

# THE SOCIAL RESPONSIBILITY OF EVERYONE: ACTIONS FOR PUPILS, PROFESSORS, PROFESSIONALS AND POLITICIANS

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*This article is a revised version of the annual Newman Public Lecture, given by the author in 2011 at Mannix College in Melbourne. Mannix College is the only residential student college affiliated with Monash University. The Newman Public Lecture is named in honour of Cardinal John Henry Newman and commenced at Mannix College in 1981. Newman's thoughts on university education in *The Idea of a University*<sup>1</sup> provide a background context for this article's exploration of the connections between social responsibility, contemporary university environments and legal and other professional careers.*

## I INTRODUCTION

As a resident and law tutor of Mannix College, I am honoured by the College's gracious invitation to present the 2011 Newman Public Lecture. The welcome opportunity to do so comes in the twentieth anniversary year of the death of my father, Kevin, and it is dedicated to him and my mother, Carlie, who is here tonight.

The keen Latin scholars among you might see a correlation between the first part of the title for this Newman Public Lecture — 'The Social Responsibility of Everyone' — and Mannix College's motto (adopted from Archbishop Mannix) — *Omnia Omnibus* (ie All Things to All People).<sup>2</sup> The starting point for this Newman Public Lecture is that we all have a fundamental socio-ethical responsibility in our personal, professional and public lives, as individuals and as members of the various communities in which we live and work.

In what follows, I shall argue that this responsibility has a multiplicity of old and new forms. These forms are affected by the rapidly-changing and still-evolving conditions of 21<sup>st</sup> century society. Re-awakening the unity of value on multiple societal levels — between our personal and societal interests, private and public goods, and individual and institutional lives — is needed now more than ever before. What we value and do as a society affects what we value and do as individual members of society in our various capacities. All of this I shall argue

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1 John Henry Newman, *The Idea of a University* (Clarendon Press, 1976).

2 I am grateful to Mannix College Principal Damien McCartin and Mannix College senior tutor and librarian Simon Caterson for this observation.

in conclusion has profound implications for those who live and work in university, corporate, and political communities, in terms of how we think and what we do.

This socio-ethical responsibility is multi-textured. It fits within what I describe as the 21<sup>st</sup> global order of governance beyond government, regulation beyond law and responsibility beyond accountability.<sup>3</sup> It shapes our individual, corporate and civic decisions and choices, thereby underpinning much of what occurs across the public, private and community sectors. Its various manifestations are therefore responsive to the relation between our various lives and roles as people simultaneously inhabiting various communities. In those guises, we are people who strive to lead good and meaningful lives as individual persons, couples and family members; and as members of groups from organisations (eg workplaces), networks (eg social and policy networks), and institutions (eg courts, parliaments, churches), to movements (eg consumers, feminists, human rights), constituencies (eg university members, corporate stakeholders, political electorates) and communities (local, national and global).

Consequently, this Lecture is very much a call to arms for pupils, professors, professionals and politicians — indeed the public at large (to conclude the titular alliteration). Each generation must engage afresh in the search for human meaning and what that means for the well-being of ourselves and others. The complementarity, competition and accommodation of interests that this grand human enterprise creates is made more complex and difficult by the emerging realities of 21<sup>st</sup> century globalised society. As a result, we need adaptive and even different terms of engagement for how we govern, regulate and hold ourselves and one another responsible for what really matters in the everyday existence of government, business and community life.

## II THE INTERFACE BETWEEN A PUBLIC AND PERSONAL MORALITY

### A *First Challenge*

One challenge in bridging the gap between public and personal morality lies in awareness of what is done to others in society by those who act in our name and our role in accepting or changing society's position on such things. Decades after the introduction of federal sexual non-discrimination laws in Australia, for example, gender inequality could still reign supreme in forms such as the limited numbers of female board directors and university deans, reduced superannuation benefits upon retirement for women who were forced by governmental employers to cease full-time employment upon their marriage or pregnancy, and judicial

3 For more on this trilogy of governance, regulation and responsibility and some of the implications canvassed here, see Bryan Horrigan, *Corporate Social Responsibility in the 21<sup>st</sup> Century: Debates, Models and Practices across Government, Law and Business* (Edward Elgar Publishing, 2010).

appeals heard only by men because no woman was judged sufficiently meritorious to sit on the bench of the highest court in the land.

Even at points in the lifetime of the current generation of Mannix College students, juvenile and mentally impaired prisoners could still face execution in the USA, young people throughout the world could still be forced into sweatshop labour or sold into slave-like prostitution, children could still be held in Australian immigration detention centres. Indigenous people could still be denied recognition of their non-extinguished native title rights, some sexual activities between consenting adults in private could still attract criminal sanctions, and a judge could think it was okay to tell a jury that it was legally acceptable for a husband to use ‘rougher than usual handling’ to overcome ‘his wife’s initial refusal to engage in [sexual] intercourse’.<sup>4</sup>

## B Second Challenge

A second challenge lies in bridging the gap and rediscovering the fundamental connection between the higher-order search for meaning in our lives and the pressing preoccupations of our everyday lives, avoiding the trap of focusing only upon one to the exclusion of the other. In his 2011 book, *Justice for Hedgehogs*, liberal legal philosopher Professor Ronald Dworkin urges us to see the ‘unity of value’<sup>5</sup> between two fundamental ‘sovereign principle[s] of political morality’<sup>6</sup> that describe ‘how people collectively, through government, should treat themselves as individuals’.<sup>7</sup> They are a principle of ‘equal concern’ by government for the fate of all citizens and a principle of ‘equal respect for responsibility’ by government about how people choose to live worthy lives.

Two cognate principles of personal ethics match these institutional democratic principles. They are a principle of self-respect in choosing how you live your life (ie ‘to take your own life seriously’) and a principle that accepts the ‘responsibility to identify for ourselves what counts as living well’.<sup>8</sup> This interplay between personal and political morality is also apparent in ongoing public debates about the limits of legislating morality and whose morality counts on topics as important and varied as medically assisted suicide, same-sex marriage and access to commercial surrogacy and IVF treatment.

Mannix College sits within a Catholic tradition of natural law thinking, from Aristotle and Aquinas to its contemporary revival by scholars such as Professor

4 Justice Bollen’s summing-up to the jury to this effect in *R v Johns* (Unreported, Supreme Court of South Australia, Bollen J, 26 August 1992) was subsequently found to be contrary to law by the Full Court of the Supreme Court of South Australia in *Question of Law Reserved on Acquittal Pursuant to Section 350(1A) Criminal Law Consolidation Act [No 1]* (1993) 59 SASR 214.

