

# Universities as the fifth power?

## Opportunities, Risks and Strategies

Ana Mari Cauce, Yves Flückiger, Bert van der Zwaan (Eds)





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## The Glion Colloquium

Founded in 1998 by Luc E. Weber (University of Geneva), Werner Z. Hirsch (UC Los Angeles) and James J. Duderstadt (University of Michigan), the Colloquium's objective is to allow leaders of renowned universities to meet and discuss major questions related to the development of science and Higher Education, as well as governance and leadership of research-intensive universities. The Colloquiums are organized biennially by a small, independent Association based in Geneva, Switzerland, and by an international programme Committee designated every other year to set up the programme and invite participants. Various forms of financial support and funding have been found over the years – research and cultural international foundations, global corporations, Swiss universities, as well as the Swiss State Secretariat for education, research and innovation, have participated.

Altogether, 200 different leading figures from higher education worldwide – active or recently retired university leaders – as well as politicians and business leaders, have participated in one or more Colloquiums. The Glion Colloquium helps shape the future of our universities in order to improve their ability to serve society to the fullest. A unique concept, free of any influence, where the presentation and discussion of ideas take centre stage. At past gatherings, participants have considered topics such as the rapidly changing nature of research universities, university governance, the interaction between universities and society, collaboration between universities and business, the globalization of higher education and how universities prepare to address the changes and challenges characterizing our times. The contributions that participants are invited to write beforehand openly reflect their views and experience in order to stimulate discussion. The Glion Colloquium sessions are held in camera, to guarantee open and genuine exchange.

To secure the broadest possible international dissemination of the analysis and recommendations coming out of the contributions and discussions, the revised contributions are published 6-8 months after each Colloquium in a volume which is freely distributed to numerous university leaders worldwide and also sold commercially. This book is the 13th in the series. Nine of them were published by ECONOMICA in Paris. From the 11th book onwards, the organizing Committee has opted for self-publication and a print-on-demand solution, most recently in collaboration with the Swiss self-publishing online platform ISCA in Geneva ([www.isca-livres.ch](http://www.isca-livres.ch)). Searchable PDFs of the books and of each of their composing chapters are freely available one year after publication on the Glion Colloquium's website ([www.glion.org](http://www.glion.org)) and on the Open Archives of the University of Geneva (<https://archive-ouverte.unige.ch/>).

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## DEDICATION

*To Prof. Dr. Luc E. WEBER*

*Recognized diplomat & leader for Higher Education Institutions  
Respected scholar, scientist and teacher  
Distinguished University President*

*His colleagues and friends in the Glion organizing committee  
and the editors dedicate this volume to him, with gratitude,  
for his initiative in founding the Glion Colloquium together  
with James J. Duderstadt and Werner Z. Hirsch from the U.S.*

*His early enthusiasm to make higher education a focus  
for international discussion and reflection,  
his creative ideas, wisdom, leadership and engagement from 1998 onwards,  
have made possible the development and influence of the Glion Colloquium.  
The Glion Colloquium owes its success to his dedication to innovative ideas  
and perseverance to bring them out into the world.  
By founding the Glion Colloquium, along with his many other international  
engagements on behalf of the university sector with governments and  
businesses, Luc Weber has contributed significantly to changing, for the better,  
higher education institutions worldwide.*



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# CHAPTER 9

## The Role of the University in Public Debate

*Michael Spence*

### INTRODUCTION

In an age of wicked problems, our communities increasingly look to universities for guidance. This trend is only likely to grow as the number of institutions that can speak into public debate with authority declines, and as governments look to universities for a “return” on their research spending. But for universities this trend presents real challenges. These are not merely the obvious challenges; that the work of universities is often organized around disciplines and the wicked problems our community faces do not fit neatly into disciplinary categories; that the claims of academics are often nuanced, and the claims mostly easily heard in a claims-saturated community lack nuance altogether. They go to the very social purpose of the university as an institution. Universities in the liberal tradition, as institutions, are best seen as fora for, and not participants in, debate. Indeed, on any given issue, a good university is likely to have keen advocates for completely opposing approaches to a given social or scientific issue. What then is its role in public debate? If the university is a “forum”, when, if ever, is it appropriate for it also to be a “voice” in the public conversation? Can the university adopt a position on matters of public debate? And when, and to what extent, is it ever responsible for the ideas and speech of its staff and students?

