Newly emerging frameworks of reference and conceptual references for academic freedom: institutional, national, regional and global

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Abstract

From 2015-2017, significant progress can be observed in Europe, possibly more than in other parts of the world, in developing new and better adapted frameworks of reference for safeguarding academic freedom. This includes the adoption for the first time of a European Higher Education Area (EHEA)-wide common conceptual reference for academic freedom in 2020, shared at least nominally by 49 countries. The present paper proposes a new analytic framework for studying and understanding these developments. While employing this new perspective, it becomes evident that similar developments regarding new conceptualisations, codification, monitoring and practice of academic freedom are happening in other parts of the world and at other levels in higher education systems as well (i.e., institutional, national, and global). A specific question to be asked in this context is how the European developments fit with and interact with global developments and trends in this area. In particular, the paper examines the possibility and desirability of a global conceptual reference for academic freedom, one that transcends national and regional frameworks, including that of the EHEA. Answers are sought through an analytical overview of the current state of scholarship regarding the feasibility and desirability of a common global conceptual reference for academic freedom and by interrogating the results of a curated expert dialogue dedicated to this topic.

Keywords: frameworks of reference for academic freedom; conceptual references for academic freedom; European Higher Education Area; global, national, regional and institutional developments in academic freedom; decolonisation of academic freedom

Introduction

Europe has made remarkable progress, possibly more than in other parts of the world, in developing new and better adapted frameworks of reference for safeguarding academic freedom and the other "fundamental values of higher education". This includes the adoption for the first time of a European Higher Education Area (EHEA)[1]-wide common conceptual reference for academic freedom in 2020, shared at least nominally by 49 countries. The present paper proposes a new analytic framework for studying and understanding these developments.

Moreover, while employing this new analytical perspective, it becomes evident that similar developments - regarding new conceptualisations, codification, monitoring and practice of academic freedom - are happening in other parts of the world as well, and at all levels in higher education systems (*i.e.,* global, regional, national, and institutional).

An important question in this context is how the European developments fit with, influence and are influenced by global developments and trends in this area. In particular, the paper looks into the issue of the possibility and desirability of a global conceptual reference for academic freedom, thus one that transcends national and regional frameworks, including that of the EHEA. Answers are sought through an analytical overview of the current state of scholarship regarding the feasibility and desirability of a common global conceptual reference for academic freedom and by interrogating the results of a curated expert dialogue dedicated to this topic.

The paper concludes that while several global references and even a few global frameworks of reference for academic freedom do exist, there is little research on this topic. In a way, scholarship is less advanced than the reality on the ground. The explanations for this situation can be important from the perspective of the efforts to safeguard academic freedom globally. Moreover, within the existing scholarship, there is a diversity of positions and there are marked disagreements regarding both the desirability and possibility of a common global reference for academic freedom. This is significantly different from the approach of the experts invited to take part in a dedicated dialogue on this topic. Coming from higher education systems in different parts of the world on all continents, they agreed both on the need for and possibility of such a reference.

The prominence of academic freedom within and beyond the EHEA. New frameworks of reference and conceptual references for academic freedom.

Academic freedom is currently a prominent matter of concern and subject of debates in the EHEA, within the academe itself, but also in policy circles and in politics as well as in the media. This is a special, maybe unprecedented, period for academic freedom in Europe in this regard.

While specific and remarkable European dynamics with regard to academic freedom can be clearly identified and analysed in particular after 2015-2017 (Matei 2024), this period may well be a special one in the history of academic freedom globally too (Popović *et al* 2022). There are important new

[1] See the official EHEA website: https://www.ehea.info/page-members, accessed on 5 January 2024. Formally, the European Higher Education Area (EHEA) was launched in 2010 as a common European space for dialogue and practice in higher education. EHEA is considered the result of the Bologna Process. This Process was launched in 1999 with the Bologna Declaration (Bologna Process 1999) and from its very start envisaged the creation of the EHEA. The "EHEA" phrase was used from these early years, before 2010. The Bologna Process is ongoing as a voluntary intergovernmental initiative in higher education based on jointly agreed principles, objectives and standards, governance mechanisms, and the implementation of these within national education systems. As of 2023, there are 49 European states that have agreed to implement the Bologna Process. They form the EHEA. Russia and Belarus were suspended following the invasion of Ukraine in 2022 (Matei 2023a)

developments with regard to academic freedom in other parts of the world as well (Ignatieff and Roch 2017; Popović *et al* 2022). How should we study and understand them? What is the evidence for the exemplary nature of these developments within and beyond Europe?

By new developments here we do not mean only a wave of momentous instances of challenges to academic freedom during this time, extensively documented elsewhere (Scholars at Risk 2015 to 2023), which vary in their exact morphology but have in common the experience of severe restrictions on the freedom to engage in the production, transmission, dissemination and use of knowledge in the university, which operationalize academic freedom. They happened in countries or higher education systems like Turkey, Hungary, Florida in the US, Hong Kong, Russia, Afghanistan, Myanmar, or Nicaragua, to mention only some of the most often discussed instances of this kind.