5 Ronald Dworkin, *Justice for Hedgehogs* (Harvard University Press, 2011) 1. The following quotations are from Dworkin’s distillation of this book’s main themes in Ronald Dworkin, ‘Keynote Address: Justice for Hedgehogs’ (2010) 90 *Boston University Law Review* 469.

6 Dworkin, ‘Keynote Address’, above n 5, 476.

7 Ibid 470.

8 Ibid 476.

John Finnis. Both the advocates and the opponents of natural law thinking must confront the connection between our individual well-being and the well-being of others, and what this connection means not only for living a worthy life but also for how our societal institutions treat people in a civil society with a liberal democratic government under the rule of law. Some aspects of justice, fairness and equality, for example, can only be realised through the institutions of law and government, which nevertheless remain subject to the overriding obligation to promote and not harm basic human goods,<sup>9</sup> while governments also have responsibilities of politico-legal morality towards people that differ from their ethical responsibility towards one another.<sup>10</sup>

On Finnis' view of natural law, the self-evident basic human goods are 'life' (enjoyed in all of its aspects and dimensions), 'knowledge' (for its inherent rather than instrumental value), 'play' (as performance enjoyed for its own sake), 'aesthetic experience' (including appreciation of the arts), 'friendship' (including loving relationships), 'religion' (our place in the wider scheme of things) and 'practical reasonableness', which is a basic human good in its own right as well as one that governs our pursuit of the other basic goods.<sup>11</sup> These are the basic building blocks for human flourishing and they are all on daily display in universities and their residential colleges.

### C Third Challenge

A third challenge for anyone fulfilling an institutional role — as a student society official, corporate employee, boardroom director, or governmental officer, for example — lies in embracing and acting upon the personal socio-ethical responsibility that attaches to such institutional roles. For example, people commonly make choices not to work in industries or organisations that they personally regard as socially harmful, such as the manufacture of weapons or tobacco.

Other exercises in connecting the dots between social responsibility and personal obligation can be more confronting. When the 'mutually assured destruction' nuclear deterrence policy between Russia and the West was at its highest, even a nuclear missile submarine commander could not escape personal responsibility for their part in an inherently immoral enterprise, because of its underlying reliance on the threat and actuality of targeting civilian populations.<sup>12</sup>

9 See John Finnis, *Natural Law and Natural Rights* (Oxford University Press, 2<sup>nd</sup> ed, 2011).

10 See Dworkin, above n 5.

11 See Finnis, above n 9, ch IV. John Finnis was the author's doctoral supervisor. Finnis records in his postscript that he was commissioned by his former doctoral supervisor and then editor of the Clarendon Law Series for Oxford University Press, Professor HLA Hart, to commence writing *Natural Law and Natural Rights* in 1966. He promised it initially by Christmas 1970, began writing it seriously in 1972 and 1973, and published it in 1980. One wonders how many great legal and philosophical landmarks such as this can be produced today in a 'publish or perish' environment of quantitative research metrics, funding-based publication priorities, and allocated annual publication points and targets for academics according to seniority and discipline, all reinforced through continuous performance reviews. More than ever, it matters how such metrics are managed and used.

12 John Finnis, Joseph M Boyle and Germain Grisez, *Nuclear Deterrence, Morality and Realism* (Clarendon Press, 1987) 347–54.

This need remains today. ‘Like preventing rampant climate change, abolishing nuclear weapons is a paramount challenge for people and leaders the world over — a pre-condition for survival, sustainability and health for our planet and future generations’, according to a group of eminent Australians.<sup>13</sup> Similarly, the indiscriminate use of cluster bombs that inherently wreak havoc over large areas of military and civilian occupation cannot be justified under any ‘just war’ stance.<sup>14</sup>

In the business world, those with an institutional capacity to affect vulnerable groups in society for better or worse arguably have an obligation to take this potential effect into account in their decisions and actions, just as those with a special capacity to assist in human catastrophes and emergencies arguably have an obligation to exercise that capacity in appropriate ways.<sup>15</sup> For example, we are now at the point where the capability, scale and impact of transnational corporations (‘TNCs’) present acute questions for members of their corporate boards about corporate obligations of human rescue and assistance in mass human disasters, conflicts and epidemics, as well as more general questions about corporate respect for human rights and well-being. ‘Every company can add to global sustainable development [and] each company should abide by standards of corporate social responsibility’, argues Professor Jeffrey Sachs in *The End of Poverty and Common Wealth: Economics for a Crowded Planet*.<sup>16</sup> The European Commission explicitly focused upon accountability for the effects of business in recently recasting its view of corporate social responsibility as ‘the responsibility of enterprises for their impacts on society’.<sup>17</sup>

Similarly, in the era of universities as corporate businesses, academic and professional managers cannot avoid personal responsibility to use institutional workplace, performance and resource-allocation arrangements in ways that are properly sensitive to personal and public goods alike. Judges have a personal responsibility for the affirmation and reshaping of legal values that occurs in their institutional decisions and law-making choices and cannot completely avoid this responsibility simply by invoking the mantra that they are doing what is somehow compelled under the law. Politicians cannot avoid personal responsibility for how they conduct themselves in parliamentary and public debates simply by a metaphorical nod to the realities of party-based discipline and the toughness of politics. In none of these cases does the Nuremberg excuse hold that ‘I was just following orders’.

13 Malcolm Fraser et al, ‘Imagine There’s No Bomb’, *Opinion, The Age* (Melbourne), 8 April 2009, 35.

14 Malcolm Fraser, ‘Lame Stance on Cluster Bombs’, *The Australian*, 16 March 2011.

15 David Wood, ‘Whom Should Business Serve?’ (2002) 14 *Australian Journal of Corporate Law* 266; Thomas W Dunfee, ‘Do Firms with Unique Competencies for Rescuing Victims of Human Catastrophes Have Special Obligations?: Corporate Responsibility and the AIDS Catastrophe in Sub-Saharan Africa’ (2006) 16(2) *Business Ethics Quarterly* 185.

16 Jeffrey Sachs, *Common Wealth: Economics for a Crowded Planet* (Allen Lane, 2008) 338.

17 European Commission, ‘Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — A Renewed EU Strategy 2011–2014 for Corporate Social Responsibility’ (Communication COM(2011) 681 final, European Commission, 25 October 2011) s 3.1 <[http://ec.europa.eu/enterprise/newsroom/cf\\_getdocument.cfm?doc\\_id=7010](http://ec.europa.eu/enterprise/newsroom/cf_getdocument.cfm?doc_id=7010)>.

