a great biodiversity and huge natural resources, feel this emphasis as our central duty. It is not an accessory principle. We are owners and responsible guardians of a huge biodiversity. Thus sustainable development is not a choice but an imperative.

The European system has been built respectful of the principles of autonomy and independence of political and economic powers. Academic freedom has been a cornerstone for academic actions. This principle has not only been respected but it has been used as a tool to attain independent thought, new knowledge and imaginative innovations.

It is clear to us that universities also have political duties, but they must be treated not as partisan activities but as academic in principle. In this way, the universities will be able to lead and not to be dragged justifying a-priori positions taken by some members of the community.

The equity of access has been a fundamental goal for development of individuals and societies in Europe. We are far from this ideal. Our participation rates scarcely approach 30%. Many young people are excluded from the system because state support is insufficient and they do not have the resources to attain a private education. We know that this is probably the most important and the most difficult challenge, but we also know that, although factually possible, a good higher education system without equity is a moral impossibility.

The exchange of information and the mobility of professors and students, in a system with perfect equivalences and true rights, derived from the *Magna Charta*

Universitatum and the Bologna Declaration, have been a strategy to consolidate the region. It has not harmed the local cultures but on the contrary it has enriched and projected them to new dimensions. This is also a component of a true and just globalisation.

I believe that we in Colombia have not realised yet the whole implications of living in a global world. Globalisation is very frequently criticised, but curiously not for its philosophy and logic but for the fact that it is not enough. Not just enough, not equitable enough. Globalisation is a long-time Utopia of humankind: all humans living in a single tribe, all dependent on a single moral system. Now we must add all tending to a mobile and equivalent, high quality, higher education system. The effort must be regional, since apparently regions are better partners than nations in the global world: small regions with their unique economic activity, great regions with the political strength of huge human communities with common goals.

For all the former considerations many of us, educators in Latin-America are willing to sign the *Magna Charta Universitatum* and to undertake the commitment of encouraging our institutions and governments to follow the European steps.

Autonomy and Academic Freedom in Africa

Oludare Ogunlana,
Secretary-General, All-Africa Students Union, Ghana

The celebration of the 20th anniversary of the *Magna Charta Universitatum* is a unique opportunity to congratulate its writers for their support of academic freedom, autonomy and the traditional and cultural role of "true universities". It is a unique opportunity to reaffirm the importance of academic freedom, the fundamental role of the state in funding education, the autonomy of the universities and full participation of students in decision-making bodies in all aspects of the higher education system.

The situation in Africa today in term of autonomy and academic freedom is far different from what is common in the Western world. A continent in itself is in bondage except for a few countries on the continent where democracy is well rooted. Claude Ake, defined academic freedom as "…the academic freedom to pursue and disseminate knowledge and to determine the

worth object of knowledge."[1] Universities cannot be autonomous and enjoy academic freedom when the system itself is not free. The leadership of the universities is not free from the influence of the political authority. The governments appoint rectors irrespective of their managerial competence. The multiplying effect of this is that our academic institutions have refused to grow because of direct influence of the government in decision-making. The "in-ward looking tendencies," lack of independence in the universities in Africa has resulted in poor outcomes and a low level of productivity.

The education system is in a state of near disintegration in Africa. Classrooms are inadequate, dormitories are overcrowded, libraries insufficiently stocked, and laboratories ill equipped. Academic and non-academic staff is in short supply and poorly remunerated. The migration of qualified people to the Western world to seek greener pastures has left Africa with the problem of "Brain Drain". This is the sordid picture of the consummate educational crisis in Africa. Who will stand and defend all these without academic freedom?

It is no doubt that the long period of military dictatorship in Africa has seriously impeded the autonomy and academic freedom in Africa. The so-called democracy in some African countries is more or less a ruse or mere dictatorship in disguise. All these forms of governance have badly affected academic freedom. These governments understand very well that an educated mind is a liberated soul. They know all those values and principles that the academic environment stands for. The

[1] Claude Ake in *Academic freedom in Africa*, Mahmood Mamdani and Mamadou Diouf (eds.), p. 17.

consciousness of students and the academic staff who challenge bad governance has always been a nightmare for them. A result of the imposition of their stooges as sole administrators of such institutions is to suppress the yearning and aspiration of the conscious layer of the society. This is one of their cardinal objectives.

