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Faculty Recruitment in Italy: Two Sides of the Moon

We happened to meet a “maestro”¹ at the height of his ascendancy, when we decided to work as scholars. Therefore, we didn’t personally experience part of the story we are going to tell. Our maestro allowed us to live as scholars and forget the thousand quarrels of the world.

THE FRAMEWORK²

General remarks

In Italy academic institutions are public.³ The degree students receive has a legal value conferred by the State. Universities are not really in competition with each other, so there is no market for faculty appointments.

After 1968, an orgy of rules created a knotty and sometimes absurd framework. We need only recall the painful delays caused by the need to publish every step of the selection process in the Official Gazette. On the average it takes three years to confer tenure, from the time the Faculty decides, until the winner takes possession. It never takes less than two years and sometimes it takes more than six or seven years. Moreover, this knotty system, amended many times without any global thinking, shifted much of the power from the faculties to the Ministry.⁴

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1. An Italian word denoting an old, powerful and brilliant scholar with many disciples—three qualities not equally easy to test. Today many use the term maestro to describe every professor who tries to make his pupil enter the academic world. This paper is for Rodolfo Sacco, in whose case the above mentioned three qualities are proved beyond reasonable doubt.

2. A deep discussion of the historical evolution of the statute law related to our subject is in F. Gallo, *Appagamento di istanze corporative in provvedimenti legislativi e disegni di legge sull’ Università*, *Rivista Trimestrale di Diritto e Procedura Civile* 815, 818 ss (1991).

3. Indeed, Luiss University in Rome, Bocconi University in Milan and the Catholic Universities belong to private corporations, but the process of selecting faculties is quite the same.

4. Today the Ministry of Universities and Scientific Research replaced the Ministry of Public Education. The shift is mainly due to the overbureaucratization of the process.

The 382/1980 Act governing faculty recruitment, places appointments in a global plan for the future. Notwithstanding all that happened in Eastern Europe, the Ministry prefers the absurd procedure of asking a faculty to gaze into a crystal ball. Italian faculties are now asked to form the 1993-1996 Gosplan, even though the 1990-1993 plan collapsed, and to decide how many people they wish to appoint to what tenured positions in the future.⁵

The process of appointment begins with a tense faculty meeting. Full professors decide how they wish to use vacant chairs, and what kind of new chairs they wish to ask from the Ministry. Since new chairs are rare, it is vital for someone wishing to appoint a candidate to the faculty to use a chair already available and likely to be vacant in the near future. In this meeting the tension of faculty politics reaches its climax.

There are two ways a faculty can appoint new members. It may pick them from another law school, if there is someone willing to join it. In that case, the procedure is simple and in the hands of the faculty. Or it may start a competition, which is the interesting part of the story we are going to tell.

A competition (*concorso*) is the highly complex process by which someone gets tenure. The bigger and more prestigious schools, usually located in the more important cities where most academics come from, e.g., Roma, Milano, Torino, Napoli, Palermo, Bologna, Firenze, Genova, Padova, tend to appoint people who are already tenured elsewhere and who are waiting to return to their hometowns (from which law schools they have usually graduated). Smaller, more recently founded and less prestigious law schools usually recruit faculty members through a competition. As a result it becomes essential for any group wishing to promote its own candidates to control the small faculties in order to allow new people to enter the academic world. When a faculty opens a competition, it cannot predict whether the outcome will be favorable to the person it actually had in mind. Unless someone in the faculty is powerful enough at the national level to protect the faculty's candidate, the position may well be given to somebody else. This process introduces a fair balance to a faculty's power. We are discussing a procedure that determines who will get a post which is the same—with the same salary and benefits—in every university in the nation. The faculty candidate may be very strong at the local level for many (and not always decent) reasons, and yet be very poorly considered as a scholar. A nationwide academic oversight of what is definitely not a purely local matter has evident advantages. A different problem is the shift of power to the Ministry provoked by the establish-

5. We must consider here that an Italian Professor is not simply a Professor of Law. His tenure is specific, i.e., Professorship in civil procedure, in criminal law. . .

ment of the national competition. It became most pronounced after 1968, and has annoyed many by causing delays, irrationality, and even political pressure.