## **D Fourth Challenge**

A fourth challenge lies in working through how changes to 21<sup>st</sup> century society's governance and regulation, from a multiplicity of governmental and other societal actors, affect and even reset the terms of engagement for societal and individual responsibilities. This is the era of what has been called 'intersystemic' and 'network' governance and regulation by multi-stakeholder coalitions across the public, private and community sectors nationally and globally, notwithstanding the role that government still plays in such matters.<sup>18</sup> Are our politico-legal, socio-economic and moral orders all fundamentally challenged by the conditions of 21<sup>st</sup> century globalised society, to the point where we are not simply applying or supplementing old rules for new circumstances (as in applying and adapting 'just war' concepts developed centuries ago to modern nuclear warfare and stateless terrorism) but rather facing a far more fundamental need to revise the rules of the game in each of those domains?

'Act globally, think locally' is a commonly heard refrain. Yet globalisation is more than a mantra. Everything about our genes (eg our family tree), our bodies (eg what we consume and from where), our communities (eg multiculturalism), our economies (eg the global financial crisis ('GFC')), our environment (eg global warming), our possessions (eg what we buy and from where), our civic life (eg foreign and international influences) and our religions (eg the common traditions and derivations of some religions) points towards the undeniable fact that 'even if we are legally national citizens, every other dimension of our lives underscores that we are, in fact, global citizens', according to 'global intelligence' advocate and consultant, Mark Gerzon.<sup>19</sup>

Nation-states and governments remain central to all systems of governance, regulation and responsibility,<sup>20</sup> but there are ongoing fundamental changes in how governments engage with the people and how the people hold all institutional power-wielders accountable for their use and abuse of power and its effect upon their lives. While governments and multi-lateral institutions (eg the UN, OECD and WTO) remain firmly at the helm of much national and global public policy development, non-state institutions and actors are increasingly coming to the fore, especially through multi-stakeholder standard-setting initiatives and extra-governmental mechanisms of societal scrutiny.<sup>21</sup> Democracy itself is being recast so that its formal institutions are more amenable to the mechanisms of what is variously described as 'deliberative', 'participatory' and 'monitory' democracy, as identified in the fifth challenge below.

A good recent example of the evolution and revolution in 21<sup>st</sup> century governance, regulation and responsibility is seen in the recent acceptance by the UN Human

18 See, eg, Robert Ahdieh, 'From Federalism to Intersystemic Governance: The Changing Nature of Modern Jurisdiction' (2007) 57(1) *Emory Law Journal* 1, 2, 5, 7.

19 Mark Gerzon, *Global Citizens* (Random House, 2010) xv–xvii.

20 See the 'state-centric relational approach' outlined in Stephen Bell and Andrew Hindmoor, *Rethinking Governance: The Centrality of the State in Modern Society* (Cambridge University Press, 2009).

21 See, eg, John Keane, *The Life and Death of Democracy* (WW Norton, 2009) 688–9.

Rights Council ('UNHRC') of both a framework and guiding principles for the global advancement of human rights by business. The three-pronged framework developed for the UNHRC by Harvard's Professor Ruggie as the UN Secretary General's Special Representative on Business and Human Rights is entitled a 'Protect, Respect, and Remedy' framework, comprising 'three core principles: the State duty to protect against human rights abuses by third parties, including business; the corporate responsibility to respect human rights; and the need for more effective access to remedies'.<sup>22</sup>

Importantly, the framework and its accompanying guiding principles are not limited to what governments might do by law. They extend to what governments, corporations and community stakeholders might do alone or together on other levels too. Both have already been road-tested to a significant degree by major transnational corporations, business lobby groups and multi-stakeholder alliances of business and community groups, which are creating a tipping point of influence that will soon confront national governments. The Australian Senate passed a resolution in the wake of the UNHRC's acceptance of Ruggie's framework, calling upon the Australian government to support and implement it, and similar challenges await operationalisation of both documents in Australia and the international community. Here there are key challenges of vertical integration (eg translation of laws and other standards from the international to national legal orders) as well as horizontal interaction (eg the relationship of the UNHRC standards to other international standards, such as the UN Global Compact, OECD Guidelines for Multinational Enterprises and World Bank International Finance Corporation's social and economic standards).

All of this puts pressure upon our conventional frames of reference. Economically, the traditional Anglo-American view of corporations is that they exist to serve the interests of the shareholders who invest financial resources in them. At the time when many of our ideas and laws about companies were formed, it was easy to see how the owner-manager who invested all of the financial capital in a factory owned by their company might expect to reap the financial rewards alone, while having mainly a local impact for better or worse. However, to what extent can the ideas and laws about companies that have been developed primarily for industrial expansion serve today's world of transnational corporate groups, overseas supply and distribution chains, multi-stakeholder networks, institutional and individual investor profiles, and multiple forms of human, intellectual, and social capital?<sup>23</sup>

Morally, consider the familiar biblical story of the Good Samaritan. All of us can understand the moral of this story in local and personal circumstances, when we ask ourselves 'who is my neighbour?' for the purpose of identifying those

22 Human Rights Council, *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development*, 8<sup>th</sup> sess, Agenda Item 3, UN Doc A/HRC/8/5 (7 April 2008).

23 On the limits of the industrial factory-based model of corporations, see Jay A Conger, Edward E Lawler III and David Finegold, *Corporate Boards: New Strategies for Adding Value at the Top* (Jossey-Bass, 2001) 147–8; Margaret M Blair, 'Ownership and Control: Rethinking Corporate Governance for the Twenty-First Century' in Thomas Clarke (ed), *Theories of Corporate Governance: The Philosophical Foundations of Corporate Governance* (Routledge, 2004) 184.

to whom we owe a moral obligation. Indeed, Anglo-Australian law has taken this Christian notion of neighbourhood to another level, in developing the law of negligence, so that people owe an enforceable duty to those who are their ‘neighbours’ in legal terms. However, we live in a world where the internet can show us in a moment the image and pleas of a person in need somewhere else in the world, or a picture and warning of the environmental or social harm being caused by a particular company. It is a world where all of us can join together in mass social networks online, or otherwise come together to create resources or pressure on those in public and corporate positions to take action to address great societal needs locally and throughout the world. In such a world, how do we translate the moral of the Good Samaritan into action?

### **E Fifth Challenge**

A fifth challenge is to understand the changes taking place in democracy’s manifestations and our place collectively and individually in these new democratic arrangements. One organising idea for a new way of thought and action is the evolution of democratic governance to embrace more than simply the formalities of democracy, conceived largely in terms of rule by elected politicians (ie majoritarian democracy).<sup>24</sup> The easily identifiable structures of democracy — such as the free election of politicians and law-making by majority vote in Parliament — embody and reflect a democratic essence that is neither reducible to nor exhausted by such features of its structural architecture.

