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Academic freedom and university autonomy

Report
Committee on Culture, Science and Education
Rapporteur: Mr Josef Jařab, Czech Republic, Alliance of Liberals and Democrats for Europe

Summary

The academic mission to meet the requirements and needs of the modern world and contemporary societies can be best carried out when universities are morally and intellectually independent of all political or religious authority and economic power. Accountability, transparency and quality assurance are pre-conditions for granting universities academic freedom and institutional autonomy. Continued observation of these values is essential.

The Assembly resolves to co-operate with the Observatory of the Magna Charta Universitatum in monitoring the observance of the principles of academic freedom and university autonomy in Europe, thus adding a European parliamentary dimension to the work of the Observatory.

A. Draft Recommendation

1. The Parliamentary Assembly of the Council of Europe recalls the Magna Charta Universitatum opened for signature by universities in 1988 on the occasion of the 900th anniversary of the University of Bologna (Italy), which has since been signed by some 600 universities from all continents with new signatories every year.
2. The Magna Charta Universitatum reflects the vital role universities played in the development of the European humanist tradition and in the development of human civilisations. It also reiterates that the fundamental principles and rights of academic freedom and institutional autonomy are essential for universities and that continued observation of those values is for the benefit of individual societies and humanity in general.
3. In 2000, the University of Bologna and the Association of European Universities, as depositories of the Magna Charta Universitatum, founded the Observatory of Fundamental University Values and Rights to which the Council of Europe has delegated a representative. The task of the Observatory is to monitor the observation of the principles and initiate an open debate on the values these principles represent.
4. In accordance with the Magna Charta Universitatum, the Assembly reaffirms the right to academic freedom and university autonomy which comprises the following principles:
 - 4.1. academic freedom in research and in training should guarantee freedom of expression and of action, freedom of disseminating information, as well as freedom of unrestricted inquiry in the pursuit and distribution of knowledge and truth;
 - 4.2. the institutional autonomy of universities should be a manifestation of an independent commitment to the traditional and still essential cultural and social mission of the university, in terms of intellectually beneficial policy, good governance and efficient management;
 - 4.3. history has proven that violations of academic freedom and university autonomy have always resulted in intellectual relapse, and consequently also in social and economic stagnation;
 - 4.4. high costs and losses, however, could also ensue if universities moved towards the isolation of an "ivory tower" and did not react to the changing needs of societies that they should serve and help educate and develop; universities need to be close enough to society to be able to contribute to solving fundamental problems, yet sufficiently detached to maintain a critical distance and to take a longer term view.
5. In the course of history, universities have been confronted with deep changes and challenges coming from transformations of the societies and the institutions themselves. They have mostly proved capable of answering necessary external and internal demands simultaneously to meet their historic role of the pursuit of free and universal knowledge.
6. With the advent of the "knowledge society", it has become obvious that "a new contract" has to be reached between university and society which would reflect and recognise the new developments. In such an understanding, the social and cultural responsibility and accountability of universities to the public and to its own mission are to be considered as the unavoidable other side of academic liberties.
7. It may be true that academic freedom of researchers, scholars and teachers and institutional autonomy of universities need to be re-justified under contemporary conditions, but these principles should also be reaffirmed and legislatively, preferably constitutionally, guaranteed. As testified by frequent assessments and evaluations carried out internationally, the academic mission to meet the requirements and needs of the modern world and contemporary societies can be best performed when universities are morally and intellectually independent of all political or religious authority and economic power.

8. The social and cultural responsibility of universities means more than mere responsiveness to immediate demands of societies, to the needs of the market, however important it may be to take these demands and needs seriously into account. It calls for a partnership in the definition of knowledge for society and implies that universities should continue to take a longer term view and contribute to solving the fundamental issues of society as well as to finding remedies to immediate problems.

9. The traditional vocation and full potential of universities for the 21st century include, besides independent inquiry and free advancement of acquired knowledge (but also through these activities), steady contributions to developing social order and a sense of basic values in societies, cultivation of national identity as well as an open-minded understanding of international and universal merits, promotion of democratic citizenship and sensitivity to human and natural environment both locally and globally, setting of academic objectives, training for practical flexibility as well as teaching in critical thinking.

10. To grant universities academic freedom and autonomy is a matter of trust in the specificity and uniqueness of the institution, which has been reconfirmed throughout history, and yet the notion should remain a subject of a continued and open dialogue between the academic world and the society at large in the spirit of partnership. Universities could be expected to live up to certain societal and political objectives, even to comply with certain demands of the market and the business world, but they should also be entitled to decide on which means to choose in the pursuit and fulfilment of their short-term and long-term missions in society.

11. Accountability, transparency and quality assurance are pre-conditions for granting universities academic freedom and institutional autonomy. Only under such a contract between society and universities can it be expected that universities will serve the societies well and will, through freedom of choice of how to do it best, be proactive, meaning that they will not just respond to changes but will be leading agents in initiating and accomplishing desirable developments.

12. Through the power of the Parliamentary Assembly and its responsible committees as well as through the Committee of Ministers and the activities of its intergovernmental Steering Committee on Higher Education and Research (CD-ESR), the Council of Europe should act to the effect of reaffirming the vital importance of academic freedom and university autonomy and contribute to an open political dialogue on the understanding of the concepts in the complex and changing reality of our modern societies. Goals and criteria must be realistic and well defined, which is often lacking in the emerging "audit society".

