

Academic Freedom and 21st Century European Universities

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Abstract

It is argued that university education has a moral and social function in society. Its purpose is to provide a liberal education (developing the intellect by challenging it to grapple freely with difficult ideas), the development of new knowledge and the provision of trustworthy, disinterested research. To serve society in this way safeguards are necessary: a separation from the state, giving institutional autonomy and academic freedom in teaching and research. With the rise of extreme free market capitalism and the “knowledge society”, these safeguards are being eroded: national governments, partly through the ramifications of the Bologna convergence process, are in the process of moulding universities to the needs of the market, and now see the accommodation of students to the workplace as the principal, or indeed only, objective for a university education. Example of the consequences of these changes are discussed, including the corruption of research integrity and erosion of individual liberties.

Key words: Academic freedom; University; liberal education; vocational education; Bologna convergence process.

Introduction

The argument of this paper is that a university particularly serves society by providing liberal education which seeks to develop the human intellect by challenging it to grapple freely with difficult ideas. This freedom to debate such ideas – academic freedom - depends on a degree of institutional autonomy. It leads to the development of knowledge and the provision of trustworthy research, both essential for the full functioning of society.

At the beginning of the 21st century, academic freedom is under pressure from two directions. With the rise of extreme free market capitalism has come governmental direction towards a narrow vocationalism in education, inimical to a liberal education. There is a real fear that the Bologna harmonisation process is reinforcing this trend, putting universities exclusively at the service of business.

Authoritarian governments have always put restraints on academic freedom and other forms of free expression. What is new is that Western democracies are developing tendencies to curtail free and critical discussion, for example academics have been harassed for stimulating debate questioning their government’s attitude to the “war on terror”.

Academic freedom is an important guarantor of free speech and is necessary for feely advancing the bounds of knowledge and the production of reliable research. Like the independence of the judiciary and the freedom of the press, academic freedom is one of the bulwarks of a free society. For the health and wellbeing of Europe in the 21st century, it is important that it be respected.

1. The purposes of education

In *The Politics*, Aristotle discusses the purposes of education and points to different views, prevalent in his time. One such view insisted on the importance of teaching what is “useful in life” – what we would term a *vocational* education. Others emphasised *liberal* studies which “advance the bounds of knowledge”. Aristotle favours a balance between the vocational and liberal: while “[t]here can no doubt that such useful subjects as are really necessary ought to be part of the instruction”, “to be constantly asking ‘What is the use of it?’ is unbecoming of those of superior mentality and free birth”^{1,2}.

Aristotle has no doubt that education has a *social* and *moral* purpose. Citizens

¹ Aristotle: *The Politics*, (Trans. E. Barker), Oxford University Press, 1948, p. 392-3, 397; VIII ii § 1, 2, 3, iii § 12; 1337 a-b, 1338 b

² Howie, G.: *Aristotle on Education*, Collier Macmillan, 1968.

should always be educated in a way appropriate to the constitution and way of life of the state: these will suffer if education is neglected³.

2. Traditional University Values

To a large extent the traditional values of a university can be seen as developing from these themes of Aristotle's: preparing students for their personal and professional rôle in society through the provision of a liberal education which acknowledges their vocational needs.

As Aristotle recognised, a liberal education will "advance the bounds of knowledge". This implies that knowledge is in essence open to question, and advances as a result of debate. Liberal education seeks to develop the human intellect by challenging it to engage freely with difficult ideas. The university is a place where knowledge is developed, and the human intellect cultivated.

This is an expression of the classic view of a liberal university education which was expounded so persuasively by Cardinal Newman in 1852 in his "Idea of a University"⁴, and which, the historian A.B. Cobban⁵ argues, finds its roots in the mediæval universities.

Cobban also describes the origins of academic freedom in mediæval universities, the freedom from local political and ecclesiastical jurisdiction⁶ and the tradition of open debate, where in *disputationes de quolibet* any proposition, regardless of respect for authority, could be debated⁷.

