

Diego Lucci

**The *Magna Charta Universitatum* and European culture
Renewing the continental system of higher education and overcoming the
crisis of European conscience**

English translation: William Bromwich

1 Introduction

“At the approaching end of this millennium the future of mankind depends largely on cultural, scientific and technical development; [...] this is built up in centres of culture, knowledge and research as represented by true universities”¹: these are the opening words of the *Magna Charta* of European Universities signed in Bologna in 1988 at a time when Europe was once again coming together as a whole after centuries of conflict and more than 50 years of Cold War. This was the period immediately preceding the fall of the Berlin Wall, marked by the progressive improvement of relations between East and West and by high hopes for the process of European unification, that at the time seemed to be moving forward without difficulty.

Today, however, some 15 years after the adoption of the *Magna Charta*, Europe seems to have been sidetracked and to have come almost to a halt. The Old Continent appears to live on recollections of a glorious political and cultural past, and under the pressure of the advance of various forms of fundamentalism, absurd though it may seem, Europe appears to be incapable of applying the lesson of civility and tolerance that it has matured over the centuries of conflict and political and religious debate, against every form of intransigence and fanaticism.

Ten more countries are about to join the EU, while a number of candidate countries also plan to join in the future. The problems on the horizon are not simply economic or institutional: the recollection of wars in former Yugoslavia, at the centre of the European continent, is still too recent for it to fail to generate embarrassment and horror. At the same time, forms of terrorism associated with separatist movements, nationalism and racial hatred are still alive and active in various parts of the Continent, that continues its arduous search for an identity.

With regard to the European identity, today there are bitter and heated disputes about the origins of Europe, that many trace back simply to the *paideía* of the Ancient Greeks or the *humanitas* of the Romans, while others insist on the universalism of Christianity (thus committing the mistake of neglecting the contributions from other cultures such as the Jewish, Arab, Nordic and Slav traditions). However, the concept of Europe has always been elastic, multifaceted and changing, as underlined by Federico Chabod in his *Storia dell'idea di Europa*²: the present-day concept of “Europe” and “European culture”, in the tradition of forms of cosmopolitanism derived from the Enlightenment, cannot be the same as the one that was widespread in the Middle Ages, when “Europe” was known as “Christendom”. Reflecting on an even more distant past, for

¹ *Magna Charta Universitatum*, Bologna, 18 September 1988, Premise, 1.

² F. Chabod, *Storia dell'idea di Europa*, Rome-Bari, 1961 (our translation).

the Greeks, for example, Italy was a remote land, and only gradually became an integral part of their world, while Russia and the Eastern countries came to be considered European only after the Middle Ages. Even today, faced with the prospect of further expansion of the Union (perhaps to countries with a Muslim majority, such as Turkey), Europe continues to demonstrate the need to continually search for the meaning of its existence, and this is still the case after many centuries.

European civilisation also faces other problems, if we raise our sights beyond the geographical borders within which Europe has developed since the early modern age. The Mediterranean basin, that until recent years was one of the most favoured regions for cultural and commercial relations in the European Union, today constitutes a new frontier, a border with that civilisation, Islam, to which Europe owes so much, and with the countries that handed down to us the figures we use today and the philosophical works of Plato and Aristotle, that the Arab world conserved and guarded, though today these countries are the source of widespread (but often unjustified) concerns. Looking to the West, the American superpower, in spite of the momentary economic crisis, appears to be increasingly convinced of its role as leader, not only in economic and political but also in cultural terms, exerting the role at the heart of the Western world that Europe played for centuries. The centre of the world, that moved away from Europe with the tragic events of the Second World War, seems likely to shift even farther westwards (like the sun for the ancients), rapidly crossing the Pacific to the shores of the Chinese colossus.

After the hopes that animated the late 1980s and early 1990s, at the beginning of the third millennium the future seems to be moving away from Europe. Looking back, Europe has a history marked by conflict, massacres, wars with other civilisations and numerous cases of extermination of peoples and cultures considered to be barbaric (since they were not adequately understood); but the painful processes that characterised the growth of Europe gave rise to numerous advances, such as the first doctrine of religious tolerance and freedom of conscience, leading on to the more advanced principles of human rights, adopted in the Universal Declaration of Human Rights in 1948, signed by representatives from countries in every corner of the world.

Setting aside the universalistic excesses that utilise reason for instrumental purposes (a reason that all too often, from the Crusades to imperialism, from colonialism to world war, lost sight of the ethical dimension while giving priority to obtaining results), European culture has now become identified with universal human rights and as a result, regardless of economic and geographic considerations, can enable it to play a leading role among contemporary civilisations.

The present-day discussions about the relations (or the so-called “clashes”) between different civilisations in the contemporary world bring to the fore the problem of the apparent conflict between universalism relating to individuals and universalism relating to cultures (in the sense of ways of living and thinking adopted by groups in human history): while the former may give rise to claims of hegemony on the part of various cultures that vie with each other, the latter may result in a vague and irresolute cultural, or, even worse, ethical relativism. One point, however, is clear: the undeniable achievement in the development of European culture, that has been received by the entire human race, is the universal concept of human rights that embodies the highest aspirations of freedom and justice that have always enabled Europe to emerge from

historical tragedies of immense proportions. Therefore the new universal concept to which we may aspire, and on which this new and more authentic universal movement may be based, as noted by the philosopher Pietro Piovani, “is not to be found in the law that I am obliged to comply with, but in the ideal that convinces me and my entire being of the need to fight, and to obtain the support of others, enriching my life in developing my individual conscience that is intolerant of mean restrictions reflecting egoistic interests, offering my life for the achievement of an ideal, and sacrificing my life in the attempt to achieve it, if no other moral solution is to be found”³.