## THE UNIVERSITY AS A FORUM FOR DEBATE

Given the extent to which universities are profoundly enculturated institutions, and understandings of their role vary over time, place, culture and even sub-culture, it is difficult to speak of the “the university” as a kind of idealized hypostasis. That’s part of the reason, methodological difficulties aside, that the so-called “rankings” of universities make so little sense. But it is possible to speak of “the university” within a given cultural and political tradition, and the kinds of universities in which I have spent my working life are research-intensive universities operating in the context of the Anglophone liberal democracies.

Within that tradition, one of the best accounts of the function of the university has been offered by the political philosopher, Ronald Dworkin. In his article “We Need a New Interpretation of Academic Freedom”, Dworkin conceives of the university as a kind of “theater ... in which personal conviction about truth and value is all that matters, and ... [where] scholars and students alike [are trained] in the skills and attitudes essential to a culture of independence” (Dworkin, 1996). That culture of independence is in turn essential to the maintenance of the “ethical individualism” which is at the core of liberal societies, an ethical individualism which “insists, among its other components, that we each have responsibility for making as much of a success of our lives as we can, and that this responsibility is personal, in the sense that we must each make up our own mind, as a matter of felt personal conviction, about what a successful life for us would be”. Academic freedom is therefore not something desirable that may or may not be part of the life of a university, it is central to the very concept of a university itself. By academic freedom is here understood a whole cluster of concepts including, but extending beyond, freedom of speech, that involve: the freedom of staff and students to explore and communicate ideas unfettered by unreasonable restraint; their freedom to participate in the governance of their institution; and a certain degree of institutional freedom from unreasonable government interference.

I should note, incidentally, that in advancing this concept of the university, and of the core function of academic freedom within it, Dworkin is quick to dismiss what he calls the “instrumental” justification of academic freedom, that “[w]e have a better chance of discovering what is true ... if we leave our academics and their institutions free from external control to the greatest degree possible.” While this justification for academic freedom undoubtedly has its limits, it is also true that liberal democracies have seen the enormous productivity, as engines both of innovation and social change, of institutions in which both students and staff enjoy more, rather than less, freedom of this kind. For that reason, it ought not to be altogether abandoned.

If this conception of a university is taken seriously, it means that the university exists, not as a single corporate entity, but as a community of

ethical individuals, each with very different, and sometimes wildly opposing, conceptions of truth and value. The role of the university is to provide the context in which that ethical individualism can flourish and in which each member of staff and student is able to pursue, in Dworkin's terms, her own conception of the "successful life". Understood in these terms, the university is best described as a kind of forum for debate, and the duty of those charged with leading the university is to promote, and not to chill, far less to stifle, debate amongst staff and students and their capacity to exercise their academic freedoms. There has been debate as to whether the university has a duty to promote the ethical individualism of only academic, or also professional and support staff, but it is at least arguable that the university works best to fulfil its core purpose when a certain "academic" freedom is enjoyed by all members of the community, by all staff and all students.

## **TWO IMPLICATIONS OF THIS CONCEPTION OF THE UNIVERSITY AS A FORUM FOR DEBATE**

This conception of the role of the university in a liberal democracy is not without its critics, and there are at least two currently contentious areas in which it has implications for the work of universities and their leaders.

