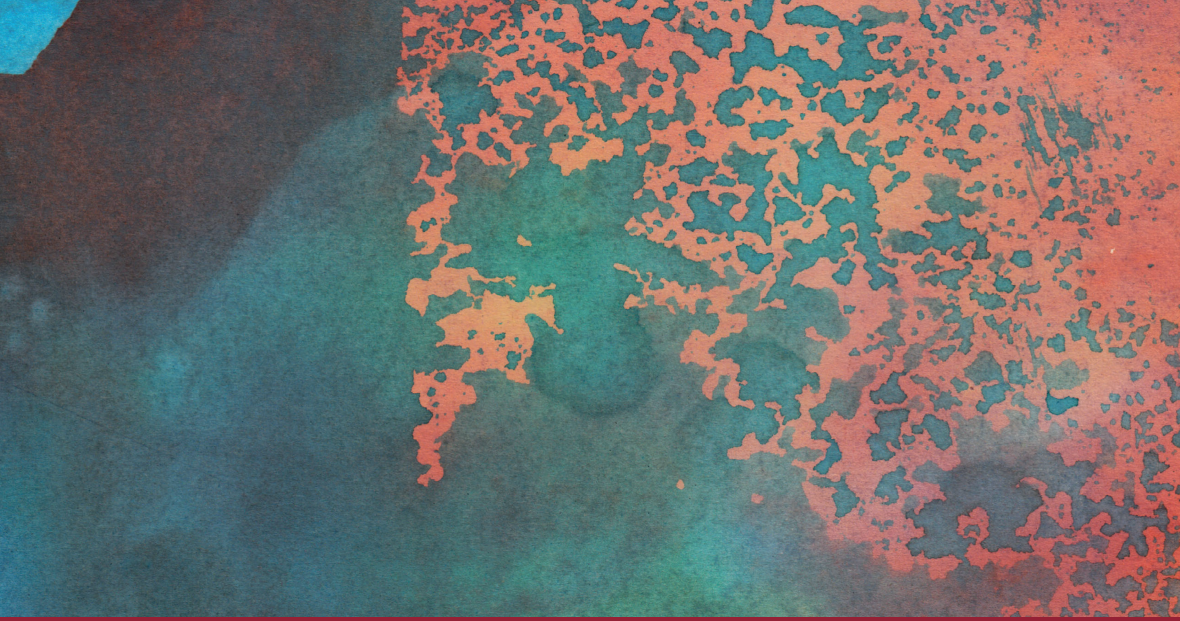

Routledge Research in Higher Education

UNIVERSITY AUTONOMY DECLINE

CAUSES, RESPONSES, AND IMPLICATIONS FOR ACADEMIC FREEDOM

Kirsten Roberts Lyer, Ilyas Saliba, and Janika Spannagel

‘Academic freedom is more important and more under threat than ever. Autonomy is the first line of defence, but little understood and poorly guarded. The authors meet this gap with data and case examples that inform and support further research and calls for action.’

Robert Quinn, *Executive Director, Scholars at Risk Network*

‘Academic Freedom is a good proxy for democracy, and institutional autonomy a good indicator of academic freedom. By focusing on the decline in institutional autonomy across states, this valuable book fills a critical gap in the literature. Keeping universities free matters not just for students and teachers, but for the wider public and future generations.’

Nandini Sundar, *Delhi University, India*

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University Autonomy Decline

This book provides empirically grounded insights into the causes, trajectories, and effects of a severe decline in university autonomy and the relationship to other dimensions of academic freedom by comparing in-depth country studies and evidence from a new global timeseries dataset.

Drawing attention to ongoing discussions on standards for monitoring and assessment of academic freedom at regional and international organizations, this book identifies a need for clearer standards on academic freedom and a human rights-based definition of university autonomy. Further, the book calls for accompanying international oversight and the inclusion of criteria related to academic freedom in international university rankings. Five expert-authored case studies on academic freedom from diverse nations (Bangladesh, Mozambique, India, Poland, and Turkey) are included in the volume.

Drawing on both qualitative and quantitative evidence, the book offers a unique and timely contribution to the field and will be of great interest to scholars, researchers, and students in the fields of higher education, human rights, political science and public policy.

Kirsten Roberts Lyer is Associate Professor at Central European University, Vienna, Austria.

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Janika Spannagel is a Postdoctoral fellow at Freie Universität Berlin, Germany.

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Causes, Responses, and Implications for Academic Freedom

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This book builds on contributions and feedback we received from previous co-authors, case study authors, and reviewers along the way. We are particularly grateful to Katrin Kinzelbach, who spearheaded the development of the Academic Freedom Index and case study guidelines, and who encouraged us to join forces and investigate the relationship between university autonomy and other facets of academic freedom.

The case studies were reviewed by distinguished country and higher education scholars whose critical comments provided important feedback for the case study authors and strengthened the approach taken in the case studies. Therefore, we want to sincerely thank Irem Tuncer Ebetürk (Turkey), Egídio Guambe (Mozambique), Arif H. Kabir (Bangladesh), Ireneusz Pawel Karolewski (Poland), and Nandini Sundar (India) for their valuable contributions.

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Preface

This book was born out of the observation that despite a vast and quickly growing interdisciplinary literature on academic freedom, there has been little scholarly work, and even less empirically grounded research, examining the relationship of institutional autonomy to other aspects of academic freedom. Contributing to fill this research and knowledge gap provided the main impetus for the book. It draws on previous research and work by all three authors on assessing and protecting academic freedom and institutional autonomy around the globe.

Janika Spannagel and Ilyas Saliba, together with Katrin Kinzelbach from FAU Erlangen-Nürnberg and the team at the V-Dem Institute, previously co-developed the Academic Freedom Index (AFI). As well as serving as an important data resource for this book, working on the AFI inspired Janika and Ilyas to more closely examine academic freedom and university autonomy through the lens of empirical data. A second important outcome of Janika and Ilyas' collaboration with Katrin Kinzelbach was the development of case study guidelines for qualitative research on academic freedom. Kirsten Roberts Lyer wrote a case study on Ireland based on these guidelines for a previous publication. A scholar on national human rights institutions, Kirsten's interest in university autonomy was sparked by the experience of Central European University (CEU), where she taught during its expulsion from Hungary. Together, we combine our shared interest in academic freedom with experience in data collection methods and institutional autonomy to develop this book.

We particularly wanted to focus on autonomy because, like other aspects of academic freedom, institutional autonomy is in decline in many countries across the world. Several not-for-profit organizations that monitor and report on academic freedom (e.g., V-Dem, Scholars at Risk, European University Association, Magna Carta Observatory) describe a concerning global trend that has been illustrated by recent developments like the Hungarian government expelling the CEU from Budapest, and institutional takeovers in Turkey and Russia. Even beyond these more dramatic examples, many impacted higher education institutions (HEIs) have been unable to withstand the pressures and restrictions of their governments and can no longer function effectively as autonomous institutions.

While there is growing academic and professional interest in this subject, most attention has focussed on the freedom of individual academics. By focusing on the under-examined dynamics of the decline in HEI autonomy and the freedom of science, this book is timely both within the literature and practice on academic freedom, and within the broader discussion of the decline of the rule of law.

This book provides readers with empirically grounded insights into the causes, trajectories, and effects of a decline in institutional autonomy. Furthermore, by using an approach based on institutional resilience, the book identifies how university autonomy can be protected and strengthened.

We hope that this book will be of interest to scholars and practitioners alike. It serves to empirically underpin ongoing discussions on standards for monitoring and assessment of academic freedom at regional and international organizations. Moreover, NGOs and unions working on higher education and human rights issues can utilize the findings to inform their own strategic advocacy and campaigning efforts. We also hope the book will provide a valuable contribution to the understanding and strengthening of academic freedom around the world.

List of Acronyms and Abbreviations

ABVP	Akhil Bharatiya Vidyarthi Parishad [India]
AKP	Justice and Development Party [Turkey]
AMU	Aligarh Muslim University [India]
AMUSU	AMU Student Union [India]
AFI	Academic Freedom Index
BJP	Bharatiya Janata Party [India]
BNP	Bangladesh Nationalist Party
CAA	Citizenship Amendment Act [India]
CES	Council on Higher Education [Mozambique]
CESCR	UN Committee on Economic, Social and Cultural Rights
CEU	Central European University
CIMER	Presidency's Communication Centre [Turkey]
CNAQ	National Council for Quality Assurance of Higher Education [Mozambique]
CNES	National Council on Higher Education [Mozambique]
CODESRIA	Council for the Development of Social Science Research in Africa
CoHE	Council of Higher Education [Turkey]
DSA	Digital Security Act [Bangladesh]
ECHR	European Convention on Human Rights
ECOSOC	UN Economic and Social Council
EU	European Union
EUA	European University Association
FDI	Fund for Institutional Building [Mozambique]
FNI	National Research Foundation [Mozambique]
HEI	Higher Education Institution
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IIM	Indian Institute of Management
IIT	Indian Institute of Technology
IMF	International Monetary Fund
JMI	Jamia Millia Islamia [India]

JNU	Jawaharlal Nehru University [India]
LGBTQI	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex
METU	Middle East Technical University [Turkey]
MHP	Nationalist Movement Party [Turkey]
NDTF	National Democratic Teachers' Front [India]
NGO	Non-Governmental Organization
NHRI	National Human Rights Institution
OSCE	Organization for Security and Cooperation in Europe
ÖSYM	Student Selection and Placement System [Turkey]
PiS	Prawo i Sprawiedliwość (Law and Justice) [Poland]
RSS	Rashtriya Swayamsewak Sangh [India]
STEM	Science, Technology, Engineering, and Mathematics
TÜBA	Turkish Academy of Sciences
TÜBİTAK	Scientific and Technological Research Council of Turkey
UAPA	Unlawful Activities (Prevention) Act [India]
UEM	Eduardo Mondlane University [Mozambique]
UCM	Catholic University of Mozambique
UGC	University Grants Commission [Bangladesh, India]
UDHR	Universal Declaration of Human Rights
ULAB	University of Liberal Arts [Bangladesh]
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UP	Pedagogic University [Mozambique]
USTM	Saint Thomas University of Mozambique
V-Dem	Varieties of Democracy Institute
VC	Vice Chancellor
WoS	Web of Science
WUS	World University Service

1 Introduction

University Autonomy

Kirsten Roberts Lyer, Ilyas Saliba, and Janika Spannagel

1.1 Purpose and Scope of This Book

It is widely recognized that academic freedom has been in sharp decline in many countries across the globe for the past decade (Beiter et al., 2016; Lyer and Suba, 2019; Spannagel et al., 2020). As part of this decline, higher education institutions[1] face an increasing array of interferences that impact their institutional autonomy, including repressive legislation, and regulatory and administrative restrictions. Higher education institutions' autonomy is essential to operationalizing and protecting academic freedom, and increasingly this aspect is becoming a focus of academic and professional literature.[2] However, the causes of a decline in autonomy and its impact on other components of academic freedom remain understudied.