Significant as they are, not all of these are new types of challenges. In the past, we can document at least some similar restrictions, for example during the Cold War, and which are now returning during some kind of "New Cold War" (Altbach *et al* 2022, Matei 2023b). On the other hand, many of the challenges to academic freedom during this period are indeed new, even unprecedented (Matei and Kapur 2022).

We would like to posit that what is even more remarkable and makes this period of time special beyond just considerable empirical challenges is a different set of developments that comprises:

- the emergence of new conceptualisations and codifications for academic freedom (Popović *et al* 2022) at the level of higher education institutions themselves (albeit not very frequently) and also nationally, regionally and globally.
- the emergence of new attempts to monitor, even measure systematically, academic freedom regionally (see for example Maassen *et al* 2023, Matei *et al* 2023c) and globally (*e.g.,* Academic Freedom Index[2]).
- the adoption of new formal guidelines (different than legal or other regulations) for the practice and protection of academic freedom at the level of discrete higher education institutions, such as the Model Code of Conduct developed by AFIWG-the Academic Freedom and Internationalisation Working Group in the UK (Heathershaw *et al* 2022)*;* at the system level; regionally; or globally, such as the Principles for Implementing the Right of Academic Freedom (Scholars at Risk 2020a) developed by a Working Group on Academic Freedom following the Report on academic freedom and the freedom of opinion and expression (United Nations 2020**)** of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

We would like to further propose that a productive way to frame and analyse these developments is by employing the concepts of "frameworks of reference for academic freedom" and "conceptual references for academic freedom".

During this period, we can identify various attempts, some successful, to develop new frameworks of reference for academic freedom and new conceptual references for academic freedom, also at different levels, from the institutional and inter-institutional level (emerging from and applicable inside higher education institutions or groups of institutions), to the national or higher education system, regional (such as the EHEA) and global levels.

Definitions and exemplifications: developments in the European Higher Education Area.

[2] https://academic-freedom-index.net/, accessed on 20 December 2023

Developments in the EHEA referred to in this paper are illustrations of both concepts at the regional level: a new framework of reference for academic freedom started to take shape in particular after the 2020 Rome EHEA Ministerial Conference[3] and this framework includes but is not limited to a new conceptual reference for academic freedom, presented in the Statement on Academic Freedom adopted on the same occasion (Bologna Process 2020).

There are other examples of both frameworks of reference and conceptual references for academic freedom, some of which will be mentioned only briefly in the present paper, since they are not the main thrust of our analysis and argument.

By "conceptual reference" we do not mean only a definition or a link to an existing definition, but a sufficiently long conceptual elaboration available in a written format that serves as a common reference or go-to conceptual source (or "anchor") for actors inside and outside the university, and which they use in sync for the understanding, codification and practice of academic freedom (Matei 2024). The Rome Statement on Academic Freedom mentioned above is a clear example of a document that puts forward a conceptual reference for academic freedom in the EHEA. It frames academic freedom as a value (not a right or governance principle), or a fundamental value of higher education to be more precise, and as one in a cluster of values - six in total. It explicitly details what are considered to be the main dimensions of academic freedom. This Statement, adopted by 49 European countries and the European Commission with the support of eight European intergovernmental and non-governmental organizations, creates a first official "European reference" for use in the entire EHEA. It promotes a new and particular understanding of academic freedom, one that is meant to orient the work of the university and its internal constituencies (students, staff, leadership), of national/system-level authorities and of other organizations that are active in higher education.

The UN and UNESCO documents mentioned in this paper also put forward different conceptual references for academic freedom, meant to be shared by different groups of actors or stakeholders.

A "framework of reference for academic freedom", on the other hand, includes a conceptual reference but beyond that it may also contain, variably, guidelines for the practice and, possibly, protection of academic freedom, elements of codification (such as legislative norms, regulations, codes of conduct, etc.), and provisions about institutions and institutional mechanisms that should or could be utilised to implement the respective understanding and codification of academic freedom. The 2020 Rome Communiqué contributed decisively to the creation of a framework of reference for academic freedom in the EHEA:

- It details a series of specific obligations vis-à-vis these fundamental values assumed voluntarily by all EHEA members (European governments and the EU Commission). In short, these obligations, or voluntary commitments, are to protect the fundamental values as jointly defined within EHEA through legislation and promote them through policies and other concrete initiatives. In the language of the Communiqué itself: "We reaffirm our commitment to promoting and protecting our shared fundamental values in the entire EHEA through intensified political dialogue and cooperation as the necessary basis for quality learning, teaching and research as well as for democratic societies" (Rome 2020a).
- Lists five other fundamental values that should be "protected and promoted" together with academic freedom and details their interrelations.
- Gives a mandate to the executive structure supporting the Bologna Process in-between the Ministerial Conferences, the Bologna Follow-Up Group, to create a permanent

[3] https://ehea2020rome.it/, accessed on 20 December 2023

mechanism for the monitoring of all these values as jointly defined here, and across the entire continent. This effort can also be understood as monitoring the implementation of the commitments assumed by the signatories.