Who can really doubt today, for example, that democracy and the rule of law are as much concerned with protecting fundamental human rights and freedoms by all arms of government as having a majority of elected politicians carry the day in parliamentary votes.<sup>25</sup> Equally, who can doubt today that democracy involves accountability to the people by the government of the day and all of its branches for their adherence to society’s democratic preconditions, in terms that are not limited to periodic visits to the electoral booth.<sup>26</sup> In other words, we must not mistake some of the key forms of democracy’s institutional infrastructure for its accompanying substance under 21<sup>st</sup> century conditions of participatory, deliberative and monitory democracy.<sup>27</sup>

Here, we are in transition from an almost exclusive focus upon majoritarian democracy and ‘government by representatives’<sup>28</sup> to embracing ‘government

24 Ronald Dworkin, *Freedom’s Law: The Moral Reading of the American Constitution* (Harvard University Press, 1996).

25 Sir Anthony Mason, ‘Opening Address at the NSW Supreme Court Judges’ Conference’ (1993) 1(3) *The Judicial Review* 185.

26 Dworkin, above n 24.

27 On ‘deliberative democracy’, see Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* (Princeton University Press, 2004). On ‘monitory democracy’, see Keane, above n 21.

28 Keane, above n 21, xviii.



by discussion',<sup>29</sup> a 'partnership conception' of democracy,<sup>30</sup> and governance through multi-order monitoring of all institutional exercises of power over the people in the new era of 'monitory democracy'.<sup>31</sup> Its rise reflects what Professor John Keane describes as 'the conviction of millions of people that periodic elections, competitive parties and parliamentary assemblies, though an important inheritance, were simply not enough to deal with the devils of unaccountable power'.<sup>32</sup>

So too are the organs and actors of government exposed to enhanced standards of public contestability, deliberation and justification in their official decisions and actions.<sup>33</sup> Indeed, at least some of the values and mechanisms of deliberative democracy arguably apply beyond the public domain to the corporate and civic domains too, not least in furthering 'the aims of deliberative democracy for society as a whole'.<sup>34</sup> Much here animates stances on all sides of political and media-driven debate about corporate governance arrangements, business regulatory burdens, asylum seeker solutions, carbon emission taxes, the Northern Territory intervention and much more.

## **F Final Challenge**

The final challenge lies in updating and even reframing our socio-ethical compasses for participation as active subjects and not merely passive objects of democratic governance and civil society. What if we truly governed our communities, conducted our politics, managed our businesses, ran our universities, organised our workplaces and otherwise lived our individual and collective lives as if we and other people truly were sovereign? The legitimacy of power to affect others rests upon those people who are affected by exercises of power and suffer its consequences having proper avenues of consideration, influence and accountability for their legitimate interests. In short, the conditions for the legitimacy of institutional forms of power-wielding are a product of the relation of those who wield power and those who are affected by power.

This complex relationship does not treat the people simply as the passive objects of governmental or corporate power as forms of institutional power-wielding. Rather, the people in a variety of individual and collective forms are active subjects in the conferral, conditioning and proper use of power. In short, the organs of government are accountable to the people for how each of them meets the democratic conditions established by the people as a whole, in ways that

29 Amartya Sen, *The Idea of Justice* (Harvard University Press, 2009) 324.

30 Dworkin, *Justice for Hedgehogs*, above n 5, 5.

31 Keane, above n 21, xxxiii.

32 Keane, above n 21, 868–9.

33 Gutmann and Thompson, above n 27.

34 Suzanne Corcoran, 'The Corporation as Citizen and as Government: Social Responsibility and Corporate Morality' (1997) 2(1) *Flinders Law Journal* 53, 33–4.

increasingly are not limited to satisfying formal preconditions for majority votes in Parliament.<sup>35</sup>

This grand theme of making people the masters and not the servants of institutional power-wielding permeates exercises of public and corporate power alike, although its implications have both commonalities and differences in each domain. In the governmental domain, for example, we might think that ‘the best way to understand government both within nations and globally is through the lens of service’, so that government is best theorised as a relationship of service to the people under conditions of interdependence between those ruling and ruled.<sup>36</sup>

To this we might add ‘the democratic principle’, ‘the public servant principle’, ‘the integrity principle’, ‘the open government principle’ and ‘the accountability principle’, all of which emerge from Professor (now Justice) Paul Finn’s writings on the public trust reposed in government.<sup>37</sup> Whatever the remaining normative and practical guidance (if any) offered by such notions in devising political and legal rules of government today,<sup>38</sup> they have a powerful legitimising and standard-guiding influence over what the people expect from governments and how governments themselves should behave.

The reality commonly falls short of this ideal. Former federal finance minister, Lindsay Tanner, characterises the relationship between 21<sup>st</sup> century Australian politics and the media as ‘a carnival sideshow’, as part of a broader ‘sideshow syndrome’ that reduces politics to the lowest common denominators of manufacturing political spin, generating media soundbites, winning today’s politics over tomorrow’s future, framing trivialities as issues, subjugating political leadership to populism and focus groups and otherwise ‘eroding public faith in democratic politics’ and creating ‘new barriers to [democratic] participation built on ignorance and distraction’.<sup>39</sup> Criticising both the Rudd and Gillard governments for the central failure of ‘issues management’, the former federal opposition leader, John Hewson, attributes this failure in part to ‘the result of politics becoming a game to win the 24-hour media cycle, where the “winning” of the issue of the day dominates and longer-term consideration of the management of that issue easily becomes secondary’.<sup>40</sup> Tanner’s depressing assessment of this state of affairs is as follows: ‘The two key rules that now govern the practice of Australian politics are: (1) Look like you’re doing something; and (2) Don’t offend anyone who matters’.<sup>41</sup>

We the people deserve better than this political race to the bottom. It falls breathtakingly short of the democratic impulse and respect for the people’s

35 Dworkin, above n 24.

36 Geoff Mulgan, *Good and Bad Power: The Ideals and Betrayals of Government* (Penguin Books, 2007) 7.

37 Paul D Finn, ‘A Sovereign People, a Public Trust’ in P D Finn (ed), *Essays on Law and Government — Volume 1 — Principles and Values* (Law Book, 1995) 1.

38 Paul Finn, ‘Public Trusts, Public Fiduciaries’ (2010) 38 *Federal Law Review* 335.

39 Lindsay Tanner, *Sideshow: Dumbing Down Democracy* (Scribe Publications, 2011) 1–7.

40 John Hewson, ‘Unwarranted Arrogance’, *The Australian Financial Review*, 24 June 2011, 74.

41 Tanner, above n 39, 7.

sovereignty that moved the High Court of Australia to recognise for the first time in 1992 the existence of an implied constitutional freedom of political discussion and expression, because of its importance to our system of government and democracy.<sup>42</sup> The judges' emphasis upon the responsibility of politicians to exercise their power as our representatives, take account of public views and justify their decisions and actions to us presents new challenges for politicians and the people in living up to the ideals of participatory, deliberative and monitory democracy.