Let us now describe the three possible stages of an academic career.

Assistant Professor (Ricercatore)

The first step is to become a Ricercatore. The young scholar must win a competition held by the faculty providing the position, but under general oversight. The selecting committee consists of two full professors and an associate belonging to the same "academic lot" (gruppo concorsuale). For this purpose, all the areas of law are divided into "lots". For example, lot 1 is private law and private comparative law, lot 10 is criminal law, criminology and criminal procedure, and so forth. . . . Only one member of the committee is picked by the faculty, and he is usually the professor holding the chair belonging to the lot. When there is more than one member in the same faculty this usually results in hard struggles. The other two members are selected by lottery from among three associates and three professors appointed by the C.U.N., the National University Council, which is a permanent body elected by all professors. The exam is made up of two written tests and a discussion with the candidate about his writing. Though not formally necessary, at least one law review article is required to succeed. Scarcity of posts has sometimes led to competitions among candidates who are already well known legal scholars in their thirties. Of course standards vary from lot to lot.

The name Ricercatore replaced the former label of Assistente, which was reminiscent of the quasi slavish state in which assistants lived before the 1968 revolt. Today a Ricercatore is quite well paid (his salary is well beyond that of a high school teacher) and his teaching duties are practically nonexistent. Indeed he should provide 350 hours a year of integrative teaching. Beyond these formal duties, however, a Ricercatore usually works under a full Professor, and therefore much depends on their personal link. Some Ricercatori wishing to be sponsored by "their" professors, do whatever they want. Others just come to school to pick up their paychecks and spend most of their time doing scholarship abroad or in other faculties where they prefer to maintain links. Or they practice law. Obviously the behavior of most Ricercatori falls between these two extremes. In the south one is more likely to find the first arrangement, since the 1968 revolution has been less effective.

After the notorious 1968 revolt, many nontenured teaching personnel (viz. Professori incaricati) by grinding axes in Parliament, got tenure as associate professors "o^{pe} legis" without any kind of serious

review.⁶ Additionally, other junior people who were teaching classes as graduate research assistants became tenured as Ricercatori. This crew of poorly qualified fellows so overloaded the faculties that, for a decade, they impeded any further recruitment, keeping out a whole generation of potential scholars. The decent part of the academic community reacted to this outrage and, for fear of new "ope legis" promotions, it became a matter of faith that a Ricercatore should not be allowed to teach a course. The result was odd for it was possible to use nontenured lecturers to teach courses (viz. Professori a Contratto), although with many restrictions, but not Ricercatori. A position as Ricercatore is desirable for a young scholar. It is also a very scarce resource. For example, since the early eighties, when we graduated, there has been just one position as a Ricercatore in private law in the law school of Torino, which is one of the top five schools. Consequently, many people have to wait years before getting the position.⁷ Sometimes a nontenured faculty member has to give up teaching some basic courses when he receives tenure! A very recent statute has addressed this waste of energy. As of last year, a Ricercatore may be appointed yearly to teach a course. So a Ricercatore may now be considered to be an assistant professor with the advantage that he already enjoys a tenure, but with the disadvantage that to get an associate or a full professorship, he will still have to compete with others. This is quite a difference from the American assistant professor on tenure track, who has to compete only against himself, because if his scholarship is good enough, he will become a full professor without any further competition.

An Italian Ricercatore is not entitled to be called Professor, but his academic title becomes a Dottore even if does not hold a doctorate.

Associate Professor (Associato)

A middle step is to become an Associate, a position created to grant tenure to former assistants teaching classes on a year to year basis. This is the reason why the associates are the most numerous

6. A not very productive legal scholar in civil procedure, however a very active politician, succeeded in making himself (together with a small number of people) full professor by an ad hoc statute.