- Identifies certain institutions, such as quality assurance agencies and the European Quality Assurance Register for Higher Education (EQAR), that should play a role in both building up and making this framework work.

Other European frameworks of reference and conceptual references for academic freedom.

The EHEA does not have the monopoly on frameworks of reference and conceptual references for academic freedom that can be identified during this period, whether they are old, updated or completely newly emerging. In Europe alone there are several more such developments or initiatives in the European Union (EU)[4], in individual higher education systems as well as in given universities.

a) Regional developments

In 2017, the European Commission sued Hungary for infringement of academic freedom in the case of Central European University (CEU)[5]. During the proceedings, it became evident that there was no specific EU legislation that would allow the European Court of Justice to adjudicate this case without serious difficulties. The Court needed to make reference to commercial legislation. To remediate this situation and in order for the EU to be in a better position to protect academic freedom, the Panel for the Future of Science and Technology (STOA)[6] of the European Parliament later initiated a process aiming to develop not just a common conceptual reference for academic freedom in the EU but also binding legal references (EU legislation) for all member states. This is an ongoing process, not without difficulties.

The EU Commission, the executive branch of the EU, currently runs two separate projects that can also be described as attempts to create frameworks of reference for academic freedom. The first takes place in the institutional context of the European Research Area[7] and aims specifically to safeguard freedom of scientific research (thus not all dimensions of academic freedom), by creating a monitoring mechanism that would show to what extent member states of the EU fulfil their obligations assumed in this area when they signed the Bonn Declaration on Freedom of Scientific Research in 2020 (European Union 2020). This Declaration contains a specific European Union-"shared" conceptual reference for freedom of research. In a second project, this time run by the EU's Directorate General for Education and Culture, a process is underway that somewhat mirrors the EHEA developments discussed above, with the declared goal to adopt guiding principles for a list of "fundamental academic values" (most probably academic freedom, academic integrity, and institutional autonomy). This

[4] As a common space of dialogue and practice in higher education EHEA is different from the EU. The EU is a union of independent states, and it has its own strategies, policies and process in higher education and research, which only occasionally and partially overlap with the EHEA. The EU Commission is a member of the Bologna Process, and the EU often has an impact in higher education policy beyond its member states.

[5] See Judgement of the Court in this case at https://curia.europa.eu/juris/document/document.jsf;jsessionid=8E4DA0A72A98E30145D3223D87BA630B?text=&docid=232082&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=10718744. Accessed on 20 December 2023.

[6] Panel for the Future of Science and Technology (STOA). European Parliament https://www.europarl.europa.eu/stoa/en/home/highlights; accessed on 20 December 2023

[7] The European Research Area (ERA) is a European Union initiative launched in 2000. ERA is different from the EHEA. It has "the ambition to create a single, borderless market for research, innovation and technology across the EU" - *cf.* https://research-and-innovation.ec.europa.eu/strategy/strategy-2020-2024/our-digital-future/european-research-area_en#:~:text=The%20European%20Research%20Area%20(ERA)%20is%20the%20ambition%20to%20create,and%20technology%20across%20the%20EU.&text=ERA%20was%20launched%20in%202000,revitalise%20it%20began%20in%202018. Accessed on 5 January 2024.

process, which uses the language of fundamentals *academic* values, as opposed to fundamental values *of higher education* in the EHEA, can be seen as another attempt to adopt a conceptual reference for academic freedom and put in place means to promote it, albeit only in the EU, throughout its member states.

This series of EU efforts illustrates, on the one hand, once again the prominence of academic freedom in the European policy and political agendas, and on the other hand a multiplicity of concrete attempts to safeguard it on the continent by developing sometimes overlapping and even competing conceptual references and frameworks of reference.

b) National developments

The adoption of the law on Higher Education (Freedom of Speech) in the UK in 2023[8] is another example for the emergence of a framework of reference with both intellectual/conceptual elements (academic freedom is basically redefined as freedom of speech) and also legal/regulatory aspects, including the creation of new government structures for the implementation of this new codification.

In France, new understandings of academic freedom were put forward during and immediately after the Covid pandemic, but not through legislative means. Rather, a new political discourse, new policies and administrative practices in higher education have resulted in modifying the existing national framework of refence for academic freedom, and not always in ways that are supportive for academic freedom (Joly 2023).

c) Institutional/inter-institutional developments

There are very few institutional initiatives (*i.e.,* initiatives coming from universities) attempting to create frameworks of reference for academic freedom and develop conceptual references for it. But they do exist.

In 2022-2023, King's College London created a global platform for dialogue and organized a series of research-based debates addressing the question whether there is a need to reimagine academic freedom at present and, if yes, how should this be realized[9]. The series did not propose a new conceptual reference for academic freedom, although it concluded that there was a need to reimagine academic freedom and that this was in fact already happening. Rather, it has put forward a set of Principles for Reimagining Academic Freedom[10], which address, among others, the need for the universities and academics to take active part in this process, rather than leaving it all to the public authorities.