### III UNIVERSITIES AND THE 21<sup>ST</sup> CENTURY KNOWLEDGE ECONOMY

What are some of the key implications of these challenges for those who regulate, inhabit, or graduate from universities? The mantra from business, governments and even universities in thrall to market forces is that we must do whatever is necessary to produce a healthy economy — and these days we might add the latest buzzwords to make it a healthy, 'innovative' and 'sustainable' economy. In other words, social well-being flows from economic prosperity — what is sometimes called the 'rising tide lifts all boats' view of socio-economic progress.

Yet, this standpoint has it all back to front — the rising tide is itself subject to ocean currents and other systemic influences. Markets are predicated on commercial and regulatory relationships of trust engendered within a civil society committed to peaceful law and order. This is underpinned by an infrastructure of public goods to support business and consumer agreements, such as the rule of law, system of justice and baseline of market regulation. In other words, other societal orders underpin the economic order.<sup>43</sup> In reality, they are inter-dependent. Indeed, in speaking out against the contemporary marginalisation of free public goods and the humanities, we must still maintain a balanced value of the equal importance of 'education that promotes good citizenship' and 'education for economic growth'.<sup>44</sup>

University of Chicago Professor Martha Nussbaum says that we are engulfed by a mass global crisis in education that is just as bad and impactful upon our lives as the recent GFC, although its effects are less visible and immediate. According to her, our political and corporate subservience to markets and competition results in our collective devaluing and abandonment of the skills needed for active democratic citizenship. 'If this trend continues', she warns, 'nations all over the world will soon be producing generations of useful machines, rather than complete citizens who can think for themselves, criticise tradition, and understand the significance of another person's sufferings and achievements'.<sup>45</sup> We have abandoned prophets for profits, so to speak.

42 *Australian Capital Television Pty Ltd & New South Wales v Commonwealth* (1992) 177 CLR 106.

43 See, eg, Eva Cox, *A Truly Civil Society: 1995 Boyer Lectures* (ABC Books, 1995).

44 Martha Nussbaum, *Not for Profit: Why Democracy Needs the Humanities* (Princeton University Press, 2010) 10.

45 *Ibid* 2.

On this level, many Australian universities are stuck fiddling while Rome burns. They are rightly concerned about the perilous financial state in which successive governments, the business and community sectors and generations of university alumni have together left them, resulting in their significant competitive disadvantage relative to the best overseas universities in the global knowledge era. Yet they and their stakeholders should be just as concerned about what their short-term responses, because of financial imperatives, management trends and regulatory drivers, are risking in the long term, for their sake and that of society.

Crude ways of instrumentalising knowledge and measuring research are ultimately counter-productive, and this is the trap into which much governmental regulation and university management has fallen. Nobody has to join the sustained chorus of criticism about the effects of neoliberalism, market subservience and corporate managerialism upon the public, private and tertiary sectors to see the unchecked cumulative damage to at least some academic ideals and public goods wreaked by the corporatisation of universities, instrumentalisation of academic work, commodification of academic services, monetisation of academic research and credentialism of tertiary qualifications.<sup>46</sup> This results in a general university, faculty and individual devaluation of what cannot be counted in financial and institutional funding terms.

In her 2009 Newman Public Lecture, Professor Gabrielle McMullen, a former Dean of Mannix College, carefully analysed recent official reviews of Australian higher education before warning that their emphasis upon ‘the role of the university in meeting immediate labour market and industry needs’ must not prompt us unthinkingly towards ‘a view of tertiary education too narrowly based upon its utility’. To be sure, utility might be conceived in broad socio-ethical terms or narrower terms of subservience to a particular policy position of the government of the day, which itself might be conceived broadly or narrowly in its character and focus.<sup>47</sup> Nevertheless, the pervasiveness of narrow utility over its broader conceptions at this stage of our politico-economic development is breathtaking.

‘Modern Australian universities put so much emphasis on their financial benefits that our politicians have come to believe that universities exist for no other reason’, warns Macquarie University Vice-Chancellor, Professor Steven Schwartz.<sup>48</sup> Adding high-level legal force to this chorus of concern, former NSW Chief Justice James Spigelman criticises ‘a failure to give much more than lip service to the cultural, social, moral and intellectual purposes of higher education’ in the rush by governments and universities alike towards narrowed forms of educational policy and managerialism, where ‘any factor incapable of measurement for purposes of accountability or inclusion in a funding formula, has for some time

46 For analysis and criticism of these aspects of neo-liberalism, credentialism, commodification, marketisation, and other features of contemporary universities, see Margaret Thornton, ‘The Idea of the University and the Contemporary Legal Academy’ (2004) 26(4) *Sydney Law Review* 481.

47 Gabrielle L McMullen, *In Celebration of the Student Experience: The Place of Mannix College: Past, Present and Future* (Mannix College, 2009) 22–3.

48 Steven Schwartz, ‘Soul Food in the Age of Money’ (2011) 6(4) *The Australian Literary Review* 11, 12.

been given little weight'.<sup>49</sup> In other words, if we cannot measure it directly, easily and immediately, it does not matter in the scheme of things, or at least risks being deprioritised or marginalised. This echoes Chief Justice Spigelman's pithy conclusion: 'Not everything that counts can be counted'.<sup>50</sup>

Many Australian universities are yet to embrace completely and operationalise internally the more sustainable view of 21<sup>st</sup> century universities outlined by University of Edinburgh Vice-Principal Professor Geoffrey Boulton and Rhodes House Warden Sir Colin Lucas, on behalf of the League of European Research Universities, in *What Are Universities for?*<sup>51</sup> Their key argument is as follows. Governments see universities as 'instruments of social and economic public policy', conceived under the globalisation of an innovative knowledge economy 'as sources of highly specific benefits [and] marketable commodities for their customers, be they students, business or the state'. However, this crude but pervasive conceptualisation of the relationship between globalisation and universities means that governmental treatment of universities risks precisely those societal benefits that governments seek to secure from universities. In other words, how governments presently view and regulate universities, and how universities currently respond to those influences, collectively undermines the capacity of universities to deliver what governments and society need.

In terms of promoting multi-level university engagement with public understanding, policy and debate, Boulton and Lucas set a challenge for universities and governments, to which many are yet to rise in either global hemisphere, as follows:<sup>52</sup>

in an age that reveres management, metrics and regulation, the perception that such engagement is an important part of the role of the university, its academics and its students, naturally leads government and funding bodies to encourage its corporate management. The temptation is to assume that such activities need to be measured and incentivised, leading to a duller, more routinely managed effort, which is increasingly seen as an imposition justifying payment or contract ... The challenge is in part for university managers, to create, with a light touch, an enabling environment that supports and encourages such activity, exploiting the university's greatest strength, its diversity of inspiration, rather than stifling it by overmanagement or inappropriate metrics. In part the challenge is for government and other bodies to express the need and to fashion the processes through which such inputs to public policy and engagement can be made.

