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# Fourth International Handbook of Globalisation, Education and Policy Research

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# Chapter 5
# Globalisation, Education and Policy Research: Academic Freedom Between History and Human Rights in a Global Context

**Antoon De Baets**

**Abstract** This chapter examines the phenomenon of academic freedom from a global, historical, and human rights perspective. Its first part presents academic freedom as a right that comes with duties and conditions. Professional norms and duties toward the academic community, the university and society determine its limits. The internal condition under which academic freedom thrives—institutional autonomy—and the delicate balance between academic freedom and institutional autonomy are then discussed, indicating historical antecedents of both in the process. The external condition for academic freedom lies in the guarantees offered by the State and by society to universities in constitutions, laws, and policies. The question of why academics are so often among the first targets of repression is tackled and the external parties exerting improper pressure on them identified. This first part also deals critically with the problem of how to measure academic freedom. The second part examines how academic freedom is related to the broader web of human rights and which of the latter serve as basic conditions for the former. It tries to dissipate the persistent confusion between academic freedom and freedom of expression. This part also contains an appraisal of the most controversial question: how can academic freedom be justified? Four answers to that question are discussed. The outcome of that evaluation leads to the larger question of what exactly the role of universities in a society is. Three unique tasks are identified. Assessing each of them leads to the conclusion that academic freedom is necessary for the university's survival.

**Keywords** Academic community · Academic freedom · Democracy · Higher education · Human rights · Institutional autonomy · Universities

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## 5.1 Introduction

This chapter examines the phenomenon of academic freedom from a global, historical, and human rights perspective. Its first part presents academic freedom as a right that comes with duties and conditions. Professional norms and duties toward the academic community, the university and society determine its limits. The internal condition under which academic freedom thrives—institutional autonomy—and the delicate balance between academic freedom and institutional autonomy are then discussed, indicating historical antecedents of both in the process. The external condition for academic freedom lies in the guarantees offered by the State and by society to universities in constitutions, laws, and policies. The question of why academics are so often among the first targets of repression is tackled and the external parties exerting improper pressure on them identified. This first part also deals critically with the problem of how to measure academic freedom. The second part examines how academic freedom is related to the broader web of human rights and which of the latter serve as basic conditions for the former. It tries to dissipate the persistent confusion between academic freedom and freedom of expression. This part also contains an appraisal of the most controversial question: how can academic freedom be justified? Four answers to that question are discussed. The outcome of that evaluation leads to the larger question of what exactly the role of universities in a society is. Three unique tasks are identified. Assessing each of them leads to the conclusion that academic freedom is necessary for the university's survival.

Misunderstandings about academic freedom abound.[1] These are partly caused by ignorance but also by the concept itself which on closer scrutiny is very complex. This chapter aims at clarifying the global phenomenon of academic freedom from a historical and human rights perspective. The point of departure is UNESCO's *Recommendation Concerning the Status of Higher-Education Teaching Personnel* (UNESCO, 1997).[2] This Recommendation from 1997 is not binding but over the years it has gained worldwide authority as the standard for academic freedom. "Higher-education teaching personnel" means all those involved in teaching and research at universities and other public or private institutions of higher education and all those who provide educational services to students or the community at large (UNESCO, 1997, §§ 1e–1f). I shall, however, use "academics" as shorthand for

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[1] A Dutch draft of this chapter was prepared at the occasion of the Seventh Hendrik Muller Summer Seminar of the Royal Netherlands Academy of Arts and Sciences on "Academic Freedom and Scientific Integrity" that I directed from 22 to 25 June 2015. The text was published as "Academische vrijheid tussen geschiedenis en mensenrechten" (Academic freedom between history and human rights) (Van Berkel & van Bruggen, 2020, pp. 15–32).

[2] Unanimously adopted by the UNESCO General Conference. The principles of this Recommendation are also used by the United Nations Committee on Economic, Social and Cultural Rights of the United Nations, which monitors implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR). All websites mentioned in this chapter were last checked on 25 September 2024.

"higher-education teaching personnel" and "universities" for the entire higher education sector.

I first introduce academic freedom as a right that comes with duties and discuss the internal and external conditions under which it thrives. Then, I clarify the relationship between academic freedom and the broader web of human rights with the purpose of answering the important question of whether academic freedom has any justification.

## 5.2 Academic Freedom: A Right with Duties

Ask academics randomly what academic freedom means and the answer always is: freedom to teach and do research. That is only part of the answer if we look at the UNESCO definition:

> 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 in carrying out research and disseminating and publishing the results thereof, 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. (UNESCO, 1997, § 27; CESCR, 1999, § 39; see also CESCR, 2020)

This definition shows that not only the freedoms to teach and do research are part of academic freedom, but also the right to criticize one's own institution and the right of the staff to co-govern. The scope of academic freedom is not restricted to the campus; it also includes off-campus activity—on public fora, for example—provided that academics speak or write about the areas of their expertise. If they express themselves off-campus on topics outside their field of expertise, they are *not* protected by academic freedom, although their statements are still protected by their right to free expression (Barendt, 2010, pp. 270–277; Vrielink et al., 2010, §§ 57–58).[3] As we shall see, academic freedom and freedom of expression are not the same thing.

Academic freedom is not absolute. It is restricted by professional norms ("the academic ethics") and by duties toward the academic community, the academic institution, and society at large. The Swiss philosopher André Mercier once summarized these restrictions in the maxim *sagesse oblige* (wisdom obligates) (Mercier, 1970, p. 342). Professional norms restrict academic freedom because teaching and doing research is a profession: a type of public service that requires its members to acquire and maintain expert knowledge and specialized skills through rigorous and lifelong study and research (UNESCO, 1997, § 6). In this context, UNESCO specifies that academics should use their academic freedom "in a manner consistent with the scholarly obligation to base research on an honest search for truth" (UNESCO, 1997, § 33; see also Council of Europe, 2012, § 5).

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[3] More on experts acting outside their field of expertise in Oreskes, 2019, pp. 57, 60–61, 263, 265, 274, 278.

Defining professional norms has a long pedigree. To limit ourselves to the twentieth century: in 1902 John Dewey called truth the essential value in science (Dewey, 1976, pp. 55, 66), in 1918 Max Weber argued that intellectual honesty was a minimum duty of the academic (Weber, 1992),[4] and in 1942 Robert Merton proposed the so-called CUDOS-formula containing the four core values of science: *c*ommunalism, *u*niversalism, *d*isinterestedness and *o*rganized *s*kepticism (Merton, 1973). Nowadays, we tend to emphasize Weber's intellectual honesty although we prefer to call it "scientific integrity." The opposite of scientific integrity is intellectual misconduct, the most fraudulent of which can be subsumed under the FFP-formula: the *f*abrication, *f*alsification and *p*lagiarism of data (See, for example, *Netherlands Code of Conduct for Research Integrity*, 2018, p. 23).