Independent student organisations are proscribed while the campuses are militarised. There are cases of about 45 academic staff of a university in Nigeria who were dismissed since the year 2002 based on their agitation for university autonomy. To demand for academic freedom or autonomy is a risky venture in many countries in Africa. Many students have been imprisoned, expelled and some were murdered based on their activism for academic freedom. It will be a treasonable felony to speak about autonomy and academic freedom in Zimbabwe, Sudan, and Mauritania.

Recently, a former President of the National Union of Ghana Students was denied admission to the university to continue his graduate studies because of his role in calling for an independent student union, freedom of expression and autonomy on campus. The rights of association and freedom of speech as enshrined in the UN human rights charters and most of the constitutions in Africa are not respected. However, all these universities are signatories to the Dar Es Salam Declaration on Academic Freedom that entitles all members of the academic community to freedom of association, including the right to form and join independent and autonomous trade unions. The right of association includes the right of peaceful assembly and formation of groups, clubs, associations, and such other bodies to further the academic and professional interests of the members of the

academic community. Furthermore, all members of the academic community should have the right to write, print, and publish their own newspapers or any other form of media including wall literature, posters, and pamphlets. The exercise of this right should have due regard to the obligation of the members of the academic community not to interfere with the right of others to privacy and in any manner or form unreasonably arouse religious, ethnic, national or gender hatred.

The emergence of private universities in Africa has really helped in the development of higher education. However, there are so many challenges and problems associated with academic freedom and right of association in most newly created private universities in Africa. In fact, all these private universities operate like military barracks where students and staff must take orders from the commanding authority without question. Are these private universities not part of "True Universities" that must deliver the core traditional and cultural values of higher education to the society? Their mission falls short of the definition of "True Universities" as illustrated in the preamble of the *Magna Charta* as "centres of culture, knowledge and research" where cultural, scientific and technical development" takes place, on which the future of humanity largely depends.

Universities are perceived as a major threat to a growing state authoritarianism. Colleges and campuses have become sites of struggle between students and staff on one side, and government on the other side. A growing fiscal crisis has exacerbated the imbroglio, both in terms of development capacity of the independent state, and in relation to the state funded universities. These also impede access to quality education because of poli-

tics of exclusion embarked upon by the government and their agents on campuses.

Corruption is increasing, since nobody can challenge the authority or freely question the authority of the rectors. In this context, one can argue "freedom is relative; determined by social relation and political economy of the academic word and of the wider society"[2].

Nevertheless, it will take time and efforts before students are recognised all over Africa not as political threats and opponents but as an important segment of society, persons with whom dialogue and partnership are fruitful. One of the efforts to nourish the development needs to be the promotion of the *Magna Charta Universitatum* in Africa, the continent least represented among the signatories.

[2] Imam and Mama, in *Academic freedom in Africa*, Mahmood Mamdani and Mamadou Diouf (eds.), p. 74.

Institutional Autonomy and Academic Freedom in North America

Robert L. Caret,
President Towson University, USA

Institutional autonomy and academic freedom are fundamental to the existence, academic mission, and success of any college or university.

In the classroom, academic freedom should be exercised to challenge and stimulate intellectual thought that is relevant to the coursework and aligned with the academic mission of the institution. Even the strongest opponents of academic freedom would agree that colleges and universities must be granted the ability to fully engage students in the classroom. After all, the purpose of higher education is to provoke intellectual thought and debate among students and society that advances the public good.

The United States Supreme Court (1957, Sweezy vs. New Hampshire) defines academic freedom as governance over "who teaches, what is taught, how it should be taught, and who is admitted to study." Despite this clear definition and although universities are widely

recognised as the world's enclaves for progress, change, prodding, debate, and challenging the status quo, interference with institutional autonomy and academic freedom still occurs frequently.

There are many instances where leaders, both inside and outside of institutions, challenge the principles of academic freedom and institutional autonomy. Professors are insulated from administrative consequences with tenure and the institutions themselves are insulated from external tampering by the tenure of their staff. Rectors may come and go, often due to political intervention, but institutions do not change unless the staff change and staff do not change easily. Therefore, because of tenure, institutional autonomy is preserved.

In contrast, today's Rectors are not commonly the exercisers of academic freedom, but usually the custodians and defenders of it. Beyond the concept of academic freedom, Rectors, themselves, are granted very little security, latitude and flexibility to do their jobs.

In the United States, one could argue that the First Amendment protects Rectors. The U.S. Supreme court holds that academic freedom is a First Amendment right, which grants freedom of speech to all government institutions, which includes public universities. However, public universities must not be considered state agencies and Rectors cannot be subject to the short-term agendas of partisan politics.