This book aims to fill this gap in understanding, contributing to the field of research on academic freedom, and institutional autonomy more broadly. In particular, this book develops the understanding of a decline in institutional autonomy in relation to the freedom of science. The book has three components: A conceptual chapter (Part I); country case studies (Part II); and comparative and analytical chapters (Part III).

Part II contains case studies on the recent situation of academic freedom in five diverse countries that have all seen a major decline in institutional autonomy over the past decade: Bangladesh, India, Mozambique, Poland, and Turkey. These studies, written and peer-reviewed by country experts, use a common analytical framework that ensures they cover all relevant aspects comprehensively, and are highly comparable among themselves as well as with previously published academic freedom case studies on other countries (Kinzelbach, 2020). In addition to feeding into the comparative analysis, the case study chapters can serve as stand-alone reference points on the situation of academic freedom in each country. The methodology and case selection will be introduced in more detail at the beginning of Part II.

In a comparative analysis uniting evidence from these and earlier published case studies, combined with quantitative information from the Academic Freedom Index (AFI) dataset, Part III explores the observed changes and their contextual factors to develop hypotheses on causes, modes, and effects of the

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decline in university autonomy. With a particular focus on institutional resilience, it suggests how autonomy can be strengthened and protected for academic institutions around the world.

An important limitation to the scope of this book's comparative analysis is that it intentionally focuses on cases of *major* decline in university autonomy. It is acknowledged that this does not cover the full spectrum of scenarios and potential developments with regard to university autonomy. In particular, such cases typically involve direct state interference and are less suitable for analysing the often subtler impact of marketization and business interests. However, the rigorous approach to the case selection and scope of analysis provides more depth on issues related to severe declines in autonomy. The concluding chapter reflects on the findings' implications for other scenarios and encourages additional research into those areas.

1.2 The Global State of University Autonomy: An Empirical Overview

Prior to examining the international standards on university autonomy, it is helpful to consider what the available data tells us about the global situation of university autonomy. The AFI time-series dataset is one of the key resources used in this book. The dataset not only provides an overview of the global situation of university autonomy, it also serves to facilitate the country selection for the case studies in Part II; as well as to establish hypotheses related to the decline of university autonomy in the analytical chapters in Part III.

The AFI dataset was co-developed by Janika Spannagel and Ilyas Saliba together with Katrin Kinzelbach at FAU Erlangen-Nürnberg and the team at the V-Dem Institute at the University of Gothenburg. It was first published in 2020 as part of the Varieties of Democracy (V-Dem) data release (v10), and has been updated twice since from the time of writing. V-Dem's data is one of the largest-ever social science data collection efforts on democracy and autocratization, which is freely available for analysis and download at v-dem.net. Its unique and award-winning methodology is based on expert-coded indicators and an aggregation procedure using a Bayesian measurement model, which takes into account coders' potential biases, and diverging coding behaviours and levels of confidence (Pemstein et al., 2022). For each expert-coded indicator, V-Dem gathers data from multiple, independent coders. More than 2,050 country experts – typically academics, both in and outside the respective country – have so far contributed assessments to the academic freedom indicators alone (Kinzelbach et al., 2022). With the release in March 2022 (v12), the time-series dataset of the AFI now covers 177 countries and territories, and the period from 1900 to 2021.

The AFI is composed of five indicators on academic freedom, each of which is coded by country experts on a predefined scale from 0 to 4 and on a country-year basis. All indicators can be accessed separately in the dataset: Freedom to research and teach (indicator name *v2cafres*); freedom of academic exchange and

dissemination (*v2cafexch*); institutional autonomy (*v2cainsaut*); campus integrity (*v2casurv*); and freedom of academic and cultural expression (*v2clacfree*). All AFI indicators are agnostic as to whether interference comes from state actors, businesses, religious leaders, private citizens, or other non-academic actors, as all undue interference by such actors is defined as infringement on academic freedom. Practices set by the academic community itself as part of the standard operation of academia, such as research priorities or ethical and quality standards in research, teaching, and publication, are not regarded as infringements on academic freedom (Coppedge et al., 2022, p. 233).

Quantitative assessments of abstract concepts such as academic freedom have limitations and are not without flaws. For this reason, qualitative country case studies are indispensable for more in-depth analyses of these topics, which is also why the evaluation of the hypotheses in the analytical chapters in Part III relies heavily on the qualitative data drawn from various case studies. However, V-Dem's rigorous measurement approach provides a relatively reliable basis for systematic comparisons between countries and over time, which makes it a valuable resource for big-picture analyses. Figures 1.1–1.3 provide an overview of how countries around the world perform in terms of university autonomy today, what developments can be observed over time, as well as what connections can be drawn with the size of the higher education sector and the quality of democracy in a given country.

The world map in Figure 1.1 shows levels of institutional autonomy in countries across the world for 2021. The grey-scale colouring of the map shows roughly where countries score on the institutional autonomy (*v2cainsaut)* indicator, which is scaled from 0 (no autonomy) to 4 (complete autonomy).[3] Of all 177 countries and territories in the dataset,[4] 24 provided none (0) to minimal (1) autonomy for their higher education institutions in 2021 (e.g., China);

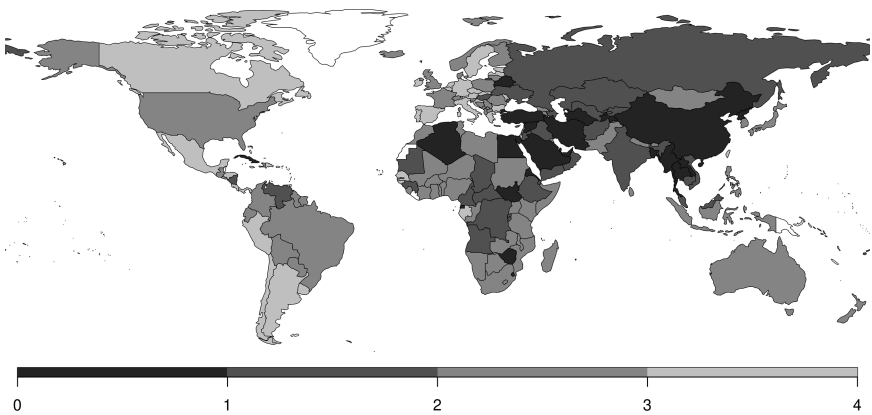

Figure 1.1 Institutional autonomy of higher education institutions worldwide in 2021. Countries/territories in white are currently not available in the dataset.

Data source: V-Dem (2022): v12.

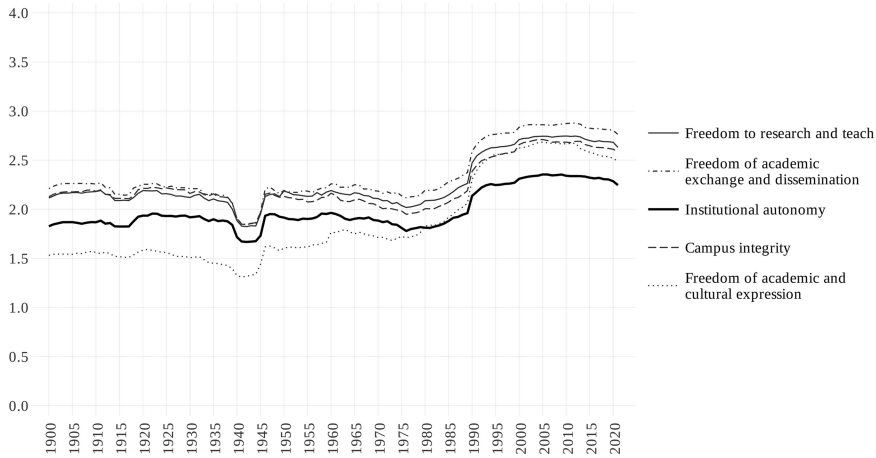

Figure 1.2 Global trends in five academic freedom components since 1900.

Data source: V-Dem (2022): v12.

35 provided minimal (1) to moderate (2) autonomy (e.g., Russia); 81 provided moderate (2) to substantial (3) autonomy (e.g., United States); and 37 provided substantial (3) to complete (4) autonomy (e.g., Germany). Only about 8% of the world's population live in countries in the highest category – compared to 34% in the second highest, 30% in the third, and 28% in the lowest category.

Figure 1.2 shows the global averages of all five indicators of the Academic Freedom Index over time from 1900 to 2021. The comparison suggests that institutional autonomy exhibits less fluctuation than other indicators – an observation that is consistent with the expectation that institutional processes are slower to change than those affecting other aspects of academic freedom, which might be more sensitive to sudden developments, particularly the freedom of academic expression on political issues, as the graph also indicates. Moreover, the chart shows that institutional autonomy has settled at a substantially lower level on average than the other indicators in recent decades. This indicates that university autonomy did not increase to the same extent as other aspects of academic freedom with the third wave of democratization in the 1990s.[5] However, from this analysis, it remains unclear what interactions there may be between the various indicators. The comparative analysis in Part III will further explore how and to what extent a decline in institutional autonomy is associated with preceding or ensuing changes in other dimensions of academic freedom, in order to advance our understanding of institutional autonomy as a component of academic freedom.

Lastly, it is interesting to consider the extent to which levels of institutional autonomy might be related to other characteristics of a country's higher education system, especially considering their starkly varying size and significance in countries across the world. The size of the higher education sector in a given country can be approximated using the World Bank's data on tertiary school

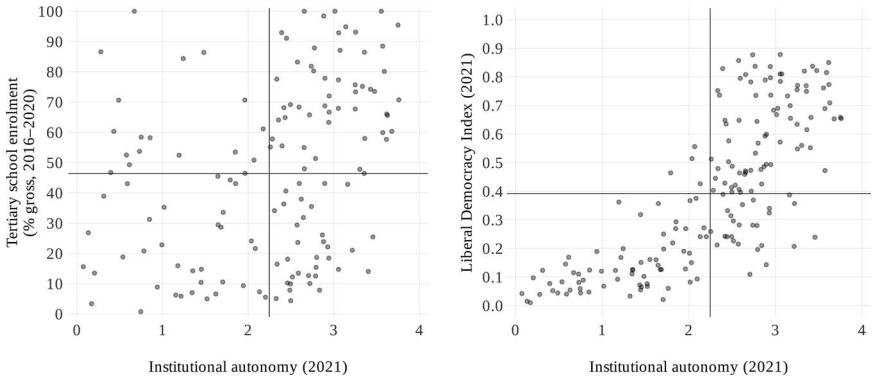

Figure 1.3 Institutional autonomy compared to tertiary school enrolment (n = 139) and to the Liberal Democracy Index (n = 177). Gross enrolment data uses available data from 2016 to 2020 for each country (truncated at 100%).