Academic freedom, however, is not an anachronous mediæval relic. The University of Berlin, established in 1810 by Humboldt, is often seen as the prototype of the university of the modern world, with its emphasis on research as well as on teaching. No less important to Humboldt's concept of the university were freedom of teaching and academic self-government⁸.

It is understandable, then, that when the rectors (vice-chancellors) of the leading European universities met in 1988 to celebrate the ninth centenary of the mediæval foundation of the University of Bologna, they issued a declaration – the Magna Charta of European Universities – reiterating a number of fundamental prin-

³ loc. cit. 1, p. 390; VIII i § 2; 1337 a (Cf. p. 274; V, ix § 11-15; 1310 a)

⁴ Newman, J.H.: *The idea of a University*, 1852, but often republished e.g. New York, Image Books 1959.

⁵ Cobban, A.B.: *The Medieval Universities*, London, Methuen, 1975.

⁶ *ibid.*, p. 5, 103, 235

⁷ *ibid.*, 5, p. 214

⁸ Thornton, Margaret: *The Idea of the University and the Contemporary Legal Academy*, *Sydney Law Review* Volume 26 481(2004) <http://www.austlii.edu.au/au/journals/SydLRev/2004/36.html>

ciples they considered necessary for the proper functioning of a contemporary university⁹. These included academic freedom - freedom of teaching and research – and the closely-related principle of university autonomy. In the words of the Magna Charta,

“To meet the needs of the world around, its research and teaching must be morally and intellectually independent of all political authority and economic power”.

The “advancement of the bounds of knowledge” by free and open debate necessarily implies a degree of institutional autonomy for the institution whose function is to provide a forum for such debate.

Karl Jaspers, as a professor deprived of his chair at Heidelberg by the Nazis, was in a good position to reflect on the relationship between a university and the state and on the prerequisites for the existence of a university.

In 1946 he published a revised edition of his *The Idea of the University (Die Idee der Universität)*¹⁰. In this he gave a classic enunciation of the principles of academic freedom. He likened the position of a university in relation to the state as in some ways analogous to that of the Church. There is a degree of *separation* between the academy and the state. The university has power over the state, but it is the power of truth, not the power of force (p. 135). Consequently the relations between the state and the university may be tense, even marked by open conflict (p.133), but the state will (should) respect the autonomy of the university because it recognises the need “*somewhere within its confines [for] pure, independent, unbiased research [to] be carried on*” (p. 132). For Jaspers academic freedom must extend from research and thought to teaching (p. 141). “*Any state interference with teaching cannot help violating the idea of the university*” (p. 138).

Thus for Jaspers universities have an important moral rôle within society. Without this moral dimension, they will degenerate into the functionalism of institutions merely for the training and development of specialised scientific and technical expertise¹¹. Jaspers comments “*No state intolerant of any restriction on its power for fear of the consequences of a pure search for truth, will ever allow a genuine university to exist*” (p. 132).

3. Changing University Culture?

How, at the beginning of the 21st century, do the relationships between governments in Europe and their universities match up to the ideal expounded by Jaspers and many others?

⁹ Magna Charta Observatory, <http://www.magna-charta.org/home.html#>

¹⁰ Jaspers, Karl: *Die Idee der Universität* (1946). (Trans. as *The Idea of the University* by H A T Reiche & H F Vanderschmidt, 1960. Page refs here are to the English edition.

Towards the end of the 20th century, the premiership of Margaret Thatcher in the United Kingdom and consequent rise of extreme free market capitalism and what is quaintly known as the “knowledge society”, promoted the kind of vocationalism in education of which Aristotle disapproved. Universities have increasingly been urged to take refuge in a narrow vocationalism, seeing their *raison d’être* as no wider than serving the needs of industry and commerce. R. Stankiewicz¹² (v. Tasker & Packham¹³) saw the “ideal type” of university as one “*designed to function as an integrating factor in the larger R & D system*” with the prime aim of “*technology generation and transfer*”. The importance of different areas of knowledge is decided by their potential for commercial exploitation, for example electronics, computer science and biotechnology. Indeed Douglas Hague¹⁴ considered that universities will be only one among many “knowledge businesses”, taking the form of a “*holding company with all kinds of subsidiaries*”.