In a recent article in *The Chronicle Review,* the author and Florida International University professor Stanley Fish said it best when he defined a Rector's academic freedom as "the ability to do your job without the threat of hostile takeover."

For public university Rectors, that hostile pressure

can come from many different directions. Whether the influence is real or perceived, from appointed boards, political leaders, or accreditation and regulating bodies, each of these groups may attempt to promote their own agendas by enforcing policy, changing academic standards, or implementing accountability.

Rectors are relied upon to foster independent, ethical, and compassionate thinking within their institutions. Rectors are called on to be a strong voice in national debates, but when they do so, they are often criticised.

In North-American culture, many perceive that the days of college presidents being seen and heard on the world's most important political issues are gone due to fear of ridicule or sanctions. With a growing number of administrative responsibilities and stakeholders, today's Rectors are seeing increasing demands and standards, but diminished latitude in which to work—coupled with a society that often thinks they should be quiet and "politically correct."

Society's increasingly accepted view of Rectors as chief executive officers who give media sound bites rather than scholars that challenge the status quo or offer intellectual insight, may have something to do with how presidents view themselves.

According to Richard Pattenaude, Chancellor of the University of Maine System, today's Rectors are acutely aware of the consequences of their actions more than ever. In reality, their preoccupation with perception (political correctness), career aspirations (careerism/survivor strategy), litigation, and favour by those in power (opportunity), weighs heavily in their decision-making.

When former Harvard University President Lawrence Summers first arrived on the college's campus in

2001, he made it clear that all power rested with him, and showed no restraint in illustrating his authority. Internally, he refused to placate staff and chided Harvard's most distinguished professors presumably to illustrate his authority. Externally, he was an outspoken newsmaker that quickly gained a reputation as an anti-elite campus, mainstream conservative.

After five years, Summers resigned his position as president after a "lack of confidence" vote by the Harvard Faculty of Arts and Sciences, even though students, alumni, donors, and staff from the college's professional schools generally liked him. Ultimately, Summers' departure was imminent due to the controversy surrounding his comments on politically charged topics such as affirmative action and open criticism of then-Harvard professor Cornel West.

Although Summers breached no academic freedoms and remained the same president that the Harvard search committee hired, the members of the board, plied with a significant amount of external pressure from both on and off campus, decided that his leadership style and principles did not align with the institution's.

The concern for institutional autonomy and independence of higher education is well placed. Over the past several years at the two universities that I served, I have experienced numerous instances of intervention that many would deem inappropriate.

• A student newspaper published an infomercial on the holocaust suggesting that it never occurred. The immediate result was a call from a powerful state senator threatening to freeze all funds on the campus if the newspaper were not shut down. After much dialogue and subsequent changes in the editorial processes at the newspaper, he backed off.

• In another instance, the Governor of one state called my Board chair and strongly suggested the Board should direct the campuses to stop all affirmative action programs. The Board, though appointed by the Governor, politely declined.

• More recently I signed an initiative (The Amethyst Initiative) calling for a national debate on the policies and approaches we use to mitigate alcohol abuse on our campuses, including a review of the drinking age. A state legislator immediately called the Chancellor of the System demanding that all of the Rectors who had signed on to this initiative rescind their signatures. While there was no explicit threat, it was certainly implied.

Our concern is valid and our diligence essential.

There are also examples of checks and balances on the national level in the U.S. that illustrate continued efforts to strike the appropriate balance of oversight by governing bodies.

Appropriate oversight

Rectors of the 17,000 accredited institutions in the United States are guided by the oversight of six regional accrediting agencies and the Council for Higher Education and Accreditation (CHEA), an autonomous, self-regulating body for higher education in the United States. CHEA directly addresses academic freedom and institutional autonomy in the organisation's guiding principles and maintains "academic freedom flourishes only in an environment of academic leadership of institutions" and "institutional autonomy, therefore, is essential to sustaining and enhancing academic quality."

CHEA works, being it a separate non-governmental

body that reports only to the higher education industry as a whole. CHEA is funded by fees for accreditation visits, dues of accredited institutions and occasionally financial assistance from sponsoring organisations.

On at least two occasions, one in 2008, the U.S. Department of Education has attempted to wrest control of the accreditation process and thereby inserting Federal controls into CHEA's process and policies. CHEA and higher education in the United States fought back on both occasions and were successful in stifling these efforts.

Good intentions

In 2004, the public advocacy group Students for Academic Freedom created an Academic Bill of Rights, but opponents such as the American Association of University Professors (AAUP) argue that the document, although well intentioned, compromises the academic freedoms it claims to protect.