Data source: V-Dem (2022): v12; World Bank (2021).

enrolment, which indicates how many people of an age group that officially corresponds to higher education is enrolled in a given year.[6] Figure 1.3 shows that while there is great variation between countries, there appears to be only a weak tendency of countries with high enrolment ratios to be home to universities with higher levels of autonomy. Otherwise there does not seem to be a clear connection between the size of the higher education sector and levels of institutional autonomy.

A closer connection can be established with a country's level of democracy. The second chart in Figure 1.3 suggests a moderately high correlation between countries' levels of institutional autonomy and their placement on V-Dem's Liberal Democracy Index. Specifically, in 2021, low levels of democracy tended to be associated with lower levels of university autonomy, whereas the countries that scored above average on the Liberal Democracy Index all scored medium to very high on institutional autonomy. The apparent nexus between democracy levels and university autonomy, and in particular the relation between autocratization and autonomy decline, will be explored in more detail in the analytical discussion in Part III. Before moving on to that consideration, the next chapter first examines the parameters of university autonomy from a conceptual perspective.

Notes

1 In this book the terms 'higher education institutions' and 'universities' are used interchangeably.
2 Ren and Li (2013): 'HEP [*Higher Education Policy*]' alone most of the articles on academic freedom are in its two special issues, while 27 articles can be located in the HEP archives with the word 'autonomy' in the title. p. 520.
3 The indicator's five levels correspond to the following descriptions: 0 = no autonomy at all; – universities do not exercise any degree of institutional autonomy;

1 = minimal autonomy – universities exercise only very limited institutional autonomy, non-academic actors interfere extensively with decision-making; 2 = moderate autonomy – universities exercise some institutional autonomy, non-academic actors interfere moderately with decision-making; 3 = substantial autonomy – universities exercise institutional autonomy to a large extent, non-academic actors have only rare and minimal influence on decision-making; 4 = complete autonomy – universities exercise complete institutional autonomy from non-academic actors.

4 Liberia and Papua New Guinea are missing in the v12 iteration of the AFI due to low coder numbers; in addition, some small states and autonomous territories are not yet coded by V-Dem.

5 On the third wave of democratization, see for example Diamond (1996).

6 More precisely, the gross enrolment ratio divides the number of enrolments of any age by the number of people in the designated age group; due to overage and underage enrolment, the ratio can exceed 100%.

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Part I

University Autonomy in the World Today

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2 University Autonomy and Academic Freedom[1]

Kirsten Roberts Lyer, Ilyas Saliba, and Janika Spannagel

When seeking to understand institutional autonomy, and its relationship to other components of academic freedom, an initial sticking point is the debate over an agreed international definition of academic freedom (Åkerlind and Kayrooz, 2003, pp. 327–44; Altbach, 2001, p. 206; Beaud, 2020, pp. 611–27). For this reason, many questions remain open about academic freedom, insofar as they relate to understanding institutional autonomy.

The debate and discussions on academic freedom that are of particular relevance for this book can be framed by three interconnected questions:

i On what right(s) is academic freedom based? In particular, is it a right for academics, or a right for the whole society? And what does each interpretation mean for permissible limitations on academic freedom and university autonomy?
ii What is the purpose of universities and, by extension, of academic freedom?
iii Is there an 'institutional right' to academic freedom?

This chapter considers these three questions in more detail, with the aim of understanding the current parameters of university autonomy, and some of the challenges to securing autonomy in practice that arise from this.

2.1 What Right? Academic Freedom and the Freedom of Expression, the Right to Education, and to Science

As the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (hereinafter, the Special Rapporteur for Freedom of Opinion and Expression) noted, 'there is no single, exclusive international human rights framework for the subject [of academic freedom]' (Kaye, 2020, para. 5). Academic freedom is not directly included in the text of any international human rights convention as a standalone right. Rather, it has established itself under different core human rights (Kinzelbach et al., 2021, p. 2). This has resulted in a lack of clarity over its basis. International standards have placed academic freedom primarily under three different human rights: the right to education, freedom of expression, or the 'right to science'. Locating academic

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freedom ambiguously within the context of all of these rights means that substantively, its inherent purpose is unclear, and practically, that it is subject to various forms of state discretion and permitted limitations that those rights carry. Uitz (2021, p. 2) notes the challenges that have existed in developing an agreed definition of academic freedom: 'for better or worse, academic freedom sits at the intersection of numerous disciplines that treat it as an aspiration, an ideal, a value, a principle or – to quote Joan W. Scott – a "complicated idea with limited application"'.

The most authoritative elaboration of the scope of academic freedom in international human rights law has come from the UN Committee on Economic, Social and Cultural Rights (CESCR) – the state-elected expert committee that oversees the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Its position has notably developed over a period of 20 years between its first and second major interpretation of the Covenant on this point. While the first interpretation related academic freedom to the right to education, the second framed it within the right to science (discussed further below). The 1999 CESCR General Comment on Article 13 of the Covenant, sets out the 'right of everyone to education', and specifically provides that 'higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education' (UN ECOSOC, 1999). The Committee's interpretation with regard to academic freedom reads as follows:

> Members of the academic community, individually or collectively, are free to pursue, develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing. Academic freedom includes the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfil their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights.
>
> (UN ECOSOC, 1999, para. 39)[2]

This connects academic freedom to other rights, primarily freedom of expression, non-discrimination, and freedom of association, and places it squarely within the setting of academia (UN ECOSOC, 1999, para. 40).[3] The Committee noted that those in higher education are 'especially vulnerable to political and other pressures which undermine academic freedom' (Ibid, para. 38). It set institutional autonomy as a distinct but supporting feature of academic freedom: 'the enjoyment of academic freedom requires the autonomy of institutions of higher education' (Ibid, para. 40). However, the Committee addressed the requirements of institutional autonomy in the context of limited self-governance: 'Autonomy is that degree of self-governance necessary for effective decision-making by institutions of higher education in relation to their academic work, standards, management and related activities' (Ibid). Importantly, this

interpretation framed institutional autonomy in an operational context, subject to state limitations. In the same paragraph, the Committee further emphasized the limits of self-governance, particularly because higher education institutions often involve substantial public investment and thus 'an appropriate balance has to be struck between institutional autonomy and accountability' (Ibid).[4]

The Committee also addressed some of the important *internal* features of self-governance for higher education institutions, noting that 'institutional arrangements should be fair, just and equitable, and as transparent and participatory as possible' (UN ECOSOC, 1999, para. 40). However, it left broad scope for permissible state intervention. As will be seen below, this broad scope is further expanded by wide national variations in institutional governance models, compounded by the absence of fundamental agreement over the purpose of universities.

According to the CESCR, limitations on Article 13 (the right to education) are permitted where they are determined by law, but 'only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society' (UN ECOSOC, 1999, para. 42). Article 13 is also 'primarily intended to be protective of the rights of individuals rather than permissive of the imposition of limitations by the State' (Ibid). The Committee specifically related such impositions of limitations to higher education institutions, noting that, 'a State party which closes a university or other educational institution on grounds such as national security or the preservation of public order has the burden of justifying such a serious measure in relation to each of the elements identified in article 4' (Ibid). In practice, setting academic freedom within the context of the right to education problematically opens it up to the extensive discretion available to states under that right.[5]

The second human right that academic freedom is frequently subsumed under is the freedom of expression, as illustrated by the fact that the UN Special Rapporteur for Freedom of Opinion and Expression dedicated his 2020 report to the topic. This approach is particularly strongly ingrained in European and North American jurisprudence. In the United States, academic freedom has traditionally been protected by the First Amendment to the constitution on free speech. In *Sweezy v New Hampshire* (1957), US Supreme Court judge Justice Frankfurter identified 'four essential freedoms' for universities, requiring 'the exclusion of governmental intervention in the intellectual life of a university'. He continued: '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'. In *Keyishian v Board of Regents*, (1967, para. 603), the Supreme Court also observed that academic freedom was a free speech issue noting that it 'is … a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom'.[6] The still-recognized 1940 American Association of University Professors' *Statement of Principles on Academic Freedom and Tenure* connects academic freedom both to teaching and to research.[7] Teachers are entitled to 'full freedom in research and in the

publication of results, *subject to* the adequate performance of their other academic duties' and to freedom in the classroom, but with limitations (American Association of University Professors, 1940, footnotes omitted, emphasis added; see generally Barendt, 2010, chapter 6) – albeit a 1970 interpretation noted that it was not intended to 'discourage what is "controversial"'(American Association of University Professors, 1940, footnotes omitted, second, 1970 comment).

In the European Union (EU), academic freedom has also been connected to the right to freedom of expression. The EU Charter of Fundamental Rights, which entered into force in 2009, provides in its Article 13 on *Freedom of the arts and sciences* that 'Academic freedom shall be respected' (European Union, 2012, pp. 391–407), while the accompanying explanation notes that academic freedom comes 'primarily from the right to freedom of thought and expression'.[8] In terms of the scope of limitations, this opens this right to the manifold limitations of Article 10 on freedom of expression of the European Convention on Human Rights (ECHR). Indeed, the European Court of Human Rights has also dealt with academic freedom issues under Article 10 ECHR (freedom of expression) (Beiter et al., 2016a, p. 266). Article 10 ECHR permits limitations that are 'prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary' (Convention for the Protection of Human Rights and Fundamental Freedoms; European Convention on Human Rights, as amended (ECHR), Article 10). Similarly, the European Commission for Democracy Through Law (known as the Venice Commission), a preeminent voice on democracy and the rule of law in the Council of Europe region, only requires states to 'refrain from *undue* interference' with teaching and organizing teaching and research (emphasis added). According to their interpretation, limitations within the boundaries of 'legitimate aims, and […] proportionate and necessary in a democratic society' are permitted, as foreseen by the relevant ECHR articles on freedom of expression, association and the right to education (European Commission for Democracy Through Law, 2017, p. 13, citing *Kjeldsen, Busk Madsen and Pedersen v Denmark*; see also *B.N. and S.N. v Sweden*, 1993; *Konrad and others v Germany*, 2006). It can thus be seen that so closely connecting academic freedom to freedom of expression is problematic as it is subject to a range of limitations, retains a focus on the individual as the rights holder, and may overlook institutional-level restrictions.

A third interpretation of academic freedom has been provided in connection with the 'right to science'. Two decades after its first interpretation on the right to education, in its General Comment No. 25 (UN ECOSOC, 2020), the UN Committee on Economic, Social, and Cultural Rights again reviewed academic freedom within human rights law, this time in the context of Article 15 of the Covenant. This article recognizes the 'right of everyone […] to enjoy the benefits

of scientific progress and its applications' and stipulates that state parties 'undertake to respect the freedom indispensable for scientific research'.