One of the most remarkable examples for the engagement of the universities themselves in designing frameworks of reference for academic freedom is the Model Code of Conduct of AFIWG, mentioned above, an inter-university endeavour that has put forward both a university-generated conceptual reference (how universities in the UK should understand academic freedom at present) and also principles and guidelines for putting in place this understanding, in particular the context of international cooperation activities (Heathershaw *et al* 2022).

Efforts to develop global frameworks of reference and conceptual references for academic freedom

[8] https://www.legislation.gov.uk/ukpga/2023/16/enacted, accessed on 20 December 2023
[9] https://www.kcl.ac.uk/events/series/kings-presidential-series-on-academic-freedom, accessed on 20 December 2023
[10] https://www.kcl.ac.uk/ecs/assets/draft-principles-for-reimagining-academic-freedom-27-nov.pdf, accessed on 20 December 2023

The United Nations has endeavoured to create what can be considered a global framework of reference for academic freedom, including with global conceptual references for academic freedom, in the context of the global human rights instruments, such as in the International Covenant on Economic, Social and Cultural Rights (United Nations 1966). As mentioned above in this paper, more recently the UN has supported work that resulted in the development of a set of guidelines for the implementation of the "right to academic freedom".

UNESCO, the UN's Educational, Scientific and Cultural Organization, has endeavoured separately to work in this area. Its 1997 Recommendation concerning the Status of Higher Education Teaching Personnel (UNESCO 1997), ratified by more than 100 countries, put forward one of the most frequently quoted conceptual references for academic freedom. It can be considered as a global reference, although it is most often ignored in practice. Separately, UNESCO's 2017 Recommendation on Science and Scientific Researchers (UNESCO 2017) created a tentative global conceptual reference for freedom of science, which is but one dimension of academic freedom, along with a reference for the related concept of responsibly of researchers. Currently, UNESCO is engaged in a process of updating these references.

One of the most influential efforts to measure academic freedom is represented by the development of the Academic Freedom Index (AFI) since 2017[11]. Although AFI is intended to be only a measurement or monitoring tool, in reality it also puts forward, implicitly rather than explicitly, a particular global conceptual reference for academic freedom, which is understood to be applicable globally.

Another interesting and influential global experience in this context is Magna Charta Universitatum[12]. Adopted originally in 1988 (Magna Charta Universitatum 1998) by almost 400 university rectors from Europe only and revised in 2020 (Magna Charta Universitatum 2020), this document puts forward a conceptual reference for academic freedom, which is now defined as a universal (global) value in higher education. Magna Charta is an inter-university declaration, currently signed by almost 1000 universities from all continents. Maybe this development could be better placed in the category of institutional/inter-institutional initiatives. The revised Magna Charta talks about obligations of the universities to uphold the set of Principles, Values and Responsibilities mentioned in this declaration, with academic freedom as one of them (Magna Charta Universitatum 2020),

National developments outside Europe

In a development to some extent similar to the EHEA, albeit at the national level, the South African Council on Higher Education carried out a project that proposed national conceptual references for several higher education values (academic freedom, university autonomy, and public accountability) while also aiming at creating a regulatory national institutional system to enforce these conceptualizations (CHE 2008).

As we can see from these examples, new conceptual references for academic freedom and frameworks of references for academic freedom emerged or have been attempted not just in Europe or the EHEA in the past ten years or so. There is very little research about these developments, and even less when we move outside Europe. We believe that it is important to signal that they are happening and to study them, for different reasons. One reason is that developments in Europe may appear at first look to be quite singular, when in reality they are not necessarily so. There certainly are European specificities, however, we can understand better what is really happening, where all is coming from and leading to in the EHEA itself, for example, which is one of the most remarkable individual cases, if we use the analytical approach proposed here and broaden the scope of investigation. This analysis can also help

[11] https://academic-freedom-index.net/, accessed on 20 December 2023

[12] Magna Charta is maintained by a non-governmental organisation, the Magna Charta Observatory (https://www.magna-charta.org/magna-charta-universitatum/mcu2020, accessed on 20 December 2023).

to understand what is specific to Europe more broadly, noting that there are different meanings of "Europe", and what we in Europe can learn from others in order make more progress in safeguarding academic freedom, avoid the trap of a detrimental Eurocentric approach, and also contribute to the cause of decolonisation of academic freedom[13].

In line with this concern for decentration, it is important, we believe, to ask the question whether global conceptual references and maybe also global frameworks of reference for academic freedom would be useful, effective or even possible. As we will see in the analysis presented in the next section, some believe that it is not possible to have common global references at all, while others insist that global refences exist already and what is at stake is simply to "implement" them. Yet others believe that what is needed is new global references for academic freedom and related frameworks of reference that would be up to date and effective, and that it is possible to develop them.

Is a global conceptual refence for academic freedom possible? Is it desirable?