According to AAUP, the Academic Bill of Rights seeks to give political officials oversight of curricula and teaching, and staff hiring and promotion. This government control jeopardises the independence of staff and institutions, and stifles academic progress.

Former First Lady Eleanor Roosevelt once said, "Freedom makes a huge requirement of every human being. With freedom comes responsibility." It is the duty and responsibility of Rectors, professors and students to uphold and protect academic freedoms. Concurrently, political leaders and board members must not infringe upon institutional autonomy but rather utilise the independent regulating and accrediting systems already in

place that improve academic standards, make higher education leaders accountable and advance knowledge.

Concluding remarks

Kenneth Edwards,
former Rector, University of Leicester, United Kingdom

The signing of the *Magna Charta Universitatum* in 1988, on the occasion of the celebration of the 900th anniversary of the founding of the University of Bologna, was a very significant event – and a splendid celebration! It was a privilege to be present and to be one of the original signatories. The *Magna Charta Universitatum* is a clear statement of the fundamental values and principles of universities, based on the historical achievements of the idealised European university – academic freedom, institutional autonomy, and responsibility. For without a responsibility towards society, freedom and autonomy cannot be justified.

The decade following this signing saw great changes in the universities and their relations with the societies in which they operated. Among these were:

- the end of the political division of Europe, creating new opportunities for cooperation;
- the massification of higher education in most countries;

• the impact of new communication and information technologies;

• the development of the "Information Society" or "Knowledge Society".

In 2000, in response to these changes, the University of Bologna and the Association of European Universities (CRE) agreed to create the Observatory of the Magna Charta to monitor observance of the values and to support universities where there was evidence that their autonomy or the academic freedom of their staff was being infringed.

The year 2008 provides an opportunity both to celebrate the 20th anniversary of the *Magna Charta Universitatum* and to examine its relevance to the present state of universities; it is to both these ambitions that the annual conference has been targeted.

The conference has seen a range of thoughtful and important contributions, and it is impossible to identify a single set of conclusions with which all participants would agree, which is why I am presenting my personal view of the main outcomes.

1. We are living in a revolution – or perhaps in several simultaneous revolutions! It is difficult to understand a revolution when in the middle of one! However, we can identify a number of elements of change, which may help us to decide on appropriate responses.

• The demand for places in higher education continues to rise. Jon Torfi Jonasson presented several forecasts, which showed the very large potential scale for future growth.

• Society has greatly increased expectations of the contributions which higher education can make, including:

– material improvements in both wealth and health;
– creation of successful economies;
– international competitiveness;
– cohesive societies.

• There is a large diversity of institutions within higher education;

• A high level of competitiveness between higher education institutions;

2. Tensions with traditional values are becoming more intense.

Firstly, while the values stated in the *Magna Charta Universitatum* concerning university autonomy and academic freedom are seen as universal, it was noted by Jon Torfi Jonasson that current lists of traditional values are of relatively recent origin in the long history of universities – including the essential place of research in the concept of a university, and the emphasis on "liberal" education compared to practical subjects. Several comments during the conference stressed the great variety, which now exists among institutions having the title "university". In fact, it became clear during several of the discussions that it is difficult to provide a single definition of the *true university* for the diversity is so great.

A second area of tension involves response to the greater expectations, which societies now have, of the contributions that universities could (and should?) make – how are these to be squared with the "pure" concepts of autonomy and academic freedom? The greater interest in universities is in one sense comforting, but it also involves pressure. As Eva Egron-Polak put it, it is

a "double edged sword", and universities have to "walk a tight rope". The idea of walking a tight rope while carrying a double edged sword is alarming, and perhaps suggests a circus – perhaps not inappropriately, since circuses often contain dangerous animals and always have clowns!

3. So what can be done?

• We should recognise the diversity that exists within higher education and applaud it. We should accept all higher education institutions under the umbrella of the *Magna Charta* – "traditional" general universities with strong basic research; technological universities; teaching only institutions; vocational colleges. The essential element which they should all share is that their activities (teaching and, where it occurs, research) should involve critical analysis both of accepted knowledge and in the processes of creation of new knowledge and its transfer. All should respect freedom of enquiry, of expression and of communication.

• We should recognise and support the right of individual institutions to seek an academic niche, which is appropriate to their strengths, and to the opportunities they identify. This, of course, is a manifestation of institutional autonomy and we can use this development to further argue with governments the case for the protection of autonomy since it allows institutions to respond in different ways to the challenges they face and so to respond more completely to the requirement to serve society.