The Committee provides a non-exhaustive list of rights required for academic freedom to exist, 'including freedom of expression and freedom to seek, receive and impart scientific information, freedom of association and freedom of movement; guarantees of equal access and participation of all public and private actors; and capacity-building and education' (UN ECOSOC, 2020, para. 46). In its comment, the CESCR describes the 'freedom to research' as containing 'at least' the following five dimensions (Ibid, para. 13):

- Protection of researchers from undue influence on their independent judgment;
- The possibility for researchers to set up autonomous research institutions and to define the aims and objectives of the research and the methods to be adopted;
- The freedom of researchers to freely and openly question the ethical value of certain projects and the right to withdraw from those projects if their conscience so dictates;
- The freedom of researchers to cooperate with other researchers, both nationally and internationally;
- The sharing of scientific data and analysis with policymakers, and with the public wherever possible.

The key aspect of General Comment No. 25 for the purposes of this university autonomy is the linking of academic freedom to the right to science – specifically, the right of everyone to enjoy the benefits of scientific progress and its application. This clarifies that academic freedom is more than a right enjoyed solely by academics or only in an academic context. The right to science is a right of all people within a society. Placing academic freedom within the right to science elevates it to a 'societal' right to be enjoyed by all, rather than an 'elite' right of some.

All of these standards suggest that autonomy, as a component of academic freedom, demands a balance be achieved. In order to assist with understanding where such 'balancing' of rights takes place, the usual approach is to apply the customary human rights 'tests' of necessity, proportionality, and legitimate purpose.[9] Yet applying this approach to academic freedom exposes two fundamental flaws. Firstly, there are multiple potential component 'rights' (expression, association, science, etc.), meaning that multiple approaches to this test can be made from different angles, depending on how the relevant authority views academic freedom. Second, with the purposes of both academic freedom and the university itself being undefined, coupled with the diversity of national governance models, what is 'necessary, proportionate and legitimate' can have vastly different permissible interpretations. In framing academic freedom as part of the right to science in its 2020 General Comment No. 25, the Committee appears to permit fewer limitations, in particular noting that

'any limitation on the content of scientific research implies a strict burden of justification by States, in order to avoid infringing freedom of research' (UN ECOSOC, 2020, para. 22). The stricter limitations permitted on the right to science would appear to further illustrate the benefit of its framing under this right. When academic freedom is based in the right to science, then the debate on upholding this freedom can shift from one focusing on a narrow individual right of academics to a broader right of all humans.

2.2 What Is the Purpose of Universities?

To establish the meaning and scope of university autonomy also requires a clear understanding of the *purpose* of universities, (Karran, 2007; Thorens, 1998), and by extension, of academic freedom and university autonomy. However, there is no general agreement on this issue either. Four, at times overlapping, notions of the purpose of universities can be identified, variably defined as (i) the search for truth and expansion of human knowledge, (ii) the fostering of democratic societies and education of critical minds, (iii) engines of societal problem-solving, and (iv) responders to the demands of the national economy and labour market.

The first notion, the search for truth, is most prominently represented in the secondary literature on academic freedom. For example, Beaud emphatically argues against the market-oriented notion in particular in favour of the truth-seeking functions of universities:

> The real mission of the university is not, as is believed almost the world over, to adapt higher education to the needs of the labour market so that people can find jobs. Its finality is rather what the Germans call *Hochschule* (schools of higher education). The university's duty is higher, may I say more elevated, as Finkin and Post say, advancing the 'sum of human knowledge' or, better still, 'to create new knowledge'.
>
> (Beaud, 2020, p. 621)

Similarly, Beiter argues for an unequivocal understanding of academic freedom 'as a guarantor of the discovery of the truth and the advancement of knowledge for the benefit of society at large' (2019, p. 242; see also Thorens, 1998). The same idea is affirmed in the Council of Europe Committee of Ministers Recommendation CM/Rec (2012)7, where academic freedom is defined on the basis of an underlying rationale of the 'search for truth' (Council of Europe, 2012, para. 5).

The same Recommendation also invokes the second notion of universities' purpose, suggesting that higher education should serve 'open democratic societies' by fostering critical and creative thinking. The Council for the Development of Social Science Research in Africa (CODESRIA)'s 2007 *Juba Declaration on Academic Freedom and University Autonomy* reflects the same rationale by providing for a democratic role for academics, where 'Members of Academic

community should inculcate the spirit of tolerance and enhancement of democratic debate and discussion' (Article 11).

Furthermore, speaking to the third notion of universities' greater role in relation to broader society, the Juba Declaration also refers to the role of both institutions and academics in addressing societal problems (Articles 9, 12). A very similar idea can be found in the earlier *Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education* of the World University Service, adopted in 1988. It sets a democratic purpose for higher education institutions in pursuing the fulfilment of human rights (para. 14) and addressing themselves to the 'contemporary problems facing society' (para. 15). It proposes an active stance of universities in society: '[i]nstitutions of higher education should be critical of conditions of political repression and violations of human rights within their own society' (para. 15).

There is a compatibility between the first three notions, as there is an assumption that the 'search for truth' ultimately serves society and the 'common good' (Beaud, 2020, p. 620). However, such purposes as the fostering of democracy or the solving of societal problems are only compatible with a robust type of autonomy and academic freedom if it is the academic community itself that defines what those objectives consist of in practice. The notion of a 'pro-democratic' university appears to be rather new and is probably not a universally accepted conception within academia, whereas the idea of a 'search for truth' touches more on the core of universities' mission; and it is most aligned with academic freedom as the 'right to science' or, differently put, the 'right to truth'.

In contrast to this notion is the subservience of higher education institutions to state policy or market objectives. This type of approach is reflected in Council of Europe Parliamentary Assembly Resolution 1762 (2006, para. 10):

> Universities should be expected to live up to certain societal and political objectives, even to comply with certain demands of the market and the business world, but they should also be entitled to decide on which means to choose in the pursuit and fulfilment of their short-term and long-term missions in society.

Worryingly, this suggests that universities' role extends only to the limit of 'certain societal and political objectives'. Though the Resolution leaves who might define those objectives open, the formulation does not imply that it is the academic community itself. Further, according to the Resolution, universities may be required to 'comply' with market and business demands. While universities remain permitted to decide on the means by which they implement these objectives and demands, the Resolution suggests that universities are not in a position to refuse. This appears incompatible with the 'moral and intellectual independence' pronounced elsewhere in the same resolution. Overall, the compatibility of this vision with an understanding of universities' mission as the 'discovery of the truth' seems, at best, challenging. The same compatibility challenge applies more broadly to the market-oriented model of the university,

where Beaud highlights an 'economic threat' that is 'due to the heavy constraint imposed by society and the global economy, manifested in the threat of what could be called a purely managerial and functional university' (2020, p. 616). Indeed, the increasing market-focus, managerialism, and 'quality' control exercised by the state over universities have repeatedly been criticized as undermining the purpose of universities as seekers of truth (Beaud, 2020; Beiter, 2019; Post, 2015).

The different notions of the purposes of universities are, ultimately, also reflected in the national variation of university governance models. Following Dobbins, Knill, and Vogtle (2011, p. 670), three broad models can be identified. The first is **state-centred**, whereby the state exercises 'strong oversight over study content' as well as itemized allocation of finances, appointed staff, and nationally standardized procedures such as conditions of access and pay scales (Ibid). Such a model is aligned with a vision of the university as serving certain societal or political objectives, which may, at least partly, be defined by the state. Dobbins, Knill, and Vogtle examples for countries following this state-centred model include France, Turkey, post-communist Romania, and Russia. This model contrasts with the **self-governing** model that 'has shaped and still shapes [higher education] in Germany, Austria and much of pre- and post-communist central Europe' (Ibid, p. 671). This model '[i]n its ideal form…is based on a state-university partnership, governed by principles of corporatism and collective agreement' with a strong focus on knowledge as an end in itself, albeit 'within state-defined constraints, as universities remain under the auspices of the state' (Ibid). Moreover, truth-seeking is viewed as a key function under this model and it is the community of scholars that has the main decision-making role over which societal objectives it may want to pursue. The third model is the **market-oriented** model, prominently represented by the United States, where universities operate as economic enterprises 'within and for regional or global markets' and higher education is viewed as 'a commodity, investment, and strategic resource' (Ibid, p. 672). In this model the state 'promote[s] competition, while ensuring quality and transparency' and may influence higher education through policy instruments such as pricing and enrolment, and university management have the central decision-making role (Ibid).

These different governance models that states pursue in practice – and the underlying visions of the university's ultimate purpose – necessarily lead to different views on the meaning and scope of university autonomy. A state-centred model suggests strong government control; a market-oriented model suggests a strong role for university administrations; whereas only the true self-governing model clearly places the power over key decisions within the academic community itself. Even if the three models may not be as clear-cut in practice, such national variations and historical traditions account for strongly diverging practices in the extent of interference in universities' self-governance. As noted in a 2008 World Bank Report on University Governance:[10]

> The extent of autonomy that institutions are allowed by the state is often a mixture of inherited rights, tradition, legislative intent, and societal culture.

> It is usually built up over time through a variety of legislative processes, ministerial decisions, and ad hoc regulations. It is rarely a finely crafted structure to a rational design. It is also culture specific and rights or controls that are taken for granted in one country can be unthinkable in another.
>
> (Fielden, 2008, p. 18)

The European University Association (EUA)'s Scorecard notes this challenge, particularly that '[a]utonomy is a concept that is understood very differently across Europe; associated perceptions and terminology tend to vary quite significantly' due to different legal frameworks and historical and cultural circumstances (2017, p. 11). This is likely to be true across the globe. For example, a similar diversity of models has been noted in Southeast Asian higher education institutions (Ratanawijitrasin, 2015). Yet as the case studies will show, this wide discretion may have helped to facilitate extensive interference in universities in some countries, which has essentially created non-autonomous institutions.

The absence of clear international standards to act as a baseline for autonomy, and the idea that cultural relativism and/or the requirements of market forces allow states to deal with universities as they wish has led to a situation in which universities in many countries are not in the hands of the academy. Yet it is only through robust self-governance that the right to academic freedom can be actualized.

The absence of agreement as to the purpose of universities has had significant implications for their recent development. Beaud describes this fundamental problem faced by higher education today, in the extent to which universities have been, or are at risk to be, instrumentalized towards building the economy:

> It is *also* against this all-encompassing and more subtle threat of 'instrumentalising the university' by changing the ends for which the university strives, that academic freedom should protect us all. There is a glaring risk that the expert will replace the academic, and university bureaucracy will opt for collective rather than individual research. The consequence is that today's academics have the uncomfortable feeling that they are working inside the steel cage of bureaucratic machineries on which external bodies impose not only permanent evaluation – often as useless as it is time consuming – but also and more importantly, on the content of the research programme.
>
> (Beaud, 2020, p. 617)

In attempting to rectify these inherent contradictions, Beiter argues that 'Legislation in the sphere of science should, firstly, guarantee rights; secondly, lay down rules of conflict resolution; and, thirdly, stabilize the science sector financially and organisationally' (2019, p. 259), balancing positive and negative obligations. He suggests that states are not well suited for the regulation of science and 'ultimate competence for regulation and decision making in the science

sector should be assigned to the scientific fraternity itself […]. Most decisions are best left to individual universities and research institutions' (Ibid, p. 260). A central element of this is the control states exert over the provision of funding and the dictates of what constitutes the scientific norm in the field (Beaud, 2020, p. 622).