For well over twenty years, governments in the United Kingdom have taken an increasingly functional, utilitarian approach to their universities. Lip service is still paid to traditional educational aims such as to “*enable individuals to develop their capabilities to the highest potential levels throughout life*” and “*to increase knowledge and understanding for their own sake*”. However the practical aim of policies has been that universities should “*serve the needs of an adaptable, sustainable, knowledge-based economy*”¹⁵.

Enormous financial and political pressure has been brought to involve universities in research collaboration with industry and commerce. Such research is usually subsidised from public funds and its findings are not necessarily freely published. At the undergraduate level, the government has introduced mechanisms which can steer teaching methods and curricula under the guise of “quality assurance”. Commercial involvement in the design and planning of courses is widespread and in some cases whole courses are sponsored and run by a specific industrial enterprise^{16,17}. One of the key features of new degrees encouraged in a recent White Paper (government policy document) “*is that employers play a role in designing*

¹¹ Quoted by Thornton ref. 8, referring to an early 1923 edn. of Jaspers’ book.

¹² Stankiewicz R.: *Academics and entrepreneurs: developing university-industry relations*, London, Six Countries Programme, 1986

¹³ Tasker, M.E. and Packham, D.E.: Freedom, funding and the future of the universities, *Studies in Higher Education*, 1990 15, 181-195.

¹⁴ Hague D.C.: *Beyond universities: a new republic of the intellect*, London, Institute of Economic Affairs, 1991.

¹⁵ Dearing, R.: Higher Education in the Learning Society. Report of the National Committee, ref. NCIHE/97/850, 1997, para. 23 (Known as the Dearing Report).

¹⁶ Tasker, Mary & Packham, David: Changing cultures? - government intervention in higher education 1987-93, *British Journal of Educational Studies* 1994 42(2), 150.

¹⁷ Tasker, Mary & Packham, David: ‘Government, Higher Education and the Industrial Ethic’, *Higher Education Quarterly* 1994 48(3) 182.

courses, so both they and the students can be certain that they will be gaining the skills that are really needed in work”¹⁸.

Such developments are by no means confined to the United Kingdom. They are, for example, being implemented throughout the European Community in the shadow of the 1999 *Bologna Declaration*.

In 1999 the European Ministers of Education agreed the *Bologna Declaration* on the harmonisation of higher education. The actual text of the *Declaration* reflected the traditional values of a university, speaking of “*the highest importance [of] Universities’ independence and autonomy*”, and it even praised the “*fundamental principles laid down in the Bologna Magna Charta Universitatum of 1988*”¹⁹. It talks of the desirability of facilitating the mobility of students between countries and, to this end, advocates a harmonisation of degree structures and an international system of credit transfers. There is almost passing reference to the “*objective of increasing the international competitiveness of the European system of higher education*”.

This seemingly benign Declaration has been developed by subsequent ministerial meetings (for example in Prague, Berlin and Bergen) and is now being used as a vehicle for changing the culture and values throughout European higher education, and is seen as putting universities “*exclusively at the service of business*” with the “*adaptation of students to the workplace [as] the only objective for a university education*”²⁰. The “Bologna Process” can now be represented by the U.K. authorities as a drive to alter the quality of higher education in order “*to deliver stronger, lasting growth and to create more and better jobs*”²¹.

The details of these developments have been described and critically analysed by Carlos Fernández Liria and Luis Alegre Zahonero^{22,23}. They give an account of the Spanish “Ley Orgánica de Universidades” which established legal structures for the adaptation of universities to the market, and justified them by making reference to the challenge of the “knowledge society” and the “modernisation of the economic system”. As in the U.K.²⁴, a “quality assurance” agency has been created to monitor the changes the government desires.

¹⁸ U.K. Government Department for Education and Skills: *The future of higher education*, London, H.M.S.O., 2003 Cm 5735, p. 42 para. 3.18

¹⁹ The Bologna-Bergen website <http://www.bologna-bergen2005.no/>.