### **Can the university, as an institution, promote particular conceptions of truth and value in the public conversation?**

If the primary function of the university is to create the conditions in which staff and students can develop and exercise the ethical individualism core to the maintenance of liberal democracy, then it is hard to see how the university itself can enter public debate as an advocate. The university cannot both be a forum for debate and a participant in debate in a way that does not chill the exercise of the ethical individualism of its staff and students. Assuming a plurality of views amongst staff and students on any issue worth debating, the institution itself cannot tip the balance of the debate by siding with one side over another. In that this is true of the university as an institution, it must also be true of the senior officers of the university, such as presidents and chairs of governing bodies, in any context in which they may be taken to represent the views of the institution as a whole. Even if it could be shown that on a given matter of public debate every member of a university held a particular opinion, it is arguable that the university itself promoting that opinion could limit the capacity of an individual member of staff or student to change her mind, and thereby threaten her ethical individualism.



This principle, entailing as it does a deep commitment to academic freedom, is not without its limitations. Four of these raise important practical issues.

The first, is that it is wholly legitimate for a university to assist its staff and students in making their voices heard in the public conversation. It can and should promote the work of staff and students as examples of the contribution that the university makes to the public search for truth and value. In that sense, the university can speak into public debate. In recent decades, keen to shore up their social licence to operate, to demonstrate relevance and gain competitive advantage, universities have built media teams and measured their media share. But our claims should always be that “researchers at University College London have ...” rather than “University College London has ...”. It is a subtle, but important, difference. Incidentally, a commitment to ethical individualism does not entail an obligation on a university equally to promote the work of all its researchers for the reasons outlined in the following paragraphs. The university does not have to use its resources to ensure that all staff and students have a similar platform.

Second, it is impossible, and undesirable, for a community to abstain from establishing norms for the conduct of its own collective life. Decisions are made every day that involve the university, as an institution, affirming certain things as true and endorsing particular values. But making those choices about the collective life of an institution is different, if again subtly different, to entering the public arena as an advocate. It is possible for a university to establish norms for the conduct of its collective life and yet remain a forum for open debate. An example might drawn from my time as Vice-Chancellor of the University of Sydney. I was very proud that the University worked hard to ensure the flourishing of, and to protect from any kind of discrimination, our LGBTQI staff and students. But when the issue arose as to whether the University would enter the public debate surrounding a national referendum on same-sex marriage, I did not think it was appropriate for the University to take a stand. Given the state of the law in Australia, the referendum was essentially one concerning the meaning of marriage. That was something regarding which there was, within the University community, a diversity of views, including both a majority view in which the meaning of marriage simply extended to cover same-sex unions, and a minority view in which it did not. The University needed to make space for both voices to be heard in debates both inside and outside the institution. The question as to whether that is true in relation to all “voices” is something to be considered in the next section.

Third, given that the university can establish norms for its own collective life, are there any to which it must necessarily commit? If the university is to be a forum for debate, it is at least arguable that it must have some role in

establishing the ground rules for disagreement. A good place to start is the conscious promotion amongst staff and students of the epistemic virtues, a set of the principles for disagreeing well. For the purposes of a similar exercise at the University of Sydney, I collated a list of those virtues that claims no originality. Many such lists exist, but they always include things such as:

- “an empathetic willingness to listen carefully and be open to the opinions of others
- a recognition of the particular expertise and experience of individual participants to a dispute
- a recognition of the particular responsibilities within the organisation of any individual participant in the conversation
- a choice of language commensurate with the goal of increasing levels of communication and understanding
- an orientation towards finding common ground with the other
- a desire to identify with some precision those points on which difference exists, rather than to create an ‘enemy’ of the other.”

So-called “civility codes” have often been criticized as a way of silencing dissenting voices, but a focus on a rules of engagement to any disagreement can actually ensure that more voices are heard, and heard more clearly. The difference between the two often lies in the extent to which the epistemic virtues are promoted, or policed, by university managements (though both are to some extent necessary). That these can be complex waters to navigate is evinced by the debate over the University of Cambridge Statement on Freedom of Speech in late 2020 (Cambridge Speech, 2020) in which staff objected to the notion that the University expected staff, students and visitors to be “respectful” of others and insisted instead that the Statement should require them to be “tolerant”.