• We should recognise that there are tensions between institutional autonomy and individual academic freedom. Once a university has identified the niche it

seeks to occupy and develops a specific mission, its success will depend on all members (including students) cooperating in accepting the aims and working towards their implementation. This implies some constraints on the freedom of individuals to pursue their own wishes if they are in conflict with the institutional mission. How can this dilemma be resolved? It requires the creation of a cooperative spirit and this in turn needs high quality leadership to balance the benefits of having a strong mission with the necessity for individual creativity if the university is to thrive in the longer term. Such a balance is not easily achieved, but the need for it has to be recognised.

• We need to continue to stress that, while it is true that higher education leads to private benefits, it is also essential as a provider of a public good. It was recognised that there is a danger that the public good outcome is becoming squeezed. Higher education trains not only highly educated specialists but also strengthens citizenship. It creates not only immediately relevant knowledge but also a better understanding of the natural world, of society, and indeed of human beings. Some of this "not immediately useful" knowledge may turn out to have important practical applications in the future – and frequently does so, often in entirely unexpected ways!

4. Outcome of the conference

The conference not only has been a celebration of the original launch of the *Magna Charta Universitatum*, but it has also demonstrated the continuing, indeed increasing, relevance of the statement of university values. In a rapidly changing world, there is a need both for re-

stating, but also for re-interpreting these values. This must be done in relation to the world outside universities, but also internally. The need to get the message well appreciated *within* universities was stressed several times. Raising awareness of the great importance of these issues among university leaders and among academic staff generally is, in my view, a major challenge for the Magna Charta Observatory. The conference demonstrated the value of continuing discussion in order to consider the challenges of change – the raising of awareness beyond the conference is a big challenge and opportunity.

5. The role of the Magna Charta Observatory

The Observatory has a unique position and its achievements over the past 8 years have shown its importance, not only in dealing with specific issues relating to freedom and autonomy when they have arisen, but also in improving awareness of the need to protect these values. However, the Observatory is a small organisation with limited resources, so it must cooperate with other organisations sharing the same concerns. These include university associations both regional and global; student associations (it is very encouraging to see the close cooperation which has developed with ESU) and other stakeholders, both public (such as the Council of Europe and UNESCO) and private. Many employers and companies are aware that the creativity of universities – which requires autonomy and academic freedom – is essential for their own long-term success, and that the public good created by universities is essential for the maintenance of cohesive societies.

The speakers

BAUMANN Bastian, has his academic background in law, having studied at universities in Germany and Spain. He started his higher education engagements with the student union in Trier, and then worked as International Officer for the German National Union of Students before working 3 years for the European Students' Organisation (ESIB). He was a representative in the Bologna Follow-Up Group between 2002 and 2005. He was also a member of the working groups compiling the European qualifications frameworks for higher education and lifelong learning. He worked as a freelancing consultant, amongst others for the European University Association and the European Network for Quality Assurance. He is the author of the background report about models for the establishment of a European Register of Quality Assurance Agencies. He undertakes expert activities for example for the European Commission and the Council of Europe. He has been a member of the Ex-

ecutive Committee of the German Academic Exchange Service (DAAD) and worked as the personal advisor for the president of the European Language Council. Since November 2007, he is the Secretary General of the Magna Charta Observatory.

BERGAN Sjur, is Head of the Department of Higher Education and History Teaching of the Council of Europe. He has been involved in most of the Council's higher education activities, including as Secretary to the Steering Committee for Higher Education and Research, Council of Europe representative on the Bologna Follow Up Group and Board. He has been responsible for the Council's activities on recognition and mobility, including the establishment of a joint Convention and programme with UNESCO in this area as well as Co-Secretary of the ENIC Network. For 8 years, he worked in the administration of the University of Oslo and played an important role in establishing the University's programme for cooperation with Central and Eastern Europe in 1990, with focus on the Baltic countries. He was a student representative at the University of Oslo as well as a member of a number of university committees.

BRICALL Josep, holds a PhD in law and in economics. He became Professor of Political Economy in the University of Barcelona in 1976. He taught in Spain and France and received six honorary doctorates and a range of other awards. He was Vice-President and President of the Conference of European Rectors and Rector of the University of Barcelona. He was also one of the original writers of the Magna Charta Universitatum and

a member of the Magna Charta Observatory since the beginning. He was also Secretary General to the Presidency in the Generalitat of Catalonia and regional Minister for Home Affairs of the Generalitat of Catalonia.