²⁰ *What European Higher Education? A Manifesto by University Lecturers and Researchers* <http://147.96.40.211/forming.cfm> 16.6.05

²¹ http://www.europeunit.ac.uk/bologna_process/index.cfm Europe Unit

²² Fernández Liria, Carlos and Alegre Zahonero, Luis: La revolución educativa. El reto de la Universidad ante la sociedad del conocimiento, *LOGOS. Anales del Seminario de Metafísica*, Vol. 37 (2004): 225-253

²³ Fernández Liria, Carlos and Alegre Zahonero, Luis: La révolution éducative. L’enjeu de l’Université dans la société de la connaissance, *Le Philosophoire* 26, 141-166 (2006)

²⁴ Loc. cit. 16.

For Fernández and Alegre the University serves society by being the “seat of knowledge”; knowledge being the capacity to engage with truth, which must be sought in a disinterested manner²⁵. In order to provide such service there must be *separation* (Platonic χωρισμος) between the University and the rest of society to protect the space in which the autonomy of reason²⁶ can flourish, and the freedom to teach (la libertad de cátedra) can be exercised²⁷. The commercialisation of university education of the Ley Orgánica breaks down this separation with an invasion of “public space” in society, to the detriment of Enlightenment values, and with a real prospect that reason and, indeed justice, will be subjugated to commercial interests.

4. The Postmodern challenge

There can surely be little doubt that should these developments make universities servants, rather than critics and analysts, of the ideology of the globalised market economy, the autonomous institution, constraining the state by the “power of truth”, would be destroyed: they would have degenerated into the functionalism of which Jaspers warned^{28,29}. However the concept of the autonomous university protected by academic freedom assumed its present form in the wake of the Enlightenment. It wears the garb of a metanarrative. Can this ideal be sustained in the light of the postmodern challenge?

A characteristic of postmodernism is the recognition of the impossibility of obtaining neutral knowledge derived from value-free methodology; it engenders a mistrust of metanarratives (Lyotard)³⁰. This has a profound effect on academic disciplines, acting both at the conscious and unconscious level, undermining our confidence by casting doubt on what seemed, until recently, to be eternal verities^{31,32}.

Among these “verities” is the traditional liberal ideal of a university enjoying academic freedom. Exponents of this tradition may speak, as Jaspers did, of “*the power of truth*” and of “*pure, independent, unbiased research*”, these are now recognised as contentious, complex concepts. Even in pure science, the concept of

²⁶ Loc. cit. 22, p. 240

²⁷ Loc. cit 22, p. 235

²⁸ Tasker, Mary and Packham, David: Industry and higher education: a question of values, *Studies in Higher Education*, 1993 18, 127-136.

²⁹ McMurtry J. Education and the Market Model, *J. Philosophy of Education* 1991 25, 209

³⁰ Lyotard, Jean-François: *Le postmoderne expliqué aux enfants*, Livre de Poche, Éditions Galilée, 1988.

³¹ Hawkesworth, M: in ‘Academic freedom and responsibility’, ed. M. Tight, Open University Press, Milton Keynes, 1988, p.21-30.

³² Barnett, R.A.: *The Idea of Higher Education*, SRHE and Open Univ Press, 1990.

some ultimate truth, which will stand for all time and which is independent of the social and intellectual context from it arises, cannot be sustained^{33,34,35}. University teachers are inevitably embedded in a social and economic milieu: even if they are not crudely dependent on some *political authority* or *economic power*; there is no objective point utterly outside society and culture from which they can take a truly independent stand³⁶.

Do these considerations undermine the claim (expressed above) of a fundamental dichotomy between the university as an institution constraining the state by, what Jaspers called, the “power of truth”, and as an institution serving the ideology of the market economy? To answer this let us briefly examine some implications of postmodernism for university education.