Piovani identifies a new universal ethic, that is the sole basis for a new and more solid form of civil coexistence between individuals and peoples, as the ultimate and most coherent achievement of the process of secularisation that has been taking place in European civilisation since the early days of the modern age. This coexistence is founded on the principles of freedom, equality, fraternity and democracy, the underlying principles of modern Constitutions, including that of the Italian Republic: “All citizens have equal social dignity and they are equal in front of the law, without distinction of sex, race, language, religion, political opinions, personal and social conditions” (Article 3). Therefore, in the name of this new ethical and juridical universalism, Europe may be said to represent not just a geographical entity, but an ideal, capable of enriching and welcoming individuals and communities with a variety of origins, with the intention of supporting the ideals of liberty and justice that have guided the progress of European civilisation, even though this aim may appear to be Utopian, as argued by Luigi Einaudi in 1947: “Is the creation of a Europe that is open to all peoples who intend to base their conduct on the ideal of liberty Utopia? Perhaps it is Utopia. But now the choice is only between Utopia or death, between Utopia and the law of the jungle”⁴.

However, the main problem for our civilisation consists of the increasing and deprecable lack of awareness that Europe has of itself and its cultural and civil achievements. Faced with the advancing desert (a bleak desert of mutual incomprehension between different cultures), Europe appears to be incapable of rediscovering and proposing to the world even the principal elements of civil coexistence. Human rights, an interest in the civilisation of others and the centrality of human beings, in the context of knowledge processes and the dissemination of knowledge, are progressively relegated to a secondary role and considered to be almost accessories. In the meantime the West, with its traditions, concepts and customs, continues to expand into other parts of the world, bringing in its wake not the principles of democracy and the self-determination of peoples, but technological products and processes that destroy the ecosystem and culture of others, in order to achieve with this expansion not human and intellectual enrichment, but rather the satisfaction of mere material interests. It is therefore the case, as pointed out by Cornelius Castoriadis, that “the discourse of human rights has in fact relied on the tacit hypotheses of traditional liberalism and Marxism: the steamroller of ‘progress’ is said to lead all peoples towards the same culture (that is in fact our own, representing an enormous political short cut on the part of the pseudo-philosophies of history). Many problems are therefore said to be automatically resolved,

³ P. Piovani, *Giusnaturalismo ed etica moderna*, Naples, 2000 (original edition 1961), p.125 (our translation).

⁴ L. Einaudi, *La guerra e l'unità europea*, Speech to the Constituent Assembly in the session on 29 July 1947, in Idem, *Per l'unità politica europea*, Naples, 2001, p.28 (our translation).

at most after one or two ‘unfortunate incidents’ (world wars, for example). More than anything, however, the opposite has been achieved. The ‘others’ have more or less assimilated from Western culture part of the identity that created it, but not the ideals of liberty, equality, the law, and the unlimited right to ask questions. The global victory of the West is unfortunately the victory of the machine gun, the jeep and the television, and not of *habeas corpus*, popular sovereignty and the responsibility of the citizen”⁵.

The material, psychic and moral poverty of humankind today may be seen as one of the consequences of losing sight of the progress of European civilisation, a laborious process but capable of generating increasingly advanced principles for the coexistence of individuals and communities. Neglecting the lessons to be learned from the tragic moments and the achievements of its historical and cultural development, Europe today appears to be incapable of leading humanity back onto the paths of hope. The process known as globalisation has ended up becoming not so much a phenomenon characterised by the mutual exchange of ideas and knowledge but rather a forced, uninterrupted, violent expansion of the least attractive aspects of Western civilisation: those associated not with the principles of justice and liberty, but with the effectiveness of methods for achieving ends that are quite different from the well-being of humankind. In this way human beings, far from being the final goal of human action, increasingly end up becoming a means to achieve other ends, that from an ethical point of view are far from exalted.

The first duty of European civilisation, in this period of uncertainty that is perhaps a period of transition in human history, consists of the rediscovery and rethinking of the paths taken in the formulation of principles that are increasingly becoming a dead letter. Europe does not have to change to propose to the human race new paths to follow: it is sufficient for it to find once again the sense of its own multifaceted, continuous and beneficial civil and cultural progress. Europe once again needs to become a knowledge society, a society with a self-awareness of its own potential, showing respect for and an interest in other cultures and peoples.

In recent years the European Union has rightly turned its attention to a rebirth of the European conscience: in launching plans and programmes on numerous topical issues (economic, legal, socio-cultural), the Community institutions have been trying to mobilise a variety of actors. In the words of a document of the European Commission published in 2003, the communication entitled *The role of the universities in the Europe of knowledge*, these actors include “universities that have a particularly important role to play. This is because of their twofold traditional vocation of research and teaching, their increasing role in the complex process of innovation, along with their contributions to economic competitiveness and social cohesion... Given their central role, the creation of a Europe of knowledge is for the universities a source of opportunity but also of major challenges”⁶.

The most appropriate sites for the journey of rediscovery of the self and of the sense of its historical mission that Europe needs to undertake in order to avoid being

⁵ C. Castoriadis, *Réflexions sur le racisme*, in Idem, *Le monde morcelé. Les carrefours du Labyrinthe III*, Paris, 1990, Italian trans. *Riflessioni sul razzismo*, in Idem, *L'enigma del soggetto. L'immaginario e le istituzioni*, Bari, 1998, p. 257.

⁶ *The role of the universities in the Europe of knowledge*, Communication from the Commission of the European Communities, Brussels, 5 February 2003, COM (2003) 58 final, para. 2.

overtaken by historical events are necessarily the institutions in which cultural exchange, scientific debate and comparative analysis have always been carried out at the highest level, that is to say the universities. Indeed, as argued once again in the Communication of the European Commission of 2003, “Given that they are situated at the crossroads of research, instruction and innovation, universities in many respects hold the key to the knowledge society⁷: essentially, universities hold the key to the doors to a future that is less threatening for Europe and humankind as a whole.