CALZOLARI Pier Ugo, is Professor of Applied Electronics at the University of Bologna. He was Head of the Department of Electronics, Computers and Systematics from 1988 to 1994. He was also a member of the Senate Committee that drew up the new General Statutes of the University and member of the University Senate until October 1996. He is the Rector of the University of Bologna since 2000. Since 2007, he is a member of the Council of the Magna Charta Observatory and was recently elected as a member of the Administrative Board of the International Association of Universities.

CARET Robert, holds a PhD in Organic Chemistry and received three honorary doctorates. He is currently the President of Towson University in the United States. Previously he was Provost and Executive Vice-President of Towson University as well as President of San Jose State University. He has been active in various positions in the American Council on Education and the American Association of State Colleges and Universities. He was a member of Boards of Trustees and Boards of Directors of several companies and institutions. He has also been very engaged in Athletics Associations.

DAXNER Michael, Austrian and German (1947), graduated from U Vienna (Education, Philosophy English and American Literature) and received his PhD in

1972. His first assignment was in the Austrian ministry of higher education. He changed into Sociology and Higher Education and focused on the history of science, exile and Jewish studies, and the reforms in higher education, both national and international. As a professor at the University of Osnabrück (Germany) he was also Dean of Education (1980-1986). He became President of the University Oldenburg, and served for two periods until 1998. During this period, he was active in European and international higher education (CRE, IAUP, and CoE). From 2000-2002 he was responsible for the ministry of Education and higher education in Kosovo under UNMIK. Thereafter he was counsellor for the Austrian Presidency at the EU and worked for the reconstruction of Afghan higher education. His recent focus is the culture of interventions in conflict areas. Member of the Collegium of the Magna Charta since 2002, he has been appointed President of the Collegium in June 2007.

DECA Ligia, is the Chairperson of the European Students' Union. She is also a student Maritime and Port Management, after finishing a first degree of Maritime Engineering. Her previous experience in the student movement started in her local union from 2001-2005 and continued at national level with being General Secretary of the National Alliance of Students' Organisations in Romania from 2005-2006 and President from 2006-2007. Before being elected as Chairperson, she was a member of the Gender Equality Committee within the European Students' Union. Her professional experience includes working in the field of quality assurance by being active as a consultant in the develop-

ment of quality management systems in various institutions (Universities, public institutions and private companies). She was also the co-ordinator of the Coalition for Clean Universities – a Romanian project aimed at fostering academic integrity.

EDWARDS Kenneth, was Vice Chancellor of Leicester University in the UK from 1987 to 1999. Prior to that, he taught at Cambridge University, spending the period 1984 to 1987 as Secretary General of the University. He became involved in national higher education issues and was Chairman of the UK Committee of Vice-Chancellors and Principals, now Universities UK, from 1993 to 1995. He was also active on the European scene as a member of the Board of the Conference of European Rectors and was its President from 1998 to 2001. Among his present activities, he is a member of the Board of the Observatory on Borderless Higher Education. He is also a member of the Council of the Magna Charta Observatory. He holds a PhD in Genetics. He also worked at the Universities of California and Birmingham, as well as in research institutes in the UK and Argentina. He received 11 honorary Doctorates.

EGRON-POLAK Eva, studied French literature, political science and international political economy in the Czech Republic, Canada and France. Currently she is the Secretary General of the International Association of Universities. She has had extensive experience in international cooperation in higher education having served for more than 15 year in various senior positions at the Association of Universities and Colleges of Canada. Due to her current position, she is engaged

with many of the most pressing policy issues in higher education – internationalisation of higher education and intercultural learning, quality of cross-border higher education, equitable access to and success in higher education, changing nature of institutional autonomy and the contribution of higher education to sustainable development or the UN Education for All programme among others. She is a member of a large number of committees at UNESCO and the EU.

FAYEZ Sharif, holds a PhD in American and Comparative Literature. He has been teaching in Afghanistan, Iran and the United States. From 2001 – 2004 he was Minister of higher education in Afghanistan and responsible for the reconstruction of the Afghan higher education system. Currently, he is President of the American University in Afghanistan. He has founded a number of universities in Afghanistan and received two honorary doctorates as well as numerous awards. He has published a wide range of articles. He has also worked for 14 years as a freelancing writer, editor and translator.