49 James Jacob Spigelman, 'The Idea of a University' (Speech delivered at the Sesquicentenary Colloquium Dinner, Maclaurin Hall, University of Sydney, 12 October 2002) <[http://www.lawlink.nsw.gov.au/lawlink/supreme\\_court/ll\\_sc.nsf/pages/SCO\\_speech\\_spigelman\\_121002](http://www.lawlink.nsw.gov.au/lawlink/supreme_court/ll_sc.nsf/pages/SCO_speech_spigelman_121002)>.

50 Ibid.

51 Geoffrey Boulton and Sir Colin Lucas, *What Are Universities for?* (League of European Research Universities, 2008).

52 Ibid 13.

#### IV FROM NEWMAN'S IDEA OF A UNIVERSITY TO TODAY'S 21<sup>ST</sup> CENTURY 'MULTIVERSITY'

All of this takes us back to the enterprise in which Cardinal Newman was himself engaged, in writing one of the landmark works about the societal missions of universities, around which much debate continues to revolve — *The Idea of a University*.<sup>53</sup> The living chain of Newman Public Lectures (of which this one now forms part) offers glimpses of different elements and dimensions of Newman's university ideal. Newman's grand treatise on universities had its own purpose and context for its time, not least in urging financial support for an Irish university that would be true to Catholic and Oxbridge ideals alike. His themes of the ideal university traverse the enterprise of truth-seeking, the unity of knowledge across disciplines, the organising primacy of philosophy and religion, the value of knowledge for its own sake and not for its instrumental (especially technically career-orientated) or utilitarian ends, the distinction between teaching and research and the core concept of an academic community of scholars, teachers and students.<sup>54</sup>

Contemporary analysis of Newman's university view falls into one of at least four different schools of thought. One school of thought despairs that we have diverged from Newman's grand vision in today's universities and urges us to return to that path. A second school of thought wonders how anything that Newman wrote more than 150 years ago could apply to universities in their evolved state today. On this view, 'it might be thought that a work produced for the gendered, elitist, colonial and Catholic Ireland of 150 years ago would have little to say to contemporary postcolonial, egalitarian and secular humanists wrestling with mass education'. It might also be thought that holding today's universities to account against Newman's ideals would be akin to 'blaming a jet engine for not having the excellences of a windmill'.<sup>55</sup>

A third school of thought separates the outdated content and context of Newman's university view from the timeless enterprise of the essential questions, themes and qualities of university life raised by Newman, thus inviting recognition of the ongoing value of Newman's ideas. A fourth and final school of thought sees Newman's view of the university as one amongst a series of competing perspectives that remain in constant tension and management within universities today, as they strive to meet the competing demands of their various internal

53 Newman, above n 1.

54 On these various themes, see Avery Cardinal Dulles, 'Newman's Idea of a University: Still Relevant to Catholic Higher Education' in Peter M J Stravinskas and Patrick J Reilly (eds), *Newman's Idea of a University: The American Response* (Newman House Press, 2002); Spigelman, above n 49; Thornton, above n 46; Alasdair MacIntyre, 'The Very Idea of a University: Aristotle, Newman, and Us' (2009) 57(4) *British Journal of Educational Studies* 347; Robert Anderson, 'The "Idea of a University" Today' in Kay Withers (ed), *First Class? — Challenges and Opportunities for the UK's University Sector* (Institute for Public Policy Research, 2009).

55 These colourful quoted passages are respectively from Thornton, above n 46, 491; MacIntyre, above n 54, 347, although neither's view of Newman is necessarily located here.

and external constituencies as ‘multiversities’.<sup>56</sup> Indeed, we might need such a multiversity to meet the ‘pluriversality’<sup>57</sup> of private and public interests now engaged in societal governance and regulation.

Invoking Newman’s thoughts on the ends of knowledge, Dr Peter Tregear, Director of the Monash University Academy of Performing Arts, captured the central idea succinctly and eloquently in last year’s Newman Public Lecture: ‘The cunning of Newman’s argument ... is that we cannot possibly know what is worth valuing, economically or otherwise, and thus paying for, unless we cultivate the kind of reason that is able to grasp questions of value honestly and completely’.<sup>58</sup> This reflection on Newman’s enterprise also resonates with the earlier discussion of how to value and measure university education, research and other goods. Moreover, an unreflective or passive approach to this enterprise will simply result in forces greater than ourselves filling that space, often to our detriment. My point is to highlight how our only choice here is to drive the value-shaping agenda, or else be driven over by it, and to call attention to the marginalisation of socio-ethical frameworks, free public goods and their supportive disciplines, that now permeates universities and their regulation and management, to one degree or another here and overseas.

The kind of university education that society needs in the era of mass democratic citizenship and engagement cannot be preserved for an elite and privileged few with political, legal, or economic power over us all.<sup>59</sup> It is the gateway to being a subject and not simply an object of governance — to have a socio-ethical frame of reference that enables us to assess our own well-being and that of others in an era of mass information and communication,<sup>60</sup> to participate in what affects our future in transnational politico-legal and socio-economic orders of existence; and to know when institutional power-wielders in government, corporations and universities abuse or exceed the purposes for which their powers are conferred.

For example, as an advocate of global liberal democratic citizenship, Professor Nussbaum argues recently in *Not for Profit: Why Democracy Needs the Humanities*, that we all need to become such citizens of the world, so that we know ‘how to think critically and examine the arguments of politicians, which keeps them accountable, and promotes a reasonable and civil style of debate’, and ‘how to imagine the point of view of other groups in ... society who are affected by policies that are being debated and to imagine the lives of people abroad whom [our] consumer choices and political efforts affect’.<sup>61</sup>

56 Simon Caterson, *The Idea of a Residential College: Image & Reality from John Henry Newman to Harry Potter and ‘The Social Network’* (Mannix College, 2011) 5; Spigelman, above n 49.

57 Keane, above n 21, 856.

58 Peter Tregear, *The Modern University and the Musical Mind: Sounding Out John Henry Newman* (Mannix College, 2010) 4.

59 Nussbaum, above n 44.

60 Ibid.

61 Martha Nussbaum, quoted in Jennifer Oriel, ‘Our World Needs the Humanities’, *The Australian*, 13 July 2011, 25.

Citing global travesties from the Vietnam and Iraq Wars to the GFC and its continuing shock-waves, Professor Alasdair MacIntyre from the University of Notre Dame in Indiana invokes and defends Newman's central arguments in making a controversial claim. He argues that

a surprising number of the major disorders of the twentieth century and of the first decade of the twenty-first century have been brought about by some of the most distinguished graduates of some of the most distinguished universities of the world and this as the result of an inadequate general education ... that has made it possible for those graduates to act decisively and deliberately without knowing what they were doing.<sup>62</sup>

Whatever we think of such views, they indicate that the spirit of Cardinal Newman is invoked in a multiplicity of ways.