2 – *The Magna Charta Universitatum*: European higher education and the fundamental principles of our civilisation.

In the history of Europe the universities have not only been the institutions for educating cultivated individuals and the ruling classes, but also centres of civil information and learning for all the citizens, producing new stimuli for knowledge and critical thinking in the places in which they were rooted. The end of the Middle Ages first came into sight when knowledge came out of the narrow confines of the cloisters, to take root and spread in the community of students and professors who settled in the nascent urban centres. Subsequently, without the fundamental role in the production and dissemination of knowledge played by the universities, developments such as the rediscovery of the *humanitas* of the Renaissance, the scientific revolution, and the reassessment of the meaning and function of the Scriptures, would not have made possible the dissemination of new approaches to God, human beings and the world, and therefore of that process of secularisation that gave rise to European culture as we know it today: secular, tolerant, free. Without the dissemination of knowledge promoted by the universities, the modern era would not have been able to achieve the separation of science, philosophy and law from religion: it would not have given rise to the Enlightenment. Without the instruments made available to scholars by the universities, and without the critical faculties refined by the interaction between the various disciplines of the *universitas studiorum*, European technology would today be at a primitive stage of development, or (in an even gloomier scenario) it would have developed without conscious control of the technical applications to phenomena concerning the complexity of human beings, and would have produced an acritical “technocracy” of a totalitarian nature, characterised by a lack of responsibility for future generations. In connection with such developments, the Preamble of the *Magna Charta Universitatum* therefore lays down that “the universities’ task of spreading knowledge among the younger generations implies that, in today’s world, they must also serve society as a whole; and that the cultural, social and economic future of society requires, in particular, a considerable investment in continuing education”⁸, and that “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”⁹

In order to achieve the tasks outlined in the Preamble of the *Magna Charta*, the European university needs to take account of fundamental factors that have characterised

⁷ Ibid., para. 3.1.

⁸ *Magna Charta Universitatum*, cit. Preamble, para. 2

⁹ Ibid., *Preamble*, para. 3.

its history and that have guided European history along paths that are still open (though increasingly arduous). First of all, freedom: among the fundamental principles, the *Charta* lays down that the university's "research and teaching must be morally and intellectually independent of all political authority and economic power", and that it must be capable of operating "at the heart of societies differently organized because of geography and historical heritage" and be open to "the needs of the world around it"¹⁰. Moreover, "Freedom in research and training is the fundamental principle of university life": respect for this freedom is therefore, according to the *Charta*, a "priority", along with the rejection of any form of cultural intolerance¹¹ (that intolerance that, from the burning at the stake of Giordano Bruno to the abjuration of Galileo down to the expulsion of Jewish professors from German and Italian universities, has caused so much harm to Europe, highlighting the need to develop more and more advanced doctrines concerning tolerance and freedom of conscience).

The *Charta* also provides indications of a methodological nature, that clearly express the sense of the fundamental principles taken as a whole. In fact it points out the need for a continuous updating of university knowledge, and a constant engagement with society: "Teaching and research in universities must be inseparable if their tuition is not to lag behind changing needs, the demands of society, and advances in scientific knowledge"¹². The *Charta* therefore embodies the vision of German and European universities conceived by Wilhelm von Humboldt two centuries ago: the university considered as a place for the continuing education of students and faculty members, in which research and the constant updating of knowledge provide a solid basis for teaching, aimed at young people setting off on the paths of knowledge. In second place, the university is "the trustee of the European humanist tradition; its constant care is to attain universal knowledge; to fulfil its vocation it transcends geographical and political frontiers, and affirms the vital need for different cultures to know and influence each other"¹³. This principle decisively underlines the role of humanism in European culture: the centrality of human beings in the context of our civilisation is therefore emphasised. All too often, it must be said, the history of European thought has been marked by anti-humanistic periods, represented in the twentieth century by world views that reduced the unique, passionate and singular aspects of human existence to anonymity, oppression, and annihilation. These anti-humanistic world views were developed and spread in parallel with the most tragic events that European history has ever known: events which, by nullifying the sense of human life (in that it is assimilated and suppressed by the overall sense of being) made it possible to put an end to life, aside from any considerations of the concept of good or evil that were deemed to be beside the point. The true path of thought and of European history consists of a path that liberates human beings from the limits of existence: this requires the continuous rediscovery of the fact that human beings, in deciding on their actions, may freely choose the path to take, moving beyond the limits of *conatus essendi*. From the *paidéia* of the Ancient Greeks to the *humanitas* and *pietas* of the Romans, from the proud freedom of the Germanic peoples to the universalism of Christian *caritas*, and from the liberalism of the modern

¹⁰ Ibid., *Fundamental Principles*, para. 1.

¹¹ Ibid., *Fundamental Principles*, para. 3.

¹² Ibid., *Fundamental Principles*, para. 2.

¹³ Ibid., *Fundamental Principles*, para. 4.

era to the equalitarian principles of Socialist doctrines, the different doctrinal and political theory traditions in Europe have aimed to liberate human beings from the restrictions imposed by the present state of things, making them aware of their capacity to overcome existing conditions. In this way European culture has been able to progress and widen its horizons, moving beyond the mental frontiers that centuries ago hindered knowledge of and interaction between cultures: the frontiers of ignorance. Ignorance breeds only fear, hatred and violence, particularly as, in the words of Emmanuel Lévinas, “violence does not consist only of injuring and annihilating, but also of interrupting the continuity of a person’s existence, forcing them to play a role that they do not consider to be their own, depriving them not only of their ability to meet their commitments, but of their very substance, forcing them to commit acts that end up destroying any possibility of action”¹⁴. The *Magna Charta*, faithful to the true foundation of European civilisation, i.e. the centrality of human beings, their lives, and their needs as “social animals”, a principle that was so clear to the Ancient Greeks, therefore highlights the importance of European humanism for the destiny not only of our civilisation, but of humankind as a whole, on the way towards universal knowledge.