HADDAD Georges, holds a PhD in mathematical sciences. Mr Haddad started his career as an Assistant Lecturer at the University of Tours and then taught at the University of Paris-Dauphine, the University of Paris I Panthéon-Sorbonne and the University of Nice. He was President of Paris I Panthéon-Sorbonne from 1989 to 1994, and First Vice-President of the French Conference of University Presidents from 1992 to 1994. Mr Haddad is currently Honorary President of the University of Paris I Panthéon-Sorbonne. He participated in

the World Conference on Higher Education as Chairperson of its Steering Committee and was a member of the Task Force on Higher Education in Developing Countries (World Bank-UNESCO) from 1997 to 2000. He is a member of several scientific councils and the author of many publications in the field of applied mathematics. He founded the "Marin Mersenne" laboratory for mathematics, informatics and interdisciplinary applications. Mr Haddad has also written a number of articles on education, higher education and research. He is currently the Director of the Division of Higher Education of UNESCO. He is also a member of the Council of the Magna Charta Observatory.

LOUTFI Mohamed, is the Director of international development at the University of Wales Institute Cardiff -UWIC. He joined UWIC in January 09 from the University of Sunderland, where he was the head of transnational education & international development. He holds BSc in economics and political science, an MSc in information technology and a PhD in system thinking. He has worked on several EU projects for education reforms, accreditation and quality assurance in Ukraine, Russia, Jordan, Lebanon and Egypt. He was the principal investigator for an EU project working with the Lebanese Ministry of Higher Education. He has organised, together with Magna Charta Observatory, the first meeting in Middle East, held in Alexandria in June 2008.

NAPOLITANO Giorgio, is the President of the Italian Republic. He graduated in law from Naples University. In 1945-46, he engaged actively in the Student

Faculty Councils movement, and was a delegate to the first National University Congress. He was elected to the Chamber of Deputies for the first time in 1953, and with the exception of the fourth Parliament, he was a Member of Parliament until 1996. During the 1980s, his activity focused on international and European policy issues, both as a member of the Foreign Affairs Committee of the Chamber of Deputies and of the Italian delegation to the North Atlantic Assembly, and through manifold political and cultural initiatives. As far back as the 1970s, he was an active lecturer abroad, visiting International Policy Institutes in the UK and Germany and several US Universities (Harvard, Princeton, Yale, Chicago, Berkeley, SAIS and CSIS in Washington). From 1989 to 1992, he was a Member of the European Parliament. He has served as Minister of the Interior and for the Coordination of Civil Protection in the Prodi Government. He has been the President of the Italian Council of the European Movement. He has chaired the Constitutional Affairs Committee of the European Parliament. In 2005 he was appointed lifetime-senator. On May 2006, he was elected President of the Republic. In acknowledgement of his dedication to the cause of Parliamentary democracy and his contribution to the *rapprochement* between the Italian Left and European Socialism, in 1997 he was awarded the Leibniz-Ring International Award in Hannover for his "lifelong" commitment. In 2004, he was awarded an Honorary Doctorate in Political Science from Bari University. He contributed in particular to different journals with essays and he has published many books, among them *A Political Europe*, at the height of his activity as Chairman of the Constitutional Affairs Committee of the European Parliament.

OGUNLANA Oludare, is Secretary-General of the All-Africa Students Union, (AASU). He is a long time student activist from Nigeria with strong commitment to rights of students and human rights. Currently he is a member of the UNESCO panel of senior expert on HIV/AIDS. He was an active participant at the UNESCO World Conference on Higher Education in Paris in 1999 and sits on the follow up committee. As a member of United Nations International Youth Experts Group in New York, he has chaired many international meetings across the globe. He has worked in close contacts with afro-descendant students groups in Europe and US on anti-discrimination issues. He attended 2001 World Conference Against Racism held in Durban and been active in its follow up. He attended University of Ibadan, Nigeria and is currently a student of Homeland Security at University of Maryland University College, United States.

QUINN Robert, is the founding Director of the Scholars at Risk Network, and the former founding Executive Director of the Institute of International Education's Scholar Rescue Fund. Mr. Quinn is an adjunct professor of law at Fordham Law School teaching courses in international human rights and US legal systems.