7. A few years ago, the Ministry allotted two thousand new Ricercatore positions to universities. Consequently, there are now many openings and some big universities, not wanting to fill them with graduates from other institutions, will end up appointing poorly qualified people. The reason is obvious and dramatic since a Ricercatore position is the door to academia. If in ten years there is just one opening most of the good people of that decade will find their way either to other universities (maybe as professors) or to other professions. If there are suddenly, say, five positions these are likely to be filled either by very recent graduates or by senior people who were not good enough to find a position elsewhere.

class of Italian academics, and it explains also why, among them, are some of the lowest level people in Italian academia. Most of the associates have entered the position after a minimal review of their qualifications. They did not have to compete with others, and sometimes were completely unknown in the academic world, merely desiring the position in order to write Professor on the letterhead of their law firm. However, among this group are good scholars not yet ready or lucky enough to receive a full professorship. The more recent generation of associates has been selected with a regular and quite difficult competition so that among junior associates there are some very brilliant scholars likely to increase the overall academic reputation of their group.

After a 1980 reform, becoming an associate is a difficult as well as a desired goal of a junior faculty member. A competition is held at the national level with rules (written and unwritten) only slightly different from those used for full professors. First of all there is again the subdivision into "lots". Within the group of all the professors and the associates belonging to each lot there is a lottery to select a number of eligible people. It usually takes place once every four or five years even if a statute requires it to be held every other year. Then, eventually, there is a nationwide election. Full professors vote for full professors and associates for associates. A committee is thus created. The number of its members varies from lot to lot and from time to time. Committees may be made of five, seven or even nine professors depending on the number of applications. Full Professors always hold the majority 3-2 or 4-3 or 5-4. This is one of the reasons why the associates are weak and usually do not really decide the contest. Usually an associate's wish is to become a full professor and his destiny may be decided by his senior colleagues in the committee.

The committee bases its decision on the candidate's writings, on an oral discussion with him and a lecture (*lectio*). He has 24 hours to prepare the lecture on a topic he may choose from among three topics selected by the committee.

The entire contest is held in Rome. We have been told that this is because the committee acts as an agent of the Ministry. Apparently nobody in Rome was prepared to consider why an agent can't reside elsewhere.

It is an unwritten rule that to become an associate it is necessary to have published a book, developing a particular legal topic in depth and making an original contribution to it. Writing such a book must be the primary focus of a young scholar. Most works are printed by two leading law book publishing companies that specialize in this area (*Giuffrè* in Milan and *Cedam* in Padova). Usually books are part of a series sponsored by a law school. Sometimes the

young writer has to pay to publish this kind of scholarly work. More frequently, since the market is not likely to support it, the faculty pays for the publishing. An unwritten rule requires that for a book to be published, it must be submitted to the publisher by a full professor.

The rule requiring the writing of a book has some advantages since the book may show commitment to legal scholarship. In applying a cost benefit analysis, however, we should consider the waste of printed paper it generates: a "production of books by means of books." It is difficult for anyone to challenge the contention that a good law review article adds more to scholarship than a poor book comprised of a collage of previous literature. However, in the associate professor competition, whoever has written a book is usually allowed to discuss his scholarship before the committee members, while the author of an innovative article may be excluded.

A competition is quite long. It begins with the publication in the *Gazzetta Ufficiale* of a deadline by which an application and all publications are to be sent to the Ministry. In theory, no further writing may be considered. As an odd consequence, a Savigny would not become professor in 1992 if he published the *Beruf* in 1991 since the deadline was 1990! Therefore most people submit a tentative edition by 1990, complete it, say, in 1991 and hand the final edition to the committee sometimes dated well after the deadline.

Once a legal scholar becomes an associate he is entitled to be called professor and to receive a salary about 40% higher than that of a *Ricercatore* of the same seniority, but he has the same teaching duties as a full professor. His role in faculty politics is limited since he is excluded from all decisions related to chairs. Faculty meetings are sometimes open, sometimes closed to associates and to representatives of the assistant professors, depending on the decisions to be taken. Since some of an associate's chances to get a chair (and all of his chances to get one in his own faculty) depend on the faculty's request to the Ministry, most associates give up an active political role in order to maintain good relations with all the (usually divided) full professors.