## **V ACTIONS FOR PARTICIPANTS IN THE PUBLIC, PRIVATE AND TERTIARY SECTORS**

What does all of this mean for our policy makers and law-makers across the executive, legislative and judicial branches of government? At the very least, all three branches are exposed and hence must adapt to democracy's ongoing evolution, especially 'the rapid growth of many different kinds of extra-parliamentary, power-scrutinising mechanisms'.<sup>63</sup> In doing so, parliamentary and media debate by our politicians must be responsive not only to these new democratic mechanisms, but also to the overriding authority of the people as their ultimate governors.

In the business of government, this means different ways of actively engaging non-governmental stakeholders and expertise in public policy development, law-making and reform, and public monitoring of outcomes. It also means having governments share control of the long-term policy and regulatory agenda. It includes better ways of engaging academic, professional and community views as well as expertise in the work of parliamentary committees, public inquiries and other public goods related to the business of government. In government's role as a funder and regulator of universities, it means rethinking the true drivers of the knowledge economy and better aligning them with university funding and performance frameworks. It also means giving free public goods the importance that they deserve in what is expected across the public, private and tertiary sectors.

What does this mean for business and those who provide professional services and advice to business? At the very least, it means rethinking corporate and professional approaches to corporate social responsibility ('CSR'), so that organisations are better situated to deal with the 21<sup>st</sup> century conditions of the

62 MacIntyre, above n 54, 360–1.

63 Keane, above n 21, 688.



surrounding business environment.<sup>64</sup> Organisational success, business modelling, competitive differentiation and market opportunities are increasingly being reconceived in terms that connect what is good for an organisation to what is good for a sustainable industry, economy and society — hence the renewed call to see business engagement with society in terms of ‘shared value’.<sup>65</sup> In the words of leading UK corporate governance expert and boardroom director, Sir Adrian Cadbury: ‘Every company, like it or not, has a CSR policy [and] the first issue is whether they recognise the fact, and the second is how far they are alert to changes in what society expects of them in this field’.<sup>66</sup>

We live in a world of interdependent economies, populations and ecosystems, where what business does matters to its shareholders, society and the world at large. If the CSR, ‘triple bottom line’ and environmental, social and governance (‘ESG’) movements have all been about the interdependency between ‘profit’, ‘people’ and ‘planet’ in the late 20<sup>th</sup> century,<sup>67</sup> the new era of 21<sup>st</sup> century governance, regulation and responsibility is about also adding ‘principle’, ‘participation’ and ‘partnership’ to that equation. Anyone who thinks that corporate governance and responsibility in the 21<sup>st</sup> century is limited to what is mandated by law and largely immune from other societal norms need only consider the vulnerability of corporate reputations when bad news can travel the globe and reach billions of people in an instant. CSR is therefore one of the most important issues for the 21<sup>st</sup> century, not least because our world now faces problems for which CSR is part of the answer.

What does this mean for law in particular? As law firms are part of the business service chain for corporate clients who embrace CSR, lawyers are increasingly facing client requests to demonstrate that their lawyers have their own CSR houses in order too. More broadly, law wears many guises — an academic discipline (ie law), a profession (ie the legal profession), a business (eg a profitable law firm), a system (ie the legal system), a part of government (eg law-making courts and legislatures), a public good (eg social justice) and a core feature of democratic governance (ie the rule of law). Indeed, the High Court of Australia’s first serious consideration of a statutory charter of rights signals that arguments about the rule of law still have much potential work to do in future test cases about rights-protection, judicial process and constitutional architecture.<sup>68</sup> In the present context, all arms of the legal profession (including the legal academy) owe fidelity to law’s higher-order ideals. For all arms of the broader legal profession, this means taking seriously their commitment to the public goods of law-making, law reform and social justice under the rule of law, in ways that keep pace with 21<sup>st</sup> century democratic governance and regulation, and might even extend beyond existing worthy initiatives by the legal profession as a whole.

64 On these and other discussions of CSR generally, see Horrigan, above n 3.

65 See, eg, Michael E Porter and Mark R Kramer, ‘Creating Shared Value: How to Reinvent Capitalism — And Unleash a Wave of Innovation and Growth’ [2011] (January–February) *Harvard Business Review* 1.

66 Quoted in Horrigan, above n 3, 269.

67 See, eg, Gerzon, above n 19, 187.

68 *Momcilovic v The Queen* (2011) 280 ALR 221.

Doing so means accepting that such contributions are a crucial part of the legal profession's own 'licence to operate'. For law firms and the Bar, these contributions extend beyond a platform of pro bono work, service to professional bodies, and client-related public submissions to public inquiries, parliamentary committees and law reform bodies. Legal practitioners have much practical expertise and experience to offer public policy development, input into draft legislation, submissions to public and parliamentary inquiries and public awareness-raising on matters affecting the rule of law. These arms of the legal profession could also do more to support academic research that contributes to professional needs as well as the public goods associated with the rule of law.<sup>69</sup> This too resonates with earlier discussion about the value, performance and measurement of universities and academic work.

What does all of this mean for universities more broadly, across the various academic disciplines? For legal academics, law schools and their host universities, it means recognising and acting on some impulses that run contrary to conventional research metrics, institutional funding indicators and associated academic performance management policies. Legal academics have a socio-ethical responsibility to undertake, publish and transfer research-based knowledge for audiences that include but also extend beyond other academics and their fields of knowledge — to embrace other users and beneficiaries of legal research across the public, private and community sectors locally, nationally and globally.

In terms of the gap between most academic research and the business of government, for example, academics need to develop a heightened and more strategic awareness of how their work relates and transfers to contemporary democratic governance. This creates new opportunities for policy and legal inputs, coalition-building and multi-stakeholder standard-setting, and monitoring and critiquing of governmental institutions and actions. In the words of someone who has the experience of being an academic, a university centre director and vice-chancellor, and a head of the Australian Public Service, fundamental shifts in 'the structure of governance' are creating opportunities for 'the academic as knowledge broker' to participate in the 'shared responsibility' of public policy and administration.<sup>70</sup>

Yet, in Professor Peter Shergold's assessment, the flow-through impact of the Australian Government's Excellence in Research for Australia ('ERA') initiative upon university research funding means that 'it's scarcely surprising that a direct contribution to public policy is generally not viewed highly by most academics or the universities in which they work'.<sup>71</sup> In other words, current governmental and university funding drivers result in both universities and their academics devaluing research contributions to public policy, academic contributions to public debate and any other academic engagement with 'the real world', except when it can make money or when they are senior enough to transcend the blunt

69 Bryan Horrigan, 'The Law's Corporate Citizenship Challenges', *The Australian Financial Review* (Sydney), 5 November 2010, 47.