3. The difficult application of the principles of the *Magna Charta Universitatum*

The matter of how to apply its fundamental principles is the most complex aspect of the *Magna Charta*. Also in this connection, some 15 years after its adoption the *Charta* appears to be particularly interesting and innovative, considering the difficult situation of European civilisation, and also of European universities. It is laid down first of all that the instruments necessary for freedom of research and teaching “must be made available to all members of the university community”¹⁵, and that the “recruitment of teachers, and regulation of their status, must obey the principle that research is inseparable from teaching”¹⁶. With regard to the life of students within the university community, it is laid down that “every university must – with due allowance for particular circumstances – ensure that its students’ freedoms are safeguarded, and that they enjoy conditions in which they can acquire the culture and training which it is their purpose to possess”¹⁷. Finally, according to the *Charta*, exchanges of information and documentation between scholars and universities in various countries, along with joint initiatives, are “essential to the steady progress of knowledge”¹⁸. The international mobility of teachers and students is therefore a factor of primary importance for the cultural progress of universities and, as a result, of European society as a whole. These principles may be widely shared: the *Magna Charta Universitatum* proposes criteria for the application of its fundamental concepts that, if they were extensively complied with, would make European universities the most favoured institutions for the production and exchange of culture. However, the overall picture, some 15 years after the adoption of the

¹⁴ E. Lévinas, *Totalité et infini, Essai sur l’extériorité*, The Hague, 1961, Italian trans. *Totalità e infinito, Saggio sull’esteriorità*, Milan, 1990, p.20.

¹⁵ *Magna Charta*, cit., *The means*, para. 1.

¹⁶ *Magna Charta*, cit., *The means*, para. 2.

¹⁷ *Magna Charta*, cit., *The means*, para. 3.

¹⁸ *Magna Charta*, cit., *The means*, para. 4.

Charta, and in spite of the recent directives issued by the Community bodies, is not entirely positive.

3. Proposals for solving the financial problems of European universities, compatible with the principles of the *Magna Charta Universitatum*.

Even a cursory glance at the present-day conditions of universities in European countries brings to mind the term “crisis”. For the moment this crisis is characterised by a worrying lack of dynamism of the system, but it could soon lead to regressive developments.

In the past 50 years, European universities have faced the question of reorganisation in a rather fragmented and isolated manner, mainly at a national or local level. Characterised mainly as a state-sector institution, the European university has no long held on to the belief that it can rely entirely on public funding, perhaps not of a particularly generous kind but still sufficient to survive. Today there is a need to face a rather complex situation, in which public funding is in rapid decline and competition from the higher education systems in other industrialised countries (above all the United States) becomes ever more pressing. As stated in the above-mentioned Communication of the European Commission on the role of higher education in Europe, universities operate “in an increasingly globalised environment which is constantly changing and is characterised by increasing competition to attract and retain outstanding talent, and by the emergence of new requirements for which they have to cater. Yet European universities generally have less to offer and lower financial resources than their counterparts in the other developed countries, particularly the US. Are they in a position to compete with the best universities in the world and provide a sustainable level of excellence?”¹⁹ The problem that arises first of all is naturally the financial question; it may be seen as the comparative advantage of the American university system, that does not suffer from the same problems as the European system²⁰: it therefore provides the best example to follow for the reorganisation of the European university, and this is the fundamental argument of this part of the paper, notwithstanding the need to bear in mind a matter of fundamental importance, i.e. the fact that the historical and cultural heritage of Europe, if grafted on to a dynamic and efficient system of teaching and research, may produce results that are even better than those achieved elsewhere.

The European universities, mainly in the state sector, have been forced to deal with financial difficulties for a number of years, resulting from the growing public deficit even in the most highly industrialised countries of the Continent (and Italy appears to be the most emblematic case of this state of affairs). Faced with the need to reduce public spending, higher education is always among the first victims, and the arts subjects appear to be the most vulnerable, though it may be argued that they enabled European culture to become what it is: without philosophy, law and literature, what would Europe be today? And without young scholars stimulated to analyse and appreciate the writings of Kant, the questions of international criminal law, or the *Odyssey*, what will Europe be a few

¹⁹ *The role of the universities in the Europe of knowledge*, cit., para. 2.

²⁰ To illustrate this point: American universities on average have economic resources per student that are from two to five times greater than those of European universities.

decades from now? A technology park without *humanitas*? It may well be the case that “*litterae non dant panem*”, but the continual cuts in funding (that harm above all the arts faculties) pose a serious problem concerning the means of funding and management of the system. And it is not only the literary degree courses that are encountering serious difficulties. Scientific and technological research, in European universities and national and international research centres (with a few exceptions, such as CERN in Geneva) continues to pursue the progress of the competition across the Atlantic, while the best researchers emigrate, often in search of more competitive working, economic and organisational conditions.

With regard to the specific case of Italy, measures are being adopted that, far from improving the situation, tend to render even more precarious the conditions of intellectual workers, and therefore discourage the brightest young people from setting out on a career in research. Those who defend the current reform of Italian higher education put forward arguments about the flexibility of those employed in research and the need to keep within the system, perhaps also by means of promotion, only the very best researchers (preventing those who are less gifted from “resting on their laurels” thanks to tenure): some refer to the tenure track system of the American universities. However, the system of research contracts for a few years with the hope of renewal, recently proposed by the Italian government along with the abolition of research posts, is quite different from the tenure track system in the United States. It must be noted that in the US when an assistant professor is hired, a three-year trial period starts. If in this period of time the researcher does not produce publications of an adequate level, he or she has in any case a further period of three years in which to prepare for a second examination in order to demonstrate his/her worth as an associate professor. In the US, the dismissal of a researcher can therefore take place only in the case in which he or she has proved to be incapable of producing research. However, in the proposed Italian system, a researcher who is not fortunate enough to win a public competition would be dismissed at the end of his or her contract. The use of the word “fortunate” rather than “capable” is intentional here, because the regulations governing the new national competition for associate professors provide for posts to be established every two years only if there are universities that have a need for them. If there are no such vacancies, there will be no hiring and no promotion. The development of Italian universities and the careers of those who are reckless enough to intend to work there are therefore a matter of chance. In the rest of Europe the situation does not appear to be much more favourable, considering the low level of dynamism of the higher education systems in the various countries, due above all to the financial problems mentioned above.