A. Answers from the scholarship of academic freedom

Method.
This section of our study seeks answers to the questions about the possibility and desirability of a global reference (or references) by exploring the current status of the scholarship of academic freedom in this specific area.

The primary objectives are twofold: firstly, to determine whether there is a consensus regarding a singular global reference in existence already, and where that would be located at present (possibly in the UN International Covenant on Economic, Social, and Cultural Rights, for example?). Or, alternatively, if there is a variety of global references already, which ones are most commonly cited? Secondly, the study aims to ascertain whether the scholarly literature on academic freedom views the establishment of a global framework of reference as desirable, and, if so, what potential difficulties or challenges are associated with such an endeavour.

Our study primarily focuses on research literature (peer-reviewed articles, conference papers, and conference reports). It does not cover policy documents or statements or reports from international organisations, public authority bodies, or professional organizations, some of which were referred to in the previous sections of this paper. The rationale for this methodological choice is rooted in the discussions at King's College London, mentioned above. During the Presidential Series on Academic Freedom, it was concluded that a process of reimagining academic freedom is underway. However, key stakeholders, namely universities and academics themselves, are largely absent from this process. We envisaged conducting this study to assess the current state of the scholarship on the possibility and desirability of reimagining academic freedom as a global concept as a step towards potentially rectifying this situation and involving academics more actively in the critical process of reimagining academic freedom.

The research materials were primarily gathered through electronic searches on electronic databases (Scopus, Google Scholar) and independent article searches. Various keyword combinations were employed, such as "global framework" and "academic freedom", or "framework" and "academic freedom", or "universal" and "academic freedom", with the aim of identifying existing scholarship that specifically addresses academic freedom and discusses questions about its suitability as a global or universal concept or emphasizes its significance as a global conceptual reference and/or framework of

[13] The discussion about decolonizing academic freedom is very confusing in the academic literature and in the higher education policy discourse. This is another area in need for more research and action, not detailed here.

reference. After an initial screening and subsequent selection of studies aligning with the scope of this inquiry, a total of 29 papers were identified that met the criteria established for this research, later reduced to 25 after a selection of papers published after 2010 only.

This enquiry considers, more specifically:

- What legal or scientific references to academic freedom are used in scientific literature;
- To what extent academic freedom is understood as a global or universal concept;
- What themes and issues arise when conceptualising academic freedom as a global or universal concept;
- The current scholarly discussion around the possibility of a global conceptual reference for academic freedom.

No study to date has carried out a systematic review of the state of the art in the academic scholarship in this area, with the specific aim of enquiring on the universality or globality of academic freedom. A somewhat similar study was carried out by Adu and Odame (2023), but only as a systematic review of content analysis studies that described academic freedom in Africa.

Findings; main themes.

Our review identified several recurring themes, as follows:

i) A tension between global/universal and local conceptions of academic freedom. There was no consensus in the literature regarding the need for or even desirability of a global or universal value of academic freedom. Some studies arguing against this possibility insisted on the relativity of norms and values and how global norms concretely adapt differently to different political and cultural contexts (Ren and Li 2013), or stated that any universal approach would indicate a 'settler norm' which should be better replaced by alternative, indigenous concepts, which are to be preferred over ones externally imposed by anything that would be a universal reference (Derbesh 2023; Laurila and Carey 2022).

Advocates of a universal understanding of academic freedom, on the other hand, such as Blell, Liu, and Verma (2022), caution against current national or governmental[14]-level endeavours to reshape and reconceptualize academic freedom. They argue that these efforts actually represent a political strategy aimed at diminishing academic freedom. For instance, the government may label certain academic areas, such as critical race theory, as 'dangerous.' Simultaneously, however, there is a co-opting by the government of the language of academic freedom, creating a narrative of a 'crisis of academic freedom' that lacks a solid foundation in reality. This narrative serves to divert the attention of broader audiences from genuine structural threats to academic freedom. In this context, some argue that, despite historical and geographical variations, there is a universal idea of academic freedom, as there is a universal idea of infringements of it (Beaud, 2020; Hao, 2020; Tierney and Lanford, 2014). This is demonstrated, it is stated, by the existence of concepts relatable to academic freedom in many different traditions beyond the Western one, including China and Japan, for a long time, and its further universalisation due to globalisation (Hao, 2020). Finally, Börzel (2022) noted how, in absence of a global understanding and definition of academic freedom, international institutions have so far been unable, or largely limited in their capacity to play a significant role in shaping and spreading norms for academic freedom across the globe, thus highlighting the importance of a global understanding in order for international efforts to be effective.

ii) The epistemological status of the concept of academic freedom. The scrutiny of recent studies on academic freedom reveals the existence of multiple, and often contradicting, epistemological values associated with academic freedom (that is, what kind of entity is academic freedom thought to

[14] A better term could "public authorities", or "public authorities-led endeavours", as used in the EHEA.

be). These partially reflect the diversity in the existing conceptual references for academic freedom, which may be framed as a human right, fundamental right, professional right, value, governance principle, or philosophical/moral principle.