Professionals monitor their colleagues in the fulfillment of duty. Within strict limits, department heads or subject coordinators can impose restrictions on *how* academics teach. Peer review is an integral part of the scientific habit and helps guarantee a degree of objectivity and reach provisional consensus. As Thomas Haskell formulated it: "The price of participation in the community of the competent is perpetual exposure to criticism" (Haskell, 1996, p. 47). Professional norms enable us to draw a line between eccentric but permissible positions and unacceptable incompetence or dishonesty. Pseudoscience (Holocaust denial or creationism, for example) does not meet the disciplinary standards and can be removed from the protection of academic freedom (Fish, 2001).[5]

The duties toward the academic community are an extension of these professional norms. They prescribe that one respects the academic freedom of one's colleagues and that a fair discussion of contrary views is guaranteed (UNESCO, 1997, § 33, also §§ 34–36; CESCR, 1999, § 39). Students enjoy academic freedom also, but there is no consensus about its scope (Barendt, 2010, p. 37).[6] Historically, a distinction was made in Germany between the *Lehrfreiheit* (freedom to teach) of teachers and the *Lernfreiheit* (freedom to learn) of students. Within the context of

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[4] Weber typifies "intellektuelle Rechtschaffenheit" as both a duty and a virtue. Originally delivered as a speech at Munich University in 1918, his text was published in 1919 by Duncker & Humboldt, Munich.

[5] See also United States District Court for the District of Utah, 2001, C ("free speech"). The discussion of when knowledge is scientific or not is known as the demarcation debate. See De Baets, 2009, 11–14; see also De Baets, 2021. Theories which according to scientific consensus are pseudoscientific do not meet the UN requirement of acceptability because they lack quality: see CESCR, 1999, § 6c. Of course, scientific research into pseudoscientific theories is allowed.

[6] The same goes for higher-education staff falling outside the lecturer/researcher definition. The question whether secondary-school lecturers enjoy academic freedom is controversial (but see the surprising statement in CESCR, 1999, § 38: "[S]taff and students throughout the education sector are entitled to academic freedom"). In my view, academic freedom is only indirectly related to primary and secondary education institutions, namely to the extent that scientific knowledge is applied in curricula and textbooks at these levels and to the extent that this knowledge is transmitted by teachers.

*Lernfreiheit*, it is uncontroversial that students should be able to express their thoughts freely. Furthermore, they are entitled to receive quality education. They are allowed to defend controversial opinions in the classroom and have the right to be free from indoctrination and propaganda. They can claim a right to receive an impartial assessment of their work and to have a say in the determination of curricula (UNESCO, 1997, §§ 22, 34, 47; AAUP, 1967, n.d., 2007). Hence, the scope of students' academic freedom is more restricted.

Academics also have duties toward the higher-education institution in which they work because they combine their professional status with an employee status. This combination is special in the sense that UNESCO's definition allows academics (in contrast to most other employees) to criticize their institution and to participate in its governance.[7]

Finally, academics have duties toward society at large: like everyone else they have to respect the laws of the country in which they live and work (UNESCO, 1997, § 34).[8] And we shall see that human rights (applicable to all members of society) such as the rights to education, to take part in cultural life and to enjoy the benefits of scientific progress entail duties for academics. Taken together, professional norms and duties toward the academic community, the institution and society at large determine the limits of academic freedom (More on the idea of an academic, or scientific, community in Oreskes, 2019).

## 5.3 Institutional Autonomy as an Internal Condition for Academic Freedom

The academic freedom of academics can only prosper if the university itself is free from inappropriate outside pressure. To that aim, the university needs institutional autonomy—'that degree of self-governance necessary for effective decision-making by institutions of higher education regarding their academic work, standards, management and related activities' (UNESCO, 1997, §§ 17–18; CESCR, 1999, § 40). Philosopher and historian Arthur Lovejoy, one of the founders of the American Association for University Professors, argued in 1914 that the university had to be a 'self-governing republic of scholars.' (Lovejoy, 1913–1914, p. 191). In the famous legal case *Sweezy v. New Hampshire* (1957), Justices Felix Frankfurter and Marshall Harlan formulated the core idea:

> It is the business of a university to provide that atmosphere which is most conducive to speculation, experiment and creation. It is an atmosphere in which there prevail "the four essential freedoms" of a university—to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study

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[7] In the United States, this is called the "Garcetti reservation," after Supreme Court of the United States, 2006, part III (Justice Souter).

[8] Among the laws of special interest to them are laws regarding the protection of human subjects, intellectual property, privacy, data protection, defamation, and hate speech. See De Baets, 2018.

> (Supreme Court of the United States, 1957, itself quoting a statement of the Open Universities in South Africa).

Institutional autonomy has several dimensions: legal, strategic, organizational, financial, personnel, and academic.[9] A university can rank high on one dimension of institutional autonomy and low on another (Kenesei, 2018). It is, however, unclear where the power to exercise institutional autonomy resides: in the governing board, the senate, or the board of trustees. It is also a fatal fallacy to confuse academic freedom and institutional autonomy. Institutional autonomy is not a goal on its own, its basic rationale is the protection of academic freedom. At first sight, it may surprise that UNESCO's definition of academic freedom—through the rights of criticism and co-governance, protects academics against their own universities. On closer scrutiny, however, this is not so strange because in practice institutional autonomy and academic freedom often have a tense relationship (UNESCO, 1997, §§ 20, 22c; Council of Europe, 2012, § 8). The reason is that, in exercising the four tasks identified by Frankfurter and Harlan, universities sometimes take controversial decisions that put academic freedom under pressure. One can think of their powers to dismiss staff, to not promote personnel, to suspend subjects and disciplines, to reorganize or close departments, to reallocate personnel, and to associate or merge with other institutions. All these operations potentially cause much tension among staff members (and students as well). As a rule, efficient governance has a tense relationship with academic freedom (For an illustration, see Van Galen, 2019). If the principle that institutional autonomy should be at the service of academic freedom is not heeded, the tension between both can degenerate into institutional autonomy becoming an internal threat to academic freedom.

Historically speaking, this classic tension can only be understood if one realizes that institutional autonomy and academic freedom emerged separately. In the Middle Ages universities had substantial autonomy but their academics had little freedom. These academics largely adapted to the prevailing political and religious traditions and dogmas. The idea of freedom of research arose later: in the seventeenth century, its precursor was called *libertas philosophandi* (freedom to philosophize). The idea became substantial only in late eighteenth-century Germany, where it was known as *Lehrfreiheit* (Sutton, 1953).[10] Seven centuries after the first Western university was founded, both ideas—*Lehrfreiheit* (academic freedom) and institutional autonomy—merged into Wilhelm von Humboldt's view when in 1810 he formulated the idea of the autonomous research university (von Humboldt, 1903, 1970. See also Shils, 1991, pp. 6, 18–20; Altbach, 1991, pp. 29–33; Fellman, 1973–1974; Haskell, 1996, p. 54; Carlson, 2017, pp. 57–69; Labrie, 2020).

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[9] Strategic autonomy means the right to determine long-term goals; personnel autonomy covers recruitment, salary, dismissal, and promotion; academic autonomy includes programs, quality control, teaching language, and admission of students.

[10] The *libertas philosophandi* can be traced back to Baruch Spinoza (1670), Tommaso Campanella (1622), and probably earlier.

If institutional autonomy has existed without any substantial academic freedom for centuries, there have nevertheless been many cases in which the institution defended the academic freedom of its staff and students in moments when its own autonomy was under pressure. This means that there can be institutional autonomy without academic freedom and (some) academic freedom without institutional autonomy (see also Spannagel et al., 2020, p. 16).

