

Principles for reimagining academic freedom

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The 2022-2023 Presidential Series on Academic Freedom at King's College London made possible a sustained dialogue addressing two questions: is there a need to reimagine academic freedom at the present time and, if yes, how to achieve it?

The Series was administered by the Head of King's College London School of Education, Communication & Society under the auspices of the Vice-Chancellor & President. It functioned as an inclusive global platform for debate and consultation bringing together academics and students from various institutions and disciplinary horizons, university leaders, scholars of academic freedom, public authorities, international organisations, national and international student and university associations, trade unions, and media representatives.

The answer to the first question emerged early in the Series and was surprising: not only that there is a need to reimagine academic freedom, but this is presently happening. The reimagining of academic freedom takes the form of new conceptualisations and codifications.

Academic freedom is a concept, principle and value with an old history and continuously evolving. However, consequential new conceptualisations and codifications for it are put forward only rarely, not even once in every few decades. The reimagining of academic freedom that is currently taking place in many parts of the world can be expected to have a significant long-term impact on the work of higher education institutions and academic communities, and on the way in which higher education serves society through the production, transmission, dissemination and use of knowledge as a public good.

The answer to the second question pointed to the fact that the reimagining of academic freedom happening already is mainly the work of national public authorities and international intergovernmental organisations. Universities themselves are largely absent from this process.

Following straightforwardly from the debates within the Series, the present Principles are not aiming to propose yet another definition or a particular regulatory framework for academic freedom. Rather, they are intended to signal that universities have both the right and the obligation to engage directly in the current process of reimagining academic freedom. Furthermore, the Principles recommend key conceptual and actional anchors to be considered, primarily but not exclusively by university actors.

1. **Reimagining academic freedom is necessary.** New conceptualisations and codifications of academic freedom are needed at the present time given transformative recent developments in higher education and society that are not taken into account by the existing conceptual and regulatory references, which in turn makes many of them ineffective in their application or even impossible to apply. Such developments include the emergence of new dominant ideologies that shape in new ways national politics and policies; new configurations of international cooperation in higher education influenced by new geopolitical alignments; the emergence of transnational (as opposed to only national, traditionally) regulatory frameworks in higher education; new impacts of technology on higher education activities, ranging from teaching and learning to research and governance; etc.

2. **Universities can and must participate actively in reimagining academic freedom, maybe even take the lead in this process.** The reimagining of academic freedom is happening already in many parts of the world, and it is mainly, when not exclusively, undertaken by public authorities at the system/national, international or transnational levels. In the UK, the Parliament adopted in 2023 *The Higher Education (Freedom of Speech) Act*, which puts forward a new understanding of academic freedom along with legally binding regulations for its implementation. The voice of the universities was not heard during the process of passing this legislation. New legislation bearing on issues of academic freedom was introduced in several state or provincial legislatures of the United States and Canada in 2021-23, above the head of higher education institutions. In a remarkable development in Europe, 49 countries officially adopted in 2020 a Statement on Academic Freedom, which puts forward for the first time a European-wide, shared conceptual reference for academic freedom that is meant to be up to date and effective across the entire continent. There was no university participation in this process either.

There are very few university-led initiatives for reimagining academic freedom. The *Model Code of Conduct for the Protection of Academic Freedom and the Academic Community in the Context of the Internationalisation of the UK Higher Education Sector*, proposed by the Academic Freedom and Internationalisation Working Group in 2022, is a powerful illustration of the relevance of university engagement in reimagining academic freedom.

3. **It is important to consider the composite conceptual nature of academic freedom, for it is at the same time a human right, a fundamental right, a value, and a governance principle.** Very often, old and new conceptualisations of academic freedom focus exclusively on only one facet of the concept and ignore the others. This reductionist approach creates difficulties of conceptualisation and codification, and for the practice of academic freedom. For example, a human rights understanding of academic freedom as detailed in international agreements is highly pertinent for the case when a national government decides to exclude an entire social category from higher education, be it as teachers or students, based on ethnic or gender considerations. However, the same human rights approach cannot be applied to an intra-institutional dispute about endorsing or not a research project based on a particular methodological choice. Here, thinking of academic freedom as a governance principle and not a human right can be more practical.
4. **Reimagining academic freedom must explicitly and programmatically take into account other related concepts, principles and values** that are relevant for the production, transmission, dissemination and use of knowledge, and for democratic governance in education and science. While there can be no single recipe regarding how exactly to conceptualise and codify academic freedom in relation to these other concepts, it is important to recognise and address the fact that they form together an interdependent cluster including university autonomy, academic integrity, public responsibility for and of higher education, participation of students and staff in governance, responsibility of researchers, or freedom of expression and freedom of speech. All too often, conceptualisations of academic freedom rely on one-sided configurations.
5. **Academic freedom must not be reduced to other concepts that are part of this cluster.** Although of a composite nature and a unit in a cluster, academic freedom is a distinct concept, value, and principle. In particular, it is important not to misconstrue academic freedom as freedom of speech. A trend to conflate academic freedom and freedom of speech is noticeable

presently. Academic freedom and freedom of speech are both important, and although they overlap partially, they are significantly different in more than one way. In several countries, reducing academic freedom to freedom of speech in recently adopted legal regulations relying on the confusing epistemological and political assumption that they are (or should be) one and the same has already led to negative effects on teaching and learning, research, and university governance.