The absence of a clear agreement as to the purpose of a university further calls into question the idea that, as Altbach puts it, 'Academic freedom is at the very core of the mission of the university' (2001, p. 205). Beiter asks (2019, p. 234) 'to what extent is it legitimate for governments to regulate science?' and he argues that 'In many ways, autonomy is an entitlement deduced from and should thus serve academic freedom. Autonomy must serve the inherent requirements of science. It must serve safeguarding a science system "adequate for science"' (Ibid, p. 242). And he thus conceptualizes academic freedom as 'a concretised freedom of science' (Ibid, p. 244). Understanding academic freedom in the context of the human right to science, can set clearer parameters for autonomy, understanding that a decline in institutional autonomy in favour of state control is a restriction on the freedom of science that impacts all of society. Framing academic freedom within the right to science, helps to come closer to an understanding of academic freedom (and universities) as key foundations for the search for truth. This approach also shifts academic freedom's focus from being an individual right (e.g., the right to express oneself) to a societal right, and sets it within the expectation that this unrestricted search for truth will ultimately benefit society as a whole.

2.3 Is There an Institutional 'Right' to Academic Freedom?

A particular challenge that has existed in individual-level approaches to academic freedom in international standards, is that they fail to account for an essential feature, which is that academic freedom is primarily enjoyed within an institutional setting. Uitz notes the difficulties in applying academic freedom in this context, finding that definitions of academic freedom are 'often tailored to practical applications' (2021, p. 3) and suggesting that:

> The picture becomes murky when the definition has to account for both the individual and the institutional dimension of academic freedom, [and] especially for the detrimental impact of institutional factors on individual academic freedom.
>
> (Uitz, 2021, p. 3)

Part of the challenge with this institutional aspect of academic freedom is that in international human rights law, duties attach to states as the signatories of international human rights instruments, whereas rights attach to human individuals. The UN Special Rapporteur for Freedom of Opinion and Expression, for instance, recognized the institutional aspect of academic freedom in the form

of protections while nonetheless framing them as protections that guarantee *the rights of individuals*:

> Academic freedom is not only about individual human rights protection by traditional State actors. It also involves institutional protections – autonomy and self-governance, themselves rooted in human rights standards – to guarantee the freedom for those pursuits.
>
> (Kaye, 2020, para. 8, citing Lyer and Suba, 2019 p. 30f.)

A different approach has been taken by the Council of Europe. Its Committee of Ministers Recommendation CM/Rec(2012)7 *on the responsibility of public authorities for academic freedom and institutional autonomy* provides that 'Academic freedom should guarantee the right of both institutions and individuals to be protected against undue outside interference, by public authorities or others' (Council of Europe, 2012, para. 5, emphasis added). In attempting to map the scope of autonomy in the context of state discretion, the Recommendation gives examples of policies for 'positive measures' such as qualifications and quality assurance as being compatible with autonomy, while 'detailed guidelines' for teaching or regulation of 'internal quality development' are not (Council of Europe Recommendation, 2012, para. 7).

Attaching academic freedom as a right to an institution may arguably be legitimated by recognition of the special place of the academic institution within academic freedom, which, as Beaud recalls, has been described as 'the special nature of a university as a singular institution' (O'Neil, 2008, p. 3). Yet this approach of attaching the right to an institution comes with its own problems. The institution itself is not for preservation at any cost. Higher education institutions must support academic freedom (the right to science). As Beiter argues, 'in universities the protection of individual academic freedom presupposes the existence of arrangements to ensure that decisions on science that are collective in nature will be "adequate for science"' (2019, p. 341). Detaching institutional autonomy from the individual right to academic freedom and treating it as a separate 'institutional right' risks giving university *leadership and administrators* protection and 'cover' for activities that ignore or violate the fundamental freedoms of the members of the academic community, and the right to science of society more broadly. Such a concern becomes particularly pertinent when the leadership and administrators are state or political appointees, as will be illustrated in various case studies in Part II and further discussed in Part III.

2.4 Towards an Academic Freedom-Anchored Understanding of Autonomy

In order to examine the causes and effects of institutional autonomy decline, it must be established what university autonomy is and how far it extends. The examination of the three questions in the previous section has highlighted a

number of complicating factors that hamper the pursuit of a definition of institutional autonomy:

- There remains an absence of agreement in international human rights law as to the underlying conception of academic freedom, which is reflected in the range of rights to which it is attached (expression, association, education, science, etc.). As institutional autonomy is a component of academic freedom, this means there is also a lack of clarity on its underlying principles.
- There is no consensus over the purpose of a university, which is fundamental to understanding the parameters of autonomy (autonomy from and for *what*). This is most starkly seen in the permissibility of state interference with universities on the basis of market forces. Moreover, the global variation of institutional governance models means that attempts to loosely define institutional autonomy as a 'necessary degree' of self-governance (UN ECOSOC, 1999) may be understood vastly differently in different national contexts.
- Academic freedom is primarily viewed as attaching to academics as individuals, which may not sufficiently account for its inherent connection to an institutional setting, and gives it an insular framing to what is, in reality, a general issue of human rights.

In fact, academics themselves do not seem to have a clear understanding of institutional autonomy. For instance, Åkerlind and Kayrooz (2003) in their survey of social scientists found that academic freedom was viewed as the right of individuals, with a wide variation of views as to the extent of institutional support/restriction and responsibilities.

In search of a definition of the substance and scope of institutional autonomy, it is useful to consider the existing international and regional declarations and instruments. As seen above, the UN CESCR has defined autonomy as a degree of self-governance, echoing the authoritative 1997 UNESCO *Recommendation Concerning the Status of Higher-Education Teaching Personnel,* which defined autonomy as the 'degree of self-governance' necessary for 'effective decision-making by institutions of higher education regarding their academic work, standards, management and related activities'. It firmly sets institutional autonomy within both the state – 'consistent with systems of public accountability, especially in respect of funding provided by the state' – and national contexts – 'the nature of institutional autonomy may differ according to the type of establishment involved' (UNESCO, 1997). The Recommendation nonetheless emphasized that 'Member States are under an obligation to protect higher education institutions from threats to their autonomy coming from any source' (Ibid, para. 19). However, with such a broad understanding of autonomy, the operationalization of this obligation is in question.

Other recommendations and standards are also useful to illustrate the understanding of autonomy. Article 11 of the 1990 *Kampala Declaration on Intellectual Freedom and Social Responsibility* of the pan-African research

council of social sciences (CODESRIA) provides that '[i]nstitutions of higher education shall be autonomous of the State or any other public authority in conducting their affairs, including the administration, and setting up their academic, teaching research and other related programmes' (CODESRIA, 1990). CODESRIA's subsequent 2007 *Juba Declaration on Academic Freedom and University Autonomy* separated academic freedom and autonomy. It emphasized that there should not be government interference in autonomy, and reiterated the Kampala Declaration's Article 12 that autonomy should be exercised by democratic and participatory means (CODESRIA, 2007, para. 5f).

As Altbach notes, academic freedom was 'never absolute', with state-based restrictions found as early as Medieval times (2001, pp. 206–10). However, the breadth of permissible limitations under international human rights law makes 'undue' interference challenging to identify. When examining a decline in institutional autonomy, one potential practical route to understanding permissible limitations is to distinguish between threats and 'legitimate interference'. In Lyer and Suba's report (2019) on state-based threats to university autonomy, they examined 'excessive, damaging or "repressive" restrictions'. Yet these are clearly subjective standards, particularly in the absence of an agreed international benchmark for autonomy, that will depend on the national situation; even seemingly minor interferences with self-governance can have significant impacts on the autonomy of a university.

Addressing the scope of self-governance, the UN Special Rapporteur for Freedom of Opinion and Expression found that this related to self-regulatory standards, 'based on non-discriminatory and academic criteria' that determine 'curricular, scholarly and research needs and requirements', as well as publication and hiring, and guarantees that teaching personnel have 'a say in the management and decision-making of their institutions' (Kaye, 2020). This points to another issue, which is not addressed in detail in this book as it is outside its scope, but which is nonetheless critical for higher education: While universities may be self-regulating, they cannot be permitted to be elitist or discriminatory. As Sundar puts it, 'what appears to be the disinterested upholding of educational standards is often the upholding of privilege' (Sundar, 2018, p. 50). The right to science requires that there are no discriminatory barriers, including the obligation for states to remove such barriers 'that impede persons from participating in scientific progress, for instance, by facilitating the access of marginalized populations to scientific education' (UN ECOSOC, 2020, para. 17).

As will be discussed in the analysis in Part III, this speaks to the need for academic freedom to be recognized within international human rights law as a right in itself, with clearly defined autonomy through robust self-governance as a component. Indeed, some scholars have argued for an explicit right to academic freedom (Uitz, 2021), while others argue it cannot be a human right because it does not apply from birth (Beaud, 2020, p. 614).

The Council of Europe, in the Committee of Ministers' Recommendation CM/Rec (2007)6, has recommended that 'public authorities … have a responsibility to promote autonomy for higher education and research institutions *as*

well as academic freedom for individual members of the academic community' (Council of Europe, 2007, para. 4, emphasis added).

The *Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education*, adopted by the World University Service in 1988, defines institutional autonomy as 'the independence of institutions of higher education from the State and all other forces of society, to make decisions regarding its internal government, finance, administration, and to establish its policies of education, research, extension work and other related activities' (WUS, 1988). Incidentally, this is the definition of 'institutional autonomy' adopted by the V-Dem project's coding of the AFI dataset.

More concrete is the EUA's measurement of university autonomy in Europe, the Autonomy Scorecard (European University Association, 2017). It relies on a self-reporting mechanism for institutions in Europe to provide assessments of their autonomy, examining more than 30 indicators of autonomy across four areas:

- Organizational autonomy (including academic and administrative structures, leadership, and governance);
- Academic autonomy (including study fields, student numbers, student selection, and the structure and content of degrees);
- Financial autonomy (including the ability to raise funds, own buildings, and borrow money);
- Staffing autonomy (including the ability to recruit independently and promote and develop academic and non-academic staff).[11]

These components of autonomy are reflected elsewhere in the literature.[12] A 1998 Australian study considered institutional autonomy and the government's role (legal and *de facto*) in respect of seven main areas: staff; students; curriculum and teaching; academic standards; research and publication; governance; and administration and finance (Anderson and Johnson, 1998; see also de Boer et al., 2010). Beiter, Karran, and Appiagyei-Atua in their 2016 study on the legal protection of the right to academic freedom used similar indicators to the EUA in determining 'organizational, financial, staffing, and academic autonomy' (2016a, p. 286). Beiter et al.'s study also measured the extent of governmental powers, particularly the form of state supervision in checking legal compliance or the merits of decisions (Ibid). In a different paper, the same authors argue that while the state retains 'ultimate responsibility' for the sector, state powers and legislation should 'reflect wide competences for [higher education] institutions and a "minimal measure of involvement of the state in regulating their activity"' (2016b, p. 648, emphasis added).