Alongside the duty to protect the academic freedom of their staff and students, universities have another essential duty: public accountability to the government and to society at large. They should prove how exactly they protect academic freedom, how they spend public funds entrusted to them, and how they assure quality in teaching and integrity in research (UNESCO, 1997, §§ 22–24). No autonomy without accountability. However, this principle is abused if it allows outsiders to control, sanction, or privilege the content of teaching or research (Working Group on Academic Freedom, 2023, p. 4). Autonomy and accountability have to be in balance (UNESCO, 1997, § 22; CESCR, 1999, § 40).

Over the last decades, critics have complained that the balance between institutional autonomy and academic freedom and the balance between institutional autonomy and public accountability have both been disrupted, the former in favor of autonomy, the latter at its expense. These critics of "the university system" identify a series of worrying trends, including:

- student-driven restrictions on academic freedom, including requirements to create *safe spaces* or issue *trigger warnings* when sensitive subjects are treated or to annul invitations to controversial speakers (*no-platforming*);
- the fragmentation of the academic community into identitarian communities;
- the culture of cheap grades and diploma inflation;
- the surveillance, privacy and copyright aspects of online learning;
- the short-sighted career focus of many studies, the lack of broad education and the structurally problematic position of the social sciences and humanities;
- the perception of the university as a corporation, its staff as "stakeholders" or "human resources," and its students as paying customers;
- the demise of tenure as a procedural guarantee for academic freedom;
- the steadily increasing numbers of temporarily employed without financial security, whose free expression is restrained by fear of job loss and the associated dangers of meek obedience, arbitrariness, patronage and corruption;
- the aberrant task load and work pressure of academics;
- the time-consuming and inefficient competition to obtain research funds and the Matthew effect in distributing them;
- the problem of how universities and their scientists should share intellectual property profits;
- the permanent threat of budget cuts and output-related funding;
- the increasing improper importance of rankings, free-market principles and entrepreneurship;
- the excesses of a managerial culture with its quantification craze and micro-regulation;

- the bureaucratic accreditations with their disproportionate performance agreements and questionable quality indicators;
- the difficulty of measuring science's social impact;
- the confusion about the possibilities and limits of citizen science;
- the confusion between the social relevance of science and of following fashions;
- the problem of individual and collective, small-scale and large-scale abuses of science (pseudoscience, sham science, fake science, facsimile science), including predatory "scientific" journals and abuse of artificial intelligence tools;
- and, finally, loss of trust in science and in expertise or denial of the value of science among sectors of the public opinion (UNESCO, 1997, §§ 43a, 45–46; Oreskes, 2019, passim; Halffman & Radder, 2015; Lorenz, 2008).[11]

Now that the duties of academics and universities toward government and society (as well as the risks that accompany them) have been clarified, let us reverse roles and look at the government and society at large, who have duties toward academics and universities as well.

## 5.4 State and Societal Guarantees as an External Condition for Academic Freedom

State duties toward society, including its universities, are usually split into a duty to respect, a duty to protect and a duty to promote. Applied to our context, the duty to respect requires the government to abstain directly and indirectly from inappropriately interfering with the universities. The duty to protect requires governments to prevent third parties—private persons and groups—from applying improper pressure upon universities on the one hand and to protect society against the abuses and harmful effects of science and technology on the other. The duty to promote is a positive duty implying that the government must facilitate academic freedom through legal, administrative, financial, promotional, and other measures (United Nations General Assembly, 1975; UNESCO, 1997, §§ 19, 22; UNESCO, 1999; CESCR, 1999, §§ 46–50; UNESCO & others, 2009, §§ 14–16; Vrielink et al., 2010, §§ 10–12, 77–84). Because the State is required to operate on behalf of society, the three State duties can also be regarded as societal guarantees for academic freedom. The UNESCO Recommendation, however, goes further: it claims that academic freedom can only prosper "if the environment … is conducive, which requires a democratic atmosphere; hence the challenge for all of developing a democratic society" (UNESCO, 1997, § 27). The Recommendation explicitly recommends a democratic political system. This choice for a democratic society does not necessarily mean that the risk of external pressure on academics is smaller in such a society, but it embodies the idea that criticism of outside pressure is expressed quicker, suppressed less, and accommodated better in democracies. Paradoxically enough, many democracies do not have better constitutional guarantees for academic freedom than other political systems, as a graph by Scholars at Risk (an international NGO to protect the academic freedom and human rights of academics) reveals (Fig. 5.1).

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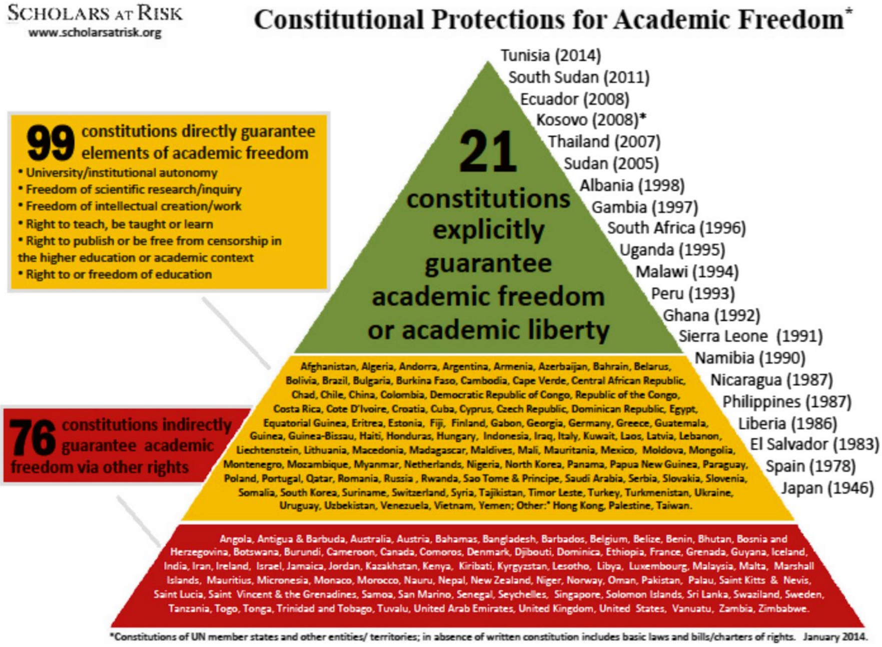
[11] See also the part "The Threat Within," in Ignatieff & Roch (Eds.), 2018, pp. 75–110. For a discussion of problems such as speech codes, (no-)platforming, safe spaces, trigger warnings, etc., see PEN America, 2016, pp. 8–9. On sham science, see Oreskes, 2019, pp. 240–241.

In 2014, Scholars at Risk divided all constitutions of the world into three groups: constitutions that *explicitly* guaranteed academic freedom through mention of the term (21 countries), constitutions that *directly but not explicitly* guaranteed academic freedom, by mentioning some of its constituent elements such as "freedom of scientific inquiry" or "right to teach" (99 countries), and constitutions that *indirectly* guaranteed academic freedom either by referencing the general rights essential to the exercise of academic freedom such as free expression or by referencing human rights treaties (76 countries).