A brief analysis of the problem reveals that two possible strategies may be adopted to deal with the crisis of European higher education, while defending the moral and scientific independence of the universities from political and economic powers. If the various member states of the European Union intend to maintain a higher education system based mainly on public funding, there is a need to determine a minimum percentage of public expenditure, ring-fenced so that cannot be used for other purposes, for the funding of higher education. Otherwise incentives could be provided for private-sector universities to be set up (naturally on a non-profit basis²¹ alongside public-sector

²¹ Mention should be made in this connection of the fact that American universities are non-profit organisations: the funds they raise in various ways (private contributions, or public funding in the case of

institutions run along similar lines to private ones) to safeguard the independence of research and teaching from particular political and economic interests, perhaps also providing for an authority to regulate their activities. Of these two strategies the second one seems to have the greater chance of success, considering that it is “highly unlikely that additional public funding can alone make up the growing shortfall”²² between the declining amount of public resources available and the actual needs of universities. It should be noted moreover that co-funding of state-sector universities on the part of the private sector can only play a secondary role, and does not go to the root of the problems affecting a system that is in danger of collapse. The only alternative to the two strategies examined, and especially to the second one, would be continue with the policy that has unfortunately been adopted in Italy, undermining universities and further damaging the education system.

With regard to the question of scientific and technological research, a significant increase in basic research is called for, with the possibility of exploiting the results obtained from applied research. In order for this to be achieved, there is a need to reform the obsolete regulatory framework, in which the income from scientific and technical research and patents goes to the State and not to individual universities or research groups. In other words, the economic benefits from discoveries and inventions made in a particular university should be handed back to the same university, favouring further research and education and stimulating competition between the universities.

The exploitation of results from basic research cannot become the main source of funding for universities, as it would not provide a steady flow of income. A higher education system that is largely autonomous from changes in public expenditure needs to rely on the contributions of those who derive most benefit from the system, that is to say the students. In this connection it is necessary to refer to the third paragraph of the *Magna Charta*, dealing with students’ rights (setting aside for the moment the question of the recruitment and qualifications of teachers and researchers, a matter to be discussed below).

With regard to the right to higher education and the democratic nature of the university, it appears to be essential to provide incentives, in the form of grants and tax relief, for students who are particularly talented, especially if their financial circumstances are unfavourable. State assistance for the universities could be provided in the form of a contribution exempting particularly talented students from tuition fees, either in whole or in part. The universities should not lose sight of the meritocratic aims of higher education, in order to defend the fundamental principle of the right to education guaranteed for all citizens.

In Europe, however, the concept of the right to higher education is continually confused with the concept of “degrees for all”, whether they are deserving or not. In this connection, it may be useful to refer once again to developments in Italian universities, in order to understand how a university system should not function. The system known today as *nuovo ordinamento* or new degree programme is a fine example of the extent to which universities have lost ground in recent years (following the example of Italian high

State Universities, royalties from the results of scientific and technological research, and naturally income from tuition fees) are used entirely for managing and developing their teaching and research activities.

²² *The role of the universities in the Europe of knowledge, cit.*, para. 5.1.

schools)²³. Every day cases are to be seen of teachers designing ridiculous examination programmes, with just two or three really easy books for students who five or six years ago would not have been capable of completing the fourth year of high school, and are at university in spite of their low level of achievement. These students select their examinations on the basis of the number of “credits” assigned to them, and are obliged to take a large number of examinations in the shortest possible time, in order to obtain a degree certificate that, in contrast with the degrees of a few years ago, does not certify anything: neither cultural achievement nor human or intellectual growth of any significance. A few years ago, students had to take fewer examinations, but they were based on more substantial programmes. Moreover, as they had to take fewer courses and fewer examinations, they were able to attend lessons more regularly and participate more fully. In this way students were able to plan their own intellectual development, allowing them at least to acquire an awareness of their potential, and the degree certified an important achievement.

Whereas a few years ago the lack of organisation of European universities (due to the continuing financial difficulties) was alleviated by the higher level of education that they claimed to provide compared to the well organised American colleges, today the quality of higher education in Europe is falling below the average level of the Western world, and this is particularly true in Italy, as a result of the deleterious effects of the *nuovo ordinamento* and of the various bureaucratic procedures relating to short degree programmes and postgraduate or specialised degree programmes (that fail to impart specialised knowledge). The schools and universities are certainly not to blame for the tremendous lack of culture that characterises the present-day world, especially with regard to the younger generation; but students have a right at least to be stimulated to acquire knowledge, to know and to think, and not simply to acquire meaningless “credits”²⁴. A true university aiming at providing higher education for large numbers of students should not allow just anybody to enrol (and at times continue to be enrolled for

²³ In connection with the scarce resources allocated to high schools in Europe, it should be noted that the member states of the European Union allocate just 1.1% of GDP to high-school education, less than half of the 2.3% allocated in the United States.