Full Professor (Ordinario and Straordinario)

In Italy a professor is not simply professor of law, but of private law, commercial law, criminal law and so forth. To become a full professor there is again an open competition which is held in Rome with a procedure similar to that for associates. There are however, differences: first of all, of course, only full professors vote and may enter the committee. A less obvious difference is that votes precede the lottery. This makes it even more clear that the lottery introduces a blatantly anti-majoritarian rule: a professor sufficiently

powerful to get the maximum number of votes may be excluded from the committee if he is unlucky in the lottery. The lottery after the vote enormously increases transaction costs because it may frustrate quite complex voting alliances. Lotteries held before the vote have the advantage of making it immediately clear to certain groups that they will not be directly represented, and allow them to distribute their votes to the candidates better representing their interests. According to a number of knotty rules, certain "lots" are subject to control by others. For example, professors of private law vote for the comparative law committee (but not vice versa) and professors of criminal procedure vote for making the civil procedure committee (but not vice versa). The reason for this control is that few professors belong to the lot. The result in practice is that the controlling lot has the power to select the professors who serve in the committee of the lot controlled. For example there are about 20 professors of comparative law and about 100 professors of private law. This means that a powerful private law professor, though completely unconcerned with comparative law, may deeply influence the selection of this committee by making his people vote for those willing to represent his interests. So the lottery many play an important role in limiting the power of an ignorant majority over a learned minority.

The committee selects the candidates on the basis of their writing alone. There is no contact with the committee.

An unwritten rule requires the publication of at least two books to become professor, but there are differences between one "lot" and another. Certain topics are taught not only in law schools but also in business schools and other faculties. Consequently there are more chairs available. If the topic is not a central one in legal scholarship and its teaching is not limited to law schools, the meeting point between the supply of scholars interested in that field and the demand for teachers in different faculties may make the competition quite easy. In labor law, for example, the two books rule does not hold.

What we said about tentative editions may be repeated here. In any case the committee decides whether the candidate can be considered "scientifically fully mature," whatever this may mean.

After the list of the winners is completed and a report on each candidate is written, faculties which, three years before, decided to establish a chair, may eventually pick one of them. Each candidate applies to the faculty he wishes to join. If there is more than one application the faculty may choose which candidate it wants. If there is only one candidate, the faculty has to appoint the professor even if he is deeply disliked.

A full professor is known as *Professore Straordinario* for the

first three years in which he holds the chair. After a formal (and very generous) review of his productivity he will become Professore Ordinario. After three years from the first appointment he may move to a different faculty, if it wishes to appoint him.

There is only an acoustic analogy between a German Extraordinary Professor, which corresponds to our Associate, and Italian Straordinario who is a full professor in every practical sense.

It may be stressed that a career may be more or less difficult in different fields of the law. While professors in each field have to fight in the faculties to have a chair allocated to their "lot," the interest they may have in doing so is not always evident. In certain fields they dislike having more professors because they lose their individual power. Moreover because of the deep connections that link Italian academia with the bar, many professors like to limit the number on the market. This Malthusian attitude causes a permanent shortage of professors, particularly in small faculties, as well as appalling variations in standards required to get tenure in different fields. This attitude is however more evident in those groups which are less open to changes. Conservatism is sometimes deeply rooted. In criminal law and civil procedure, for example, there are so far no fully tenured women, while in other groups there is much more gender diversity. But no one has yet decided to institute some kind of affirmative action.

Finally, we have to mention a special procedure invented for Benedetto Croce, which still exists and is sometimes still used.⁸ He was annoyed by details, such as sending his writing to the Ministry at the proper deadline. But he was reputed to be a genius. An Act was passed allowing the Ministry to appoint one person because of his Undisputed Outstanding Reputation (*chiara fama*). So he received a chair, one he held with cavalier disregard. A sense of decency prevents misuse of the rule.

Art. 4 of 382/1980 Act allows faculties to appoint directly a foreign full professor. At any rate the number cannot surpass ten percent of the members.⁹

THE RULES IN PRACTICE

A Clan Society?

We may describe the Italian system of recruitment as a process of cooptation of younger by older scholars through elections and lot-

8. It has been used again to call in Naples the young outstanding physicist Mayorana a member of the scuola of Enrico Fermi. cfr. L. Sciascia, *La scomparsa di Mayorana* (1975).