The graph invites comment. Against expectations, the list of 21 countries with explicit guarantees for academic freedom is not very reassuring; among them are notorious violators of academic freedom, as is shown in Scholars at Risk's annual world report on academic freedom, *Free to Think* (Scholars at Risk, 2015–2023; see also Kinzelbach et al., 2020, 9; Spannagel et al., 2020, pp. 2–3). Another observation is that several countries in this group (Spain, Japan, El Salvador, South Africa, Tunisia …) introduced explicit constitutional guarantees for academic freedom only


SCHOLARS AT RISK
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Constitutional Protections for Academic Freedom*
21
constitutions
explicitly
guarantee
academic freedom
or academic liberty
Tunisia (2014)
South Sudan (2011)
Ecuador (2008)
Kosovo (2008)*
Thailand (2007)
Sudan (2005)
Albania (1998)
Gambia (1997)
South Africa (1996)
Uganda (1995)
Malawi (1994)
Peru (1993)
Ghana (1992)
Sierra Leone (1991)
Namibia (1990)
Nicaragua (1987)
Philippines (1987)
Liberia (1986)
El Salvador (1983)
Spain (1978)
Japan (1946)
99 constitutions directly guarantee elements of academic freedom
• University/institutional autonomy
• Freedom of scientific research/inquiry
• Freedom of intellectual creation/work
• Right to teach, be taught or learn
• Right to publish or be free from censorship in the higher education or academic context
• Right to or freedom of education
Afghanistan, Algeria, Andorra, Argentina, Armenia, Azerbaijan, Bahrain, Belarus, Bolivia, Brazil, Bulgaria, Burkina Faso, Cambodia, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Democratic Republic of Congo, Republic of the Congo, Costa Rica, Cote D'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Estonia, Fiji, Finland, Gabon, Georgia, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Indonesia, Iraq, Italy, Kuwait, Laos, Latvia, Lebanon, Liechtenstein, Lithuania, Macedonia, Madagascar, Maldives, Mali, Mauritania, Mexico, Moldova, Mongolia, Montenegro, Mozambique, Myanmar, Netherlands, Nigeria, North Korea, Panama, Papua New Guinea, Paraguay, Poland, Portugal, Qatar, Romania, Russia , Rwanda, Sao Tome & Principe, Saudi Arabia, Serbia, Slovakia, Slovenia, Somalia, South Korea, Suriname, Switzerland, Syria, Tajikistan, Timor Leste, Turkey, Turkmenistan, Ukraine, Uruguay, Uzbekistan, Venezuela, Vietnam, Yemen; Other:* Hong Kong, Palestine, Taiwan.
76 constitutions indirectly guarantee academic freedom via other rights
Angola, Antigua & Barbuda, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Burundi, Cameroon, Canada, Comoros, Denmark, Djibouti, Dominica, Ethiopia, France, Grenada, Guyana, Iceland, India, Iran, Ireland, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kyrgyzstan, Lesotho, Libya, Luxembourg, Malaysia, Malta, Marshall Islands, Mauritius, Micronesia, Monaco, Morocco, Nauru, Nepal, New Zealand, Niger, Norway, Oman, Pakistan, Palau, Saint Kitts & Nevis, Saint Lucia, Saint Vincent & the Grenadines, Samoa, San Marino, Senegal, Seychelles, Singapore, Solomon Islands, Sri Lanka, Swaziland, Sweden, Tanzania, Togo, Tonga, Trinidad and Tobago, Tuvalu, United Arab Emirates, United Kingdom, United States, Vanuatu, Zambia, Zimbabwe.
*Constitutions of UN member states and other entities/ territories; in absence of written constitution includes basic laws and bills/charters of rights. January 2014.

**Fig. 5.1** Constitutional protections for academic freedom in the world. (Source: Scholars at Risk, 2014)

*after* long periods of repression, ostensibly because their universities had been among its first casualties at the time. A final note is that most consolidated democracies, including some where academic freedom was introduced early, only provide indirect guarantees for academic freedom. This remarkable state of affairs is probably due to two circumstances: the constitutions of many consolidated democracies have not been updated for a long time, and their citizens have known long periods of stability that may make it less urgent for them to press for direct guarantees than for citizens with recent memories of academic repression.

The history of universities is scattered with breaches of academic freedom and institutional autonomy by the State and other parties. According to Edward Shils—the founder of *Minerva*, an important journal about higher education—the single most frequent form of repression against academics is unfair dismissal. Academics appear especially vulnerable to such dismissal after critical performances on off-campus public fora (Shils, 1991, 12, 1997, pp. 154–155, 159). This is an important argument to place expertise-related activities of academics outside the campus within the orbit of academic freedom. The question that insistently comes back each time is this: Why are universities and academics so often among the first targets of repression by intolerant regimes? I see three reasons (Commager, 1964; World University Service, 1990, pp. 5–7). The first is that academics are trained in questioning dogmas and ideologies at all levels, including and above all at the political level, and in voicing critical opinions. Sometimes, this turns universities into bastions of protest against authoritarianism and into centers of cosmopolitism. The second reason is that academics educate the younger generations, including the future leadership of the country, which triggers a desire for official control over curricula, especially in countries where large parts of the populations are young. The final reason is that time and again teacher trade unions and student movements act as progressive forces of reform and change in national politics. It is this explosive cocktail of criticism, education of talented youth and political action that transforms academics and students into primary targets of intolerant—and sometimes of democratic—regimes.

The next obvious question is which external parties in particular exert improper pressure on academics and universities. This is, first of all, the State. As Catherine Stimpson formulated it:

> Authorities can strip individuals of their passports, visas, rights to speech on any media, livelihoods, freedoms, and life itself. Authorities can strip institutions of their money (that power of the purse), accreditation (that power of the license), physical security (that power of violence and force), and legal identity (that power of dissolution). (Stimpson, 2018, p. 64)

It is not surprising that the International Covenant on Economic, Social and Cultural Rights, ratified by 172 States (September 2024), contains a guarantee against this temptation in article 15.3: “The States Parties … undertake to respect the freedom indispensable for scientific research and creative activity.” And the UNESCO Recommendation “[e]xpress[es] concern regarding the vulnerability of the academic community to untoward political pressures which could undermine academic freedom” (UNESCO, 1997, preamble; CESCR, 1999, § 38). Political pressure can adopt many guises between the extremes of mediocre laws and active repression.

The line between legitimate and illegitimate intervention is thin. Legal philosopher Ronald Dworkin described it as follows:

> [O]nce political officials have established such an institution, fixed its academic character and its budget, and appointed its officials, they may not dictate how those they have appointed should interpret that character or who should teach what is to be taught, or how (Dworkin, 1996, pp. 183, also 191; see also Council of Europe, 2012, § 7).

Next to political entities, economic and financial circles like to be associated with the prestige of science in order to achieve commercial goals. In some cases, enterprises exploit contract research to suit their own needs, censor unwelcome messages, or sponsor endowed chairs with willing chair holders (Köbben & Tromp, 1999). Publishers can exert unreasonable power over access to scientific journals. And military, patriotic or religious pressure on academics to conform to the powers that be is as old as higher education itself. Finally, public opinion itself may impose exaggerated accountability burdens. More profoundly, anti-intellectual currents in society can diminish the willingness of politicians to afford universities their required autonomy. In short, external threats are as dangerous as internal ones.