However, such a functional notion of autonomy is not sufficient: Though it requires independence from the state in setting governance, financial, and administrative rules, and autonomous decision-making on education- and research-related activities, this comes with limitations insofar as institutions are expected to adhere to the requirements of financial propriety, as is common for

independent institutions (see e.g., Langtry and Lyer, 2021, Chapter 5.4). Many of the current parameters for measuring autonomy – focusing on governance or funding – are too narrow, as they are open to extensive state intervention (in the guise of accountability) and fail to account for the substantive aspects. Autonomy as understood in the context of academic freedom, however, requires that the institutions uphold the academic freedom of their community, and that the state upholds the right to science of the broader community. The reason why institutional autonomy is of such interest is precisely because it is essential to secure academic freedom.

The Council of Europe Committee of Ministers Recommendation CM/Rec (2012)7 may come closest of the international standards to such an academic freedom-respecting understanding of autonomy, which encompasses the autonomy of teaching and research as well as financial, organizational, and staffing autonomy. It treats academic freedom within a hierarchy, and proposes state engagement *only at the level of a framework based on trust* (Council of Europe, 2012). The Recommendation views academic freedom and institutional autonomy as values (Ibid, para. 4) and features (para. 1) of national education systems. It defines that autonomy should be 'a dynamic concept evolving in the light of good practice' (para. 6). Perhaps most importantly, it requires that autonomy should not take priority over academic freedom: 'institutional autonomy *should not impinge on* the academic freedom of staff and students' (para. 8, emphasis added).

Based on this notion of university autonomy being anchored in the respect of academic freedom, some clarity and a way to organize the discussion around autonomy can be proposed. Framing academic freedom as the right to both the truth and the progress arising from scientific discovery, that is, as the right to science, helps to emphasize its wide societal importance. Academics are those searching for truth, and universities are the institutions that provide the space for this search. Universities provide the enabling environment through which academic freedom can be exercised. While not the only locale, it is the case that for the vast majority of 'academics', this label is due to an association with an *academic institution*. Thus, we can say that universities are the physical manifestation of the state obligation to the right to science. Not only is this the framing given to the most recent interpretation of academic freedom by the CESCR at time of writing, but viewing encroachments on academic freedom not as a narrow framing whereby the right being infringed is an individual's right to write or say what they want but as one that illustrates state interference in scientific discovery and 'truth' helps solidify a broader understanding of its importance. A decline in institutional autonomy therefore equals state interference in academic freedom and, thus, in the human right to science and to truth. This may also help with the persistent disagreement as to the 'appropriate' role for universities and as to whether academic institutions should be 'a-political', with arguments in this line suggesting differentiation should be made between the rights of individual academics to express their views and the institution as such (Altbach, 2001, p. 207). What is problematic within such arguments is of course who

determines what is 'political' and how an institution is likely to protect individuals speaking on politically contested topics if it is expected to be 'a-political'.

The CESCR found that 'the enjoyment of academic freedom requires the autonomy of institutions of higher education' (UN ECOSOC, 1999, para. 40), yet this autonomy *can only be said to exist* where academic freedom is enjoyed. As Beiter puts it, 'autonomy must serve the inherent requirements of science' (2019, p. 243). This is the ultimate test of autonomy. Universities therefore must be autonomous entities in the sense of being run and governed by a community of academics *for the purpose of* academic freedom, meaning, the right to advance (produce) scientific knowledge by means of critical thought without externally imposed restrictions. This is intellectual autonomy – it encompasses not just institutional factors of autonomous governance, but the intellectual autonomy of academics themselves, and of the broader public as part of their right to science. As a consequence, where a university is not supporting the academic freedom of its individual scholars, it cannot be said to be autonomous. A decline in intellectual autonomy is synonymous with a decline in academic freedom.

This approach retains recognition of academic freedom as attaching to the individual academic,[13] while also recognizing that academic freedom is a component of the right to science that is to be enjoyed by everyone. It does not consider autonomy as the 'institutional counterpart' of academic freedom, as some have (e.g., Ren and Li, 2013), but rather as an integral aspect of academic freedom itself. Institutional autonomy should not be a 'right' separate from academic freedom. To attach this level of importance to the university as an institution risk undermining academic freedom by giving separate 'rights' to leadership and administrators who may not uphold the academic freedom of the individuals who constitute the university. A university is not brick and mortar buildings, it is a community of individual scholars and students who enjoy academic freedom; thus, rights given to a university are given to the *individuals within it,* not to some separate figurehead and certainly not to an organ of the state. While academic freedom remains a personal right of academics that requires certain institutional and procedural features to be realized, it is also a wider right of society to benefit from the scientific progress it enables. The autonomy of the institution can be said to exist only insofar as it upholds the individual rights and freedoms of its own community and thus the right of the wider public to science. A university may be 'on paper' assessed as autonomous against parameters such as freedom of research or academic exchange, but if individual academics' fundamental rights to critically search for the truth are being undermined, the functional or structural autonomy of the institution is no more important than the bricks that make up its walls.

This approach also recognizes that human rights cannot be ignored in favour of state interests towards their higher education sector, as argued by Kinzelbach et al. (2021) with regards to global university rankings. The resolution of potential tensions between a university and the individual academic can be approached by focusing on the concept of 'the academy' rather than the institution. The

academy is the body of scholars based within the institutional framework of a university. It is the academy that should have the say on matters of academic freedom, not the *institution*.

Finally, it must be noted that this definition recognizes that a duty for university autonomy also lies with universities themselves as secondary duty bearers: They must ensure that academic freedom is enjoyed by those within their institution. Where academic freedom is not being enjoyed, it is most likely to be because the state itself is failing to ensure this freedom, including by failing to ensure a framework that enables its universities to be autonomous. However, there could conceivably be a situation where it is the university itself that is failing to uphold academic freedom in an otherwise facilitating national environment, in which case the state may be required to intervene to uphold its duty to academic freedom. Ren and Li note this potential paradox of autonomy: 'as the state reduces interventions and gives university more autonomy, the threat to academic freedom may not be so much coming from the state as from the institution itself' (2013). This focus on the duty of universities themselves is particularly critical if they are to be a 'self-regulating space' (Post, 2015).

Notes

1 Some of the material in this chapter draws from Roberts Lyer and Suba (2019).
2 The Committee on Economic Social and Cultural Rights has described the phrase in UDHR Article 26(2) and ICESCR 13(1) that 'education shall be directed to the full development of the human personality' as 'perhaps the most fundamental' of the educational objectives in the ICESCR and UDHR (UN ECOSOC, 1999, para. 4).
3 Article 13(4) provides, '4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State'.
4 This language on self-governance is also reflected in the 1997 UNESCO Recommendation, para. 17.
5 For example, to limit admission to those who have reached the required level (European Court of Human Rights, 2022, p. 4, citing *X. v the United Kingdom* Commission decision); setting entrance exams (Ibid, citing *Tarantino and Others v Italy*: legislation imposing an entrance examination with *numerus clausus* for university studies in medicine and dentistry [public and private sectors]); and the duration of studies (Ibid, citing *X. v Austria*). But 'the fact of changing the rules governing access to university unforeseeably and without transitional corrective measures may constitute a violation' (Ibid, citing *Altınay v Turkey*, paras. 56–61). The European Court continues: 'Thus, in view of a lack of foreseeability to an applicant of changes to rules on access to higher education and the lack of any corrective measures applicable to his case, the impugned difference in treatment had restricted the applicant's right of access to higher education by depriving it of effectiveness and it was not, therefore, reasonably proportionate to the aim pursued' (Ibid).
6 However, more recent rulings have cast doubt on whether, and to what extent, academic freedom is covered by the First Amendment. See for example Amar and Brownstein (2017). See generally Post (2015) and Rabban (2001, pp. 16–20).

7 This was first formulated in 1915 and reissued in 1940 and 1970, and is widely accepted by many US universities (Barendt and Bentley, 2010, p. 4).
8 The Explanations Relating to the Charter of Fundamental Rights (2007/C 303/02), 'This right is deduced primarily from the right to freedom of thought and expression. It is to be exercised having regard to Article 1 and may be subject to the limitations authorized by Article 10 of the ECHR' (European Union, 2007).
9 In his report to the UN, the Special Rapporteur detailed some of the forms of restriction that take place against academics, considering them against the permissibility of state interference (legitimacy, proportionality, necessity) (Kaye, 2020).
10 There is a large body of academic literature discussing issues of governance, reforms, and funding. See for example: Shattock (2014); Christensen, (2011); Dobbins et al. (2011), discussed further below; and Erkkilä and Piironen (2014).
11 In their assessments, the EUA uses a self-reporting mechanism, limited to public universities. 'Private universities are not addressed in the country profiles, regardless of their relative importance in the system. The score for a country always relates to the situation of public universities' (European University Association, 2017, p. 8).
12 For example, a 2003 OECD study (p. 63, Table 3.1) on university governance examined autonomy on the following basis: university ownership of buildings and equipment; ability to borrow funds; ability to 'spend budgets to achieve their objectives'; the ability to set academic structure and course content; ability to employ and dismiss academic staff; the ability to set salaries; ability to decide on the size of student enrolment; and the ability to decide on the level of fees.
13 On the tension between individual and institutional freedom in the US context, see Rabban (2001, pp. 16–20).

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Part II

Academic Freedom Case Studies

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3 Introduction to the Case Studies

Kirsten Roberts Lyer, Ilyas Saliba, and Janika Spannagel

Part I of this book conceptually developed the argument that university autonomy is a fundamental requirement for academic freedom to be enjoyed by researchers and students. However, it is loosely defined, and suffers from a lack of agreement over the basis and scope of academic freedom, and the fundamental purpose of universities themselves.

Building on these concepts, and the methodology explained in detail below, this second part of the book features five descriptive country case studies investigating developments of academic freedom in Bangladesh, India, Mozambique, Poland, and Turkey (up to summer 2021, and spring 2022 in the case of Poland). The objective of the five country case studies is to deepen and broaden the understanding of the state of academic freedom in individual countries through in-depth description and analyses. Moreover, the case studies enable a comparison of trends, similarities, and differences across various countries. Part III of this book will address the question of how university autonomy develops and interacts with other components of academic freedom on the basis of eight such country studies – those included in the present book and three previously described cases from Brazil (Hübner Mendes, 2020), Egypt (Saliba, 2020), and Russia (Kaczmarska, 2020), which were part of an earlier publication (Kinzelbach, 2020), as well as quantitative evidence from the AFI data.

The following case studies provide a qualitative, structured – and thus easily comparable – in-depth analysis of countries' current state and recent developments of academic freedom, including university autonomy. Each of the country case studies can thus also serve as a standalone reference for scholars or practitioners seeking background information on a particular country.

