

## THE AUSTRALIAN

# Competition best way to wake up our universities

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With the outcome of the High Court appeal in [Peter Ridd's case](#) highly uncertain, the government seems to have an almost touching faith in the capacity of its model code of conduct to protect academic freedom.

To say that is not to criticise the code, which universities are rightly being urged to adopt. But experience shows that whether universities actually respect freedom of thought and of expression has always depended on whether they have strong incentives to do so, rather than on the policies they formally endorse.

And throughout the long history of universities, those incentives have invariably had to come from the pressures of competition. Where those pressures are intense, universities which suppress independent thinkers pay the cost as the academics they spurn shift to institutions that value their talents.

Conversely, where those pressures are weak — as they are in our largely “one size fits all” university system — nothing prevents faculties and administrators from preferring an untroubled existence to the conflicts which rigorous criticism inevitably provokes.

Those realities were already apparent in the West's first great era of university formation, as both the medieval papacy and secular rulers — in seeking to encourage the development of authoritative formulations of theology and law — gave official status to the loose groupings of

students and teachers that had proliferated in the first half of the 11th century.

With “universitas” being used by medieval jurists as the generic descriptor for a voluntary association, the resulting entity was referred to as an “universitas magistrorum et scholarium” (a community of masters and students) and accorded privileges and immunities which allowed it to be self-governing.

The first such rights were awarded to the law schools in Bologna by Emperor Frederick I Barbarossa in 1155; but of far more enduring significance were the regulations issued by a remarkable series of scholar-popes, beginning with Alexander III in 1179 and culminating in the decretal collections promulgated by John XXII in 1317.

That neither the popes nor the secular rulers intended the “liberty of the schools” which they granted universities to serve the cause of untrammelled inquiry should be obvious. On the contrary, as Frederick I Barbarossa put it in 1155, the purpose of higher learning was to inculcate “obedience to God and his servant, the emperor”, not least by combating heresy and suppressing dissent.

And once the faculties had secured autonomy and financial security, many sank willingly into compliant orthodoxy — as well as into petty infighting, trivial squabbles and plain old self-indulgence.

Yet the system as a whole retained a powerful dynamism which came almost entirely from the ease with which prominent scholars and their finest students could find new homes in recently established institutions that were striving to make their mark.

Never was that clearer than in the first decades of the 14th century when the venerable University of Bologna plunged into deep crisis. Sensing opportunity, its near rivals in Padua, Perugia, Siena and Florence spared no pains to attract Bologna’s finest masters, promising them ideal living conditions, the continuance of all their privileges and freedom from undue interference.

And as even smaller centres, such as the marquisate of Este, entered the bidding war, those

scholars who had fallen out with their faculty of origin had little difficulty in relocating to greener pastures.

It was therefore only towards the end of the 14th century, as restrictions on mobility — and hence on competition — were imposed, usually at the behest of the most supinely quiescent institutions, that a stifling intellectual conformity began to prevail.

That pattern repeated itself almost exactly when the Enlightenment, the French revolution and the Napoleonic wars inaugurated a second great cycle of university reform and expansion, beginning in the German-speaking lands.

The fundamental step was taken by eminent philosopher Wilhelm von Humboldt, who headed the section for public worship and education in the Prussian ministry for home affairs from 1808 to 1810.

Dramatically extending the concept of “academic liberties” from its traditional focus on the rights of universities as corporate entities to a new focus on the intellectual freedom of their members, Humboldt sought to fashion the University of Berlin into an exemplar of academic liberalism.

Yet Humboldt’s reforms were repeatedly thwarted in subsequent decades not only by waves of political repression but also by the reluctance of established academics to tolerate dissenters, even in periods when the government itself was relatively liberal.

And once again the crucial safeguard came from competition, both between universities in the different German states and between the German universities and those in Switzerland, The Netherlands and Belgium, with the Swiss institutions proving particularly adept at attracting towering scholars — such as Theodor Mommsen, the greatest classicist of the 19th century — who had been driven out for their controversial views.

It would be relatively easy to bring the story up to date by examining developments in the US, where the emergence, at the turn of the 20th century, of outstanding research universities was accompanied by the crystallisation of the modern concept of “academic freedom” in the

famous 1915 Declaration of Principles of the American Association of University Professors.

That declaration is often credited with playing a vital role in promoting free inquiry; but as Hans-Joerg Tiede showed in his excellent history of the AAUP's early years, it was quickly reduced into a form of "academic due process" whose boxes faculties could readily tick when disposing of inconvenient colleagues. Ultimately, it was not those codes of conduct which sustained the enduring creativity of the American university system; it was the frequently threatened, but never effectively eliminated, rivalry between the country's leading centres of research and teaching.

None of that implies that competition is a panacea, much less one that is easily implemented. But it is no accident that John Stuart Mill took the epigraph for *On Liberty*, with its soaring defence of free speech, from Humboldt's magnificent book on *The Limits of State Action*, in which the great reformer saluted "the oppositional energy of the individual and his sense of freedom" and devoted his "every argument" to emphasising that intelligence can only thrive, and liberty survive, where it has open to it a "true diversity of situations".

It is that "true diversity of situations" which our university system, in its mandated uniformity, so seriously lacks. Without it, and without the competition which diversity enables and promotes, the comforts of a quiet life are sure to triumph time and again over the stern demands of unvarnished honesty, fearless debate and genuine intellectual excellence.