Fundamental to education in a postmodern world is recognition that “*knowledge is not given: it is socially sustained and invested with interests and backed by power*”³⁷. As knowledge is not a “given”, there will be legitimate disputes within the academy, not because some advocates are “right” and others “wrong”, but because they work from different, incommensurable premises. Alasdair MacIntyre³⁸ argues that it will therefore be necessary for the university to provide a forum for different traditions, and to become a place of “*constrained disagreement*” between them. This would mean that those involved in teaching and enquiry would do so from within their particular tradition, entering into controversy with rival viewpoints. A central responsibility of the university would be “*to initiate students into conflict*”.

Such a postmodern critique calls into question, not only the fundamental assumptions of free market capitalism, but a plethora of associated issues, generally-unexamined, ranging from of the ethical nature of a company’s policies to the level of the directors’ remuneration. It might be argued that such a critique was more subversive of industrial interests than the traditional liberal ideal, with its insistence on the “moral and intellectual independence” of universities.

At a fundamental level, the problem with the “privatisation” of education, leading to the sponsorship of courses or even of whole institutions, is *not* that the spon-

³³ Kuhn, T.S.: *The Structure of Scientific Revolutions* (University of Chicago Press, 2nd edn. 1970)

³⁴ Mulkay, M.: *Science and the sociology of knowledge* (London: George, Allen and Unwin, 1987)

³⁵ Barnes, B., Bloor, D. and Henry, J.: *Scientific knowledge: a sociological analysis* (London, Athlone, 1996)

³⁶ MacIntyre, Alasdair: *Whose Justice? Which Rationality?* (Duckworth, London, 1988)

³⁷ Barnett, R.A.: *Higher education: a critical business*, S.R.H.E. & Open University Press, 1997, p. 7.

³⁸ MacIntyre, Alasdair: *Three Rival Versions of Moral Enquiry*, Duckworth, 1990

sors are private, but that they are unlikely to be open to an agonistic examination (“disputationes de quolibet”) of the basis of their beliefs, or to recognise the essentially provisional *nature* of conclusions about them. When I enquired into an institution which called itself the “British Aerospace University”, it became clear that it provided no forum for a discussion of the arms trade or of the environmental consequences of aviation. Its scope was narrowly confined to the training and development of specialised scientific and technical expertise.

5. Academic freedom and a free society.

The postmodern insight into the problems of obtaining neutral knowledge does not mean that all knowledge is equally reliable or unreliable. “Pure, independent, unbiased research” may be difficult or impossible to achieve, but everyone knows that deliberately biased results are easy to produce.

The abuse over many years of university-business collaborative research by the tobacco industry is now well documented^{39,40}. Brown and Williamson and BAT used special “public science” contracts with universities which were designed to research areas where evidence might be found showing tobacco in a better light. This evidence could then be used to create controversy over “alleged” dangers of smoking. The source of funding for this research was not disclosed.

Unfortunately the tobacco industry is not the exception. The abuse of confidentiality agreements in university research by parts of the pharmaceutical industry^{41,42,43} has become such a scandal that the late Pope was moved to criticise their practices, warning that “*The very ethics of research can be undermined when financial groups claim the right to permit the publication of research data depending on whether or not such data are in the interests of the groups themselves*”⁴⁴.

Trustworthy knowledge is essential to the functioning of the state: public health and consumer protection as well as political discourse and legal disputation are among the areas where it is vital. Universities have traditionally provided such knowledge, but their capacity to do so is being undermined by the commercialisa-

³⁹ Glantz, S.A.: *Times Higher Educational Supplement*, 6/9/96, p. 15.

⁴⁰ Glantz, S.A., Slade, J., Bero, L.A. Hanauer, P. and Barnes, D.E.: *The Cigarette Papers*, University of California Press, (1996).

⁴¹ Thompson, J., Baird, P. and Downie, J.: *The Olivieri Report*, J. Lornier & Co., Toronto, 2001.

⁴² Olivieri, Nancy: Patients’ health or company profits? The Toronto story, *Science Eng Ethics*, 2003 9, 29.