6. **It is important for universities to adopt internal guidelines and regulations with regard to academic freedom**, developed with the participation of all internal constituencies (students, staff, university leadership). This is a possible avenue for engaging in reimagining academic freedom. Internal guidelines, policies and regulations help provide a shared understanding of academic freedom in the respective university community, thus avoiding confusion and drift. They can help pre-empt disputes about academic freedom or address such disputes internally when they arise within the respective academic community, rather than having to turn to external bodies or instances. These regulations and guidelines can contribute to a healthy governance environment in the respective institutions, while supporting directly and indirectly effectiveness in teaching, learning, research, and engagement with society. Universities can adopt their own, internally developed guidelines, policies and regulations on academic freedom, or they can adopt, adapt or just reference such guidelines already developed and tested by other universities and organisations. The *Principles* covering freedom of speech and freedom of expression on college campuses adopted at the University of Chicago in 2014, for example, are used as a reference by other universities in the US. The absence of any explicit internal guidelines and regulations with regard to academic freedom is counterproductive.
7. **Reimagining efforts must acknowledge the principle that students belong to the scope of academic freedom in all its dimensions**: education, research (in particular for doctoral students), academic communication, and governance of education and research in higher education.
8. **It is important not to over-legalise the reimagining of academic freedom**. At present, new conceptualisations and, in particular, codifications of academic freedom come primarily with new legislation/legal regulations. Whether intended to safeguard or rather restrict academic freedom, most efforts aiming at reimagining academic freedom tend to focus on legal codification. Even when genuinely well intended, legal approaches alone are not sufficient, and they can backfire. In part, this is because academic freedom is not a matter that belongs exclusively into the scope of responsibility of national or system-level authorities, which have the right to legislate and the means to enforce legislation. Moreover, academic freedom is not only a legal principle. In their own internal regulations and guidelines, universities should avoid over-legalising as well. There are important educational aspects pertaining to the conceptualisation and codification of academic freedom as well as aspects of shared governance, which cannot be exhausted or covered even partially by constitutions, laws, decrees, courts or jurisprudence.
9. **Universities can act as conveners of consultation and coordination platforms among various initiatives aiming at reimagining academic freedom**. Many actors are currently involved in reimagining academic freedom and the range of their efforts is extraordinary. This amount of attention to academic freedom is a recent and positive development, marking a

striking change after a few decades during which, around the turn of the millennium, academic freedom was either taken for granted or outrightly neglected. However, this multiplicity of efforts raises issues of coordination and efficiency. To mention a single example, the European Union (EU) has emerged as a powerful champion for the cause of academic freedom after 2017, when the Central European University affair made clear that there was no good system in place to protect academic freedom across the Union. At present, there are three major initiatives aiming at adopting legislation, conceptual references, and guidelines for the implementation or monitoring of academic freedom undertaken with little perceptible coordination by two separate EU institutions and three units within them. There is a risk that these efforts result in detached, even contradictory new definitions of academic freedom and principles for implementation and monitoring. There are similarly uncoordinated efforts in other parts of the world as well, at the national, regional or indeed global level (*e.g.*, within the United Nations Human Rights Council and, separately, UNESCO). Universities are well placed to promote consultation and coordination by conducting research on these developments and making it available to the respective institutions and organisations so that they know what others are doing. Universities can also provide venues to bring together the various actors involved. This Presidential Series is an illustration that creating such venues can work. Naturally, universities have neither the means nor the intention to mandate coordination or a particular direction of work. They can, however, give consultation and coordination a chance. Moreover, in this way universities can create a vehicle for their own engagement in remaining academic freedom together with other actors, including public authorities and international organisations.

10. **Given that international cooperation and internationalisation are intrinsic dimensions of contemporary higher education, it is important to consider them explicitly when reimagining academic freedom.** Developing and adopting conceptualisations, codifications, or guidelines and policies for academic freedom in a given institutional and national context must actively consider international developments and frameworks. Conversely, the development of new international regulations and frameworks of reference should be tested for their potential impact on national and institutional endeavours and practices. The Presidential Series on Academic Freedom at King's College London addressed the question whether a common global conceptual reference for academic freedom is desirable and possible. There was no straightforward answer to this question. However, there was broad agreement that it is worth discussing it. At the same time, given international and transnational intricacies in higher education and in reimagining academic freedom, this discussion must pay careful and explicit attention to issues of decolonising higher education, and academic freedom itself.
11. **While many of the existing conceptual references and formal codifications of academic freedom are outdated, incomplete, largely forgotten or not usable, they must not be discarded wholesale.** Unless they are replaced in a timely manner with better alternatives, abandoning suddenly the existing frameworks for the protection of academic freedom at the global, regional (where available) or national levels would create a vacuum with possible calamitous consequences.