²⁴ The system by which each examination entitles students to obtain a certain number of educational credits, for the purposes of achieving the number of credits required for the academic year, has been in use for a number of years in American universities. However, there the system gives rise to quite different results from those that may be seen in Italy, for the following reasons: first of all, in the United States, where the curriculum is of fundamental importance, examination marks (from “A” for excellent, to “F” for fail) are extremely important for an individual’s professional or academic career after graduation. In Italy on the other hand the grade point average for the examinations is of less importance than the final degree mark: although the final mark does take account of the grade point average, in my view it does not give due weight to this score. Second, in the United States courses are taken by a smaller number of students (whereas in Europe lecture theatres are crowded with hundreds of students), so in the US the staff-student ratio is more favourable. In these conditions, where the student receives constant attention from the teaching staff, the fact that each examination is worth a certain number of credits is of secondary importance in relation to the students’ participation in classes and the course material that is covered. In the Italian universities, sometimes known as “exam factories”, where attending classes can be quite difficult, the credit system is tending to further devalue attendance at lectures, and to distract students from the importance of the course material, increasingly considered to be a series of notions the sole purpose of which is to pass the examination with whatever grade, since the main aim is to accumulate “educational” credits in the shortest possible time. All of this is in a context in which Italian universities and European universities in general are expected to provide education for the masses.

10 years or even longer), but rather should be an institution that adopts meritocratic criteria to select students and then provide them with the best possible education. A university that is at the same time democratic, meritocratic and efficient (in the sense that it can provide real added value for its students) cannot operate with unlimited enrolment.

The level of efficiency of university teaching is therefore linked, at least in part, to the number of students enrolled (that needs to be kept within certain limits), and to the amount of financial resources available. As mentioned above, the main source of funding for an efficient university should be the contributions of those who benefit from its services: students therefore have to make a substantial contribution to the higher education institutions they attend, and at the same time have a right to enjoy better services in their universities. A chronic problem of European higher education, especially in Italy, is the overcrowding of certain faculties, above all law and economics. On the other hand, for certain degree courses, such as medicine, most universities apply the *numero chiuso* system. This selection of students at the point of entry can only operate in an honest country, where corruption and the system of *raccomandazioni* are not the norm in public competitions; and it must be said that the statistics on corruption in Italy and other European countries, particularly in the Mediterranean region, are not at all reassuring. However, the *numero chiuso* system is the only alternative to the overcrowding of certain degree courses, that makes it impossible for students to attend regularly and take a full part in lecture courses. At this point I turn once again to the American system, in which only a certain percentage (varying from one university to another) of those applying for a place is accepted, but it must be said that this is a country with over 4,000 colleges and universities for a population of some 280,000,000²⁵. As a result a well qualified student may send an application to a number of universities and reasonably expect to be awarded a place in one of them. The increase in the number of universities in Europe, thanks to the incentives provided by free initiatives (but with the necessary control on the part of public authorities, as noted above) is therefore a fundamental step towards achieving a better organisation of the system. This would moreover prevent the further expansion of universities that are almost unmanageable as a result of their huge size²⁶, and would lead to a corresponding increase in the number of posts for lecturers and researchers, whereas today “the worsening under-funding of European universities jeopardises their capacity to keep and attract the best talent, and to strengthen the excellence of their research and teaching activities”²⁷. Finally, in a competitive system universities that support themselves mainly with the tuition fees of their students would inevitably be obliged to strive to be attractive as centres of learning, increasing their research activities, improving the level and organisation of teaching, and therefore hiring the best scholars, but we shall turn to this matter presently.

²⁵ The same number of institutions is to be found in the 25 member states of the European Union, the candidate countries and the other countries of Western Europe, but in this case the number of inhabitants is twice as high as the population of the United States.

²⁶ Universities such as La Sapienza in Rome and Federico II in Naples at present have 100,000 students each, compared to 35,000-40,000 in the largest American universities (where the average size is from 5,000 to 10,000 students). The division into smaller units of the largest universities in Italy has not resolved the problems of management, that are encountered above all in individual faculties, that at times have a larger number of students enrolled than the average American university.

²⁷ *The role of the universities in the Europe of knowledge*, cit. para. 5.1.

In the final analysis, private universities that support themselves would of course be obliged to raise their tuition fees. Many might not agree with this proposal, but as long as more favourable conditions are offered to particularly talented students and those from families in economic difficulty, the increase in university tuition fees represents an inevitable and fundamental measure for the improvement of higher education, especially with regard to learning facilities and the reorganisation of teaching. It would be best to avoid the extremely high level of tuition of the American system, in which a private university can cost students as much as \$40,000 a year, but where there are also State Universities that receive public funding but are organised on similar lines to private institutions and that cost from \$2,000 to \$3,000 a year in tuition fees: at the same time it must be pointed out that there are many grants covering the whole or part of the cost of tuition fees, especially in the most prestigious universities. It should be possible to avoid raising tuition fees to excessively high levels considering the following factors: in many American universities, the courses are run for five, 10 or a maximum of 15 students, whereas in Europe for certain degree courses there are lecture theatres (or cinemas used as such) with 500 or even 1,000 students, who at times have difficulty finding a place to sit. In conditions of this kind, direct communication between the lecturer and the student is unthinkable, and teaching loses the human dimension that should characterise the European university. However, there is a middle way, consisting of running courses not for five, 10 or 15 students but for up to 30 or 40 at a time, therefore allowing for reasonable tuition fees: certainly not fees of \$40,000 a year as at Harvard or Princeton, but not the fees of €400 or €500 a year that in Italy grant access to higher education to anybody who wishes to enrol, even those without serious intentions.

