



Academic freedom 2023: out of the crisis?

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2023: out of the crisis?

A “crisis of academic freedom” emerged in Europe after the Great Recession of 2007-2009.

Unprecedented developments after 2015 – including some programmatically meant to address the crisis (“charting a course for academic freedom”).

Are we out of the crisis?

Current times: extraordinary for academic freedom.

- New conceptualizations of academic freedom emerging
- New codifications

Powerful developments – some under the radar.

Not visible in the media. Not studied in higher education research.

Formal initiatives and “undercurrents” with potentially long-lasting influence on the understanding and practice of academic freedom.

Crisis- Reaction to crisis

Is/was there a crisis of academic freedom?

Different views.

A proof that there was/is a crisis:

The unfolding of major, unprecedented developments regarding academic freedom (addressing the crisis: “charting a course” for academic freedom out of it).

A messy landscape – both the crisis and the efforts to address it.

But some good progress.

Charting Academic Freedom

103 Years of Debate





A European crisis of academic freedom?

- Challenges to academic freedom – not a new phenomenon, not restricted to certain countries of regions; global challenges
- There are national and regional elements of specificity in challenges and predicaments.
- European crisis of academic freedom after the Great Recession of 2007-2009? Different nature and origin than in other parts of the world?
- The “Fundamental values project” is an illustration for European specificities in addressing the crisis..

Origin and nature of the crisis

- The neglect of academic freedom after the fall of the Berlin Wall-
underdeveloped notion of AF;
- Political and social developments in the early 2000's.

An **empirical** (regulatory, political) and **intellectual crisis**

Symptoms and lessons

EU Commission vs Hungary at the European Court of Justice (2017 -2020)	No common legal or conceptual reference for academic freedom in the EU; national vs supra-national codifications. Need for EU legislation?
Repression in higher education in Turkey post-2016	EHEA lack of a common reference for academic freedom AND means to safeguard it (unlike for other concepts, values, or principles); solidarity alone inefficient
Accusations of “Islamogauchisme” in higher education in France (2020-2021)	AF framed as a fundamental right or human does not work; new political agendas trump traditions
The UK Higher Education (Freedom of Speech) Bill	AF reduced to freedom of speech; exclusion of students from the scope of AF; national vs. international
“Divergent paths”: AF vs university autonomy	Tensions among values on the ground; conceptual confusion (Afi another example). Need to consider a cluster of knowledge concepts
“Changing Understandings of Academic Freedom in the World at a Time of Pandemic” – GOAF global report	New conceptualizations, codifications of academic freedom happening; not only in Europe

Academic freedom: an intellectual crisis

Core of the crisis: absence of a shared, up to date, and effective conceptual reference for academic freedom.

A result of intellectual neglect/drift and political abuse.

It engages the responsibility of universities, academics, all higher education constituencies and organizations as well, not just that of public authorities.

A crisis that affects and concerns us all in HE;

Not restricted to freedom of speech/expression incidents. Far beyond that.

Touches on the core mission of higher education (which is not speech, discourse, or talk).

Major efforts to address the crisis in Europe:
re-conceptualize; codify anew academic freedom; monitoring

Inter-national/supra-national initiatives:

- Magna Charta Observatory "Living Values Project"
- **EHEA Fundamental Values of Higher Education Project**
- ERA Monitoring of Freedom of Research/Bonn Declaration (2020)
- European Parliament legislative initiative regarding academic freedom in the EU/monitoring of AF
- UNESCO process regarding freedom of research and responsibly of researchers

National (?), institutional and inter-institutional initiatives

“Fundamental values of higher education” – commitments of 49 EHEA countries

Re-conceptualization, codification, “enforcement” of “shared reference” through soft law

For the first time: a common European conceptual reference for academic freedom, up to date and effective (?)

“Fundamental values of higher education” project

“Official list” of fundamental values of higher education in Europe. Not just **academic freedom** but also **institutional autonomy, academic integrity, student and staff participation university governance, public responsibility for and of higher education** . (Other values missing?)

Framing of academic freedom as a value – not a human right, fundamental right, or governance principle (**the Rubik Cube of academic freedom**) – a tactical or epistemic choice?



