



On academic freedom and freedom of expression

– Why it is important and why it is vital to fight current trends that limit the freedom of expression traditionally upheld by universities.

The new public management with its internal market, commercialism and political control is an explosive cocktail. The impact has been greater and developments gone further in higher education than at other levels of education. And the effect of this development on society is very great. Therefore it is hugely important for us all, not just university researchers, to discuss and fight these trends.

But first of all, we should note that we are not as alone, as we might think.

In 1997 UNESCO adopted a normative instrument: The Recommendations on the Status of Higher Education Teaching Personnel, which has since been accepted as the international standard for academic freedom

The Recommendation describes many different aspects of the working conditions of university staff. The focus, however, is on the concept of academic freedom. This concept includes university autonomy, freedom of research, freedom of expression, and collegiate government. In § 27 it is clearly stated:

“... the principle of academic freedom should be scrupulously observed. Higher-education teaching personnel are entitled to the maintaining of academic freedom, that is to say, the right, without restriction by prescribed doctrine, to freedom of teaching and discussion, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies”.

So this UN organization recognizes the need for freedom of expression and democracy. And our countries have voted for this recommendation!

Then in 2006 the Parliamentary Assembly of the Council of Europe adopted a similar declaration, Recommendation 1762 on Academic freedom and university autonomy.

This recommendation refers to the Magna Charta Universitatum from 1988 – a celebration of the 900th anniversary of the University of Bologna – and to the founding of the Observatory of Fundamental University Values and Rights from 2000. In accordance with the Magna Charta, the Council of Europe reaffirms the right to academic freedom and university autonomy. In §§ 4.1 – 4.3 of the Recommendation, the Council of Europe states:

- *academic freedom in research and in training should guarantee freedom of expression and of action, freedom to disseminate information and freedom to conduct research and distribute knowledge and truth without restriction*
- *the institutional autonomy of universities should be a manifestation of an independent commitment to the traditions and still essential cultural and social mission of the university, in terms of intellectually beneficial policy, good governance and efficient management*

The Council of Europe goes on to state why academic freedom and institutional autonomy is essential and important for society as a whole:

- *history has proven that violations of academic freedom and university autonomy have always resulted in intellectual relapse, and consequently in social and economic stagnation*

The Council of Europe Recommendation also describes the responsibilities that

academic liberties entail, that in fact a new contract has to be reached between university and society to reflect and recognise new developments, and that social and cultural responsibility and accountability of universities to the public and to their mission are to be considered the unavoidable other side of academic liberties.

The Council of Europe states that the principles of academic freedom and institutional autonomy may need to be readjusted to meet contemporary conditions, but *“these principles should also be reaffirmed and guaranteed by law”.*

In other words, academic freedom involves a responsibility towards society towards the public good.

One might wonder why such institutions as UNESCO and the Council of Europe have felt it necessary to issue recommendations and declarations about academic freedom. But the fact is that academic freedom, i. e. freedom of research and freedom of expression, is currently being undermined in many industrialised countries that pride themselves on their democratic tradition and unlimited freedom of speech. Commercialization and excessive government control make a mockery of the freedom of expression that is guaranteed in the constitutions of many countries, including my own. The Danish Government would like to be known for its protection of freedom of speech – but wholehearted government protection of freedom of speech is completely lacking if it is used to question the government agenda. In fact, in recent years we have seen quite the opposite.

Two current trends in particular undermine and stifle academics' freedom of expression:

ConCrit

For tredje år i træk holdtes konferencen ConCrit (constructive criticism), denne gang i Bologna i dagene 16.-17. maj.

Konferencen har fokus på uddannelse, pædagogik og velfærd. En af hovedtalerne på konferencen i Bologna var DM's formand, Ingrid Stage. Kronikken her på siderne er hendes indlæg i sin fulde længde.

1. The dominance of the market and the reliance on partnerships with private companies.

Politicians want university research and education to function on market principles, while at the same time they have introduced extreme control mechanisms. This gives us the worst of all worlds. Every project must lead to immediate economic gain. The Danish Government insists that universities should only produce ideas, thoughts and research that can result in an invoice. On top of that they insist on defining what kind of research can fulfil that purpose.

Let me give you just two Danish examples:

- The University Law of 2003 does not protect individual freedom of research/ expression/ publication. These freedoms are restricted by development contracts, quantity productivity targets and strategic frameworks that limit diversity, as well as by a hierarchical management that excludes academics from decisionmaking on academic issues.
- Mergers of research institutions and universities of 2007 undermine freedom of research and freedom of speech, because university researchers now have to administer to ministers. A case from 2004 that came to light only last November during the election campaign illustrates the risks to freedom of research and freedom of expression when researchers have to administer to the Government. It was revealed that back in 2004, before the Government decided to adopt a fashionable green mantle, publications on climate change were changed to suit the then government political agenda. Researchers felt unable to speak out against this politically motivated change demanded by the then Environment Minister. Strangely

enough this revelation during the election campaign did not produce a new Government.

2. Legislation driven by the anti-terrorist/anti-Muslim political climate.

A more sinister *international* trend is the excessive control powers embodied in anti-terror laws, the effect of which has been to obstruct academic debate and introduce self-censorship in research and teaching. Take just these few cases:

UN Security Council Resolution 1373, 28th September 2001 charged nations with introducing border controls against persons planning terrorist acts. It is a very broadly formulated resolution that can be used as the basis and argument for stringent ideological exclusions.

- US Patriot Act, section 411 used "ideological exclusion" as justification for not issuing visas to a number of high profile researchers invited to work at American universities.
- The arrest of German academics, July 2007. Researchers were arrested on the basis of specific words and expressions used in their research – expressions used by their informants. The arrest was further based on their having met with a militant urban group, although these meetings were essential to their research as sociologist. It was seen as particularly suspicious that one researcher had come to the meeting without a mobile phone. This was taken as evidence that he wanted to conceal his meetings with the group, as his movements could not be tracked by police when he did not carry a mobile phone.

Danish politicians work in less obvious ways

– but gradually we see similar trends in our own country. Resources are channelled towards research projects that are politically defined: The Cold War, Islamic extremism, etc. The rule of law and civil liberties are being undermined by increasing control mechanisms and new regulations determining public behaviour.

So we see anti-terror laws undermine the internationalisation of academic activity that governments claim to support.

Anti-terror legislation has led to

- limits on free movement of students across borders
- limits on free movement of teachers/researchers across borders
- limits on freedom of research
- obstructions on free academic debate
- increasing self-censorship in research and teaching

This then is my call to action:

It is necessary to mobilise the international academic community in a campaign for the reintroduction of full academic freedom in order to allow for free and open academic discussion and cooperation across international borders. The secrecy and excessive government control of research must be removed. It is high time that we start insisting that our governments uphold the recommendations of UNESCO and the Council of Europe.

In short, we must speak out against current trends!

DM is therefore submitting a formal complaint to UNESCO against the Danish Government for not complying with the international standards for academic freedom.

Our hopes and expectations are that this together with the current petition among Danish academics demanding a new university law will lead to a reversal of present trends; that in fact democracy, good governance with academics included in the decision-making process, proper freedom of research and freedom of expression will not be irrevocably lost.