

Background paper

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Is a global common reference for academic freedom desirable? Is it possible?

King's College London Presidential Series "Academic freedom: charting a course".

Session III, 25 May 2023

This paper outlines the intentions of the Series organisers for this particular session, including some of the main questions that are proposed to be addressed.

I. [Lessons from the previous events in the Series.](#)

The Series is intended as an inclusive platform bringing together staff, students, and public leaders from the UK and around the world to discuss the complex present-day reality of academic freedom on campuses, within the context of wider socio-political, regulatory, and intellectual debates.

The main ambition of the Series is to contribute towards an understanding of academic freedom that is better adapted to today's universities and contemporary societies. A main assumption in this endeavour is that it is both possible and necessary to think about charting a new course for academic freedom in order to address its current predicaments, and that this implies the necessity to reimagine academic freedom.

The [previous events](#) in the Series addressed two key issues in this context.

The [first session](#) probed heads-on the question "Is there a need to reimagine academic freedom?". Members of the panel and the audience discussed evidence and arguments

indicating that this need was real. Moreover, it was mentioned that a complex and somewhat nebulous, yet real, process of reimagining/reinvention is already taking place currently, engendering new conceptualisations and codifications of academic freedom. Universities should be part of this process, but, for the most, they are not. Rather, they are “missing in action”. There was agreement that King’s Presidential Series could make a significant contribution by putting forward a set of “principles for reimagining academic freedom”, rather than attempting a new definition or new conceptual reference for academic freedom.

The second session addressed a narrower issue: “How academic freedom and freedom of speech inter-relate and differ”. An important lesson from this discussion was that academic freedom should not be misconstrued as freedom of speech (or freedom of expression) alone. There is a tendency in different parts of the world at present, including in the UK, to do exactly that - codify academic freedom as freedom of speech. This is not justified and is counterproductive. A possible principle for reimagining academic freedom could be exactly about avoiding this approach, which is intellectually, regulatorily, and politically reductionist.

II. Main intentions for this session

When the Series was initially planned in spring 2022, it was already clear that bringing in an international and indeed global perspective into the discussion about reimagining academic freedom, about charting a new course for it, would be necessary. Although the first two sessions were not explicitly about this topic, there was repeated mentioning in these discussions as well of various international conceptual, policy and legal references for academic freedom. Understanding, let alone striving for a “better-adapted understanding” for academic freedom, cannot ignore international and global aspects even though the main emphasis of the reflection promoted by the Series is about practice on campus and the responsibility of higher education institutions themselves in this.

For this third session we propose to discuss and possibly sketch, or begin sketching, a systematic picture with regard to “if and how” current challenges to academic freedom in institutional and national contexts in different parts of the world can be better understood and addressed taking into account existing international or global references. Actual, ongoing experiences from all continents will be analysed for this purpose. These experiences are

different in scope and nature, as are the challenges to academic freedom. Existing global references for academic freedom are also different in their nature (*e.g.*, they can be intellectual, policy, legal, etc.), with regard to their intended use or type of use (guidelines for individuals, institutions, governments, etc.; binding provisions; heuristic/intellectual tools; etc.). Some are very recent; others are old or very old. Some are better known than others by relevant stakeholders and within defined relevant constituencies (*e.g.*, public authorities, academics, students, research communities, etc.).

In this session, we will look at what types of international or global references for academic freedom exist, where do they come from, how do they work (or not) in concrete circumstances.

In addition, a few questions will be asked from a more forward-looking perspective, that of reimagining academic freedom. More precisely, panellists were invited to discuss the possibility and potential usefulness of shared, up-to-date and effective conceptual references for academic freedom. Do they exist already? If yes, they do exist, what is the problem? Or is there a need to reconceptualise academic freedom in a way that would make room for, and even systematically put forward such new, shared and better adapted global references? What are difficulties in this regard and what are the risks? For example, is there a risk to undermine the current international regime for the protection of academic freedom by simply stating that existing references for academic freedom, like those from UN documents, are insufficient, partially maladapted, and outdated, or don't work properly for whatever other reason?

To be clear, one of our other assumptions for the Series was that the need to reimagine academic freedom encompasses the need to undertake work on developing or redeveloping global references (shared, up-to-date and effective). This session is organised in part to help test this assumption.

III. Intellectual and actional interrogations regarding a shared global reference for academic freedom; specific questions proposed to be addressed.

At King's, we are currently piloting a research project regarding the theme of common global references for academic freedom. The project will include a comprehensive mapping of this territory and will try to address a few related theoretical and application-oriented questions, some of which can be expected to be raised in this Session III of the series as well.