13. The Assembly resolves to co-operate with the Observatory of the Magna Charta Universitatum in monitoring the observance of the principles of academic freedom and university autonomy in Europe, thus adding a European parliamentary dimension to the work of the Observatory.

14. The Assembly recommends that the Committee of Ministers strengthens its work on academic freedom and university autonomy as a fundamental requirement of any democratic society. The Assembly invites the Committee of Ministers to require recognition of academic freedom and university autonomy as a condition for membership of the Council of Europe. In this respect, the Assembly calls on the Committee of Ministers, specialised ministries of member governments in charge and universities in member states, to set up a multilateral programme for European student and faculty exchanges with universities in Belarus and the Belarusian "European Humanities University" in Vilnius (Lithuania).

B. Explanatory memorandum
by Mr Jařab, Rapporteur

I. Foreword

1. As Member of the Czech Senate, former Rector of Palacky University of Olomouc (Czech Republic) and rapporteur of the Assembly's Committee on Culture, Science and Education, I was glad that the Committee held its colloquy on university autonomy and accountability in the Czech Senate in Prague on 30 March 2006. The results of this colloquy nourished this report, and its programme is attached. I wish to express my special gratitude to Dr Andriř Barblan, Secretary General of the Observatory of the Magna Charta Universitatum, who prepared a background report on this subject in a broader historic and European perspective.

II. Introductory remarks

2. European universities are presently faced with demanding challenges as societies undergo political, social, economic and cultural transformations. The continuous expert and public debates concerning the value of traditional principles of academic freedom and institutional autonomy testify to the relevance and necessity of respecting and protecting those rights in the interest of an unrestricted pursuit and free dissemination of knowledge for the benefit of societies nationally and internationally.

3. The Committee's colloquy on university autonomy and accountability in the 21st century (Prague, 30 March 2006) confirmed the importance of an open dialogue between societies and universities on the matter of a "new contract," combining in a useful and harmonious way the demands of academic liberties and the requirements of responsibility and accountability of universities to society at large.

4. It is also understood that universities can best fulfil their traditional long-term and manifold mission as well as live up to some more immediate expectations of the society, or even the market, when their scholars and students are granted freedom of choice of means to be used to perform effectively, and when the institutions can decide with an advantageous degree of autonomy.

5. It will be proper for the Council of Europe to help create an international forum in partnership with the Observatory of the Magna Charta Universitatum in Bologna, which will follow the safeguarding of academic freedom and institutional autonomy at universities in the European academic space while the policy of the 1999 Bologna Declaration and the Bologna Process aiming to establish a "European Higher education Area" by 2010 are implemented. It will also be appropriate to monitor further the state of higher education in Council of Europe member states and, for useful comparison, in the larger world, and to register the impact universities will have as agents of desirable change in societies.

6. *"The university is an autonomous institution at the heart of societies differently organised because of geography and historical heritage; it produces, examines, appraises and hands down culture by research and teaching. To meet the needs of the world around it, its research and teaching must be morally and intellectually independent of all political authority and economic power."* So reads the first of the fundamental principles in the text of the Magna Charta Universitatum, a relevant document confirming the nine centuries of existence of the first university, namely the University of Bologna, on 18 September 1988.

7. Among the numerous signatories, there was also the Rector of Charles University, Prague, an exponent of the communist regime in occupied Czechoslovakia who, not surprisingly, had no difficulties signing a document that he, or the political authorities who appointed him to his position, never seriously considered to comply with.

8. On the contrary, it was the long-lasting and brutal violation of the principles of academic freedom and institutional autonomy from which universities and scholarship in general suffered not only in Prague but all over the country; through dogmatic ideology and rigid personnel policy the system and quality of research and higher education was continuously crippled.

9. Immediately after the Velvet Revolution of 1989, a straightforward and sincere reading of the Magna Charta started at universities in the country - teaching and research was being freed from dogma and necessary organisational reforms were introduced into the area of higher education. What came as an unnecessary surprise was the fact that with the faculty inherited from the old regime the application of the principle of autonomy was not always helpful in the transformation process, on the contrary it proved sometimes a hampering element.

10. This remark should manifest the subtlety of the matter of reaching a beneficial balance between academic freedom and the public responsibility of universities.

III. Europe, its universities and the Magna Charta Universitatum

11. After World War II, the movement for European integration considered that cultural and educational matters would be better catered for at national level considering the historical and linguistic variety of the many states of the region. The Western European Union, however, developed in the fifties an interest in higher education since universities were the depository of the European intellectual traditions and scientific know how. At its instigation, more than a hundred university leaders from 15 European countries convened in Cambridge in 1955 under the chairmanship of the Duke of Edinburgh. This led to the setting up, in the sixties, of the Standing Conference of the Rectors, Presidents and Vice-Chancellors of European universities, the non-governmental organisation for interuniversity collaboration better known under its French acronym CRE (Conférence Permanente des Recteurs, Présidents et Vice-Chanceliers des Universités Européennes).

12. In parallel, the Council of Europe inherited the cultural activities of the Western European Union and, in 1960, created a Committee for Higher Education and Research (CHER) that brought together university and political leaders, one each per member country - the university delegates being chosen by university associations. Until 1969, CHER university representatives were also the members of the CRE permanent committee. In other words, the political dimension of university activities - i.e., their role in structuring the life and development of the community - seemed evident until the student demonstrations of 1968 and 1969.