At this point another question arises, a long-standing problem affecting European universities, i.e. the difficult (or at times non-existent) relations with the world of work. In the United States, a degree provides access to a good job after four years of study, whereas masters' degrees and Ph.Ds serve not just the purpose of gaining access to the world of research, but also for starting a prestigious career in fields outside higher education. However, European universities, as noted in the Communication of the European Commission of 2003, "offer fewer possibilities at post-doctoral level than their American counterparts. There would be a case for expanding the range of opportunities for holders of doctorates outside research careers"²⁸. It makes little sense to give the most talented young people the chance to spend three years or more of their lives on demanding research programmes in order to award them a qualification that does not enable them to start a career. At the same time higher education institutions cannot expect young people to pay high tuition fees for degree courses if they do not provide the basis on which to build an autonomous existence, in which difficulties will be encountered but also a degree of professional and intellectual satisfaction. But these problems depend on the lack of dynamism in the European market: a market that, rather than focus on the search for new stimuli and knowledge, tends to perpetuate economic and social stagnation, with a view to surviving without running any particular risks. Also in connection with this aspect, however, higher education is called on to renew the "knowledge society" that Europe has to become. In fact, the "European Union [...] needs a healthy and flourishing university world. Europe needs excellence in its universities, to

²⁸ *The role of the universities in the Europe of knowledge, cit.* para. 5.2.

support the processes that underpin the knowledge society and meet the target, set out by the European Council in Lisbon, of becoming the most competitive and dynamic knowledge-based society in the world, capable of sustaining economic growth with more and better jobs and greater social cohesion”²⁹.

3.2 Proposals for improving the level of teaching and research in European universities

The financial crisis of European universities is accompanied by a serious crisis in the level of instruction and research (which was briefly mentioned above). In this connection, the reference to the means of applying the principles of the *Magna Charta* is of primary importance; but there is a need to clarify certain points, to examine certain chronic problems of our universities and to consider possible solutions for these problems.

On the question of recruitment, and therefore of the appropriate competences of lecturers and researchers there is a great deal that could be said. First of all, I would like to ask a polemical question: why is it that European universities, except for those in the United Kingdom, do not make greater efforts to advertise vacancies for lecturers and researchers? They could use specialised internet sites, as there are a number of excellent sites available. Is it perhaps that they are afraid of free competition between scholars? More extensive advertising for teaching and research posts in European universities would not only favour the international mobility of scholars, but would also bring about an increase in free competition between scholars, closer scrutiny of different approaches to research in the various disciplines, and above all greater transparency in the selection process. A further point to be made is that in a system of free competition between universities, each higher education institution would naturally tend to hire the lecturers who, in the course of their career, display the highest level of skill in teaching and research, in order to maintain a level of excellence in the activities of their departments. An approach of this kind would also lead to a considerable reduction in the practice of hiring on the basis of favouritism or nepotism (which, although their existence is frequently denied, have done so much harm to universities in the public sector): rather, selection would tend to be based on merit. Moreover, a case can be made for rethinking the selection process in European universities: it is not possible to evaluate applicants for teaching and research posts (or even those applying for doctoral and postgraduate programmes) on the basis of a written examination or interview or lecture, and perhaps on just one publication: the *curriculum vitae et studiorum* should have a fundamental weight in the selection process. And at this point some further observations should be made on the selection criteria for teachers and researchers.

It must be noted that unfortunately in Europe, and this is not the case in other contexts, research is often taken as the sole parameter in the selection process. This is in contrast with the principles of the *Magna Charta* but also with the Humboldtian conception of higher education, that research should serve primarily as the basis for a varied and continually updated teaching programme. There is a need also in this case to

²⁹ *The role of the universities in the Europe of knowledge, cit. para. 1.*

follow the example of the United States, where applicants for the post of lecturer and researcher are judged on the basis of three fundamental criteria: research, teaching and community service. In Europe more often than not teaching is considered to be of secondary importance, whereas community service, in the sense of all the other activities that a scholar may engage in (the organisation of cultural initiatives, participation in social, scientific and civil events, public service) is not given any consideration whatever. Rather, in many cases, young people who set out on a career in research are discouraged from engaging in social activities or cultural events not linked to the academic world, in that such activities are considered to be a waste of time, or an impediment to research, or rather, more realistically, an impediment to the condition of servitude in which many young people find themselves at the beginning of their career. At this point some considerations should be made of the international mobility of researchers, professors and students, that is inextricably linked to that of the recruitment of academics to the university.

Until now the most common approach among those attempting a career in a European university is to link themselves “body and soul” to a research group and struggle to remain part of it, by means of temporary contracts and ridiculously low salaries (very often dealing with bureaucratic matters and performing secretarial duties, or even janitorial tasks) in the same department for years or even decades, with the hope of eventually obtaining a research post. It is not uncommon to encounter 40-year-olds or even 50-year-olds who continue to survive with temporary contracts: the most fortunate, on the other hand, manage to obtain a research or teaching post, without ever leaving the department where they took their degree, then their doctorate, then continuing with grants and temporary contracts, and eventually winning a competition for a post (for which there were maybe two applicants for two posts, reflecting the fact that vacancies in European universities tend to be given as little publicity as possible).

In a well run higher education system, on the other hand, there is a need to prevent researchers from being tied to the same department for their entire career: rather, a negative view should be taken of the lack of research and teaching experience in different universities, institutes and research centres, and in different geographical and cultural settings. What can a scholar with a narrow range of personal and intellectual experience offer to colleagues and students?

With regard to international relations, these are often entirely lacking, also because many of the scholars who are very firmly rooted in the same place are barely capable of translating a few lines from another language, and are therefore not equipped to develop relations with colleagues in other countries. Moreover, European universities, coordinated and managed primarily at the national level, do not offer scholars sufficient opportunities to cultivate and maintain international relations, except for occasional events of short duration. In addition, the inadequate remuneration paid to university lecturers in various European countries does not allow them to carry out research abroad or to spend extended periods at institutions or research centres that are a long way from their home institutions. Finally, in Europe there is a lack of programmes comparable to the Fulbright Grants, Fulbright Chair and Mellon Grants, i.e. research grants from the private sector that are perfectly integrated into the national system of higher education, available to US or international scholars, and intended to allow them to spend periods of teaching and research away from their home universities.