9. It could be interesting if a maestro had the idea of getting full tenure, say in Somalia, for a disciple, so as to appoint him directly to the home faculty. So far nobody has thought of this device.

teries. Elections explain many features of the process. New professors are coopted by "maestri"¹⁰ on the basis of gentleman's agreements. So one needs, first of all, to be the disciple of a maestro. A maestro teaches one how to write the graduation thesis or the doctoral dissertation, and how and where to publish the first papers. He suggests what to study and the topic of a book. He introduces the young scholar to editors and publishers. He entrusts the young scholar to deliver a paper at conferences where he was invited but cannot attend. The maestro is supposed to know the value of his disciple and the content of his writing, and he is supposed to defend him. In fact, it is the maestro who asks a faculty for a post for his disciple; he will vote and influence others to vote for committee members on the basis of their willingness to appoint his disciple.

A maestro may have many disciples. If they become professors the group they form becomes a "scuola". This is normally a scholarly community. The maestro suggested topics and methods to juniors, and they suggest them to their assistants. The scuola, as a community, tries to get tenure for its members. Normally it may be thought of as a single voting coalition.

Obviously a scuola may collapse. Disciples can depart and dissolve previous links. Internal unity, and the sharing of common scholarly interests varies from scuola to scuola, as does the willingness to follow a common method, or the capacity to carry out a common academic program.

We may say that a scuola is an historical coalition that grows through inner selection and bargains with other scuole. A scuola represents the past choices of the maestro and his older disciples, and their capacity to sponsor these choices among colleagues.

The maestro shapes the scuola. It can be a circle of scholars or a network of personal or professional links.

There are, however, other forms of coalition. It may happen that journal board meetings provide an opportunity to form voting coalitions among scholars or even among scuole. For instance, the Journal "Quadrimestre" was founded to try to create a link between private law scholars from Milan and Rome. The most striking example, in private law, is "Contratto e Impresa", a review grouping together professors belonging to various scuole, shaping common views and a particular style. They are not only an important scholarly movement, but also a united, even if sometimes tottering, coalition.

A further feature affecting selection is due to the presence of a coalition made stronger by the apparently puzzling wish to live in Rome. A young professor usually desires to be appointed to a more

10. Cfr. *supra* n. 1.

prestigious school, as do many older professors. They all want to reach Rome.

Since appointments depend on Rome professors, they have a strong bargaining power, which is no longer justified by their undisputed national preeminence.

Elections involve the entire community, and since the game is repeated, everybody remembers the past and takes account of possible future behavior. Elections make the formation of alliances necessary even before the new books of future applicants for tenure are printed (or even written!). The scholarly prestige of a maestro is in these cases a substitute for the possibility of reading the disciple's book.

As we have described it, the social pattern appears close to that of a clan society. As in every such society, the members value highly the keeping of promises and the predictability of behaviour.

Obviously elections foster democratic control, but they encourage coalitions to become real clans. In any case, as in every clan society, the fear of a global conflict and vengeance pushes toward generally satisfying agreements. Moreover, the peculiar Italian desire to divide power, and to prevent it from becoming effective, produced the lottery to prevent strong stable coalitions from dominating.

Needless to say, a lottery and democratic values are opposites. As we already saw, minority groups or isolated scholars, elected with a minimum number of votes can really decide a competition, while persons with a mass of votes can become irrelevant. There is a normal source of quarrels in the short run, but since elections are recurrent events, important groups always have the chance to appoint their own people.

In any event, the peaceful Italian attitude toward minorities also shapes other institutional behaviour. For instance if a member of the selecting committee refuses to subscribe to the final decision, the Ministry finds it annoying to punish him and prefers to dissolve the entire committee. So even a large majority cannot disregard an isolated member since the committee can be replaced with another with a very different majority. Pluralism in the selection process is an obvious by-product. The arrogance of minorities of the moment may be another.

These rules may lead to an allotment of the posts among committee members. If the chairs are 10 and the members 5, a majority of three can divide the entire pot, or they can decide to avoid quarrels (and future vengeance) and allot to each member the power to decide over a couple of chairs, which is, indeed, the common way the

behave in larger "lots". It is a way as Amartya Sen proved,¹¹ that is quite liberal but certainly not optimal. In Comparative Law, even majorities try to have rights, and for this reason they are constantly criticized.

