Crossing Borders, Contesting Values: Do Universities Matter?

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[Thank you, Professor Golfman, for the kind and overly generous introduction.]

It is an honour to speak before such a diverse group of my peers. I really appreciate the opportunity to think about some big questions facing our country and our country's universities. Most citizens imagine the life of the university professor as one of relative ease where one is given free scope to think deeply on matters of sheer curiosity. We know that such opportunities are actually a luxury with all the demands of teaching, publishing deadlines and service to our various communities. They are even more of a luxury for a university president, but I do my level best to carve out time to think, so the challenge of giving this address is a welcome one. I will be considering the role of universities in crossing borders and in fostering the robust contestation of values.

I am a scholar of international law, so I have spent much of my working life thinking about borders. For all of its modern history, borders have defined international law: borders between states and borders between disciplines. The first point is obvious. What we now consider to be international law emerged in the period after the formation of nation-states. That process began with the Peace of Westfalia in 1648, but reached its apogee in the super-nationalist and colonialist nineteenth and early-twentieth centuries. International law was seen by most

practitioners of the discipline as a product of state consent, so law could only shape the intercourse across borders; it did not challenge borders, but reinforced them. In parallel, the discipline carved out a role for itself as the handmaiden of power. It facilitated the will of states, but seldom got in the way.

In part because international law was essentially deferential to state power throughout much of the modern era, it connected only slightly to other cognate academic disciplines. It had little theory, so was not strongly connected to sociology or economics. It was resolutely if unambitiously normative, so connected poorly with purely interest-based conceptions of politics. It was neither a social science, for it had little method, nor a humanities discipline, because it was so resolutely pragmatic.

And yet, throughout that same period of history, international lawyers have invoked the "international community" as both the source and object of public international law.[i] The assumption is that if there is no community, there can be no law because it is only in community that the expectation of compliance with law can be generated. The community that is said to generate public international law is a highly particular one: the community of sovereign states. However, in recent times the scope of international law has been steadily expanding so that today, in the

words of Wilfred Jenks "it represents the common law of mankind in an early state of development, of which the law governing the relations between states is one, but only one, major division."[ii]

Jenks' assertion that public international law can now be regarded as an emergent "common law of mankind" reveals the tensions in the concept of the "international community". For a rich and detailed common law to develop, it is indeed likely that some form of community is required. But in the post-modern era, where pluralism is said to be a defining feature of many national societies, can one expect that global society will be marked by a unity approaching any realistic understanding of community?

No doubt, by now many of you are getting worried. "Am I at the right talk?" you may be asking. "What has international law got to do with crossing borders, contesting values and universities?" you could be wondering. Please bear with me for just a minute more.

In adapting international law throughout the twentieth century, and focusing more and more on individuals as beneficiaries rather than mere subjects of the law, one of the primary goals of international legal theorists was to promote greater legal responsibility for international actors. Throughout the last century successful efforts were made to

impose responsibility upon individuals for war crimes and crimes against humanity, to promote the responsibility of states and private persons for violations of human rights, and to establish responsibility for breaches of international environmental protection rules.

Over the last fifty years or so, international lawyers have, albeit imperfectly, broadened their horizons and re-imagined the scope of their field of study and practice. Here's the punch line: universities are, I think, going through parallel processes of transformation. Some of us are groping towards a conception of the university's role and responsibilities that crosses disciplinary borders and helps increase the permeability of state borders. But we are constrained by two powerful forces: lingering positivist sensibilities that reinforce content-determined conceptions of education; and difficulty in escaping the nationalist sensibilities that provide comfort amidst social complexity.

I want to argue today that just as international law has finally found some liberation in inter-disciplinary connections and in a transcendence of state borders, universities can rediscover their own promise in analogous transformations. Don't get me wrong. I am not one of those "futurologists" who thinks that universities are outmoded or unable to meet the needs of contemporary society or the modern economy. Let's put our challenges in perspective: along with religious foundations and

structures, universities are one of the only social institutions that have remained recognizable from the medieval period to this day. Universities have not been "ivory towers" at all; they have adapted in function and organization. Our medieval forebears would find it hard to imagine a university that teaches engineers and commerce students. The idea that universities might be "patent powerhouses" as UBC was recently described, would of course be unimaginable. Universities opening up community-service learning opportunities for a thousand students in schools and social service agencies and advocacy NGOs throughout the city and across the world, as UBC does every year, would be puzzling.