13. Then, the CRE broke its organic link with the Council of Europe and decided to stand alone as an association of academic interests, as if higher education leaders felt somewhat at odds with politicians trying to reshape universities along utilitarian - apparently a-political - lines. It was also considered important by the CRE of the time to open windows of cooperation with universities from Central and Eastern Europe under communist regime, a strategy that did not enjoy great support in governmental circles in Western Europe.

14. As for the European Communities, since the Treaty of Rome did not consider education as a European affair, they took an indirect interest in higher education through its impact on employment; indeed the required free circulation of labour could be helped by specific policies of convergence.

15. In the eighties, with the discussions leading to the Single Act and the Maastricht and Amsterdam treaties, higher education and research came to be considered areas inviting long-term European strategies that would frame the national policies in those fields. Universities, as institutions of shared learning, could again become partners in the shaping of European integration. So, after the 1985 decision to move to a single European space by 1992, universities and parliaments pushed for the creation of common programmes for student mobility, in particular the ERASMUS programme that began in 1987. Several of the large and old universities of the EU lobbied actively to become key contributors in the development of a European mind and culture by committing to mobility as well as staff and student exchanges. Taking advantage of the 900th anniversary of the University of Bologna, the oldest in Europe, due to be commemorated on 18 September 1988, several of the academic leaders active in the movement for European integration joined the Rector of Bologna, Prof. Fabio Rovarsi Monaco, to draft a document outlining the long-lasting principles and values that substantiate the claim for autonomy of academic institutions. The group was presided over by the President of the CRE, the former Rector of the University of Genova, Prof. Alfredo Romanzi, and included a delegate of the Parliamentary Assembly of the Council of Europe, Prof. Manuel Nuñez Encabo.

16. Giosu  Carducci, the organiser of the 800th anniversary in 1888, had insisted on the uniting function universities played in the shaping of Italy when the country was to be reminded it was a single community, although with a diverse past, that shared a culture disseminated by one institution similar all over the provinces of the peninsula, the university. In 1988, at a time of 'Europhoria', the idea was enlarged to another community in the making, Europe: all states of the region hosted and funded institutions of higher learning very much similar in their purpose, structures and activities, so similar indeed that they could be considered as the existing 'arteries' of the shared culture of the continent. Universities do not have a European dimension, they are the European dimension of the region.

17. That was the message proclaimed in Bologna on 18 September 1988 by more than 400 rectors – from Europe and beyond - who solemnly signed the *Magna Charta Universitatum* in the presence of the universities' social partners, the nation state, represented by the President of the Italian Republic and members of the Cabinet, as well as high delegates from the Army, the Church, local and regional authorities not to mention economic and union leaders – and the people and students of Bologna. In 1988, after years of questioning and anguish due to the mass transformation of higher education, universities were in fact asking for the full recognition of their role in the adaptation of Europe to the complex challenges of the incoming knowledge society.

18. That is why the *Magna Charta Universitatum* re-asserted the common role universities play in the shaping of living communities of intelligence and culture, insisting that academic freedom and institutional autonomy – the individual and collective aspects of the liberty of expression - were but tools of belonging to the European society at large: politicians and economic decision-makers all need intellectual partners to support the development of the region, partners who can be trusted in their independence rather than servants used to meeting efficiently given objectives they have little say in designing.

19. The European function of universities was made clear from the preamble of the document that said '*Four years before the definitive abolition of boundaries between the countries of the European Community; looking forward to far-reaching co-operation between all European nations and believing that people and States should become more than ever aware of the part that universities will be called to play in a changing and increasingly international society*'. The text went on stressing the opportunities for European development brought about by the universities as '*centres of culture, knowledge and research*' at a time when '*the future of mankind depends largely on scientific, cultural and technical development*'.

20. To ensure the successful commitment of universities to social change, the charter also described the basic principles of higher education and research (see para. 6 above). The document also insisted on the common obligations of states and universities in intellectual development: '*Freedom in research and training is the fundamental principle of university life, and governments and universities, each as far as in them lies, must ensure respect for this fundamental requirement*'.

21. From the political point of view of furthering European integration, the charter also suggested that '*Universities – particularly in Europe – regard the mutual exchange of information and documentation, and frequent joint projects for the advancement of learning, as essential to the steady progress of knowledge. Therefore, as in the earliest years of their history, they encourage mobility among teachers and students ... with a general policy of equivalent status, titles and examination.*' By calling on the collaboration of public authorities, the Magna Charta proposed a political contract that could commit all partners in the development of the region: were not all of them sharing responsibility in the transformation and integration of Europe?

22. This was a programme of intellectual coherence and cultural cohesion for a continent promised to become by 1992 a single European space where people, goods and capital would move freely. The universities' function in this context was to 'uncover' Europe as a reality of thought and purpose by re-discovering their old European focus both in the exploration and the dissemination of ideas. In a way, universities could *make European sense* of the Europeans' community of belonging – beyond the usual national references they had cultivated over the last two or three centuries.

23. In 1989, however, this ideal of active integration had to be postponed when *the Berlin wall fell* which had divided Europe into two since 1948. A series of countries, moving away from communist patterns of government, were challenging the scope and depth of integration in the Western part of the continent by asking also to be recognised a European identity. European urgencies changed: rather than developing new forms of common identity, the agenda stressed the re-integration into the concert of nations of those countries whose recent past had been levelled by communist ideologies. The European Union, as early as 1990, thus launched the TEMPUS programme to help the reorganisation of higher education in the central and eastern parts of the continent.