In tracing existing frameworks cited by recent studies on academic freedom, we note that some studies mentioned more than one framework and compare between different references. Among the most frequently cited references were:

- Universal Declaration of Human Rights (1948): in 7 papers.
- AAUP Statement (1915, 1940): in 12.
- UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel (1997): in 8.
- UNESCO Recommendation on Science and Scientific Researchers (2017): in 5.
- Magna Charta Universitatum (1988, 2020): in 6.
- EHEA Fundamental values (2020): in 3.
- International Covenant on Economic, Social and Cultural Rights (1966): in 10.

Perhaps surprisingly, the most often cited reference was the American Association of University Professors' Statement of Principles on Academic Freedom and Tenure (1915 and 1940), which, interestingly, does not have the aim or ambition to represent a global conceptual reference, but was written as a professional declaration representing academics in the United States only.

Some papers contained references to local and indigenous sources of academic freedom, such as from the Qur'an (Derbesh, 2023) and Confucianism (Ren and Li 2013).

The predominant understanding of academic freedom is as a right. Most of these papers agree on the definition of academic freedom as a right, be that a constitutional right, a human right, or a professional right (Adu and Odame 2023; Arowosegbe 2021; Beaud 2020; Beiter 2019;; Berggren and Bjørnskov 2022; Blell *et al* 2022; Börzel 2022; Derbesh 2023; Grimm and Saliba 2017; Khamitovich *et al* 2022; Kinzelbach *et al* 2021; Marini and Oleksiyenko 2022; O'Dwyer 2023; Olsson 2023; Prelec *et al* 2022; Quinn and Levine 2014; Ramanujam and Wijenayake 2022; Silvernail *et al* 2021; Spannagel 2023; Spannagel and Kinzelbach 2022). Some papers specifically emphasise a strong connection between academic freedom and human rights (Arowosegbe 2021; Beiter 2019; Blell *et al* 2022; Derbesh 2023; Kinzelbach *et al* 2022; Marini and Oleksiyenko 2022; Quinn and Levine 2014; Ramanujam and Wijenayake 2022; Spannagel and Kinzelbach 2022).

Others call for a more restrictive definition of academic freedom, moving away from a generic understanding as a right. Beaud suggests the term "professional freedom", which he defines as "freedom granted to individuals because they belong to a group, in this case the university community" (Beaud 2020, 613). Here, academic freedom is conceptualised as a special freedom reserved to those who profess as academics, and thus should not be understood as a human right.

Other papers, instead, conceptualise academic freedom as a moral-philosophical principle (Beaud 2020; Khamitovich *et al* 2022; Ren and Li 2013; Spannagel 2023; Tierney and Lanford 2014), and as a value/ideal (Berggren and Bjørnskov 2022; Hao 2020; Laurila and Carey 2022; Prelec *et al* 2022; Tierney and Lanford 2014).

Yet others, finally, conceptualised it as a governance principle (Laurila and Carey 2022; Nurul Huda *et al* 2020) or as a university practice (Prelec *et al* 2022; Silvernail *et al* 2021; Spannagel and Kinzelbach 2022).

As can be observed, these epistemological categories are not mutually exclusive. Some papers conceptualised academic freedom as a right, human right, and university practice simultaneously (Spannagel and Kinzelbach 2022), and others focused more on the human right value of academic freedom in one study and on a different aspect of academic freedom in another study (Spannagel 2023).

iii) Academic freedom, freedom of speech, institutional autonomy, and related concepts. Many studies point out to the relation between academic freedom and related concepts, most often institutional autonomy and freedom of speech.

Some argue that institutional autonomy is a necessary condition for academic freedom, while others state that academic freedom can still exist, in its own form, in countries where institutional autonomy is not granted, strengthening the already noted tension between localised vis-à-vis global conceptions of academic freedom.

Autonomy is listed as a required element for the exercise of academic freedom in the 1997 UNESCO Recommendation on the Status of Higher Education Teaching Personnel: "The proper enjoyment of academic freedom and compliance with the duties and responsibilities listed below require the autonomy of institutions of higher education" (UNESCO 1997, V.A.17). Beaud (2020) quotes Collini (2012) in stating that autonomy is one of the key four conditions necessary to make a university[15]; Spannagel and Kinzelbach (2022) included 'university autonomy' as one of the factors for measuring *de facto* academic freedom as part of the Academic Freedom Index.

Ren and Li (2013) commented that the framework linking academic freedom to university autonomy is modelled on Western style democracy and cannot be applied literally to the context of contemporary Chinese universities. They point out that 'Western' notions of academic freedom and autonomy cannot be applied China and that contemporary Chinese higher education, which developed under the influence of Confucian epistemology, tend to be hierarchical, adjacent to the government, and still responsible for their own survival. The concept they propose to describe this model is "self-mastery", not "autonomy".