70 Peter Shergold, 'The Great Divide: Seen but Not Heard' (2011) 6(4) *The Australian Literary Review* 4, 4.

71 *Ibid.*

metrics of accumulated publication points and research dollars.<sup>72</sup> It remains to be seen whether the tentative steps towards assessing research impact that are being taken in the UK for their next national research evaluation exercise, will be matched by what results from reawakened Australian interest in complementing the ERA's assessment of research quality with something that meaningfully assesses research impact,<sup>73</sup> as part of a holistic approach to research excellence and its multiple societal benefits.

In the interim, where is the recognition in institutional research performance, ranking and funding of academic research contributions to free public goods by the same governments whose public inquiry and parliamentary committee business depends to a significant degree on such academic outputs? In effect, one arm of government takes, but another arm of government does not give in return. Where is the cross-institutional national institute — supported by a combination of public, private and university funding to study and enhance the collective expertise needed by parliaments, departments of state, law reform agencies and a variety of other public bodies in all Australian jurisdictions — in scrutinising, making and reforming law and policy? Where are the university and faculty research performance indicators that value research devoted to free public goods as much as commercialisable research? Democracy is the poorer for such a withered recognition by governments and universities alike of academic contributions to public bodies of knowledge, public understanding and debate, and public policy and regulation.

In particular, it is time for universities, governments, the professions serving business and industry, and society's other beneficiaries of academic activity to break through the current disconnection between harnessing the humanities' income-generating potential and off-loading onto someone else the responsibility for supporting academic contributions to public goods. The need for such reflection and action is manifest in Gandhi's characterisation of the 'Seven Deadly Sins': 'wealth without work; pleasure without conscience; science without humanity; knowledge without character; politics without principle; commerce without morality; and worship without sacrifice'. In the words of Professor Schwartz, Gandhi here was unintentionally but nevertheless effectively 'making the case for the humanities' and '[i]t's time our universities heeded his advice'.<sup>74</sup>

In short, universities must take seriously their institutional and shared societal roles in supporting academic education and research that enhances free public goods. Their responsibility to do so stands on its own. However, it is also part of their organisational commitment to CSR. This forms part of a wider responsibility for universities to accept that their commitment to good corporate governance, responsibility and sustainability includes but also extends beyond worthy efforts to provide venues for community activities, partner local industry and community

72 Ibid.

73 See, eg, Department of Innovation, Industry, Science and Research, 'Focusing Australia's Publicly Funded Research Review — Maximising the Innovation Dividend — Review Key Findings and Future Directions' (Review, Australian Government, October 2011).

74 Schwartz, above n 48.

organisations, promote tolerance and diversity, offer equity-based student scholarships and minimise their environmental footprint. Universities have a societal responsibility to produce and support — alone and with others — research that enhances free public goods and benefits the community, as well as income-generating research that is commercialisable and otherwise meets market needs.

Still, you would struggle to see equal priority given to non-income-generating research in the various university-level and faculty-level strategic plans and performance indicators across the Australian tertiary sector. However, such things clearly relate to the Australian Government's interest in university compacts, community service plans, research excellence and impact, promotion of public goods and values, engagement with the tertiary sector in public policy development, and essential academic infrastructure for both democratic citizenship and the innovation economy in the knowledge society. Someone in a position to do so needs to connect these dots in better ways.

Finally, what does all of this mean for university students, especially those privileged enough to live in residential colleges (such as Mannix College) and other university student residential arrangements (such as the Halls of Residence at Monash University)? First, recognise the present truth and future potential that is reflected in the individual, shared and collective value-shaping and character-building enterprises that are happening around you. Contribute as much to them, and hence yourselves, as you can within the normal bounds of a balanced university experience.

Witness through fresh eyes after tonight, for example, the value of what happens here in Mannix College on a weekly basis in the fellowship of a formal dinner and its celebration of culture and community (ie the goods of friendship and aesthetic experience), the college-organised commitment to the balanced pursuit of the goods of play (eg student-organised sports) and knowledge (eg college tutorial programs), the college's pastoral concern for its students and their spiritual development (ie the good of religion) and the collective work and diligence of the college student committee, residential assistants and college deans and staff, towards the greater welfare of all college residents.

Secondly, resolve to take some small steps towards unlocking your potential for active involvement in democratic citizenship and social governance. On the ABC's televised Q&A show in early May 2011, the independent MP for New England, Tony Windsor, invoked the much-repeated sentiment that 'the world is run by those who show up'. This echoes the truth behind US comedian and film director Woody Allen's famous line that '80 per cent of success in life is showing up'.

So, take seriously the choices already available to you alone and together to become active subjects of societal governance, regulation and responsibility. The generations that have embraced social networks and 'i-everything' can also lead the way in breaking down the digital and economic divide at home and abroad. Today's students and professionals must continuously refresh not only their web pages but also their conceptions of themselves as agents of human dignity, democratic citizenship and societal well-being.

## VI CONCLUSION

The conditions of 21<sup>st</sup> century governance, regulation and responsibility now make the world our neighbourhood. We are ‘collectively charged’ with building a society in which everyone has the chance to live a life of dignity and respect, with our individual responsibilities being shaped by what each individual must do to contribute to that shared goal.<sup>75</sup> In meeting that responsibility, we must start in our own communities, but we cannot end there, not least because of the commonality of the human condition, the connection between our human orders of existence, the interdependence of interests and consequences in the new era of globalisation and the multiple opportunities and mechanisms available to everyone in this room and reading this Lecture to participate in ‘those processes of global governance aimed at securing human dignity’.<sup>76</sup>

In short, the overarching claim made in this Lecture is that this new 21<sup>st</sup> century global order of inter-related societal governance, regulation and responsibility demands some new ways of thinking and behaviour from us as individuals and communities. As this 2011 Newman Public Lecture suggests, the different universities, businesses and parliaments where our pupils, professors, professionals and politicians gather across this nation and beyond, are all at different stages of a collective journey in awakening and acting upon these multiple socio-ethical impulses. Here, the call to arms is the same for Generations X, Y and Z, and the Baby Boomers before them. Embrace your socio-ethical conscience. Contribute to this grand societal project. Our future together depends upon it.

75 Kwame Anthony Appiah, ‘Morality: Aid, Harm, and Obligation — Dignity and Global Duty’ (2010) 90 *Boston University Law Review* 661, 671–2.

76 *Ibid* 672.