24. As for the Council of Europe, it accepted as members all these countries: one after the other, they signed the European Cultural Convention that pointed to new modalities and objectives of intellectual collaboration. They also joined the Steering Committee for Higher Education and Research (CDESR) of the Council of Europe. The latter focused its help on the legislative reorganisation of higher education in all these countries – dealing with the fundamental links that, in Europe, should shape the collaboration between states and universities; in other words, the CDESR was ready to define the institutional responsibilities brought about by the universities' *rediscovered 'autonomy'*.

25. However, moving away from an 'internationalist' perspective, the people of the old 'communist' block had first to go through a re-appropriation of their cultural past, thus rediscovering their historical continuity before envisaging new forms of European integration. Universities in Central and Eastern Europe then emphasised their pre-war roles as nation builders while pressing also for a modernisation on American lines; this would help them enter the globalisation process determining the consumer society they hoped to access. In the 1990's, 'Europe' had thus become more of a means for social re-appropriation than an end to a new community of belonging.

26. This period of 'European latency' lasted for a few years; when the conflicts in former Yugoslavia showed that the drifting of nationalism towards ethnical identity could put in danger the whole idea of common belonging, the need for European references became obvious again. In the higher education world, it translated in the call made in Paris in May 1998 for the harmonisation in Europe of teaching modalities and curricula – an idea launched by the Education Ministers from France, Germany, Britain and Italy at the occasion of the 800th anniversary of the Sorbonne. Political authorities were now urging universities to re-discover their European identity, thus 'uncovering' the shared references of all Europeans.

27. Building on the Magna Charta, this idea of co-responsibility in a changing society was picked up again in the *Bologna Declaration* of June 1999 when the Ministers of 29 European countries – East and West - called for a harmonisation of higher education learning structures in order to build up, by 2010, a *European Higher Education Area*; this was a reference to the old expectations of European integration implied in the 1988 ceremonies for the 900th anniversary of the University of Bologna. The Declaration indicated that, '*taking full respect of the diversity of cultures, languages, national education systems and of University autonomy, Ministers expect universities to again respond promptly and positively and to contribute actively to the success of the European area of higher education*'.

28. For its initiators, the Declaration was indeed a call to a new European community of belonging where intelligence and culture were to become the 'political glue' of the continent and its people. Claude Allègre, the French Minister of Education, claimed that: '*after the adoption of a European currency, ... time will pass, long time indeed, before the countries of Europe ... build a closer political union. There will be many conferences, many speeches, but progress will be very small because a political threshold has been reached: to pass it would mean for the present leaders of our nations to lose a good part of their power. ... Heading for a new stage of stagnation ... thus represents a big opportunity to explore other areas of European integration, moving forward in the fields of culture, ... moving towards a universities' Europe. This is the best way for our children to become real Europeans and not to feel blocked, like the present generation, by some secondary objectives. Hence our call to harmonise the structures of higher education in Europe.*'¹

¹ Allègre Claude, 'University Autonomy, Academic Accountability and European Integration', in *Autonomy and Responsibility: the University's Obligations for the 21st century*, Magna Charta Observatory, Bologna, 2001

29. If, in 1988, the initiative had been taken by the universities, in 1999 the impulse for change came from the governments – the least probable supporters of the European ideal; however, they were all facing problems of academic size, finance and prestige that lowered the international capacity for competitiveness of their systems of higher education. Europe, again, had to become more than a geographical reference, a platform of shared identity that would help face common problems; the universities were called to explain and experiment in their structures and activities this shared specificity vis-à-vis the rest of the world. Political leaders had launched the process but universities were also partners, if the European Higher Education Area was to become a reality by 2010.

30. When the Bologna Process was formalised in 2001 in Prague, the Council of Europe became a permanent member of the follow-up group that brings together the political, academic and international partners interested in the transformation and adaptation of higher education – and now of research, after the Berlin meeting of 2003 – to discuss and steer the process of convergence. At the Berlin meeting in 2003, the European Cultural Convention of the Council of Europe became the framework of the Bologna Process, which was thus enlarged geographically. The idea was to make European sense of the exploration and dissemination of knowledge in the countries that had joined the process, some 45 of them after the Bergen Conference of Ministers in 2005. At present, apart from Belarus, all states in Europe are taking part in the process – although at different levels of commitment on the way to the EHEA. Geography has caught up with the widest understanding of what makes Europe a historical community of belonging with a future – the community represented by the European Cultural Convention of the Council of Europe.

IV. The Council of Europe's recent initiatives concerning universities

31. In its effort to support the Bologna process, and following its earlier emphasis on legislative reform, the Council of Europe stresses the importance of better definitions of *the public responsibility* both of governments and of higher education institutions in shaping tomorrow's European society. And, on the basis of a Forum organised in September 2004 in Strasbourg on the 'Public Responsibility for Higher Education and Research' and a second Forum on higher education governance in September 2005, the Steering Committee for Higher Education and Research (CDESR) is preparing a *recommendation* on that topic.

32. As for the Committee on Culture, Science and Culture, on the basis of a proposal made in February 2004 by Prof. Josef Jarab and some of his colleagues also members of that Committee, a public hearing was organised at the Czech Senate in Prague on 30 March 2006 on 'University Autonomy and Accountability in the 21st century'. This meant taking up the problem of public responsibility *from the higher education point of view* rather than from the governmental one, the CDESR approach being also presented at the colloquy as a necessary reference not to duplicate efforts.