3.1 Case Study Approach and Guidelines

Two authors of this book contributed to developing research guidelines for country case studies on academic freedom (Kinzelbach et al., 2020). Using these guidelines for the case studies in the present book ensures comparability both between them and with previously published studies, thus contributing to a growing body of qualitative case studies covering developments in academic freedom in different country contexts across the globe.[1]

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Beyond the main characteristics of the reviewed country's higher education system and its makeup, the case studies each provide an analysis of (i) the legal protection of academic freedom, (ii) institutional autonomy and governance, (iii) freedom to research and teach, (iv) exchange and dissemination of academic knowledge, (v) campus integrity, (vi) subnational and disciplinary variation, and (vii) any efforts made to protect or promote academic freedom at home or abroad.

While rigid in their structure, the guidelines nonetheless allow authors to address context-specific aspects and developments in each case as needed. In particular, authors were encouraged to highlight and expand on certain aspects that they deem most relevant in their specific country case. In the end, these research guidelines were developed to encourage and facilitate more qualitative case studies on the situation of academic freedom in countries across the world. In terms of methods and data, the guidelines provide ample room for various approaches depending on the availability and access to data. As a supplement to the guidelines, Janika Spannagel's (2020) inventory of existing data sources on academic freedom, published in the same book as the aforementioned guidelines, advises case study authors in their choice and presentation of available data sources and collection methods for their country study.

3.2 Case Selection Rationale

This book seeks to investigate how a decline in university autonomy relates to academic freedom more broadly. To pre-select relevant cases for further qualitative analysis (cf. Seawright and Gerring, 2008, p. 296), the Academic Freedom Index (AFI) dataset was utilized (see more detail in Chapter 1.2). To focus on the causes and consequences of recent declines in institutional autonomy, countries were identified that, according to the AFI's sub-indicator on institutional autonomy (named *v2cainsaut_osp*), displayed a significant decline within the previous ten years.[2] Based on the latest V-Dem data available at the time of case selection (version v10, released in spring 2020), this list included 15 countries or territories with such significant declines between 2009 and 2019 (V-Dem 2020).[3] Three of these countries had already been covered by the previously published case study collection (Kinzelbach, 2020) – Brazil, Egypt, and Russia – and are drawn upon for the comparative analysis in Part III of this book. Of the remaining 12 potential cases, five countries were selected – Bangladesh, India, Mozambique, Poland, and Turkey – based on qualitative criteria. Since one of the central objectives of this book is to contribute to theory-building around a decline in university autonomy as a component of academic freedom, a relatively diverse selection of countries was chosen.

The underlying assumption of this approach is that if common patterns can be found between these countries, then hypotheses can be formulated that might be generalized to other contexts with severe declines in university autonomy (cf. George and Bennet, 2005, pp. 19–22). Future studies can use

validity testing approaches and add additional cases to further test the hypotheses (Leuffen, 2011, p. 149).

While all the selected countries have a significant recent decline in university autonomy in common,[4] they differ with respect to their political regimes, higher education sector, geographic location, development status, as well as their starting levels of academic freedom. For instance, there are significant discrepancies regarding the starting points on the AFI's aggregated score between Poland – scoring near the top of the scale in the 2000s – and Turkey and Bangladesh, which were already below the global average. These different starting points serve to increase the confidence in the external validity of potential similarities cutting across the cases, meaning that such findings might be applicable to a wider group of cases.

The graphs in Figure 3.1 show the institutional autonomy scores for the five countries covered in the following case studies, based on the newest available V-Dem data (v12). The black line depicts the actual aggregated score, while the

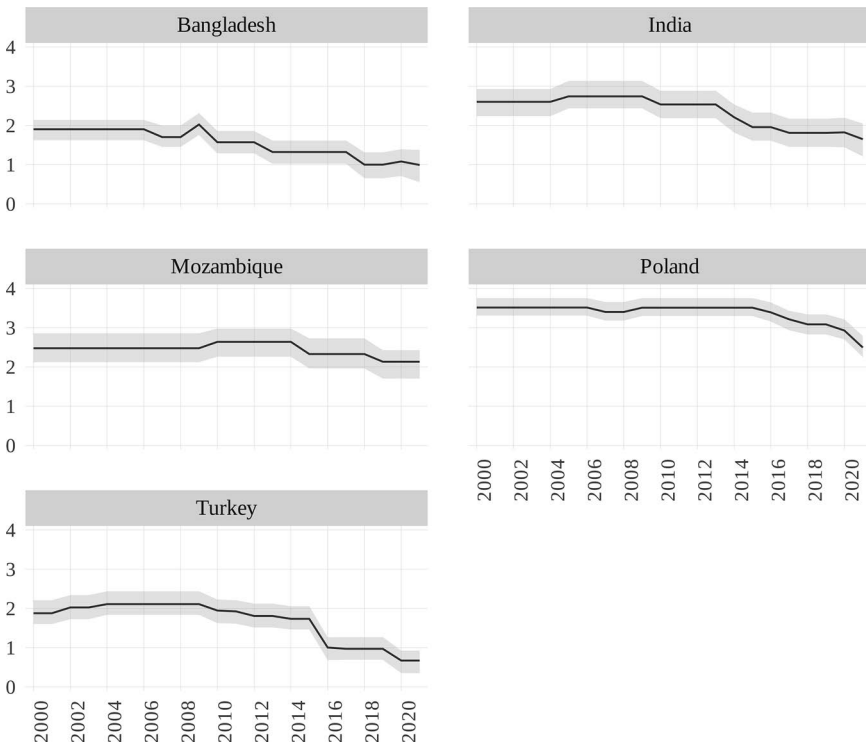

Figure 3.1 Institutional autonomy 2000–2021 in five countries selected for study. The grey area represents the confidence bounds of the data.

Data source: V-Dem (2022): v12.

grey shaded area around the black line visualizes the confidence bounds of these scores. Although the starting points differ significantly between the cases, the trend of a significant and continuous decline in institutional autonomy is present in all cases.

Case study authors and reviewers were selected based on their expertise and publications on academic freedom issues in the countries studied. Most authors and reviewers are either from or reside within the country whose case they have analysed or reviewed. All have been or still are active in the higher education system of the respective country. The review process was designed to ensure scientific standards and high quality of the case studies. The case studies are arranged in alphabetical order in this part of the book.

In the case study on Bangladesh, Mubashar Hasan, an adjunct fellow at the University of Western Sydney, Australia, and Nazmul Ahasan, a freelance journalist and researcher currently working with the Investigative Reporting Program at UC Berkeley, USA, find a decline in university autonomy that originates in an ongoing process of autocratization and rampant government inference in the higher education system. For India, Niraja Gopal Jayal, political scientist at King's College London and previously based at Jawaharlal Nehru University in New Delhi, observes a growing politicization of appointments in administrative and academic positions driven by increased governmental control over universities, which undermines university autonomy and academic freedom. In the Mozambique case study, Nelson Zavale, an associate professor of sociology at Eduardo Mondlane University, Mozambique, and Fulbright Scholar at UC Berkeley, finds that university autonomy is restricted by political appointments and a lack of resources in an increasingly authoritarian context. In the case of Poland, Marta Bucholc, sociologist at the University of Warsaw and Université Saint-Louis Bruxelles, concludes that the main threat to academic freedom originates from the conservative ruling party, which is systematically undermining university autonomy and reclaiming the academic freedom discourse. Finally, in Turkey, Olga Selin Hünler, associate professor at the Department of Psychology, Acıbadem University, İstanbul, observes that the government's repressive backlash against academia after the failed coup attempt in 2016 has severely negatively affected university autonomy and academic freedom.

Notes

1 For this book, the guidelines were modified slightly to add a sub-question concerning efforts to promote academic freedom.
2 'Significant decline' is a decline that, between 2009 and 2019, was larger than 0.5 points on the 0–4 scale of v2cainsaut_osp *and* surpassed the confidence bounds of the respective estimates of the variable. For further information on V-Dem's estimates, see Coppedge et al. (2022).
3 Bahrain, Bangladesh, Benin, Brazil, Egypt, Hong Kong, Hungary, India, Lithuania, Mozambique, Poland, Russia, Turkey, Uganda, and Yemen.
4 Using the v12 version of the V-Dem data (published in March 2022, including data up until 2021), the decline observed for Mozambique on institutional autonomy for the period since 2009 is not significant anymore as the confidence bounds now

overlap slightly due to retroactive adjustments (though the net decline is still over 0.5 points). Such adjustments are not uncommon in the V-Dem data as additional expert coders contribute their expertise to updates of the dataset. The case remains nevertheless relevant for purposes of the book as the case study author also confirmed that the institutional autonomy did in fact decline noticeably during the relevant period.

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4 Academic Freedom in Bangladesh

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4.1 Summary

Bangladesh became an independent country in 1971 following a bloody, nine-month war of independence against Pakistan. In the immediate post-war years, against the backdrop of widespread poverty and underdevelopment, Bangladesh was perceived to be a hopeless 'basket case' (Tripathi, 10 April 2021), with few immediate prospects for development. However, in recent years, the country has been widely praised for its spectacular economic progress (Basu, 26 March 2021). At the same time, a worrying trend embedded into this story of progress is the country's slide towards autocracy under the government of the Awami League.

It is no surprise that over the past 12 years, academic freedom in Bangladesh has continued to deteriorate, as reflected by the country's year-by-year position in the Academic Freedom Index (AFI) compiled by the V-Dem Institute (V-Dem, 2022).[2] In 2009, when the party returned to power through a relatively fair election, the country's AFI scores rose to 0.58 from 0.43 a year earlier, reflecting the relief in academia following the end of the military-backed interim regime, which had a dismal record of dealing with academics.

However, as the Awami League-led government took a gradual authoritarian turn, the AFI scores also took a downward turn. In 2019, Bangladesh only scored 0.22. Although the scores show a slight improvement in 2020 (0.26), which is within the data's margin of error, it is still significantly worse than the level of academic freedom maintained by the previous military-backed government.

Repression of academics has not yet become widespread, but academia in general has witnessed rampant government intervention in universities and increased self-censorship among academics against the backdrop of a prevalent culture of fear in the country. Students and academics are divided. There are academics and students who exercise their democratic rights to protest, albeit in the face of threats. Academics and students who support the government are gaining in strength and influence. Superior academic and administrative positions are filled with party loyalists, who in turn remain indebted to their political benefactors, favour ruling-party – affiliated candidates in recruitment, and are timid when scholars and students are targeted.