Fourth, while the university must create space for academics freely to follow their intellectual passions as an exercise of their academic freedom, it can require that they undertake particular types of task at a particular standard, and it can use its resources to focus the work of the institution in particular areas. It almost goes without saying that if academics are paid to teach and research, that means teaching and meeting reasonable, and nuanced, expectations of research productivity. While the university is a community of ethical individuals, it exists for collective purposes in teaching and research and a demonstrated commitment to those activities is a condition of membership. Indeed, it is not unreasonable for a university to require that the work of its academic staff meet certain perceived quality thresholds (for example, that it is work of a quality that merits publication in peer reviewed journals), as long as those quality thresholds are transparently articulated and fairly applied. Finally, a university can reasonably set institutional priorities for

teaching and research, or meet the legitimate interests of governments, other research funders, and the community more broadly, that the research and teaching it undertakes addresses particular community concerns. In other words, although it is sometimes invoked in these ways, academic freedom is not the last refuge of the indolent or underperforming, nor does it preclude the creation of an institutional research and education strategy, or the directing of resources to priority areas.

### **To what extent is the university responsible for the views of its staff and students?**

The flip side of the question of whether a university can, as an institution, promote particular conceptions of truth and value is the question of when the university might be regarded as responsible for the views of its staff and students and, by extension, those whom they invite onto campus to speak. One of the ironies of the current political environment, at least in the Anglophone world, is that many of the same voices keen to promote free speech on campus are the quickest to complain when there is speech at the university that they find repugnant. It is increasingly true that some on both the left and the right of politics expect university administrators to intervene when they object to things said either in the classroom, or by visiting speakers. Three questions have proved particularly knotty in this context.

The first is the extent to which the principle of academic freedom protects all lawful speech. Almost everyone agrees that a university can intervene to prevent hate speech, speech promoting terrorist violence and other kinds of unlawful speech. Of course, the practicalities in this context can be difficult because it can be difficult to know, *ex ante*, how likely it is that a visiting speaker might engage in unlawful speech. But, within reasonable limits of uncertainty, the principle that a university need not to permit, or is justified in taking action against, speech that is unlawful, is broadly accepted. Similarly, most commentators would agree that limits can be placed on speech on public order grounds; that it is reasonable, for example, for a university to prevent the visit of a speaker if it is likely to give rise to public order issues that the police advise cannot reasonably be controlled.

But the question is whether limits on lawful speech, in contexts in which public order is not an issue, might still be regulated by a university. Where an institution has implemented a civility code of some sort, it is arguable that it can regulate the manner of speech, if not its content. But some have gone further and argued that there are types of lawful speech which a university can legitimately regulate. In March 2019, the Australian Government commissioned a *Review of Freedom of Speech in Australian Higher Education Providers* (Australian Review, 2019). The review gave rise to a Model Code

for the Protection of Freedom of Speech and Academic Freedom in Australian Higher Education Providers, paragraph 6 (c) (iii) of which provides that a university may refuse permission to an external speaker “where the content of the speech is or is likely to ... involve the advancement of theories or propositions which purport to be based on scholarship or research but which fall below scholarly standards to such an extent as to be detrimental to the university’s character as an institution of higher learning”. The clause only applies to visitors. Presumably this is because the author of the Code made the assumption that the usual quality control processes of the academy will deal with the issue of staff and students of the university engaging in speech of this kind, an assumption that might be regarded as optimistic in some contexts. Nevertheless, the clause is radical because it would mean that a university can exercise quality control over the content of speech, at least as regards visitors.