33. Can the universities of Europe 'uncover' the shared identity that turns the people of the region into a community? Can the politicians, as partners and stakeholders of that integrative venture, support the universities' European identity and how? In what way would such support translate into a *contract* between public and academic authorities, a contract that would define the boundaries between states and institutions so that higher education and research have the autonomy to meet best, on their own terms, the objectives of a re-engineered European society; such a society, when helped to face the challenges of knowledge distribution and development, would *make sense to the Europeans* of their intellectual, scientific and cultural belonging in a shared community of purpose and action.

34. In Prague, the debate started from the Magna Charta, especially as it claims that *academic freedom* – at individual level – and *institutional autonomy* – at collective level – are the *sine qua non* of a full response to society's fundamental needs to *survive* and *prosper*, to *adapt* and *renew*.

35. Uncovering the European dimension of such development was then analysed in a comparison of the Bologna process and the Lisbon agenda; the transformation towards *Euro-compatibility*, for the universities from former communist countries, has become the main objective

for change – a concept often difficult to grasp for Western European partners since they take Europe for granted. However *'uncovering' Europe can be dangerous*, when institutions – using their autonomy or capacity to dissent – point to the hidden European specificity of their country, as in Belarus, putting at risk the national understanding of the prevailing forms of political organisation.

36. Indeed, Europe becomes a threat when, referring to its fundamental tenets – openness, tolerance, democracy - it calls for the reframing of curricula, pedagogy and history, thus endangering the qualification and reward system in the country, i.e. the positions of an Establishment first interested in its national continuity. When unsure and questioned, the powers usually react by stifling dissent - jailing the students and professors daring to assert their European identity or provoking the exile to Vilnius of the European Humanities University of Minsk – an institution that, in its very name, claims its European belonging.

37. The CDESR focuses on society's multiple expectations: sustainable employment, preparation for citizenship, personal development, advancement of the knowledge base, all these being elements of the universities' service to society. The issue is to *'make' Europe*, thus ensuring its long-term welfare through innovation. Indeed, the tooling of Europe requires means and support: that is what the recommendation on public responsibility outlines in detail.

38. The discussions at the Committee on Culture, Science and Education tend to look at latent or patent European expectations as to the intellectual explanations that can make sense of the integration of the continent's many parts; the university is perceived as the catalyst of changed individual and collective self-understandings. When *'uncovering' Europe*, national routines are questioned and individual viewpoints transformed: as a result, universities become instruments of disturbance. They should be protected in this role. The issue in this case, rather than to *'make'* is to *'state' Europe (Autant que faire l'Europe, il faut la dire.)* This represents a different but complementary service to the integration of the continent.

V. The political functions of universities²

39. Any 'collective' needs structures to become a society – which is an ordered community of people accepting the rules that establish their life in the group. For centuries, the university has been training the decision-makers who define the *ways of social behaviour*, from small elites designing the *power structures of medieval society to much wider groups of citizens engaged in the structures of democracy*. Law – the founding discipline of Bologna University in the 11th century - is the tool that brings rationality in the customs that make people act and react as a community. In this *search for order*, the university also represents a *'qualifying agency'*: it selects the students allowed to take advantage of its teaching, it recognises their acquired skills and competences by degrees that open certain jobs, lead to given positions, thereby offering *social status*. Social mobility explains the obsession and sacrifices people enter to have their children join a university: the degree is a pass to better life! This implies a filtering role for universities that 'condition' social belonging – a power rarely considered in today's world.

40. Society also expects knowledge to make sense, to become even 'common sense'. The *search for meaning* implies that the university is not only there to provide information but also direction. Each generation revisits the treasure of information accumulated by its predecessors to re-organise data in function of its own perspectives. This search for new meanings is often called *'scholarship'*, an effort at sorting out the wheat from the chaff in order to explain our day and time. This implies proposing unexpected hierarchies of knowledge since some 'know-how' and some 'know-why' must be marginalised – or even forgotten by successive generations – to consider new understandings of man's place in the world. Universities are not the archives of the world – an accumulation of all the data collected under the sun – but its memory, i.e., a platform for differentiating between the meaningful and the meaningless so that original new developments can

² Section V of this memorandum consists of excerpts of an article on *The European dimension of the Bologna process* prepared by Andris Barblan, for Raabe Verlag, a text to be published by the end of year 2006 as the introduction to section 6 of the *Bologna Handbook* drafted under the responsibility of the European University Association (EUA).

occur. That is what the Encyclopaedia did in the 18th century, 'enlightening' knowledge. The universities still help re-organise the 'known'.

41. Indeed, these first two functions call for the subject, in this case the European citizen, to make choices about the modalities of social and intellectual organisation. The disciplines of meaning – the arts, the humanities, social sciences – and of order – law or economics, in particular – are relative to the conditions of their time and to the ability of people – staff, students and the public – to grasp them as a whole. These sciences – claimed to be 'soft' – are basically 'subject-centred' and thus call for a debate on the values on which their progress is based, such values varying from one group to the other.

42. Man is not only a *politikon zoon* (cased in a social order) nor simply a *homo sapiens* (built on various forms of knowledge); he is also a *homo faber*, who draws from nature the means of his daily existence. In the *search for well-being*, information is then used to construct better infrastructures, to create more efficient machines, to develop safer drugs – on the basis of the sciences of nature (*physis*), said to be 'hard' (from physics and chemistry to biology), or on the ground of nature's opposite (*techne*), the technology that aims at the 'tooling' of mankind. Such *prostheses* ease the conditions of humanity's survival, contribute to the welfare and prosperity of mankind by helping transcend the natural limitations of the individual, add to social wealth by reducing to little the 'malediction of labour'. At the heart of the process, objects, from the very large to the most minute, are being made, earned and exchanged. Their invention is said to be 'objective' in so far as it builds on the inner logic of science, somewhat independently from man's subjective choices. '*In-novation*' (putting the new into the existing) is the driving force of welfare and today's universities often tend to give priority to development growth and innovation support in order to justify their existence.