As we have noted the delays are long. The presence of previous alliances can reduce them. But all competitions for all the "lots" are held simultaneously. Many areas have a common misty borderland, for example, commercial and industrial law, or public and administrative law. Many disciples apply for several competitions at the same time. And so the competitions are interlinked (not to say entangled) with consequent externality problems. A maestro, part of the minority elected in the committee of comparative law, sponsoring a disciple, can filibuster until it becomes certain that his disciple is to be appointed by the committee in, say, commercial law. For the same reason, the competition in commercial law can be prolonged by somebody wishing a candidate to be appointed in industrial law in order to have more posts to distribute. That is why transaction costs are high and the competition may last as long as the election of a medieval Pope.

It is possible to have a judicial review. The judge, quite obviously, cannot decide for the committee, but if procedures were not properly respected he can invalidate the entire proceedings, and provoke a new election, a new lottery and a new bargain. Of course, as in every clan society, to sue is reputed to be highly unfair. Only dropouts or people lacking in decency seriously consider going to court.

Shifts of paradigms

Even academic history has scholarly consequences. A shift in paradigms may depend on appointments. A striking example occurred after the First World War. For years, general competitions were not allowed, because, otherwise, those who served in the army would have been disfavored. It naturally happened that several chairs became vacant. After ten years many tenured faculty were to be appointed. The committee was dominated by a leading scholar of the time, Professor Nicola Coviello, a partisan of the German Pandectist approach. His ascendancy was great, and he thought, as many others did, that the Germans went far beyond the French. So he appointed only followers of a German-style formalism, pushing the formerly dominant French approach off the stage. As Max Planck said, theories are set aside because their partisans die.

Presently it is apparent that north and south are divided. In

11. Amartya Sen, "The Impossibility of a Paretian Liberal," 78 *J. Pol. Econ.* 152 (1970).

private law, at least, a strong formalism is patently more dominant in the south, a soft formalism in the center, and a different approach in the north. All this may also be explained by the process of selection. For reasons that are hard to trace now, changes occurred in the north. Unfortunate as it may be, American patterns came into fashion: the way of discussing cases, of trashing policy considerations (of writing acknowledgements), and even a bit of economic analysis of law. Since Americans were predominantly identified as a group of realists, formalism came to be seen as old-fashioned. The same change did not occur in the south. Since there are numerous candidates in private law, committees prefer to share, so that northern chairs are normally appointed by northern representatives, and vice versa. The geographic allotment is a process which can easily magnify cultural gaps.

IS THERE A PATTERN OF JUSTIFICATION?

Scholarship is a social experience, confined within the limits of its character and unable to stray too wide of it.¹² As we have seen, the process of selecting scholars may affect the outcome of scholarship. Is it possible to develop a pattern of justification of the Italian method of selection? The answer is probably no, but it is worth trying in order to answer to the real question: "what happens to scholarship within a system in which any paradigm may be considered as good as any other?" More generally, what happens to scholarship once it becomes completely "Kuhnian"?

In a world where knowledge is compartmentalized and time is scarce, the chance for anyone to read everything is a dream (if not a nightmare), as is the idea that every scholar understands every topic.

There are two factors we want to stress.

Recurrent elections discourage wrong choices. All the community is involved, and every bad choice soon becomes the favorite argument of a rival group to win votes. In small communities, a small shift of votes may be dramatic. Obviously, single wrong choices may happen. But it is the overall order which is worth considering, even if a short sighted envy may cause enduring quarrels.

Secondly, the sometimes immoderate attention paid to minorities ensures pluralism in research and a chance for alternative ways of thinking about law. Above all, it prevents strong durable coalitions from imposing arbitrary choices.

