

ACADEMIC FREEDOM: A RESEARCH BIBLIOGRAPHY.

This bibliography was created during the process of background reading whilst preparing a series of academic papers for publication on the subject of academic freedom, focusing on the concept in general, and its specific operation in Europe. These publications (copies of which can be obtained by request) are as follows:

Karran, Terence, (2007) "Academic Freedom in Europe: A Preliminary Comparative Analysis", *Higher Education Policy*, 20(3): 289-313.

Karran, Terence, (2009) "Academic Freedom in Europe: Time for a *Magna Charta*?", *Higher Education Policy*, 22 (2) (in press).

Karran, Terence, (2009) "Academic Freedom: Essential Liberty or Extravagant Luxury?", in Bell, L., Neary, M., Stevenson, H., (eds.) *The Future of Higher Education: Policy, Pedagogy and the Student Experience*, London: Continuum Books, p.17-29.

Karran, Terence, (2009) "Academic Freedom: In Defence of a Universal Ideal", *Studies in Higher Education*, (in press).

Karran, Terence, (2009) "Academic Freedom in Europe: Reviewing UNESCO's *Recommendation*", *British Journal of Educational Studies*, (in press).

There are general bibliographies and guides to the literature on academic freedom available, the best of which are probably *Academic Freedom: A Guide to the Literature*, compiled by Stephen Aby and James Kuhn (Westport, Connecticut: Greenwood Press, 2000) and Sinder, Janet, (1990) "Academic Freedom: A Bibliography", *Law and Contemporary Problems*, 53(5): 381-392. In addition there are more specialist studies such as Rice, P. O., (1984) *Academic Freedom and Faculty Status for Academic Librarians: A Bibliographical Essay*, Washington: ASHE-ERIC and Horn, Michiel, (2002) "Academic Freedom, Academic Tenure University Autonomy and University Governance in Canada: A Bibliography", *History of Intellectual Culture*, 2(1): 1-25. Such general publications as exist concentrate on the situation in the USA, because much more has been written about academic freedom in the USA. The reason for this is that academic freedom in the USA is not directly protected in the constitution or in specific legislation (unlike the situation in many E.U. states), but is protected through the first amendment of the US Constitution: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." However, the use of this amendment to protect academic freedom has depended on the interpretations of the amendment by the Justices of the Supreme Court, which have varied over time. Hence much of the literature on academic freedom in the USA centres on assessing the legal and moral validity of the changing interpretations of the concept made by the Supreme Court. .

Not surprisingly, many of the entries in this bibliography have also appeared in these earlier publications. However, this bibliography differs from those cited above in three ways. Firstly, it is more up to date and interest in, and the number of publications in the USA on, academic freedom has increased markedly because of the September 11th 2001 terrorist attacks, which ushered in the USA Patriot (**U**niting and **S**trengthening **A**merica by **P**roviding **A**ppropriate **T**ools **R**equired to **I**ntercept and **O**bstruct **T**errorism) Act of 2001 which generated a significant increase in the number of attacks on academic freedom. Secondly, this bibliography includes publications which cover the USA but also items which relate to the European and international (Australia, Canada) contexts of academic freedom. Thirdly, as my knowledge of, and interest in, academic freedom has grown, so the bibliography has tended to include more articles outside of the main stream which are of particular interest to me. So, for example, the entries on "soft" international law reflect the fact that the UNESCO *Recommendation concerning the Status of Higher-Education Teaching Personnel* has the judicial status of "soft law", and I am interested in understanding why the UNESCO *Recommendation* has not been widely implemented. Consequently, as a result of these three factors, more than 30% of the 1000+ entries in this bibliography relate to the period after 2000, which is when Aby and Kuhn's study was published. There are some entries which do not reflect my current interests (such as, for example, on race

and academic freedom), but which I have retained, both for completeness and also because I may turn to these areas at a later stage.

It is the prerogative (if not the obligation) of each generation of academic scholars to berate the following cohort for a lack of professionalism in their research, lowering academic standards, etc. In this regard I can report that there is now a tendency (probably as a result of the ability to find publications using the Google website) not to provide full bibliographical information for references in books and articles. More particularly, although the volume and year of academic articles may be cited, quite frequently the issue number and page numbers may be omitted. In order to make this bibliography as useful as possible to other scholars, I have tried to rectify this by providing, for each article, the year of publication, and the volume, issue and page numbers, and where no issue number is cited, none exists. Similarly, where the volume of a journal spans two calendar years, I have attempted to specify in which of the two years covered by the volume the article appears.

Writing and publishing academic research papers requires some intellect and much effort, and is frequently a lonely task, often undertaken without encouragement and producing articles which, however original, invariably have seemingly little impact on the world at large. Consequently, I was much heartened (and somewhat taken aback) when my 2007 article in *Higher Education Policy* on academic freedom generated significant interest, in the U.K., Europe and elsewhere. The article showed that in Denmark there was little protection in law for academic freedom when compared with other EU states, and consequently, the article was mentioned in *Information*, a national daily newspaper - the Danish equivalent of the UK *Times* newspaper. This, in turn, led to the Education Minister Helge Sander, being asked questions in the Danish Parliament about the state of academic freedom. Following the Minister's attempt to disparage my research, I ended up having letters (helpfully translated by my colleague at Copenhagen University) rebutting the Minister's accusations, published in the *Information* newspaper. As a result of this exchange the Dansk Magisterforening (Danish University Lecturers' Professional Association) has appealed to UNESCO that academic freedom is inadequately protected by government legislation in Denmark, and an online petition was set to get the Danish parliament to change the policy for research and higher education (see at <http://www.gopetition.com/petitions/for-en-bedre-forskningspolitik.html>). In addition, I have been contacted by the CEART (Committee of Experts on the Application of the Recommendations concerning Teaching Personnel) which is charged with implementing the UNESCO 1997 *Recommendations on the Status of Higher Education Teaching Personnel*, as the Committee wanted copies of my forthcoming papers to use as briefing documents at the meeting next year. These developments only go to prove that sometimes academic research can have a definitive impact on policy!

On a more personal note, I received an unsolicited email from Professor Michael Olivas, Director of the Institute of Higher Education Law & Governance at the University of Houston. Professor Olivas is a notable scholar on the subject of academic freedom and, in response to my article, very generously sent me copies of his publications in this area in order to demonstrate that (as he put it) "no good deed goes unpunished"! In the same spirit as Professor Olivas I have made this bibliography freely available in order to help other academic scholars with their research in this important area. I would be grateful if people using this bibliography would reciprocate this generosity by providing me with copies of any papers that they may author on this subject, the details of which I will also add to the bibliography. Please note that every effort has been made to ensure the accuracy of this bibliography, but any mistakes which remain are entirely attributable unto me. Should you spot a mistake, please advise me accordingly, and I will correct the next issue of the bibliography.

Terence Karran,
University of Lincoln,
22nd January, 2009.

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