43. Rolling back the frontiers of knowledge, exploring the unknown to bring it to human consciousness represents the fundamental quest of humanity in search of its essence, when it asks about the 'why' rather than the 'how' of its existence, when it interprets the 'why' of its belonging to the wider cosmos. In the medieval university, this *search for truth* was elaborated in the 'Queen Faculty', that of theology. Secularisation has not suppressed the basic query on the deeper values that shape man's understanding of the world and his place in it. Humanism, on the contrary, gave man full responsibility for this search for his own essence. Today still, the unknown calls for exploration through continued questioning and permanent doubt, thus reshaping the tools of intelligence and humanity's accepted truths. Any 'truth' still to be uncovered keeps the system open to the unexpected, and also to the 'uncomfortable' since *dissent* – the willingness to stand back – is the motor of change, of transformed values that could shake and shape new forms of 'living together'. This is no easy function to meet as it is grounded in the desire to go 'beyond' what is. Universities, consider themselves to be the forum where society can *keep the future open* on the beyond, the place for the unpredictable. *Wilhelm von Humboldt* banked on such a search for the open to revive institutions that – with *Napoleon* – had become simply the service stations of nations in the making.

44. The last two functions – providing the 'making of Europe' – depend much more on logical reasoning based on factual elements of hard science – and thus can be felt as more objective than the first two, which could be seen as rather rhetorical, since they require convincing about the appropriateness of the choices made in order to 'state Europe', thus framing the soft sciences that point to order and meaning.

45. All four, however, express the basic functional needs of any society, needs that can be combined in various ways over time or space. Indeed, each function could have its own institution dedicated to its intellectual requirements; *laboratories* for innovation, *academies* for truth, *schools* for order or philosophical *think-tanks* (if not churches) for meaning. Cross-fertilising the four – that is, living by the paradoxical tensions that contrast these four approaches of intelligence – is the bet taken by the European society, as the word 'uni-versitas' has been saying since the origins of the institution: by combining UNUM (one) and VERTERE (turn to), the word defines the fundamental dynamics of university work, TURNING TO THE ONE. So were told European rectors convened in 1996 in Olomouc when addressed by Vaclav Havel, the then President of the Czech Republic.

VI. The university ideal and European reality

46. The institutional mix of the four kinds of intelligence that makes *the university as such is a gift of Europe* to world evolution. School, academy, laboratory and think-tank, the university is indeed more than the sum of its parts since its development towards harmony includes and uses them without fusing them into a common whole. An orchestra is all the more of a unity when its musicians play best their own parts. The same is true of the university understood as a community of varied interests expressing different approaches to intellectual development. The same is also true for Europe as a political grouping where nations echo each other in their diversity to affirm the commonality of purpose that builds on their shared identity - in theory at least.

47. When universities abandon their training function, refuse to make sense of social change, or marginalise the quest for truth – for instance focusing on economic growth through applied research, development and innovation – they are betraying their full identity. This does not mean that all universities should weigh their activities the same way: on the contrary, each institution can develop a cross-fertilisation model of its own while being aware of its basic polyvalence. Institutional profiles can evolve to answer local or regional circumstances. Basically, however, the universities of Europe are of the same family, even while giving varied expression to their 'institutional genome'. Implementing Bologna at institutional level makes an evidence of the fact that universities share their belonging to a wider Europe - as states do.

48. When uncovering their European identity, universities point to the intellectual commonality of the societies they come from – regional or national. As such they make obvious the common 'blood and life' that reveal their communities' European intelligence – using the dynamics of visibility that were exemplified in Bologna, both for Italy in 1888, and for Europe in 1988. Universities, as a group, are a preview of a common Europe – as well as of its possible failure when, like academia, Europe risks sabotaging its own identity by investing in one of its basic functions only. Political health consists in balancing state strategies for survival and prosperity, for adaptation and renewal – or, better, to keep alive the tensions between these four functions to feed the dynamics of change, as in institutions of higher learning.

49. In present day Europe, 'there is a growing disenchantment with the self-referential discourse of managerialism advocating efficiency, excellence, cost reduction, output indicators, performance and quality control, etc ... while the champions of new public management seem unable to explain the rationale for streamlining organisations in other than crude economic terms. Have institutions and their stakeholders forgotten the fundamental truth that governance is a means to an end and that the discussions about the end(s), i.e., the purpose of organisations, must precede the decisions about the means to pursue given objectives?'³

50. This applies to higher education as it does to states and governments since all seem to bank today on the search for well-being only in order to re-engineer social development. The growing gap between noble ideals – all the more distant that they are repressed – and the daily institutional experience of groups and individuals turns justice, equality or democracy into sacred cows asking for lip service, at best, or lost illusions not to say targets for cynicism, at worst. Considering the size of problems created by mass education, the advent of the knowledge society, or the lack of resources that exacerbates rivalries and undermines trust and cooperation – the so-called paradigmatic shift -, people are everywhere confronted by powerlessness and loss of confidence in their own future. One usual way to cope is to insist on networking and communication, transparency and flexibility - however, for what? When effectiveness takes over from purpose, despair – or at least insignificance and resignation - is around the corner.