This research project will first attempt to identify the list and build a comprehensive taxonomy of existing references¹ that were meant to be, or serve even unintentionally, as global references. Amongst the more specific aspects or dimensions of the taxonomy, we will look at the sources of these references, where do they originate. For the purpose of illustration, we can note that the Humboldtian understanding of academic freedom remains a global reference for academic freedom, put forward by an individual, primarily (whether we track it back to Wilhelm, or Alexander von Humboldt is a matter of academic/historical rigor, but less relevant in the context of the current interrogation), although it was not intended to fulfil such a function. The UN Declaration of Human Rights is a different global reference for academic freedom, emanating from an international organisation and specifically developed and adopted to serve as an international instrument for the protection of academic freedom (and related values and principles, it should be said). The 2020 Rome Statement on Academic Freedom is an inter-ministerial document, which put forward a definition of academic framework officially meant to serve as a common reference only for the protection and promotion of academic freedom in 49 countries of the European Higher Education Area. However, it can be reasonably expected that this reference may also have an impact globally, the nature of which would be interesting to investigate. The 1967 Kalven Report from the University of Chicago is a document emanating strictly from a single university in the US. Yet, the principles outlined in this report have acquired the status of a global reference for academic freedom. Similarly, conceptual elaborations and guidelines for practice issued by the American Association of University Professors since 1915 have been used as a reference in discussions in many parts of the world, although they emanate from a professional

¹ By "conceptual reference" we don't mean a formal short definition of a sentence or two, or a link to an existing definition of this kind, but a sufficiently long conceptual elaboration available in a written format that serves as a reference for understanding, codifying, and practicing academic freedom.

association (not a government, higher education institution or international organisation, in this case) in a particular country (the US), and were meant specifically for use in that country within a limited professional context. Sometimes, national legislation from a particular country has been used as a reference internationally.

The list of examples is longer, but not infinite. Although the landscape here seems very messy, it is possible to create a comprehensive and comprehensible map. The map could then be used, at least as a starting point, in order to address other important questions, such as: how global references work; is it important for the institutional practice to have a shared global reference; is it desirable in itself; it is possible to have shared global references that actually work; how to achieve this, who has the responsibility and capacity for it?

To answer such questions, approaches from several disciplines are needed. For example, we can observe that academic freedom is conceptualised in different documents as a different type of entity: it is a human right, a value, a governance principle, etc., depending on who is talking. An approach informed by epistemology (situated epistemology) is probably necessary here. The value of such an approach is not just theoretical. For example, we can see that codifications of academic freedom as a human right work in some contexts, but not in others. The UN Declaration on Human Rights, for example, cannot be applied in the context of a dispute between an individual academic and their line manager regarding a particular research project, and whether this can be approved or not for submission to external funders, given that the line manager insists on a different methodological perspective than the one proposed by the prospective PI. It would be hard to deny, though, that this is a matter of academic freedom. Codifications of academic freedom as values, to take another example inspired by the Rome Statement mentioned above, create difficulties of implementation and effacement. A taxonomy of these references could also include the criterion of their status as epistemic entities, and this could be further linked to an analysis of their applicability.

Obviously, perspectives from history, legal studies, political science, international relations, public policy, anthropology, etc. are also needed in order to provide a comprehensive perspective that can in turn support a practical effort of reimagining academic freedom. Reducing academic freedom to only one or the other of these dimensions is a common

characteristic of these references, it can be stated, perhaps inevitably, but this often comes at a cost.

A particularly important question, when discussing a global or universal shared reference, has to do with the issue of decolonising higher education and research. This matter will be addressed in several interventions at this session on 25 May 2023.

IV. A possible (new) lesson: reimagining academic freedom as one in a cluster of concepts about knowledge? Towards an integrated approach to the protection and promotion of knowledge as a public good.

Even a cursory inspection of existing references for academic freedom that serve, intentionally or not, the function of global references indicates that there is a lot of conceptual diversity, in the sense that academic freedom is not the only concept that is used in this context. Other related concepts are used as well, together with, as part of, or sometimes instead of academic freedom. This is not only a matter of vocabulary – of legal, regulatory or policy terminology. Different concepts often cover different aspects in the broader area of production, transmission, dissemination, and use of knowledge, in higher education and research. Such aspects that are referred to in the relevant documents here cover different dimensions and actions. A not-exhaustive list includes university autonomy, autonomy of science, autonomy of scientists, responsibility of scientists, social responsibility for and of higher education, academic integrity, freedom of research, right to take part in the benefits of scientific research, university governance (right of students and staff to take part in university governance), etc. This observation, based on a cursory analysis of the landscape of existing global references for academic freedom and on preliminary insight regarding the need for new, shared such references may raise the question whether or not one should think about reimagining academic freedom considering a cluster of concepts, rather than just academic freedom alone. If so, we should address the question: what kind of cluster is this, about what exactly? One possible answer could be that academic freedom is part of a cluster of concepts, values, principles that are essential for the production, transmission, dissemination, and use of knowledge as a public good. This question, it seems, has not been asked so far, or at least not explicitly, and raising and addressing it could be another contribution of the Series.