

Speech at Bologna meeting of Concrit – May 2008-05-17

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.

1. 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, another word for democracy. 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 **constriction 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!

2. 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 this is a protection that is only upheld if it does not threaten - or question - the Government agenda for the universities.

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

- **The dominance of the market and the reliance on partnerships with private companies**
- **and legislation based on the political anti-terrorist/anti-Muslim climate**

Politicians want university research and education to function on market principles, while at the same time they have introduced extreme control mechanisms. So we have 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. And the Government insists on defining **what kind of research** can fulfil that purpose.

Danish examples:

- 1. University Law of 2003 does not protect individual freedom of research/expression/publication. It is limited by development contracts, productivity targets, strategic frameworks, which restrict diversity, and a hierarchical management that excludes academics from decision making on academic issues**
- 2. Mergers of research institutions and universities 2006-07 has undermined freedom of research and freedom of speech, because researchers now have to administer to ministers.**
 - Case: 2004:Climate Change Research subjected to politically motivated changes demanded by the Minister. Last November it was revealed that publications of climate change research were changed to suit government policy. Researchers felt unable to speak out against it

International trends that threaten academic freedom/researchers' freedom of expression

A more sinister international trend is the excessive control powers embodied in anti-terror laws. Anti-terror laws have obstructed scientific academic debate and introduced self-censorship in research and teaching

Cases:

- UN Security Council resolution 1373, 28th September 2001 – charged nations with introducing border controls against persons **planning** terrorist acts. A very broadly formulated resolution that can be used as the basis and argument for stringent ideological exclusions.
- US PATRIOT Act, section 411 “Ideological exclusion” used as justification for not issuing visas to a number of well-known researchers invited to work at American universities
- The arrest of German Academics, July 2007: researchers were arrested on the basis of words and expressions used in their research and because of meetings with a militant

urban group, although these were essential to their research as sociologists. It was seen as particularly suspicious that the 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 without the mobile phone.

Danish politicians work in less obvious ways - but gradually the results are similar: resources are channelled towards research projects that are politically defined: 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.

Internationally, anti-terror laws have

- limited free movement of students across borders
- limited free movement of teachers/researchers across borders
- reduced freedom of research
- obstructed scientific academic debate
- introduced self-censorship in research and teaching

Therefore, this call to action:

It is necessary to mobilise the international academic community in a campaign for the reintroduction of 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 upholding the recommendations on academic freedom.

And we hope that this together with the current petition among Danish academics demanding a new university law will lead to a reversal of the present trend, and that democracy, good governance with academics included in the decision making process, freedom of research and freedom of expression have not been irrevocably lost.