## 5.5 Measuring Academic Freedom

In line with the difficulty to analyze the concept of academic freedom, there is the problem of measuring it consistently across countries and time. Until recently, roughly four approaches co-existed, each relying on different datasets: monitoring and counting individual attacks on academic freedom, self-reporting of institutions about academic freedom, surveying academics and students about academic freedom, and examining constitutional guarantees for academic freedom. None of these approaches is seen as entirely satisfactory, especially if one wants to measure trends (Spannagel et al., 2020, pp. 1–4). In 2020, therefore, a consortium consisting of the Global Public Policy Institute in Berlin, Scholars at Risk in New York, and the V-Dem Institute in Gothenburg presented a new Academic Freedom Index, based on a fifth dataset: experts (in 2022 they constituted a group of 2197 experts in 179 countries) who assessed five indicators of the realization of academic freedom over the last century (1900–2022) (Kinzelbach et al., 2020, pp. 7–8; Spannagel et al., 2020, pp. 6–13):[12]

- *Freedom to research and teach*: To what extent were scholars free to develop and pursue their own research and teaching agendas without interference?
- *Freedom of academic exchange and dissemination*: To what extent were scholars free to exchange and communicate research ideas and findings?
- *Institutional autonomy*: To what extent did universities exercise institutional autonomy in practice?

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[12] The data themselves are at https://academic-freedom-index.net

- *Campus integrity*: To what extent were campuses free from politically motivated surveillance or security infringements?
- *Freedom of academic and cultural expression*: Was there academic freedom and freedom of cultural expression related to political issues?

In presenting the first ever Academic Freedom Index and its indicators for the period 1900–2019 (Kinzelbach et al., 2020, p. 10), the authors concluded:

> Overall, we see a small dip in global levels on all academic freedom indicators during World War I (1914–1918) and a very substantial dip during World War II (1939–1945). Furthermore, all indicators show a slow degradation between the early 1960s and the late 1970s—likely associated with repressive policies in the Soviet Union, the installment of several military dictatorships in Latin America, as well as Cold War–related pressures on academia in other parts of the world. The 1980s are a period of slow improvements, which accelerate in the early 1990s with the third wave of democratization before stabilizing at a relatively high level (though not at the top of the scale). Since 2013, we see a slight decline in several variables (Spannagel et al., 2020, p. 13; see also Kinzelbach et al., 2020, p. 10).

With the important exception that it apparently does not reflect the manifold attacks on academic freedom by scores of authoritarian regimes during the interwar period, this general overview is a rough but credible overall assessment (which may be refined in the future). The authors further report that institutional autonomy was generally at moderate levels (roughly at 1.8 to 2.3 on a scale ranging from 0 to 4), but as an institutional process less subject to extreme fluctuations than the other indicators (Kinzelbach et al., 2020, pp. 9–10). Countries that respected institutional autonomy reasonably or highly also tended to have high levels of freedom to research and teach (Spannagel et al., 2020, p. 16; Kinzelbach et al., 2020, pp. 20–21). The 2023 update of the Academic Freedom Index, covering 179 countries, showed that academic freedom has been in retreat or stagnating in almost all countries since 2008, in itself an indicator of the backsliding of democracy and of larger waves of autocratization in the world (Friedrich-Alexander-Universität & V-Dem Institute, 2023, pp. 1, 4–6).

## 5.6 Academic Freedom and Human Rights

Threats to and violations of academic freedom trigger us to understand how academic freedom is related to the broader web of human rights. Although human rights loom large in the UNESCO Recommendation (UNESCO, 1997, § 26, also §§ 17, 22, 28, 34, 75), academic freedom itself is no human right. Human rights are universal, academic freedom is not. This is the reason why the concept of academic freedom is not mentioned in the world's two most important human rights treaties, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 15.3 of the ICESCR stipulates the State duty to respect the "freedom indispensable for scientific research," but this is not the same as academic freedom. The phrase can indisputably be summarized as "freedom of scientific research" but the question is whether this latter phrase can be further condensed into the phrases "freedom of research," "scientific freedom" or "academic freedom." "Freedom of scientific research" is *narrower* than "freedom of research" in that not all research is scientific. "Freedom of scientific research" is also *narrower* than "scientific freedom" because science encompasses more than research activity alone; scientific freedom also includes the freedom to teach implied in the right to education (article 13 of the ICESCR). Finally, "freedom of scientific research" is also *narrower* than academic freedom for the same reason: academic freedom does not only encompass freedom of scientific research but also freedom to teach. At the same time "freedom of scientific research" is also *larger* than academic freedom because science can be carried out outside higher education institutions. Depending on the angle, "freedom of scientific research" is narrower or larger than academic freedom (see also De Baets, 2020).[13] The conceptual confusion between these terms is all the more a reason to gain a better understanding of the relationship between academic freedom and human rights. This relationship can be described in a straightforward way: human rights constitute direct conditions or indirect preconditions for academic freedom, regardless of whether they are viewed from the perspective of academics, society or the state.[14] In the following overview, only those human rights that constitute direct determinants of academic freedom are listed (Table 5.1).

**Table 5.1** Human rights as basic conditions for academic freedom

| *A. Human rights from an academic's perspective* | |
|---|---|
| The right to leave one's country and return | art. 12 ICCPR |
| The right to privacy (especially non-interference with correspondence) | art. 17 ICCPR |
| The right to reputation | art. 17 ICCPR |
| The right to freedom of thought | art. 18 ICCPR |
| The right to freedom of expression | art. 19 ICCPR |
| The right to peaceful assembly | art. 21 ICCPR |
| The right to free association | art. 22 ICCPR |
| The right to benefit from copyright | art. 15.1c ICESCR |

(continued)

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[13] In De Baets, 2020, I also discuss the term "intellectual freedom," which is a part of the freedom of thought. As stipulated in articles 4.2 and 18–19 of the International Covenant on Civil and Political Rights (ICCPR), freedom of thought is universal (applicable to all individuals), absolute (it cannot be restricted) and non-derogable (it cannot be suspended in times of emergency), whereas freedom of expression is universal but not absolute or non-derogable. See also United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, 2020, § 16.

[14] My approach is not monolithic (as is Klaus-Dieter Beiter's who infers academic freedom unilaterally from the right to education), but pluralistic: see our discussion in *University values: A bulletin on international academic freedom, autonomy & responsibility* (2011–2015).

**Table 5.1** (continued)

| | |
|---|---|
| *B. Human rights from a societal perspective* | |
| The right not to be subjected without one's free consent to medical or scientific experimentation | art. 7 ICCPR |
| The right to education | art. 13 ICESCR |
| The right to take part in cultural life | art. 15.1a ICESCR |
| The right to enjoy the benefits of scientific progress and its applications | art. 15.1b ICESCR |
| *C. State duties* | |
| The duty to prohibit war propaganda by law | art. 20.1 ICCPR |
| The duty to prohibit hate speech by law | art. 20.2 ICCPR |
| The duty to prohibit discrimination by law | art. 26 ICCPR |
| The duty to improve scientific knowledge about food in the struggle against hunger | art. 11.2 ICESCR |
| The duty to promote science and culture | art. 15.2 ICESCR |
| The duty to respect freedom of scientific research | art. 15.3 ICESCR |
| The duty to recognize the benefits of international cooperation in the scientific field | art. 15.4 ICESCR |

From the perspective of academics and universities, some rights on the list appeal more to individual academic freedom, others more to institutional autonomy. Articles 21 and 22 of the ICCPR in particular protect university autonomy (but they also protect teacher trade unions and student associations). From the perspective of society, some human rights (for example the right to education in article 13 of the ICESCR) create duties for academics. Other rights have a tense relationship with each other, for example articles 15.1b (the right of everyone to enjoy the benefits of scientific progress and its applications) and 15.1c (the right of authors to benefit from copyright) of the ICESCR. The most important observation, however, is that there is a special relationship between academic freedom and the right to free expression (article 19 of the ICCPR). Many academics think that academic freedom is the freedom to say everything, others think that it is the same as freedom of expression or that it is freedom of expression in an academic setting. These assumptions are false. Important differences exist between both, as is seen in the following Table 5.2.