Yet over hundreds of years, universities have also found ways to retain and build strength through robust processes of peer review, and the cumbersome but essential attributes of collegial governance. So our own experience of the university, and that of our students, draws on a rich and remarkably stable tradition, while reflecting the evolution that has occurred over generations. My point is that while respecting our powerful traditions, there are, I think, particular opportunities in our generation to add to the strength that we have inherited. Those opportunities relate to the crossing of borders, both state and disciplinary. But, and here is the real road block in our way, I suspect that we are collectively afraid to cross some borders because we are

reluctant to enter onto the no-man's land of contested values. But if university people don't enter that land, not only will we fail to make the gains that our generation owes our forebears and our successors, we will also fail our societies, our students and ourselves.

Let me return to my own discipline one last time. The distinguished Finnish international legal scholar, Martti Koskenniemi, argues that international law remains today "a terrain of fear and ambition, fantasy and desire, conflict and utopia, and a host of other aspects of the phenomenological lives of its practitioners".[iii] I could not imagine a more subtle definition of the terrain we all face in a university as well. We have to take up the challenge as a matter of responsibility, both professional and social. Our first responsibility may be to dream.

So let's dream together for a moment. Imagine that our universities in Canada decided that we had a profound responsibility to address some fundamental problems of our era. We would not forego our commitment to curiosity-driven research, which needs constant buttressing, but we would build on that commitment in certain key areas. Imagine further that we might agree on what some of those fundamental, generational, problems are. I know that this would be difficult in a pluralistic university setting, but as a thought experiment, let me suggest two that should be on any list for debate: the need to move rapidly to a

radically more sustainable environment, economy and society; and the need to help new generations of Canadians navigate deep cultural and religious diversity, both within and without our national borders.

UBC is a globally recognized leader in sustainability practice and research. But even here, where much has been accomplished, we know that there is so much more that we could do. One of the significant constraints is our traditional departmental structures. We have people working on closely related scientific issues of sustainability within Science, Engineering, Medicine, Forestry, and Land and Food Systems. At the same time, English lit scholars, political scientists and sociologists, to name but a sampling, work on the cultural and social aspects of sustainability. All too often, we don't work collaboratively. At times, we even duplicate efforts and argue at cross purposes, without being aware that we are doing so.

For many of you, I know that I have no need to make a case for inter- or trans-disciplinary work. (I refuse to argue about the most appropriate terminology for reaching across disciplinary borders). Much cross-disciplinary work is already taking place. Literary theorists are exploring philosophy and linguistics. Political scientists are researching into sociology and even law. Ethicists are trying to understand the intricacies of medical decision-making and corporate structure. In many

universities we are seeing an explosion of interdisciplinary master's and doctoral programmes. Doctoral committees even within traditional departments are becoming more heterogeneous. I could go on.

We have made progress. As a university president, I have the great privilege of being exposed to the hundreds of places around us where true interdisciplinary work is being pursued. At UBC, our Human Early Learning Partnership draws together some of Canada's finest researchers in early brain plasticity, population health, developmental psychology, education and epidemiology. Our Institute for Resources, Environment and Sustainability undertakes research on water, ecosystems and communities; energy, technology, health and society; and local and global environmental change.

But there is so much more to be done. Let me return to the fundamental problem of environmental, economic and social sustainability. Why are so many of our undergraduate students called upon to make all the connections themselves, and to do the integrating and synthesizing? Why are they the ones who must bridge artificial gaps? Why are so many of our programmes so credit-intensive that students simply can't take the opportunity to explore outside limited fields? Why do we replicate the same courses in various departments, rather than trying to find ways to share resources and create more diverse learning

communities for our students? Why do young professors with joint appointments fear they won't get tenure? Why are "interdisciplinary" programmes and research centres so often disconnected from undergraduate teaching? Why do such programmes and centres often have trouble finding intellectual space within faculties? Why can't professors in the same discipline, but with appointments in different faculties, teach core courses in the "other" faculty? We are simply not doing a good enough job marshalling the incredible resources at our disposal; we are not making the difference in our society that we could. We are not fully meeting our responsibility to serve the local, provincial, national, and international communities

How are we doing on the second great problem that I identified in my thought experiment, helping new generations to navigate deep cultural diversity? Despite the commitment that we at UBC have made to helping our students become "exceptional global citizens", the achievement to date is too limited. Yes, it is true that we have more students studying Mandarin than any other university in North America. We are already Canadian leaders in community-service learning, thanks in part to the pioneering efforts of our Learning Exchange, focused in Vancouver's downtown east side. We have no less than four student residences shared with universities from other parts of the world, with another opening this year, ensuring robust interaction between Canadian

and foreign students. Our Go Global initiatives are opening up diverse international co-op and exchange opportunities for our students. Our researchers in BC publish proportionately more papers with colleagues outside Canada than do researchers in other provinces. We at UBC cross national borders more extensively than could have been imagined only a generation ago.