⁴³ Washburn, Jennifer: Rent-a-Researcher: Did a British university sell out to Procter & Gamble? *Slate* (an online Newspaper owned by Washington post) posted Thursday, Dec. 22, 2005, at 2:38 PM ET <http://www.slate.com/id/2133061/>

⁴⁴ Pope John-Paul II: *Science Eng Ethics*, 8, 263(2002).

tion of academia. As Aristotle recognised, the health of democratic society will suffer if education is neglected⁴⁵.

Thus academic freedom is far from some arcane “ivory tower” concept, with few practical implications outside academic life. Like the independence of the judiciary and the freedom of the press, it is one of the bulwarks of a free society. It is one of the first freedoms to be attacked by a state when it moves towards absolutism. This was evident with the rise of Fascism in the 1930s. Academic staff were purged from universities on racial and ideological grounds; many were dismissed “on the pretext of insufficient adaptation to the political outlook of the government” and suffered physical abuse or even murder⁴⁶.

This is not a problem of the past which disappeared with the defeat of Fascism and the collapse of Communism. The World University Service (W.U.S.) has extensively catalogued “a growing tendency to undermine, restrict or suppress academic freedom and university autonomy” in dozens of countries with poor human rights records throughout what is sometimes termed the “free world”^{47, 48}. During 2001 the group Human Rights Watch reported many instances of academics being punished for exercising their right and responsibility to question and criticise their societies, and even of armed force being used to silence academic critics⁴⁹.

Violation of basic freedoms is not confined to third world dictatorships. There is increasing alarm at the tenor of recent anti-terrorist legislation in the U.K. In the United States, there are reports of academics being harassed for stimulating debate which questions the government’s attitude to the “war on terror”⁵⁰. A group of American academics has issued a *Statement in Defense of Academic Freedom* in which they “call on all members of the academic community to speak out strongly in defense of academic freedom and civil liberties, not just as an abstract principle but as a practical necessity” (emphasis added)⁵¹.

⁴⁵ Loc. cit. 3

⁴⁶ Academic Freedom Committee: *Report of the Conference on Academic Freedom*, Oxford, August 1935, W. Heffer & Sons, Cambridge, 1935, p. 39.

⁴⁷ L. Fernando, N. Hartley, M. Nowak, T. Swinehart, *Academic Freedom 1990: a human rights report*, World University Service / Zed Books 1990.

⁴⁸ Daniel, J., de Vlaming, F., Hartley, N. and Nowak, M.: *Academic Freedom 2 - a human rights report*. World University Service / Zed Books 1993.

⁴⁹ Jobbins, D.: *Times Higher Educational Supplement* 18.1.02

⁵⁰ Doumani, B. (editor): *Academic Freedom after September 11*, Zone Books, 2006.

⁵¹ Advertisement: *London Review of Books*, 24.1.02, p. 24.

6. Discussion and conclusions

The description of a university as an institution disinterestedly serving society by the provision of liberal education and the provision of trustworthy research is, of course, a description of an ideal. In practice, no university can completely realise the ideal and, worse, it would be easy to point to examples of serious intellectual corruption in universities, past and present. This is no more a reason for abandoning the liberal ideal than the existence of crime in society is for deserting the ideals of jurisprudence. Real universities do cultivate the intellects of their students, they do play an important part in the development of knowledge and they do produce trustworthy research. As Fernández and Alegre argued, *“Truth and Right cannot survive without institutions capable of safeguarding them from the vicissitudes of the Age”*⁵².

The European university rectors who endorsed the Magna Charta Universitatum in 1988 clearly considered that there would be disastrous consequences for society if university research and teaching were made morally and intellectually dependent upon political authority and economic power (Magna Charta). Some of these consequences have been drawn out in this paper. We should indeed remember the words of Karl Jaspers *“No state intolerant of any restriction on its power for fear of the consequences of a pure search for truth, will ever allow a genuine university to exist”*.

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⁵² Loc. cit. 22, p. 252: “La Verdad y el Derecho no subsisten sin instituciones capaces de salvarlos del Tiempo”.