**Table 5.2** Differences between the right to freedom of expression and academic freedom

| | *Freedom of expression* | *Academic freedom* |
|---|---|---|
| Basis | ICCPR (1966), art. 19. | ICCPR (1966), art. 7, 12, 17–22, 26.<br>ICESCR (1966), art. 11, 13, 15.<br>UNESCO, *Recommendation* (1997), § 27. |
| Human right? | Yes. | No, but some human rights are its direct conditions. |
| Scale | Universal. | Not universal: Only for academics and students in universities. |
| Scope (persons/ groups) | Individual. | *Individual*: Academic freedom for academics; right to learn for students.<br>*Collective*: University autonomy. |
| Scope (expression/ conduct) | Facts and opinions (expressed in spoken and written language, and in symbols, images, and objects). | Discipline-related facts and opinions on- and off-campus.<br>Conduct such as experimenting, organizing conferences and debates, etc. |
| Restrictions to the right | *For the state aiming at restricting opinions*: Restrictions are provided by law and are necessary for respect of the rights or reputations of others; for the protection of national security or of public order, or of public health or morals (ICCPR art. 19.3).<br>The right is temporarily derogable in times of public emergency (ICCPR art. 4.1).<br>*For individuals expressing opinions*: No war propaganda, hate speech or discrimination (ICCPR arts. 20, 26). | *For the state aiming at restricting opinions*: Same as for freedom of expression.<br>*For individuals expressing opinions*: Same as for freedom of expression, *plus*:<br>The opinions should satisfy professional norms, *including*:<br>The opinions have to be subjected to peer review. |
| Epistemology | Protects, within these restrictions, the expression of (all) statements of opinions and the expression of (all) true and (most) untrue statements of fact. | Protects, within these restrictions, statements of opinion and fact that are provisionally true and possibly untrue.<br>Does not protect statements of opinion or fact which after academic debate are held to be definitely unfounded (opinions) or false (facts). |

(continued)

**Table 5.2** (continued)

| | *Freedom of expression* | *Academic freedom* |
|---|---|---|
| Rights-related duties | *For individuals*: Freedom of expression should be exercised responsibly (ICCPR art. 19.3).<br>*For states*: Duties to respect, protect, and promote. | *For individuals*: The duties to respect the academic freedom of other academics and students; to ensure fair discussion of contrary views; to honestly search the truth (UNESCO recommendation, § 33), *plus*:<br>*For academics*: Duties to the academic community, to the university, to society.<br>*For universities*: Duty to respect academic freedom; duty of public accountability.<br>*For states*: Duties to respect, protect, and promote. |

On balance, academic freedom is more restricted than freedom of expression in almost all respects, except one: it does not only comprise expression but also conduct such as laboratory work or the organization of conferences (and freedom of expression does not, at least not in principle). Academic freedom is actually more restricted, in the sense of more regulated, than freedom of expression, as was clearly seen by moral philosopher Bernard Williams:

> [I]n institutions that are expressly dedicated to finding out the truth, such as universities, research institutes, and courts of law, speech is not at all unregulated. People cannot come in from outside, speak when they feel like it, make endless, irrelevant, or insulting interventions, and so on; they cannot invoke a right to do so, and no-one thinks that things would go better in the direction of truth if they could (Williams, 2002, p. 217).

A similar idea was developed by legal scholar Robert Post:

> Disciplines are grounded on the premise that some ideas are better than others; disciplinary communities claim the prerogative to discriminate between competent and incompetent work … Disciplines do not create expert knowledge through a market place of ideas in which content discrimination is prohibited and all ideas are deemed equal (quoted by Wallach Scott, 2018, pp. 18–19).

Freedom of expression is a necessary but not sufficient condition for academic freedom (De Baets, 2011; Shils, 1991, pp. 18, 20–21, 1997, p. 155; Dworkin, 1996, pp. 184–185; Barendt, 2010, pp. 17–22; for the difference in practice, Scholars at Risk, 2020, pp. 8–9.). We are ready now to answer the most controversial question: How can academic freedom be justified?

## 5.7 The Justification for Academic Freedom

Academic freedom's right to exist has been passionately defended and fiercely attacked. By and large, four positions can be distinguished, the last of which I shall defend:

### *Academic Freedom Has No Right to Exist*

| | |
|---|---|
| Position 1 | Academic freedom is not a right but a privilege that should be abolished. |
| Position 2 | Academic freedom is unnecessary because human rights already provide all guarantees. |

### *Academic Freedom Has a Right to Exist*

| | |
|---|---|
| Position 3 | Academic freedom is a human right. |
| Position 4 | Academic freedom, rooted in human rights, is a professional freedom necessary to perform the special role of the university and its academics. |

According to the first position, academic freedom is not a right but a privilege that is no longer justifiable: a university is an institution like any other and its specialty, knowledge production, does not need specific protection. It is better, therefore, to abolish academic freedom and its historical corollary, tenure. This is an anti-intellectualist position which is increasingly popular today. The second position stands in sharp contrast to the first but arrives at the same conclusion from different premises: academic freedom is superfluous because the guarantees it provides are already covered by international human rights treaties (Ziman et al., 1986, p. 10).[15] These two positions do not take into account the special role of the university and its academics.

The third position looks at academic freedom as a human right itself. In the preceding section, it was argued that this is not the case, pointing to the subtle distinctions between academic freedom on the one hand and freedom of expression and freedom of scientific research on the other. The fourth position appreciates the crucial role of human rights but perceives academic freedom as a professional freedom necessary to properly fulfill the role of the university. The subject of a major and never-ending debate, this role is usually seen as consisting of three types of tasks:

- The first task is to develop a culture of criticism and creative thinking independent of fashion and public opinion (Dworkin, 1996, pp. 185, 187, 189–191, 197). As the philosopher Immanuel Kant wrote in 1784: *Sapere aude* (dare to be wise) (after Horace; Kant, 1991, p. 54.).
- The second task is to advance knowledge through the search for and transmission of important truths about reality (among many others, UNESCO, 1997, preamble; Dewey, 1976, p. 55; Weber, 1992; Shils, 1997, pp. 3–5; Wallach Scott, 2018). This task recognizes the crucial role of fundamental research. Fundamental

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[15] The authors think that "With only one exception—the lack of a right to enter a country of which one is not a citizen, for professional scientific purposes—*all the rights necessary for the free and effective pursuit of science are already covered by the existing international code of human rights law*" (italics in original). If we accept that the right to visit other countries is included in the right to liberty of movement (article 12 of the ICCPR) combined with the state duty "to recognize the benefits to be derived from … international contacts and co-operation in the scientific … fields (article 15.4 of the ICESCR), even this exception can be eliminated.

research requires “a right to err”—a right to develop ideas which may prove to be unfruitful or false in the end (Vrielink et al., 2010, §§ 27, 49, 87; this idea can be traced back to Mill, 1865).