This clause in the Australian code is arguably incompatible with the vision of the university as a theatre for the exercise of the independence of the mind that I have taken as axiomatic. The vision of the university as a forum for debate assumes that debate itself is a kind of epistemic test, and that ideas that are untrue or promote undesirable values will be exposed without the need for prior screening by university administrators. Equally importantly, the test of falling “below scholarly standards to such an extent as to be detrimental to the university’s character as an institution of higher learning” is so elastic as to be extremely difficult of application. Even more problematic are attempts to limit the principle of academic freedom with reference to the “reputation” of the university. This is an area in which the brightest lines of principle turn out to be both most easily justified in theory, and most practical of application.

A second question in relation to the content-based regulation of speech by universities concerns the extent to which the university is, or is not, more responsible for the content of teaching, than for the free discussion of ideas outside the classroom. Into this question can be folded the vexed issue of whether a university has a duty to encourage, or to ensure, that teachers offer so-called “trigger warnings” when material that is particularly challenging is to be addressed in class. To some extent this depends upon a conception of university education. At its core, I believe that university education involves the education of adults (of whom a certain resilience must be assumed) in the art of critical thinking, and of effective oral and written communication. Students must be confronted with ideas that they find challenging; they must develop the voice to exercise the ethical individualism that is at the heart of the liberal conception of the university. While a university owes its students a duty of care, it cannot be a duty to protect them against ideas that they find difficult, because equipping them to assess such ideas, and to affirm or rebut them, is precisely the function of a university education. That said, a university can require that a teacher remembers the unequal power dynamic

of the teacher-student relationship and is particularly careful in the exercise of the epistemic virtues the promotion of which, I have argued, can be part of the university's function in setting the ground rules for debate. The trigger warnings debate provides an interesting context in which to think these issues through; a trigger warning establishing the presumption that certain students may be excused from dealing with particular types of material is problematic, but a trigger warning that alerts students to the possible impact of particular material and encourages them to find help in dealing with it should they need to, is no more than appropriate student well-being support.

A third issue that arises in relation to the responsibility of the university for the views of its staff and students. A complaint sometimes levelled against the contemporary university is that particular academic communities can have a tendency towards so-called "group think", and that hiring committees can engage in processes of narcissistic self-reproduction until it is almost impossible for students and others with whom the community engages to find any genuine diversity of thought. This is an interesting dilemma for a university leadership. At one level it is something about which it is entirely inappropriate for university management to take action; the ethical individualism at the core of the liberal conception of the university would be undermined by any attempt to enforce diversity upon a particular academic community. And such an attempt would, in any case, be impracticable. Nevertheless, it is possible for university leaders to commend and encourage academic communities willing to hire across a diversity of methodologies, identities and ideological commitments as part of their commitment to growing a university community in which the notion of difference is treasured and in which ethical individualism flourishes. It is arguably a lack of such diversity, rather than any history of prohibiting speech, that has led to the current debates in many English-speaking countries about the state of free speech on university campuses. Conservative communities, in particular, often feel that their voice is excluded from the university conversation and there is a danger that the academic community fails to engage meaningfully with the variety of *weltanschauungen* that shape the lives of significant parts of their stakeholder communities. While this is not something for which university leaders can "solve" in any systematic way, diversity of thought is certainly something for which they should always be arguing.

## CONCLUSION

It is the argument of this essay, then, that while a university must encourage its staff and students to engage in public debate, its own role, as an institution, is to host the conversation, and to ensure that the virtues that facilitate constructive disagreement are widely promoted. This is not an easy position to

hold in a society that frequently expects universities to adopt a prophetic role, though just as frequently loves to pillory academics for doing so and expects their universities to discipline them! But it is this uncomfortable position, as host, that enables a university best to fulfil its core mission in a liberal democratic society; to be a theatre “for the exercise of the independence of the mind” and, in that, to promote the ethical individualism that makes such societies possible. Fulfilling that mission seems, in a culture of glib, passionate and often extreme argument, to be more important than ever.

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