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### ACADEMIC FREEDOM AND OTHER THINGS

AN editorial is any article written by the editor, who, if he is a sensible man, writes on subjects of interest to the community for whom he publishes his review. The editor of this journal, being also the President of the Maltese Association of Teachers of the Royal University of Malta (ATRU), actively interested in the promotion and defence of the interests of his colleagues, publishes editorially the text of a brief communication which he read at Herceg Novi in Yugoslavia, last August at the XV Congress of the International Association of University Professors and Lecturers. Here is the text having as its subject *Twenty-two years Experience of University Academic Freedom*:

The University of Malta will be celebrating its first bicentenary next November. This celebration will commemorate a historical decree dated 22nd November 1769 and signed by Grand Master Pinto who, having confiscated the Jesuits' College, hurriedly converted it into a University proper, without even waiting for the Bull of Pope Clement XIV, who, eventually, authorised him to do so. The Jesuits' College which was founded by Bishop Fra Tommaso Gargallo on the 5th November 1592 by authority of Pope Clement VIII, with the co-operation of the Grand Master, at that time Cardinal Verdala, was authorised by a Bull of Pope Gregory XIII of 9th May 1578, to confer the academical degrees of Master of Philosophy and Doctor of Divinity. As this decree in fact re-confirmed a Bull by Pope Pius IV of 1561, it follows that the University of Malta as a degree-conferring institution, is already 400 years old.

In 1798 when Malta was for a very short time an uneasy French Colony, Napoleon Bonaparte abolished the University by a decree of 18th June of that same year; but the decree was never carried out, because the disillusioned people rose up in arms against Napoleon's garrison when these started looting church property and, through the help of the British Navy, eventually, turned them out. The University was re-opened in 1813 when Malta became a British Colony with Mgr. Caruana, Malta's third Maltese

Bishop, as Rector. The University of Malta began its academic life and continued it till 1947 as a purely State University with the members of the teaching staff as Civil Servants on the pensionable establishment, under the direct control of the Minister of Education who signed appointments, and could overrule the University Authorities also in matters of an academic nature. But in the meantime, the University statute suffered many a change, mainly affecting the teaching load and the Constitution of the academic and administrative bodies. But such changes and amendments left it fundamentally a State University till 1947 when, as a result of the recommendations made by the Asquith Commission (1945) for higher education in the Colonies (now ex-colonies), the University was converted into an autonomous body entirely independent of the Government except for financial support, being otherwise administratively and academically governed by its own Council, Senate and Faculty Boards. The University of Malta is described as Royal because in 1937, His Majesty King George VI accorded it the honour of his Royal Patronage and, later in the same year, he also granted it the title *Royal*. This title gives our University a sort of official status among the other Commonwealth Universities.

The year 1947 is an important year in the history of our University, because that was the first time when our University was moved out of direct government control and was vested with full internal authority which it has exercised ever since for the last twenty-two years. As a senior member of the University, I can appreciate the difference between a self-governing, academically free University and a government-controlled University. In our case, experience has shown that an autonomous University can fulfil its function more fully, freely and efficiently on the collective experience of its academic and non-academic members, than under the previous system, which at least in Malta before 1947 did not provide sufficient safeguards to guarantee academic integrity against arbitrary ministerial decisions.

To prevent the growth of arbitrariness and high-handedness from inside, often almost inevitable in the case of over-centralised or insufficiently delegated powers, the Council, which is the supreme administrative authority in the first place, the Senate and other bodies, bearing in mind Lord Acton's warning that all power corrupts, are expected to keep the internal frontiers of authority well defined under the Statute not merely theoretically but also in practice. Failure to exercise this watchful vigilance and definition of rights and duties can well justify the suspicion of those who fear that academic autonomy can be a camouflage for one kind of arbitrariness replacing another. Integrity of personal character, being all the time overboard in one's dealings with staff and students, a

profound sense of fairness based on adequate personal knowledge of the Constitution (staff and students), working (administration) and needs of the University, plays a great part in the implementation of the vital condition the absence of which makes a farce of academic freedom.

Academic autonomy, even under the best conditions, cannot be an acceptable reason for keeping the government out of it entirely, especially when, as in Malta, the Institution is completely dependent on government funds. (The Government provides a triennial block vote of about £330,000). It is to the credit of our government that it has accepted this new situation in the interest of academic freedom; our parliament could put an end to our freedom at any time, but it has not done so. The government has not, of course, given our University a blank cheque to do with it what it likes. The University submits a statement of accounts showing expenditure and revenue in detail to the House of Representatives every year, so that the members of our Parliament, having full access to the University's report, may satisfy themselves that public funds are well spent. They are free to criticise the University in Parliament over expenditures which they may think unreasonable or unjustifiable. The House of Representatives, (that is the name for the Parliament of Malta), elects six members to sit on the Council to represent not so much the government as such, as the whole House, though, in fact, the government has four representatives as against two representing the Opposition.