51. In 1999-2000, the Council of Europe discussed universities as *sites of citizenship* – insisting on the subjective choices that should give meaning to social development. CDESR studies thus challenged universities to show 'democratic attitudes of openness, accountability, transparency, communication and feedback, critique and debate, dispute resolution, thus proving an absence of idiosyncrasy, arbitrariness and privilege'⁴ And Meira Soares, the former rector of Lisbon University,

³ Fried Jochen, in *Higher Education Governance*, Strasbourg, Council of Europe Publishing, due in 2006

⁴ Meira Soares Virgilio, in *Higher Education Governance*, Strasbourg, C.E.P., due in 2006

to wonder: 'does it still make sense for universities to be sites where education for democratic citizenship is part of their mission when they become mainly market-driven organisations?' Are not contradictions becoming so apparent that turning away from society's fundamental *searches for meaning and order* would be justified in institutions focused on the practical use of knowledge?

52. As for the *search for truth*, universities, when rolling back the frontiers of knowledge, now often ally with industry, sometimes accepting to withhold results from public knowledge. 'How far can these restrictions go? Should academics abandon their right to publish their research work? Is this a case of violation of academic values? The question turns around property terms; who owns the rights of research results: the research group, the university, the contracting company?'⁵ Such temptations at abdication come again from the focus given only – or largely – to the economic role of higher education and research, as if the other functions of the institution were forgotten.

53. Such questioning in CDESR publications is symptomatic of a deep *malaise* in university circles when they feel pushed by governments and industry – if not by students - on a path of social relevance whose appropriateness is defined by the 'customers' and 'patrons' of higher learning institutions mainly - in terms of economic well-being essentially. When their other roles are being marginalised – or enslaved to the needs of objective growth - universities fall into institutional disarray, the prey to temptations of regression and introversion that can lead to functional mutilation. The rosy picture of universities at the heart of the knowledge society, rather than balancing the main functions of higher education and research, develops to its ultimate consequences the utilitarian discourse. Thus, the repeated calls made by the European Commission in Brussels to meet the Lisbon objectives, i.e., turning the Union into the most vibrant knowledge economy in the world⁶, reduces continental integration to the search for material wealth. Such an ambition, shared by policy-makers in Brussels, Moscow and other European capitals, by considering ideas as factors of production, turns academic institutions into key agents for the *exploration, innovation, assimilation* and *activation* of the knowledge that simply leads to a coherent, cohesive and sustainable *growth*. That is symptomatic of the deep crisis of purpose that affects university systems in Europe. Are academic institutions only worth their impact on professional training and on research for development?

VII. University freedom, a path to European identity

54. In '*Mobilising the brainpower of Europe by enabling universities to make their full contribution to the Lisbon Strategy*'⁷ – very much an appeal to joint collaboration between political and academic decision-makers -, the EU April 2005 Communication shows that political prioritisation – next to money - is not enough to become the most vibrant region of the world in terms of the knowledge society. First, countries and institutions have to be made aware that the system of higher education in Europe suffers from *insufficient differentiation*, from *insularity*, from *overregulation* and from *underfunding*.

55. To counter such deficits – and deficiencies – universities and governments should then insist on the '*imperative of quality and excellence*' – which means flexibility, transparency, broader access and better communication. As said, this very much corresponds to the call for public responsibility the CDESR requires to 'make Europe'.

56. Interestingly enough, the European Commission deals with the universities as tools that can be used better, whose efficiency as knowledge providers can be improved – as if the key to change was a simple reaction to a given environment. The universities, however, could also be considered to be *pro-active partners* that can transcend a given situation since they represent communities whose talent and leadership in knowledge creation must be unleashed if Europe is to build up and strengthen its own future. Autonomy is not elbow room – a condition of responsiveness –, it is the capacity to manoeuvre, change course, even to err as much as the ability to accompany, support and

⁵ Ibidem

⁶ Interestingly enough, the original documents spoke of a knowledge *society*; this has been replaced, in the European Commission's present discourse, by the need for a knowledge *economy*

⁷ *Mobilising the brainpower of Europe by enabling universities to make their full contribution to the Lisbon Strategy*, Communication of the European Commission, April 2005, Brussels

transcend change – thus meeting specific ends. Autonomy leads to dialogue – an uneasy dialogue sometimes as it builds on the unexpected to meet new realities. To steer the unexpected, however, the governments have tended to set rules allowing for easy administrative development, since they are the universities' paymasters.

57. Historically, 'until the setting up of the modern nation state, there was no direct connection between the economic development of countries and their university systems. In the 19th century, the dissemination of skills and the organisation of research became means of strengthening 'productive powers'. The challenge to institutions was to become 'national' universities. Little by little, states offered their only legitimacy to the national systems of higher education even if some parliaments did give constitutional guarantees for universities to speak unrestrictedly of unorthodox views of the world and society. The 20th century was a period of growing regulation with the increased importance of universities for an economic development strengthened by mass higher education and its rapid internationalisation⁸.

58. Yet, when problems exceed the level of national higher education systems, the responsibility for higher education tends to become international – or, for that matter, European. As Fabio Rovarsi-Monaco said in 1991, when presenting the Magna Charta in Bologna: *in the name of the unity of culture, the needs for supranationality of the universities could once more confront the difficulties ensuing from the birth of national states and nationalisms*. In other words, universities could claim to be both *of* their countries – partners in nation building – and *in* their countries – the representatives of interests and ideas transcending the nation. Is this not another way of pointing to the necessity of 'uncovering Europe'?