And yet, it is still possible for a UBC student to graduate without having thought seriously about how her field of study relates to the fundamental challenges of our day. It is not only political scientists, lawyers, geographers, and sociologists who need to think about immigration policy, the role of radicalized religion and Canada's potential role in promoting global sustainability. It is our doctors, our mathematicians, our engineers. Canada's egregious failures in recognizing and then supporting healthy aboriginal societies is a topic for all students, not only those in "first nations" programmes. Why is it that our students so often have to take the lead in forcing critical reflection? They vote to support student refugees through the World University Service of Canada. They create Engineers Without Borders.

Some of our programmes are so focused on the detail of specific subjects that the forest is lost for the trees. Even with all our new global programmes, only a small minority of our students will have an

opportunity to work or study outside Canada during the pursuit of an undergraduate degree. We in Canada have nothing comparable to the well-funded Erasmus programme that facilitates student mobility in Europe. The decision of our federal government to top up some Canada Graduate Fellowships to allow international exchange is very welcome, but it is only a modest beginning.

Despite the clear imperatives, we in universities often have trouble crossing disciplinary and national borders. I have used UBC examples, but as a proud President, it is incumbent upon me to say that I actually think that UBC does a better job crossing borders than most universities. That is one of the main reasons I was attracted to come here. My point is that no Canadian institution is doing a good enough job. I will conclude by offering a few observations as to why we seem to have such difficulties.

Let me emphasize, however, that we should not be too hard on ourselves. Remember that my thought experiment was to choose two of the greatest challenges of our generation. It is not easy for anyone to address such challenges. The existing social, cultural and financial constraints are significant. In trying to cross disciplinary borders, we confront our own past education, our past practices and our formal structures, the latter being the issue that we should be able to do most

about. But none of these speed bumps is un-passable. As I stressed at the outset, universities have already changed dramatically in the last few hundred years. We can continue to evolve. Rather than talking about our failures, it might be more productive to examine the places where substantial change took place, and to learn from those experiences. How did we manage to move engineering from an apprentice system into the academic fold? How did it become possible for feminist perspectives to fundamentally challenge the practices of our conservative institutions? How did the concept of a liberal arts education emerge from church- and state-centred medieval instruction in England, or from the Humboltian research model of Germany?

Of course, there will be no single explanation for these moments of change. But I suspect that there may be some common denominators, worthy of further research. Let me offer only two of the possible explanations: First, I repeat that universities are not ivory towers; they respond, as do all social institutions, to forces of interactive human discourse. Liberal arts education emerged to respond to the needs of fast changing societies in North America that required flexible thinkers more than technicians. It grew with the need to expedite higher education for vets after the Second World War. Feminist campaigns in society at large found fertile ground in universities where women students began

to claim a place and where a few feminist pioneers showed how cultural change was possible.

Second, universities change because ideas matter and leaders in universities *persuade* each other of important new ideas. Leaders are not necessarily those in the formal hierarchy. I have no doubt that at UBC one of the most influential leaders in recent times was Michael Smith, a Nobel Laureate in Chemistry. His passionate commitment to scientific collaboration led to the recruitment of brilliant young researchers and to the creation of collaborative teams that are still working at the forefront of science eight years after Michael's death. Today, at UBC, it is leaders like John Robinson and James Tansey who will drive collaborative sustainability research.

We also need to work on improving our university structures in dealing with areas like sustainability that transcend specific content domains. Our historical structures should not define our future possibilities. At UBC we created the Michael Smith Labs to facilitate certain kinds of interdisciplionary scientific interaction. The humanities and social sciences require similar initiatives, as do areas of study that bridge across science and the arts.

In trying to cross national borders, we face equally daunting challenges. Even though we may seek to become "global citizens" I think that it is important to start with a frank acknowledgement: we do not now, nor are we ever likely to live within, a true global "community." But this is no cause for despair. In her influential book *Justice and the Politics of Difference*, Iris Marion Young describes the gift found in what she terms "city life":

> By "city life" I mean a form of social relations which I define as the being together of strangers. In the city persons and groups interact within spaces and institutions they all experience themselves as belonging to, but without those interactions dissolving into unity or commonness. City dwelling situates one's own identity and activity in relation to a horizon of a vast variety of other activity… City dwellers are thus together, bound to one another, in what should be and sometimes is a single polity. Their being together entails some common problems and common interests, but they do not create a community of shared final ends, of mutual identification and reciprocity.[iv]

Unintentionally perhaps, Young here presents a compelling description of global society, and what the much-vaunted processes of globalization mean for universities today. Our inability to find or create global

community does not preclude practical associations. We must cross borders in new ways, not looking to dominate or simply to find mirrors of ourselves. The irony of globalization, of course, is that at precisely the moment when we have stronger methods of communication and interchange than even before in human history, we are prosecuting a so-called war on terror that divides and alienates, and we typically treat inter-societal relations as matters of competition, not as opportunities for collaboration.