The Council, besides the six members of the House of Representatives, consists of (a) a President appointed by the Council from its own members or otherwise; (b) the Vice-Chancellor and Rector Magnificus (note the curious combination of the new British title 'Vice-Chancellor' and the older Latin title 'Rector Magnificus'); (c) one non-Maltese member appointed by the inter-University Council for Higher Education overseas or his deputy who so far has always been Maltese; (d) six heads of University Departments of professorial status elected by Senate; (e) two members elected by the Guild of Graduates of the University; (f) two members appointed by the Chancellor, the Governor General and (g) one member appointed by the Archbishop of Malta. The Council as the Supreme administrative authority in the University, has the final say in matters affecting administration.

Academic matters are dealt with by the respective Faculty Boards i.e. the boards of (1) Theology, (2) Laws, (3) Medicine and Surgery, (4) Engineering and Architecture, (5) Dental Surgery, (6) Arts, and (7) Science. The decisions of these boards are subject to the approval of the Senate. The Council is, in a way, the most responsible guardian of our academic freedom. So far academic freedom in Malta has met with no serious obstacles; but lately, on the advice of some representatives of the Legis-

lature who are themselves the representatives of the House on the Council, the present government has publicly stated that it is going to set up a Commission of enquiry and investigation with the purpose of making recommendations which will improve the Ordinance of 1947. My Association will certainly watch the developments very carefully to make sure that there will be no encroachment on academic freedom, but it is not otherwise opposed to possible amendments and improvements in the said Ordinance of 1947 which, having been published in a hurry by the British Colonial Government a short time before the restoration of self-government to the Maltese, contains a strange clause to which our University students and also the Council of the University have already called the attention of the government. This is section 10 of the Ordinance of a most unpleasant Colonial flavour no longer acceptable to self-respecting Malta. This section lays down that 'the English Language shall be the official language of the University,' and this in spite of the fact that the Maltese have their own language and literature (the present writer is the first holder of a Chair in Maltese in the University of Malta since 1937) and also in spite of the fact that, in the Malta Independence Constitution, Maltese is one of the two official languages. The Ordinance in question can no longer be suffered to cripple academic self-respect among the Maltese members of the teaching staff whose parity of ethnic status is thus (whatever the intention) high-handedly discriminated against. Impositions of this nature and academic freedom do not go together. In practice, any Maltese professor, who at any one of the University meetings speaks Maltese is technically a contravener of the University's statute. In all fairness to the University, it must here be emphasized that as the University authorities some time ago called the attention of the Government to this anomaly, it is up to the government now to rectify the situation. Government's failure to do so (without more delay) stultifies our Independence.

There are several other points in the Ordinance which call for revision. However, in spite of this and some other shortcomings in the Ordinance, there is a general feeling in Malta that the results of academic freedom are very satisfactory, even if there is always room for improvement. Indeed, where there is no room for improvement, one can say that the institution has reached 'stagnation point' which is a dead end.

The stand taken by my Association is that, whatever changes may be contemplated, nothing should be done to reduce, or in any way cripple, academic freedom which is not always easy without freedom of movement. Its basis is the government's confidence in the teaching staff and the conviction that they can be trusted to do a good job for the nation. Without government's confidence and support, no University can prosper. It is

certainly not a question of the University being independent to do what it likes, as much as a question of the government itself being convinced that this is the best way to diffuse unhampered knowledge.

In the course of this paper, I said that the University of Malta is entirely dependent on government funds. This makes the future of our academic freedom very precarious. I agree, but the position of the University of Malta, in this respect, is no worse than that of U.K. Universities which, including those with their own foundations, are now largely dependent on government funds. (We are all being progressively swallowed up by the State!). Government and University collaboration is indispensable. Academic freedom cannot claim more breathing space unless it accepts some sort of indirect control. Freedom must be both earned and deserved; but it is not necessarily in mortal danger. If the government, economically hard-pressed does not always give the money the University asks for, the University will have to cut down on some of its urgent expenses. It will have to decide on priorities. Cutting one's thong according to one's leather is often found to be a wise advice, which need not affect academic freedom adversely. It may merely set a limit to what some spendthrift administrators may want to spend on ambitious projects. There have been cases of University administrators spending money extravagantly on a proliferating administrative machinery at the expense of the essential needs of teaching and research. We have to admit that, unfortunately, not all University administrators are sensible or academically minded. In this case, some sort of control must be exercised.