ROVERSI-MONACO Fabio, is the President of the Fondazione Cassa di Risparmio, Bologna. He is doctor in law by the University of Bologna. He was professor at the faculty of political sciences and the faculty of law during almost 10 years. From 1978 until 2006, he was the director of the School of Administrative Science of the University of Bologna. He was a member

of the Board of Directors of the University of Bologna and, between 1985 and 2000, he was Rector. Currently he is President of the European Secretariat for Scientific Publications, of the Inter-University Association "Almalaurea", of the Association of Italian and Spanish Public Law Professors, of the Bologna Art Academy, of the Mozart Orchestra in Bologna and of BolognaFiere. He is also director and member of the scientific committee of numerous magazines of public law and member of the committee of the Italian Academy of Advanced Studies in New York. He is author of many studies, articles and publications. He has been awarded honorary doctors by numerous universities from the Americas, Europe, and Asia. He was the initiator of the Magna Charta Universitatum in 1988, founding member of the Magna Charta Observatory and first President of its Collegium for eight years. He is now Honorary President of the Magna Charta Observatory.

SINGH Mala, is Professor of International Higher Education Policy in the Centre for Higher Education Research and Information at the Open University in the UK. Previously, she was the interim chief executive officer of the Council on Higher Education in South Africa. She was the founding executive director of the Higher Education Quality Committee of the Council on Higher Education. She has been the Executive Director of the Centre for Science Development in the Human Sciences Research Council, and of the Division for Humanities and Social Sciences in the National Research Foundation in South Africa. She holds a PhD in Philosophy.

She was founding President of the Union of Democratic University Staff Associations and Coordinator of

the National Commission on Higher Education Task Group on Governance. She is a member of the Academy of Science of South Africa. She has served two terms as a board member of the International Network for Quality Assurance Agencies in Higher Education. She was a member of the Task Force of the UNESCO Global Forum on International Quality Assurance, Accreditation and the Recognition of Qualifications; and is vice-chairperson of the Regional Scientific Committee for Africa, UNESCO Global Forum on Higher Education, Research and Knowledge. She serves on the editorial boards of Teaching in Higher Education, Higher Education Policy, the South African Journal of Higher Education and the Journal of Higher Education in Africa. She has been instructor on courses for international participants on quality assurance in higher education run by the World Bank, UNESCO and the Association of African Universities. She is also a member of the committee of the European Register for Quality Assurance Agencies.

TÜRK Danilo, is the President of the Republic of Slovenia. He holds a PhD in Law from the University of Ljubljana where he also taught international law. He had been active for Amnesty International for a long time. From 1984 to 1992, he was member of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities as an independent expert and acted in his personal capacity. In 1987, he initiated and participated in the establishment of the Human Rights Council in Slovenia. In July and August 1991, he informally represented the still unrecognised Slovenia in Geneva in contacts with representatives of the UN,

the CSCE, and the Council of Europe. From September 1991 to August 1992, he was a member of the Slovene delegation at the Conference on Yugoslavia. Between 1992 and 2000, he held the position of Ambassador of the Republic of Slovenia to the United Nations. After this, he worked for 5 years as Assistant Secretary-General of the UN for Political Affairs. In 2005, he resumed teaching International Law and related subjects at the University of Ljubljana. Since May 2006, he has served as Vice-Dean of the Faculty of Law. In 2007, he was elected President of the Republic of Slovenia.

VUKASOVIC Martina, a Serbian citizen, is now the Director of the Centre for Education Policy in Belgrade while finalising at the same time a European Master in Higher Education at the universities of Oslo, Tampere and Aveiro as part of the *Erasmus Mundus* Programme. Before that, she worked as a Programme Officer in the Alternative Academic Educational Network in Serbia (AAEN) and spent a year at the Council of Europe in Strasbourg as an intern in the Division for Higher Education and Research. Her interest for higher education had developed earlier during her six years of commitment to student work, first in the Student Union of Serbia and then in ESIB – the National Unions of Students in Europe (now ESU) – an association she chaired in 2002.

WASSERMANN Moises, holds a PhD in Biochemistry from the Jerusalem Hebrew University, where he also conducted extensive studies in biology. He also studied in Colombia. He is currently the Rector of the National University of Colombia, where he had former-

ly worked as Professor and subsequently Dean of the Faculty of Sciences. He has also been Director of Colombia's National Health Institute and Research Scientist at the Biochemistry Laboratory of New York State University. He currently serves as Honorary President of the Colombian Academy of Exact Physical and Natural Sciences. He has published extensively on malaria.

Magna Charta Observatory Publications

Autonomy and Responsibility
The University's Obligations for the XXI Century
Proceedings of the Launch Event for the Magna Charta Observatory
21-22 September 2001

Managing University Autonomy
Collective Decision Making and Human Resources Policy
Proceedings of the Seminar of the Magna Charta Observatory
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