Academic freedom and freedom of speech are also often discussed together. Several studies point out to the difference between the two. Beiter (2019) noted a difference between them from a legal perspective. He points out that academic freedom, in the form of right to science, or "REBSPA" - The Right to Enjoy the Benefits of Scientific Progress and Its Applications, is protected by Article 15(1)(b) of the International Covenant on Economic, Social and Cultural Rights. This grants to the general public a right to enjoy the benefits of scientific progress, and to scientists a "freedom of science as their own right" (Beiter (2019: p. 237). Academic freedom is presented as an 'enhanced' version of the freedom of science, which is reserved to academics only, and is based on the human right to pursue the truth. Freedom of expression, on the other hand, is a human right enjoyed by every individual in democratic societies, in respect for a multitude of coexisting views, and even covers the 'right to tell lies' (p. 248). Beaud (2020), who vouches for a restrictive conception of academic freedom as a professional freedom and not a human right, conceptualizes freedom of expression as an integral part of academic freedom, together with freedom to research and freedom to teach.

English and American scholarship tends to equate freedom of speech with academic freedom (Blell *et al* 2022).

[15] The other three conditions are: (i) to provide post-secondary education, which cannot be reduced to professional training; (ii) to conduct research whose scope is not dictated by the need to solve immediate or practical problems, and (iii) that these activities are conducted in more than one discipline or cluster of disciplines. See Collini (2012) in Beaud (2020: p. 621).

On the contrary, Derbesh (2023) points out that drawing a rigid distinction between freedom of speech/expression and academic freedom, especially asserting the superiority of the latter, is only feasible within the framework of institutions operating within democratic political regimes. His rationale is grounded in the notion that such a distinction becomes meaningful only when individual freedom of expression is inherently acknowledged. Derbesh highlights a contrast with less democratic societies, such as in the Arab world, where these two concepts are intricately linked. While not interchangeable, academic freedom, cantered on critical and rigorous research, to some extent equates to freedom of expression for academics in such regions. Here, the proximity between the two arises from the absence of a Western-style freedom of speech, which guarantees the right even to uninformed, or subversive speech.

iv) A link between academic freedom and democracy. Another common theme is a positive connection between academic freedom and democracy. Some linked the two concepts indirectly. For example, Adu and Odame (2023) linked the relative scarcity of scholarly studies on academic freedom in Africa to the chequered and deteriorating conditions of democracy in African countries. Similarly, Arowosegbe (2021) noted how non-developmental oriented state action in African countries has hindered the development of academic freedom, which is seen as a crucial component in the process of building a democratic society.

Others more explicitly linked regime types with varying levels of academic freedom. Berggren and Bjørnskov (2022) carried out a study linking *de facto* levels of academic freedom with differing political systems, and found communism being particularly detrimental as opposed to bi-cameral democracies being particularly favourable to the development of academic freedom.

v) Positive or negative freedom. Debates about the epistemological status of academic freedom often focus on the difference between a negatively defined academic freedom (freedom *from*), vis-à-vis a positive definition of academic freedom (freedom *of*). The concept itself is understood to contain both elements. Positive freedom refers, for example, to guarantees that allow academics the space and liberty to carry out research, including employment security and tenure. Beaud (2020) defines this positive freedom as a 'freedom made of freedoms': "freedom to research and publish; freedom to teach; and freedom of expression" (p. 618). Negative freedoms, on the other hand, refer to protection from interference, coercion or threat. Beaud (2020) and Beiter (2019) mainly highlight the negative component of academic freedom, focusing on the importance of freedom from any restraints. Grimm and Saliba (2017) point out that the difference between the two dimensions is subtle but significant, as some scholars might be formally free from explicit coercion or interference, but they may be denied resources they need for the free and unrestricted pursuit of their academic freedom.

A key element in the distinction between the two is tenure, which refers to employment security and stability guaranteed to academic staff. One of the main factors leading to the lack of tenure is the corporatisation of the university and academic capitalism, which favours less stable and casualized forms of employment (Blell *et al* 2022), and pressures academics to produce research output in indexed journals, with a devaluation of teaching (Hao 2020). These factors are a direct reflection of the increasingly reduced role and influence played by academics in decisions concerning universities, which have the direct effect of eroding academic freedom for faculty. This is directly related to one of the key points raised by our paper, namely that academics, being the key stakeholders of academic freedom, should have a more prominent role in key decisions concerning its application, which is one of the aims of the focus of this study.

vi) Prescriptive vis-à-vis descriptive conceptualisations of academic freedom. Our literature review revealed a tension between prescriptive and descriptive notions of academic freedom. This is

especially evident in the light of certain qualities and external and collateral elements, which are nevertheless generally thought to be essential for the correct functioning of academic freedom as understood by the Western tradition, such as the inextricability of academic freedom, democracy and institutional autonomy.