59. To be *of* a country implies consenting to its social arrangements, accepting to duplicate the system in an effort at continuity of purpose and action. To be *in* a country allows for dissenting views on the existing development of the nation. At individual level, university members thus claim for *academic freedom*; at collective level, this translates into *institutional autonomy*. This dual role is essential for meeting the basic needs of any community in terms of survival and order, of social meaning and renewal. All the more so since, today, 'modern society is characterised not only by a high degree of complexity, but also by *an extent of bewilderment and lack of overview*.

60. In (European) societies, characterised by technological complexity as well as wide participation, the ability of political decision-makers to guide and steer the overall development of society is far less obvious than it was a generation or two ago. Why is higher education politically significant then? Because society is built on quality education and advancing knowledge, on a combination of economic development with democratic achievement, on intellectual discovery and on learning as a pleasure, on individual belonging to communities based on self-development, a coherent discourse and long term views.⁹ The tension between dissent and consent then becomes the motor of the dynamics of change in Europe. It allows to uncover the Europe that hides in the people's unconscious as well as to assert the reality of its identity as the reference for tomorrow's new dimensions of action. Indeed, 'governance nowadays implies a DYNAMIC CONCEPT OF UNIVERSITY AUTONOMY – a concept that sees the meaning of *autonomy in a state of flux* as constantly being shaped and reshaped by adopting or declining the various options for institutional development put forward by different constituencies and stakeholders'.¹⁰

61. University autonomy expresses itself differently, of course, when it takes in the objectives of its social partners – *consent* – or when it questions the purpose and means of the community – *dissent*. That is what universities in communist states realised before 1989 in Europe: they enjoyed a margin of manoeuvre to expand technological progress, a recognised aim of the government, but could not dissent, especially when studying the political choices of public authorities. All the more so as the search for meaning and for order requires *subjective* choices, that can be rationally explained and responsibly defended. But these choices, the result of the cultural development of people at a certain time in a certain space, are always relative. As such, they are debatable – open to arguments. *Autonomy for dissent* thus requires the tolerance that makes a society strong because it can question

⁸ Pavel Zgaga, in *Higher Education Governance*, C.E.P., Strasbourg, due in 2006

⁹ Sjur Bergan, in *Higher Education Governance*, C.E.P., Strasbourg, due in 2006

¹⁰ Fried Jochen, in *Higher Education Governance*, C.E.P., Strasbourg, due in 2006

and review the accepted features of its collective identity. If the group is insecure – unsure about its basic commonality of purpose –, people in political charge feel threatened and react accordingly by suppressing or muting the 'questioner' – as the Belarus case recently showed. That is why university autonomy thrives in societies made of autonomous partners where collective responsibilities are conscious and shared.

62. The universities' dual role – convergence as much as divergence from national consensus – does not indeed make easy the relations with the powers that be, especially in a state of political and social flux. That is why the Observatory of the Magna Charta has been called in the last five years not so much to advise governments and institutions on the legal framework for higher education (a task fulfilled by the legislative project of the Council of Europe mainly) but to act as *a catalyst in the building of trust* between the partners in charge of their communities' intellectual development – even if this could find an expression in law making. Thus, in *Kosovo*, mistrust was making impossible the relations between the Ministry of Education and the University of Pristina, rules becoming reasons to disagree rather than pointers to consensual behaviour. In *Georgia*, the pace of change was so fast after a law of December 2004 completely reorganised the system of higher education that actors needed some breathing space to understand and adjust to radical transformations. In *Turkey*, the 1982 organisation of higher education and academic research – after two decades of considerable growth – calls for a review; this means searching for the most suitable levers of change in a country whose European dimension needs to be spelt out and explained, especially by the universities. In all these cases, the Magna Charta Observatory represents a neutral space where social partners can review their own and each other's certitudes, thus initiating a spiral of trust allowing for a real debate on possible solutions to reputedly untractable problems. In other words, rather than 'making Europe', the effort is at 'stating it' – in fact, the necessary counterbalancing to an expected growth of wealth.

VIII. Conclusion

63. The contract between institutions of higher education and research implies a NEGOTIATED university, i.e., an institution with an 'open future' that is constantly re-engineered by reflections shared with partners on what makes appropriate academic behaviour; appropriate both in terms of responsiveness to the making of Europe and in terms of responsibility for stating the values that can support the integration project of the Europeans. This means the liberty to choose, the freedom to be – for all the partners entrusted with the future development of the continent; they are very much the people now defining the content and methods of the European Higher Education (and Research) Area developed through the Bologna Process on the premises of the Bologna Magna Charta: the universities are already the common blood of Europe. They may reveal to Europeans their common identity.

64. If 'stating Europe' is a common affair, the Parliamentary Assembly could urge public authorities and universities to set up a *joint think-tank* where – on the basis of the partners' recognised autonomy – they could negotiate the cross-fertilisation between the 'making' and the 'stating' of Europe. Rather than looking at the euro-compatibility of strategies converging into a common whole, the idea would be to determine the *euro-specificity* of the policies ensuring the Europeans' commitment to Europe. Such a body reflecting on the deep features of the Europeans' shared identity could become a platform where states and institutions could mediate a better definition of the unique balancing between the functions structuring the development of a region still to be invented, 'Europe'.

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