EHEAROME2020

Rome Ministerial Communiqué

A N N E X I



EHEAROME2020

Statement on Academic Freedom

This text, developed by the BFUC in consultation with a range of experts and stakeholder organisations, aims to outline a shared understanding of academic freedom for the EHEA, and to provide a first basis for the future development of indicators.

Academic freedom is an indispensable aspect of quality learning, teaching and research in higher education as well as of democracy. It is a necessary condition for higher education institutions to produce and transmit knowledge as a public good for the benefit of society. It guarantees academics and students the freedom of thought and inquiry to advance knowledge through research and to exchange openly, as well as the freedom to communicate the results of research within and outside of the framework of academic institutions and programmes.

Academic freedom is a distinct, fundamental democratic right in part grounded in the right to education, and shares elements with freedom of thought, opinion and expression. Academic freedom must be framed by rigorous scientific and professional standards, respect for the rights of others, ethical conduct and the awareness of the impact of research on humans and their environment. It is crucial in order to advance the standards of academic disciplines

Fundamental values of higher education” project

Completely new, up to date definitions for all values: AF – 2020, for the other values 2024

Formal commitments to **protect** and **promote** the fundamental values as jointly defined; to put in place a European-wide mechanism to monitor the implementation of these commitments for all HE systems (to be adopted in 2024).

- Who is doing this project? Universities absent?
- Will this project have an impact? In what ways? The impact of monitoring.

Monitoring framework for rights/freedoms values

TYPE OF MONITORING		VALUES			
		Rights/Freedoms			
<i>De jure</i>		Outlook (<i>negative, unchanged, positive</i>)	Academic freedom	Institutional autonomy	Participation of students and staff in university governance
Protection (<i>adequate, intermediary, inadequate</i>)					
Promotion (<i>absent, limited, significant</i>) ¹					
<i>De facto</i>					
Infringements					
Threats					
Positive developments					

Monitoring framework for obligations/duties values

TYPE OF MONITORING		VALUES			
		Obligations/Duties			
<i>De jure</i>		Outlook (<i>negative, unchanged, positive</i>)	Academic integrity	Public responsibility <i>for</i> higher education	Public responsibility <i>of</i> higher education
Protection (<i>adequate, intermediary, inadequate</i>)					
Promotion (<i>absent, limited, significant</i>) ²					
<i>De facto</i>					
Degree of fulfilment					
Threats					
Positive developments					

Convergent efforts to address the crisis in Europe? Divergent?

Inter-national/supra-national initiatives:

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- EHEA Fundamental Values of Higher Education Project
- ERA Monitoring of Freedom of Research (Bonn Declaration)
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- UNESCO process regarding freedom of research and responsibly of researchers
- Principles for Implementing the Right of Academic Freedom (2020)

National, institutional and inter-institutional initiatives

Principles for Implementing the Right of Academic Freedom

Principle 1: Academic freedom is the right to develop knowledge and ideas

Principle 2: Academic freedom is protected by international human rights law

Principle 3: Academic freedom requires autonomy of institutions

Principle 4: Academic freedom includes intramural and extramural expression

Principle 5: Academic freedom requires access to information

Principle 6: Academic freedom requires freedoms of movement and association

Principle 7: Academic freedom is essential to all levels of education

Principle 8: Students have the right to academic freedom

Principle 9: Protection of academic freedom is a shared responsibility

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National, institutional and inter-institutional initiatives

Are we out of the crisis yet?

- A lot of attention to academic freedom recently.
- Some good, even extraordinary developments, can be expected to have long-term impact;
- Some not so good developments, although sometimes they use a similar approach: reconceptualization and new codification of academic freedom can be a double sword. Examples: Hungary, Florida, Sweden.
- The attention of the academic communities, public authorities and the general public is often not rightly directed, not towards what really matters

What matters?

Academic freedom is a necessary precondition for the production, transmission, dissemination and use of knowledge as a public good (Rome Statement; S. Marginson, R. Post)

It is/was in need of reconceptualization, new codification.

There is a need to reimagine academic freedom **together** with related concepts, values or principles.

In part, this is happening, and it represents **charting a course out of the crisis**. With good progress already