As part of the Framework Programmes the European Union has introduced Marie Curie Actions, but they are still at the developmental stage and have by no means emerged in their definitive form. In addition to the Marie Curie Fellowships, Reintegration Grants may be considered to be prestigious awards, but they do not offer researchers any guarantee for the future, and this is the case also because in the European system of research there is an ingrained belief that after a doctoral programme a young researcher has to go through a purgatory of grants and post-doctoral activities, whereas in the United States and the Commonwealth (including many universities in the United Kingdom), a Ph. D. is considered to be an appropriate qualification for those applying for posts as assistant professors or lecturers. This situation leads to a lack of initiative and flexibility among researchers in the Old Continent: in Europe most researchers tend to hold on tight to a position acquired after a considerable amount of sacrifice, and at times refuse to take up teaching and research opportunities in order not to jeopardise their position in their home university. In the United States, on the other hand, young scholars (but also established academics) tend to continue to seek new career opportunities, grants and fellowships, submitting applications to other institutions that are more prestigious, and this reflects the more dynamic nature of the system as a whole and the greater opportunities for employment and advancement that characterise American higher education.

With regard to the level of competence of many lecturers in Europe, some of them continue to achieve recognition by focusing on just one topic: whether it is a problem of canon law or the work of a little-known eighteenth-century philosopher is of little importance. The point here is to highlight the inability, demonstrated by many scholars working in European universities, to deal with a range of problems within the same subject area (let alone in related subjects). Once again a reference to the American system may be justified. When examining the vacancy notices for researchers or lecturers in the United States, it may be seen that candidates are required not only to have specialised knowledge of various matters in the subject they intend to teach, but also extensive knowledge in a range of areas of an interdisciplinary kind. As a result, in American universities it is rare for a lecturer to present a course programme, perhaps one or two years after first using it, with the same contents (as this would lead to his or her curriculum being marked down). In Europe, on the other hand, the emphasis placed on research means that lecturers tend to neglect their teaching programmes, so that they rely on the same courses year after year. This is not only in contrast with the principles of the *Magna Charta Universitatum*, but also with Humboldt's vision of higher education, in which teaching programmes must be closely linked to in-depth research.

A higher education system that contributes to relaunching Europe along the path of scientific, social and cultural progress needs to be characterised by the international dimension. In order for this to be achieved, it seems appropriate above all for the fundamental decisions concerning the organisation and cultural strategies of the universities to be taken at Community level, and not by the member states as is the case at present. Moreover, there is an urgent need for standardised terminology, particularly with regard to academic qualifications, since "not having a quick, simple system of recognition for academic or professional purposes is today a major obstacle to research and mobility – and therefore to a greater cross-fertilisation of ideas and research between

European universities, and to their wider influence³⁰. There is a need also to reduce the disparity of pay and fiscal provisions between lecturers and researchers in the various European countries, in order not to create geographical areas with particular advantages, that attract a greater number of academics than the other areas of the Continent. Finally, there is a need for a reorganisation of knowledge in order to favour greater interdisciplinarity: emerging issues relating to technological progress, the relations between civilisations, and the rethinking of historical developments by considering cultural factors that were previously neglected, all lead academics to work closely with experts from other disciplines, perhaps in interfaculty research centres, and to acquire knowledge from fields outside their traditional areas. An authentic *universitas studiorum* cannot be constructed without providing incentives for interdisciplinary study, research and teaching.

With regard to student mobility, there is not a great deal to be said. The well known Erasmus-Socrates programme was set up with the best of intentions, but does little more than transfer students for a temporary period from the inadequate home university to another inadequate university in Europe. Mention should also be made of the lack of organisation, particularly with regard to services for Erasmus students in the host universities. A comparison could be made with the numerous European centres set up by American universities (in Italy alone there are 150 of them): the students are accompanied, for one or two semesters, by staff who assist them in administrative matters and for problems of adaptation, they are tutored by professors and researchers of various nationalities, and they attend courses both in the American university centre they have chosen and at the local university. This provides a good model for enabling young people to take part in international mobility at an early stage of their careers.

A further measure to adopt for the internationalisation of knowledge in Europe consists of the foundation of international universities, where courses are held in several languages, taking as a model the European University Institute in Florence or the Central Europe University in Budapest (though these are for postgraduate and not undergraduate students). If Europe intends to proceed with the process of integration, it cannot promote only exchange programmes of an occasional nature for students of various nationalities and the mobility of the best scholars. Rather, it is necessary for young Europeans to grow and study together in a constant manner, attending four years of study (the period that should be sufficient for graduation) at universities where several languages are spoken, and where different cultures are studied and in which students get to know each other well, also for the purposes of preventing tragic events such as those that occurred just a few years ago in the former Yugoslavia.

The political and social unity of the Continent, founded on the dissemination of a European conscience among the younger generation, requires the internationalisation of knowledge as one of its basic elements.

4. Concluding remarks

³⁰ *The role of the universities in the Europe of knowledge, cit. para. 5.2.3.*

The *Magna Charta Universitatum*, along with the recent discussion of higher education promoted by the European Commission, lays down principles and methods of application which, if complied with to the letter and accompanied by a decisive initiative for the restructuring of the Continental higher education system, could transform European universities and relaunch our civilisation, that continues to reflect on its history devastated by enormous catastrophes, but is always prepared to make great advances for humanity as a whole. The European Union and the individual member states need to adopt practical measures aimed at enabling the universities to emerge from the sorry state in which they now find themselves. There is a need to follow the example of dynamic models such as the American system, but always in an awareness that our cultural heritage, if supported by an efficient organisational structure, has much more to offer than other systems.

Indeed, Europe must not be allowed to lag behind while the rest of the world advances towards the future, often running certain risks as it does not have a historical background comparable to that of Europe. And Europe not only has the opportunity but a duty to present itself as a symbol for humanity as a whole, without aiming to achieve a position of predominance that would only lead to historical tragedies, but drawing on its own traditions and continually rediscovering the meaning of these traditions, in order to cast light not just on the route that has already been trodden but on the path that humankind is to take from now on.