On the one hand, Western conceptualisations of academic freedom aspire to be universal, global references; on the other hand, in reality many non-democratic countries do not have a clear separation between university and government, or do not have democracy and freedom of speech in the first place (Derbesh 2023, Ren and Li 2013), but they do have a tradition and interpretation of academic freedom and still claim it to be one of the leading principles of university. According to Hao, it can be concluded that academic freedom is a universal value, accompanied by a universal belief and differing sets of norms (Hao 2020: 4-5). It is important to reflect on these issues because, we are told, on the one hand, not including voices beyond those traditionally found in debates and definitions of academic freedom standards would pose questions of cultural superiority and repeat patterns of colonial and settler practices in getting to define what a 'genuine university' is[16]. As Beaud hints: "In all countries with genuine universities, academic freedom is seen as a defence against the interventions of external powers capable of jeopardizing the freedom that is required by the universities to carry out their tasks" (Beaud 2020: 615). On the other hand, even when it is thought to be universal, the value and belief of academic freedom are hardly everywhere and fully realised in practice. For this reason, it remains important not to ignore actual situations that threaten, and indeed harm, academic freedom across the globe.

In this regard, it is also important to bear in mind that threats to academic freedom are not limited to non-democratic countries, as exemplified by recent attacks to academic freedom in France or the United Kingdom (Joly 2022), where critical race theory was labelled in a parliamentary discussion as a 'dangerous trend in race relations' (Blell *et al* 2022: 1823), and corporatisation of universities are threatening tenure and job security.

Decisions on who to include in the debate should not discriminate against the voices of academics working in different contexts which may see reduced levels of academic freedom, as that would indeed be contrary to the value of academic freedom itself. Existing threats to academic freedom are indeed of both global and local scale and are often posed by those who are trying to re-define academic freedom in policy circles, including policies which are re-orienting academic institutions against research interests.

B. Answers from a curated expert dialogue

For another set of answers to the questions of whether a global conceptual reference for academic freedom possible and desirable, we draw in this section on a curated expert dialogue. This exercise was organized as part of the King's College London Presidential Series on Academic Freedom in 2023. All documents and the full recording of the final two debates are publicly available[17]. Experts were legal scholars, philosophers, social scientists, university administrators and leaders of university organisations form all continents, including organisations dedicated to the promotion of academic freedom. It was a "curated" dialogue in the sense that prior to the two public debates in which the

[16] This is a serious issue – see our previous note about the state of the debate regarding the decolonisation of higher education.
[17] https://www.kcl.ac.uk/events/is-a-global-reference-for-academic-freedom-desirable-is-it-possible, accessed on 20 December 2022

two questions where openly addressed the experts attended preparatory meetings with the organizers in various formats and exchanged academic publications as a way to prepare for the debates.

Their answers were quite clear, unlike those extracted from the literature review: yes, it is certainly desirable to have a common global reference for academic freedom and that should also be possible. The existing global conceptual references (also mentioned in the literature review, above) are either outdated, inefficient or largely ignored in practice. It is not enough to insist on the application of the existing global references, we need new, up to date and effective ones. Individual arguments were debated, many of which have also come up in our literature review. For example, there was consensus that while cultural variability exists and must be accounted for in order to avoid further colonial approaches in higher education and science, academic freedom is a matter of concern everywhere in the world, and it is a precondition for the production, transmission and dissemination of knowledge in the university everywhere in the world. By way of consequence, it follows that academic freedom is a universal value and it must be possible to have common global conceptual references for it. There was also agreement that new and more effective global conceptual references for academic freedom are also needed as part of the ongoing process of reimagining academic freedom. The success of some regional experiences, such as in the EHEA, gives hope that this could work.

There was not much discussion regarding how to go about the task of creating such (new) references, whole avoiding a number of significant traps. Most of the experts agree to continue this dialogue and they are currently preparing a collective volume, the title of which will be the two questions they addressed during the debate, and which is due in 2024.

Conclusions

The present paper shows that an analytical framework using the notions of a conceptual reference for academic freedom, and framework of reference for academic freedom can be effective in understanding the remarkable evolutions with regard to academic freedom at the institutional, national, regional and global level in the last decade, including the efforts to address some significant, even unprecedented challenges to academic freedom during this period.

This analysis is also helpful in understanding both the specificities of the European efforts to address the predicaments of academic freedom during this period, in particular within the European Higher Education Area, and elements of commonality with similar efforts and developments in other parts of the world.

Our study shows that the scholarly literature with regard to the possibility and desirability of a global common reference for academic freedom is neither extensive nor very consistent. These are controversial and difficult matters for research, for reasons that have been discussed in the respective sections of the paper. At the same time, existing studies dedicated to this topic indicate that academic freedom is a matter of concern everywhere, certainly for academics and students, and that academic freedom is a universal value. More research and reflexion are needed in order to figure out how to go about the task of putting forward new global conceptual references for academic freedom that would be fair and effective at the same time, while also allowing to promote decolonisation of academic freedom and higher education more generally.

Not everybody that matters in the equation of academic freedom is supportive, which adds practical (political, in particular) difficulties to the task. But there are significant intellectual challenges too. The fact that global references exist already, as our study has also shown, is encouraging, as is the success in several attempts to develop new conceptual references and frameworks of reference for academic freedom, maybe most remarkably during these recent years in the European Higher Education Area.

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