I worry that there may be an even bigger block that prevents us at universities from crossing both disciplinary and national borders. That is the fear generated in fully embracing our traditional role as sites for the contestation of values. Let me be blunt: I worry that Canadian universities are too often places where we shy away from the social realities of deep diversity, where we try to find consensus before we allow for the spirited dialogue that sharpens understanding, where comfort is prized over robust and challenging debate. I don't mean debate over our respective rights and privileges as members of an elite community; we are often very good at that. I mean fundamental debates about the future of our society and of our places within it.

The kind of deep diversity reflected in Iris Marion Young's description of city life is often uncomfortable. When we try to reach out from our

own disciplines to others, we can feel rebuffed and judged. I certainly know that its lack of a distinctive methodology makes law an easy target for economists who understandably complain about law's lack of parsimony in argument. For political theorists who adopt rational choice approaches, the same critique of law is inevitable.

Scholars can be a inward-looking lot. Instead of generating robust debate, our disciplinary certainties can lead to dialogues of the deaf, or to mere "tolerance" of diverse views without real engagement. The latter is the more common Canadian disease, in my experience. If we are really going to bridge disciplines and open up new ways of addressing the fundamental challenges of our generation, we need to be more truly interested in diverse theoretical presuppositions, less inclined to prove others wrong or to simply condescend. We should be actively exploring points of complementarity and synergy.

In crossing political borders, we need to move beyond mere "tolerance" as well. Canadians are pretty good at tolerance. We are not so good at principled, but open-minded engagement with people whose values are not entirely compatible with our own. I sit on the international relations committee of the AUCC. Last year, in preparing for a new submission to CIDA, we had cause to review the full panoply of international development engagements of Canadian universities. I was shocked to

discover the paucity of Canadian university engagement with universities, NGO's or governments in the Muslim world. Our international profile, as a Canadian university community, is safe and quite predictable. It is also quite similar to the engagement patterns of our US counterparts.

Similarly, when one reviews the choices that Canadian university students make in where to pursue exchanges or co-op work opportunities, the picture is again largely one of comfort and predictability. We have thousands of students in Europe, the US and Australasia, but most of our universities struggle to fill available slots at Asian, African or Latin American institutions. Part of the problem is weak language skills. Much as we may like to make fun of Americans who speak only English, our students are typically no better, with the exception of francophone Quebeckers, who more commonly speak English, and quite often another romance language as well. I wonder how many fluent Arabic or Mandarin speakers are graduating from Canadian universities this year who did not learn one of those languages at home?

On our own campuses where, in major cities at least, we like to talk about the incredible diversity of our student bodies, I must ask how much interaction there really is between groups of students from

different ethnic and socio-economic backgrounds. Not just casual interaction, of course, but interaction that advances cultural sensitivity and understanding. In moments of quiet reflection, I have heard many UBC students admit that there is too little interaction. It is common in some programmes for students of European ancestry or Chinese students to stick together in their own quasi-ethnic or linguistic groupings. I strongly suspect that we are not alone in this social pattern. On many campuses across the country we have also seen attempts to prevent scholars and political figures associated with particular ethnic or religious groups, or those espousing specific *non-violent* views, from speaking. Shamefully, in my view, we have not always sided with the principles of open debate and the robust contestation of values.

To conclude my thought experiment, I want to suggest that Canadian universities matter greatly to our prospects for a healthier society, both in Canada and globally. I think that we might just be able to agree that we should play a role in addressing the fundamental problems of our generation. We might even agree that two of those problems are the need to move rapidly to a radically more sustainable environment, economy and society; and the need to help new generations of Canadians navigate deep cultural and religious diversity. To meet our potential and our responsibility, though, we at Canadian universities need to work harder to cross borders, both disciplinary and national. To

do that, I suspect that we will have to confront our Canadian fear of controversy and robust debate. If Canadian universities fully claim the terrain as sites for the rich contestation of values, we might just become the deeply influential social institutions that we aspire to be.

[i] A. Paulus, "The influence of the United States on the concept of the 'international community'" in M. Byers & G. Nolte, *United States Hegemony and the Foundations of International Law* (2003), 57.
[ii] C.W. Jenks, *The Common Law of Mankind* (1958), 58.
[iii] M. Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960* (2004), 7.
[iv] I.M. Young, *Justice and the Politics of Difference* (1990), 237-38.