- The third task is to be at the service of other important goals or “social goods”: train experts and future leaders, encourage politically active citizenship, promote democratic institutions, and advance socio-economic welfare (among many others, Drenth, 2013, p. 70).[16]

In short, most think that the special role of the university consists of critical thinking, the search for truth and the advancement of knowledge, and multiple services to society. The special feature of these tasks is that they are open-ended and do not have predefined goals (World University Service, 1990, pp. 7–10; Shils, 1991, pp. 20–22; Rorty, 1996, p. 27; Fish, 2001, pp. 520–524, Fish, 2008; Barendt, 2010, pp. 50–72; Post, 2013, pp. 9–20; Beaud, 2020, pp. 612–614).

If we compare these three tasks with the reasons why academics and students are among the first targets of repression by autocrat regimes—summarized above as criticism, education of talented youth, and political action—we note that the first task (critical thinking) and some dimensions of the third task (train experts and future leaders, encourage politically active citizenship, promote democratic institutions) are politically the most sensitive. Universities can only fulfill their role under permanent reference to human rights. Several objections can be raised against this triple view of the role of the university. In the first place, all of them can be performed outside higher education. While this is true, proponents reply, nowhere does this happen with the same intensity and critical mass necessary to make a decisive difference. Others note the tension that arises when the knowledge produced by scholars does not match the demands or expectations of society. Such a tension, proponents reply, is inherent in any service to society; and usually it is not insurmountable. Still others point to a contradiction: the first two tasks (critical thinking and the advancement of knowledge) require distance and long-term thinking, while the last one needs close contact with society. Proponents answer that rather than a contradiction, this is a tension that can be constrained by academic ethics. It is also noteworthy that proponents of academic freedom as a professional freedom have regularly argued that their position can be tested empirically, for example by investigating the following theses:

- Historically, the introduction of academic freedom at universities has stimulated their growth (Shils, 1991, p. 22).
- The highest-ranked universities are known for high degrees of academic freedom (Altbach, 2009, p. 2).

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[16] The third task is supported by UNESCO, 1997, § 33 (also § 10), which stipulates that “Teaching, research and scholarship … should, where appropriate, respond to contemporary problems facing society as well as preserve the historical and cultural heritage of the world.” The preamble of the UNESCO *Recommendation* says that higher education and research themselves “constitute an exceptionally rich cultural and scientific asset.”

- Universities with high degrees of academic freedom show more quality in teaching and research than the others (Barendt, 2010, p. 72).
- Violations of academic freedom and institutional autonomy have always resulted in intellectual relapse and consequently in socio-economic stagnation (Parliamentary Assembly of the Council of Europe, 2006, § 4.3).

Claims like these can be proved convincingly, proponents argue, and the accumulated evidence leads to a single conclusion: academic freedom is justified, and it represents added value.

## 5.8 Conclusion

Like the ship of Theseus, the university has been renovated thoroughly many times over the centuries while sailing in order to keep it seaworthy and protect it against the storms. Past results, however, are no guarantees for the future. The impression arising from the above analysis is that academic freedom and university autonomy are under fire today in unprecedented ways, from the inside as well as from the outside, either through direct attacks or indirect pressure. The question is how long the classic research university will survive. Are we not witnessing the end of an institution which has prospered for many centuries throughout the world and which has provided plenty of services to society—in spite of a turbulent and sometimes shameful history? A university without academic freedom and university autonomy is devoid of its special character. I do not yearn for the good old times that have never existed and I am keenly aware of the myopic tendency to perceive one's own time as unique. And yet I see a Faustian moment. One can only hope that our great-grandchildren, when asked their opinion about the university, do not feel compelled to answer: "I think it would be a good idea."[17]

## References

Altbach, P. (1991). The academic profession. In P. Altbach (Ed.), *International higher education: An encyclopedia* (Vol. 1). Garland.

Altbach, P. (2009). Academic freedom: A realistic appraisal. *International Higher Education, 57*(autumn).

American Association of University Professors (AAUP). (1967). *Joint statement on rights and freedoms of students*. AAUP.

American Association of University Professors (AAUP). (2007). *Freedom in the classroom*. AAUP.

American Association of University Professors (AAUP). (n.d.). *Academic freedom of students and professors, and political discrimination*. AAUP.

Barendt, E. (2010). *Academic freedom and the law: A comparative study*. Hart.

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[17] After Mahatma Gandhi ("What do you think of Western civilization?" "I think it would be a good idea").

Beaud, O. (2020). Reflections on the concept of academic freedom. *European Review of History/Revue européenne d'histoire, 27*(5), 611–627.

Carlson, L. (2017). Guarding the academic freedom of university teachers: Time for a reassessment? In K. Ahlberg, P. Herzfeld Olsson, & J. Malmberg (Eds.), *Niklas Bruun I Sverige: en vänbok*. Iustus Förlag.

Commager, H. S. (1964). Is freedom an academic question? *Saturday Review, 20*, 54–56.

Council of Europe. (2012). *Recommendation CM/Rec (2012)7 of the Committee of Ministers to Member States on the responsibility of public authorities for academic freedom and institutional autonomy*. : CoE.

De Baets, A. (2009). A theory of the abuse of history. In A. De Baets (Ed.), *Responsible history*. Berghahn.

De Baets, A. (2011, January). How free expression and academic freedom differ. *University values*, *3*. http://www.concernedhistorians.org/va/antoon_de_baets-four_columns_on_academic_freedom(2011-2015).pdf.

De Baets, A. (2018). Laws governing the historian's free expression. In B. Bevernage & N. Wouters (Eds.), *The Palgrave handbook of state-sponsored history after 1945* (pp. 39–67). Palgrave Macmillan.

De Baets, A. (2020). Contribution to the United Nations Committee on Economic, Social and Cultural Rights. *Draft general comment: Science and economic, social and cultural rights*. https://www.ohchr.org/Documents/HRBodies/CESCR/Discussions/2020/DGC_Science/debaets.docx.

De Baets, A. (2021). *The abuse of history. In Bloomsbury history: Theory and method*. Bloomsbury.

Dewey, J. (1976). Academic freedom (originally 1902). In J. A. Boydston (Ed.), *John Dewey: The middle works, 1899–1924* (Vol. 2). Southern Illinois University Press.

Drenth, P. (2013). Trust in science, but keep your powder dry. In G. Hermerén, K. Sahlin, & N.-E. Sahlin (Eds.), *Trust and confidence in scientific research*. Royal Swedish Academy of Letters, History and Antiquities.

Dworkin, R. (1996). We need a new interpretation of academic freedom. In L. Menand (Ed.), *The future of academic freedom*. University of Chicago Press.

Fellman, D. (1973–1974). Academic freedom. In P. Wiener (Ed.), *Dictionary of the history of ideas: Studies of selected pivotal ideas* (Vol. 1, pp. 9–17). Charles Scribner's Sons.

Fish, S. (2001). Holocaust denial and academic freedom. *Valparaiso University Law Review, 35*(3), 499–524.

Fish, S. (2008). Academic freedom is not a divine right. *The Chronicle of Higher Education, 55*(2).

Friedrich-Alexander-Universität & V-Dem Institute. (2023). *Academic freedom index: Update 2023*. https://academic-freedom-index.net/research.

Halffman, W., & Radder, H. (2015). The academic manifesto: From an occupied to a public university. *Minerva, 53*(April), 165–187.

Haskell, T. (1996). Justifying the rights of academic freedom in the era of 'power/knowledge'. In L. Menand (Ed.), *The future of academic freedom*. University of Chicago Press.

Ignatieff, M., & Roch, S. (Eds.). (2018). *Academic freedom: The global challenge*. Central European University Press.