The outcome of competitions is constantly criticized. Everybody is inclined to characterize what he didn't get as an outrageous injus-

12. Cfr. J. Agassi, "The Social Base of Scientific Theory and Practice," in G. Andersson, *Rationality in Science and Politics* 15 (1984) at 23.

tice. A maestro who got tenure for a disciple may believe it is a scandal that a second disciple was refused. The attention of all tends to focus, not on predictable, highly regarded winners, but on marginal and more disputed cases. The appointing adventures of undisputed winners are soon forgotten. Disputed winners or losers evoke most, sometimes very durable, interest. This shift of community attention toward more doubtful cases clouds some virtues of the process. The outcome of every contest depends on many variables, resulting from the aggregate of several individual scales of preferences, without exactly meeting any of them. Collective rationality is often in contrast with concrete preferences. In particular, those believing they have lost something are much more willing to prefer their personal views. But it's not unlikely that the rationality of the game is superior to that of each participant.¹³ In terms of public choice models, the process of selection is far from perfect, but we may note that academic power at most times is, indeed, genuinely linked with scholarly preeminence. Great maestri are normally outstanding scholars. Maybe it is the gift of a good deity, but, although maestri sometime give tenure to less qualified people, they try constantly to raise the level of their scuola. Indeed they choose disciples with the highest reputation to succeed them as leaders in the scuola.

In a clan society, everything is apparently governed by prestige and reputation. But as a social device preeminence is not at all irrational. After all, a good name is to be chosen ahead of great riches and fortune, especially when it can give access to them.

As long as the process remains within the academic arena it seems workable, even if, as in all clan societies, equilibrium is constantly at risk, and everything may collapse in a spiral of self fulfilling mistakes.

For the moment, risks are mainly due to bureaucracy and politics.

For instance, long delays may raise the dramatic level of the contest, sometimes encouraging coups inside the committee. A maestro, dominating the committee, may find it hard to tell his no longer so young disciple, "Well, I'm sorry, you are to wait for five more years; I prefer another." Consider that the waiting can last even 10 or 15 years if future committees do not have the same concern for the candidate. So promises for the future may give way to tenure in the present, even if candidates are not completely ready.

On the other hand, to remain on the waiting list for years may become an unfair advantage. Someone may inspire a sense of pity in the community and be selected just because he is already old. One's

13. Cfr. F. Von Hayek, *Law Legislation and Liberty* (1973, Vol. I).

devotion to one's maestro may eventually be rewarded to the disadvantage of a smarter younger candidate. It is apparent that delays introduce irrationality.

Sometimes politics are directly involved. Istituto Gramsci, a club of communist scholars, blatantly adopted political standards in voting for committees. Sometimes, even if quite rarely, a candidate is favored if he is a politician capable of distributing prebends.¹⁴

Apart from these intrusive brutes, the story we told is centered about the master-disciple link, and a peculiar tradition of academic contests. After all, in science we do not expect people to discover everything for themselves without the help of a tradition of inherited knowledge and practice.¹⁵ In spite of the critical character of scholarship, tradition plays an important role.¹⁶ Science, like religion and politics, is a living tradition.¹⁷ As Polanyi said once,¹⁸ if you want to be a scientist—or an artist, or a theologian or even a scholar—you start neither a priori (by thinking) nor a posteriori (by observing); you start by going to the best available master and becoming his apprentice.

The method, the style of life, is tacit and inarticulate; you learn it by apprenticeship. Commitment is an existential affair.¹⁹

14. As odd as it may seem, some politicians in Italy really care about being professors. We have already mentioned the one who succeeded in giving tenure to himself. Another one, a powerful minister in the last government, on the other hand, has been refused even an associate professorship "ope legis" in Public Finance. See *supra*. Even the former President of the Republic has been involved in a public dispute whether, with his non-tenured past as a Constitutional Law Professor in Sassari, he was still entitled to be called Professor. The former minister of the university, an associate in History is competing in the present concorso and applied to it when he was in office. He was applying for a position he was offering!

15. G. Andersson, "Creativity in Science and Politics," in G. Andersson, *supra* n. 12.

16. K.R. Popper, *Conjectures and Refutations* (1963), ch. 3.

17. J. Agassi, "Science in Flux," 28 *Boston Studies in the Philosophy of Science* 506 (1975).

18. M. Polanyi, *Personal Knowledge: Towards a Most Critical Philosophy* (1962).

19. J. Agassi, *op cit*, 507.