Is academic freedom in danger in Malta? I do not think it is. Indeed, I feel that the decision to revise the Ordinance of 1947 is motivated by the genuine wish to see real improvement and not to restrict, or cripple, academic freedom and go back to where we started! We will not go back. We have confidence in the good sense of the government whom we expect to have confidence in us.

Under the present system, the government allocates a Block Vote of about one third of a million pounds to the University every three years on the recommendation of a Government advisory Commission, at the moment, under the chairmanship of Lord Fulton. When the Commission was in Malta a short time ago, my Association made several recommendations regarding (a) higher salaries in order to reduce the gap between salaries paid to the local teaching staff and British expatriates, as well as (b) better conditions of work, including the raising of the retiring age from sixty to sixty-five.

The teaching staff of our University is made up of part-timers, full-timers and holders of Conjoint posts (Medical Staff). All part-timers are Maltese, but a considerable part of full-timers are expatriates, generally

British with some exceptions. The teaching staff in the Faculty of Arts are predominantly Maltese, while those in the Faculty of Science are predominantly foreign. Of four Heads of Departments, only one is Maltese. All members in the Faculties of Theology, Medicine, and Laws are Maltese. The Faculty of Economics is run jointly by two full-time professors, one full-time lecturer and four part-time lecturers (all Maltese) and two full-time expatriate lecturers and another on a temporary appointment. The Faculty of Engineering is run by two full-time expatriates and Maltese part-time helpers. This heterogeneous structure sometimes creates problems of human relationship which are likely to deteriorate when the local professors academically as qualified (most of them are graduates not only of the University of Malta but also of U.K. Universities) are paid less for equal work. The margin of difference in salaries payable to Maltese and expatriate members of the teaching staff has recently been narrowed by inadequate increases to Maltese full-timers, but the margin of difference remains disturbingly high. It is over £800 less for the Maltese professor and about £400 less for the Maltese lecturer. If the R.U.M. Commission, which formerly, in the matter of salaries made recommendations for increases for expatriates only, will accept our suggestion as to how the wide bridge in salaries' scales can be narrowed further, the area of possible conflict in future between the Maltese and the expatriates will be gradually eliminated. The prevailing spirit among the members of the teaching staff is one of whole-hearted collaboration and co-operation. We are rapidly moving towards the common sense ideal of all the members of the teaching staff, whether expatriates or local, being considered equal members of one teaching family at the service of the University. This is why we are trying very hard to remove the hurdles in the way. Both the Maltese and expatriates want to see them removed as soon as possible.

At the moment, my Association is conducting a campaign against a compulsory retiring age of sixty, an unfortunate residue of pre-autonomy times (before 1947) when the University was a government department, for instance like the Milk Marketing Department, to mention one example, and the teaching staff were pensionable Civil Servants. When the Colonial Government made the University academically autonomous, it stopped the payment of a pension to the members of the teaching staff which had to be replaced by the less attractive F.S.S.U. policy creating a state of utter confusion among the older and the younger University employees who stood to derive greater benefit on account of their younger age, and left the retiring age at sixty, the lowest in Europe.

Our country that has no surplus talent and needs more people with the know-how cannot afford to throw experience away at the height of its fullest academic maturity. The University is paying heavily to import the

foreign talent that it has not got, and which, sooner or later, we must replace with our own product, naturally if we care to take steps now to create proper conditions and incentives for its growth. We have asked that the retiring age will be raised to, at least, the minimum age of sixty-five both in order to bring the policy of our University in line with that of British and Continental Universities and to enable the Maltese members of the teaching staff to derive the maximum benefit from an F.S.S.U. scheme which replaced government pension.

This is the text of the talk. I now wish to express publicly my gratitude to Professor Dr. Jojislav Stojanovic the president of International Association of University Professors and Lecturers, the secretary Dr. Levy, and Professor Dr. Ljubisa Adamovic the president of the organizing committee for the courtesy that they extended to us at Herceg Novi, one of the most beautiful spots in the Adriatic where we exchanged views and expressed ourselves freely and without hindrance. I express also grateful appreciation of the courtesy that representatives of Yugoslavia Government showed to the members of JALPU.

THE EDITOR

**P.S.**

On October 30, the R.U.M. Council raised the retiring age of the teaching staff from 60 to 65, this being the normal retiring age in most U.K. Universities, a good number of which, however, extend it to 67. At long last, part of a long drawn out battle of the R.U.M. teachers' rights has been won.