Kant, I. (1991). An answer to the question: 'What is enlightenment?' (originally German, 1784). In H. Reiss (Ed.), *Kant: Political writings*. Cambridge University Press.

Kenesei, I. (2018). University autonomy in Hungary in perspective. In M. Ignatieff & S. Roch (Eds.), *Academic freedom: The global challenge* (pp. 123–127). Central European University Press.

Kinzelbach, K., Saliba, I., Spannagel, J., & Quinn, R. (2020). *Free universities: Putting the academic freedom index into action – Report*. Global Public Policy Institute.

Köbben, A., & Tromp, H. (1999). *De onwelkome boodschap: Of hoe de vrijheid van wetenschap bedreigd wordt* (The unwelcome message: How scientific freedom is threatened). Jan Mets.

Labrie, A. (2020). Einsamkeit und Freiheit: Wilhelm von Humboldt en het principe van de academische vrijheid (Loneliness and freedom: Wilhelm von Humboldt and the academic freedom principle). In K. van Berkel & C. van Bruggen (Eds.), *Academische vrijheid: Geschiedenis en actualiteit* (pp. 53–70). Boom.

Lorenz, C. (Ed.). (2008). *If you're so smart, why aren't you rich? Universiteit, markt & management*. Boom.

Lovejoy, A, (1913–1914). The profession of the professorate. *Johns Hopkins Alumni Magazine*, *2* (November–June).

Mercier, A. (1970). Science and responsibility. In P. Weingartner & G. Zecha (Eds.), *Induction, physics, and ethics: Proceedings and discussions of the 1968 Salzburg colloquium in the philosophy of science*. Reidel.

Merton, R. (1942/1973). The normative structure of science. In R. Merton (Ed.), *The sociology of science: Theoretical and empirical investigations* (pp. 267–278). University of Chicago Press.

Mill, J. S. (1859/1865). *On liberty* (pp. 9–32). Longmans, Green & Co.

*Netherlands code of conduct for research integrity.* (2018). Royal Netherlands Academy of Arts and Sciences.

Oreskes, N. (2019). *Why trust science?* Princeton University Press.

Parliamentary Assembly of the Council of Europe. (2006). *Academic freedom and university autonomy: Recommendation 1762*. PACE.

PEN America. (2016). *And campus for all: Diversity, inclusion, and freedom of speech at U. S. universities*. PEN America.

Post, R. (2013). Why bother with academic freedom? *FIU Law Review, 9*(9), 9–20.

Rorty, R. (1996). Does academic freedom have philosophical presuppositions? In L. Menand (Ed.), *The future of academic freedom*. University of Chicago Press.

Scholars at Risk. (2014, January). *Constitutional protections for academic freedom* [link disappeared].

Scholars at Risk. (2015–2023). *Free to think: Report of the Scholars at Risk Academic Freedom Monitoring Project*. Scholars at Risk.

Scholars at Risk. (2020). *Promoting higher education values: A guide for discussion*. SAR.

Shils, E. (1991). Academic freedom. In P. Altbach (Ed.), *International higher education: An encyclopedia* (Vol. 1). Garland.

Shils, E. (1997). *The calling of education: The academic ethic and other essays on higher education* (S. Grosby, Ed.). Chicago University Press.

Spannagel, J., Kinzelbach, K., & Saliba, I. (2020). *The academic freedom index and other new indicators relating to academic space: An introduction*. University of Gothenburg, V-Dem.

Stimpson, C. (2018). What is academic freedom? Perspectives from New York/Abu Dhabi. In M. Ignatieff & S. Roch (Eds.), *Academic freedom: The global challenge*. Central European University Press.

Supreme Court of the United States. (1957). *Sweezy v. New Hampshire, 354 U.S.*

Supreme Court of the United States. (2006). *Garcetti et al. v. Ceballos, 547 U.S.*

Sutton, R. (1953). The phrase libertas philosophandi. *Journal of the History of Ideas, 14*(2), 310–316.

UNESCO. (1997). Recommendation concerning the status of higher-education teaching personnel. UNESCO. http://www.unesco.org/en/legal-affairs/recommendation-concerning-status-higher-education-teaching-personnel

UNESCO. (1999). *Declaration on science and the use of scientific knowledge*. UNESCO.

UNESCO & Others. (2009). *Venice statement on the right to enjoy the benefits of scientific progress and its applications*. UNESCO.

United Nations Committee of Economic, Social and Cultural Rights (CESCR). (1999). *General comment 13: The right to education* (UN Doc. E/C.12/1999/10).

United Nations Committee of Economic, Social and Cultural Rights (CESCR). (2020). *General comment 25: Science and economic, social and cultural rights art. 15.1.b, 15.2, 15.3 and 15.4* (UN Doc. E/C.12/GC/25).

United Nations General Assembly. (1975). *Declaration on the use of scientific and technological progress in the interests of peace and for the benefit of mankind* (A/RES/3384 XXX).

United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression. (2020). *Report* [On the freedom of opinion and expression aspects of academic freedom] (UN Doc. A/75/261).

United States District Court for the District of Utah. (2001). *Axson-Flynn v. Johnson, 151 F. Supp. 2d 1326*.

*University values: A bulletin on international academic freedom, autonomy & responsibility* (2011–2015). http://www.concernedhistorians.org/va/antoon_de_baets-four_columns_on_academic_freedom(2011-2015).pdf, July 2011 (Beiter), May 2012 (De Baets), December 2013 (Beiter), July 2014 (De Baets, part 1), and January 2015 (De Baets, parts 2–3).

van Berkel, K., & van Bruggen, C. (Eds.). (2020). *Academische vrijheid: Geschiedenis en actualiteit*. Boom.

van Galen, S. (2019). Shaping European universities: A perspective from The Netherlands. In T. Strike, J. Nicholls, & J. Rushforth (Eds.), *Governing higher education today: International perspectives* (pp. 81–99). Routledge.

von Humboldt, W. (1903). *Über die innere und äußere Organisation der höheren wissenschaftlichen Anstalten zu Berlin* (originally 1809–1810). Behr's Verlag.

von Humboldt, W. (1970). On the spirit and the organisational framework of intellectual institutions in Berlin (originally 1809–1810). *Minerva: A review of science, learning and policy* (pp. 242–250).

Vrielink, J., Lemmens, P., & Parmentier, S. (2010). *Academic freedom as a fundamental right* (advice paper 6). League of European Research Universities.

Wallach Scott, J. (2018). Academic freedom: The tension between the university and the state. In M. Ignatieff & S. Roch (Eds.), *Academic freedom: The global challenge* (pp. 11–25). Central European University Press.

Weber, M. (1992). Wissenschaft als Beruf. In W. Mommsen & W. Schluchter (Eds.), *Wissenschaft als Beruf 1917/1919; Politik als Beruf 1919. Max Weber Gesamtausgabe* (Vol. I/17, pp. 71–111). Mohr & Siebeck.

Williams, B. (2002). *Truth & truthfulness: An essay in genealogy*. Princeton University Press.

Working Group on Academic Freedom. (2023). *Principles for implementing the right of academic freedom: Working draft*. Scholars at Risk.

World University Service. (1990). *Academic freedom 1990: A human rights report*. WUS & Zed.

Ziman, J., Sieghart, P., & Humphrey, J. (1986). *The world of science and the rule of law: A study of the observance and violations of the human rights of scientists in the participating states of the Helsinki accords*. Oxford University Press.