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4.2 Methods, Sources, and Scope of the Study

The case study uses in-depth interviews and textual analysis as key methods. In addition to one-to-one interviews, we sent out an online questionnaire to 14 academics working in private, public, and military-run universities. The participants were selected following purposive sampling techniques in which 'participants were intentionally selected based on their ability to elucidate a specific theme, concept, or phenomenon' (Robinson, 2014). Among the participants, six work in public universities, six in private universities, and two in military-run universities. Twelve among the fourteen interviewees work in universities located in the capital city Dhaka, whereas one person works in a university located in the port city Chittagong, and the other works in Noakhali – a south-eastern district of Bangladesh. In order to ensure diversity in samples, we selected academics who work in old and new universities and traditional liberal arts and specialized or technical universities. Among the respondents, five were women and nine were men. Four were professors, two associate professors, three assistant professors, and five lecturers. The interviewees work in education departments, mass communication and journalism, film and media studies, economics, anthropology, criminology, world religions, political science, gender studies, and sociology. The cases we analysed as part of this study suggest that academics belonging to these disciplines are more likely work on potentially sensitive issues.

The participants were initially contacted via phone, Zoom, email, WhatsApp, and Signal. During the ongoing Covid-19 pandemic crisis in Bangladesh, we realized some participants and their family members were infected with the virus, were under mental stress, and did not want to sit for a longer interview. In order to address the key points suggested in the chapter outline, each interview would have taken about one-and-a-half hours. We initially proceeded with two interviews via Zoom. At least one participant expressed concerns over a lengthy interview on this subject via Zoom as they were concerned about state-sponsored cyber surveillance. Another respondent thought it would be useful for them if the interview could be broken up into phases. Since the suggested outline of the case study required an interviewee to talk for around one-and-a-half hours, we developed a plan B. We prepared an open-ended questionnaire on institutional autonomy and academic freedom in Bangladesh through an online form. The questionnaire specified the research background for the respondents, singled out key themes related to institutional autonomy and academic freedom in Bangladesh, and sought opinions/analyses. We then placed these expert analyses and opinions about their workplaces within the broader trend of academic freedom in Bangladesh.

4.3 Characteristics of the Higher Education Sector

4.3.1 Governance

By law, the Ministry of Education determines and directs the activities, structure, and roles of universities (Yasmin, 2018). The University Grants Commission

(UGC) plays various governance,[3] supervisory, and regulatory roles (Huq and Huque, 2014). Most importantly one of the key roles of the UGC is to determine the financial needs of the university. Funding allocation is determined by the government.

The president of the country acts as the chancellor of public and private universities and appoints vice-chancellors (VC), who acts as the chief executive officers of their respective university. But as the titular head of the country, the president must act on the advice of the prime minister, including in matters related to universities. It is commonplace that ruling party supporters are appointed as VCs (Yasmin, 2018), who do not challenge partisan agendas but even promote them, allowing autonomy to be significantly compromised (Schulz, 2019).

The UGC possesses the firm legal authority to 'advise, supervise and regulate' private universities in Bangladesh (University Grants Commission of Bangladesh, 2016). These universities have another layer of governance that subverts institutional autonomy: The trustee board, which governs and controls university affairs. Members of trustee boards are majorly non-academics, politicians, and businessmen (Kabir and Webb, 2018), who often view private universities as business ventures, resulting in what some have called a business-based transactional environment where students are treated as consumers (Husain and Osswald, 2016). The accreditation process is marred by corruption and political influence exercised by businessmen affiliated with the ruling party of the day (Kabir and Chowdhury, 2021).

4.3.2 Size and Access

As per the most recent UGC statistics, more than 4 million students were enrolled in higher educational institutions in 2017. Bangladesh has 48 public and 107 private universities (University Grants Commission of Bangladesh, 2021). In addition, the government-run and almost non-competitive National University operates a vast network of affiliated colleges. Open University, another government-run institution, offers off-campus, distance-learning education. The recently established Islamic Arabic University regulates 1,500 madrasas that offer Islamic religious degrees such as *fazil* (bachelor's) and *kamil* (master's).[4]

4.3.3 Financial Security

A 2020 study shows that private university teachers report higher salaries and standards of living than their colleagues from public universities (Hossen, 2021). However, numerous other reports detail the lack of job security among private university faculties (Neazy, 27 April 2018). A 2016 study found that less than 10% of faculty in urban private universities had tenure or full-time jobs (Husain and Osswald, 2016). The study describes how some 'adjunct' faculties conduct multiple classes in multiple private universities at short intervals.

4.3.4 Politicization

Intense politicization of academia prevails in Bangladeshi public universities, resulting in senior administrative and academic positions being filled by those deemed loyal to the ruling party, at times at the expense of academic qualification.

Zobaida Nasreen, a Dhaka University professor, notes (27 September 2019):

> Politicisation has effectively blurred the lines between the government and university administration: the administration acts like an extended part of the government. Appointments of senior officials are driven almost exclusively by political connection and loyalty, not their academic work or commitment to education. So the interests of the self-serving administration are increasingly antithetical to the academic values like truth, objectivity, critical thinking, commitment, integrity, respect, and rational debate.

In 2019, eleven Dhaka University teachers publicly wrote that the distinction between 'independent exercise of knowledge and authoritarian state power' is blurred in Bangladesh's academia. 'We are not hesitant a bit to sacrifice free-thinking and conscience for the sake of unprincipled, selfish, blind party politics', they observed (Riaz, 30 June 2021).

4.3.5 Corruption

In public universities, corruption, irregularities, and nepotism in faculty recruitment and appointment to senior positions are found to be significant (Suman, 3 April 2021). In order to appoint loyal candidates or family members, some VCs violated existing recruitment rules (Shovon, 16 July 2017), altered recruitment policies, or even created new departments (Sohel and Rahman, 4 August 2017). Private universities, too, faced allegations of corruption and nepotism in faculty recruitment – especially at the hands of trustees (Wadud, 11 July 2014).

4.3.6 Discrimination

Public universities reserve quotas for ethnic minorities and other marginalized groups. Enrolment of female students is low compared to male students (Haider, 20 March 2019). Private universities also offer financial aid and scholarships to those belonging to ethnic minority groups. Bangladesh does not grant Rohingya refugees the right to formal education (see data from the Office of the Refugee Relief and Repatriation Commissioner, n.d.). In 2019, a student was expelled from a private university after revealing to the media that she was a Rohingya refugee (Kumar, 17 September 2021).

4.4 Current State of Academic Freedom and Key Developments in the Recent Past

4.4.1 Legal Protection of Academic Freedom

Neither the constitution nor any legislative texts explicitly mention academic freedom. However, Bangladesh's constitution does guarantee freedom of thought and conscience, and speech and expression subject to certain conditions pertaining to 'the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence' (The Constitution of the People's Republic of Bangladesh, 1972).

Bangladesh is also a signatory to the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which is widely interpreted as protecting academic freedom. Signatories to the Covenant essentially promise to 'respect the freedom indispensable for scientific research and creative activity' in their respective countries. In addition, four public universities governed under 1973 laws, which gave them more autonomy, offer no 'prejudice to the freedom of the teacher or officer to hold any political views and to keep association with any lawful organization outside the University'. Subsequent public university legislation, too, protects faculty members' right to hold any political views but forbids them from propagating their political views and being associated with political organizations. The National University also promises to hold no 'prejudice to [faculty members'] civil and other rights' (National University Act, 1992).

A set of finalized and draft laws has been introduced in recent years by the Awami League government that impose legal restrictions on independent studies into Bangladesh's liberation war in 1971 and its independence leader and founding president, Sheikh Mujibur Rahman. Rahman's daughter, Prime Minister Sheikh Hasina, heads the ruling party, which led the war efforts in 1971 (Amnesty, 12 November 2018). Many of our respondents expressed fear about researching those particular areas as a result.

The Digital Security Act (DSA), 2016, for example, prohibit 'any kind of propaganda or campaign against the liberation war, [or the]spirit of [the] liberation war, father of the nation' and promises up to ten years of imprisonment with or without a fine for the first violation. Repeat offences carry a maximum sentence of life imprisonment. Critics argue such a provision may 'shrink space for intellectual discourse' (Jamal et al., 29 October 2016) and affect historians and researchers (Anam, 29 September 2018). A summary of expert consultation prepared by the University of California, Irvine's Law International Justice Clinic, and submitted before the Office of the United Nations High Commissioner for Human Rights assessed that the law 'allows for the government to use cyber surveillance to move against and arrest scholars based on their social media posts' (UCI Law International Justice Clinic, 2020).

The DSA has been used numerous times to silence dissenting voices such as journalists, activists, political opponents of the government, and academics. A

number of scholars have been prosecuted and jailed, albeit mostly not directly because of their academic work (see the cases analysed under 'Freedom to Research and Teach').

A proposed law, the Bangladesh Liberation War (Denial, Distortion, Opposition) Crimes Act (2016), which has been referred to as a liberation war denial act similar to holocaust denial legislation put in place in certain countries in Europe, states it a crime to misinterpret or undermine 'any publications related to the history of the liberation war published by the government' and to 'present the history of the liberation war in any media including textbooks ignorantly or with half-truths' (Article 4). The 2016 draft stirred concerns that the proposed offences were broad enough to 'stifle legitimate historical research' into the liberation war against Pakistan in 1971 (Bergman, 5 April 2016).

4.4.2 Institutional Autonomy and Governance

Bangladesh's National Education Policy 2010 acknowledges that 'autonomy is a must' for higher educational institutions (Ministry of Education, 2010).

The president of the country acts as the chancellor of all universities. The president is the head of the state and acts on the advice of the prime minister and the appointments of the VCs are left with political and executive organs (Riaz, 30 June 2021). The autonomy of public or publicly-funded universities, along with the accountability of VCs, varies significantly from the four major universities (i.e., University of Dhaka, University of Chittagong, University of Rajshahi, and Jahangirnagar University) to others that came into being after 1980. These four universities are governed under a set of four separate yet identical legislative acts, known as presidential orders, dating back to 1973.

The presidential orders grant these four universities more autonomy, at least theoretically, than those established after 1980. For example, in the cases of the major four universities, the respective university's senate is supposed to nominate a panel of three candidates, from whom the president appoints the VC.

The fact that the senate nominates VC candidates represents, at least on paper, the will of the students and teachers as the body consists of their elected representatives. However, the chancellor (or the government) often bypasses the senate to appoint a VC directly with an executive order. For example, in Chittagong University's case, as of 2017 the chancellor had directly appointed VCs for 26 years, using executive orders (Ahmed and Islam, 11 December 2017).

Professor Ali Riaz, a former Dhaka University faculty member and now a distinguished professor at the Illinois State University, recently observed that the trickle down of partisanship has engulfed the public university system, that 'the VC appoints the individuals whose loyalty is unquestionable and politically aligned with the ruling party, who in turn does the same under him/her' (Riaz, 30 June 2021). This has been the logic of the entire administrative system, including that of the formation of academic committees and curriculum and development/planning programmes (Kabir and Chowdhury, 2021).

However, the subsequent public university acts, beginning with the Islamic University Act in 1980, abolished the provision of the senate altogether. Two exceptions are Shahjalal University of Science and Technology and Khulna University, which do have a respective senate body but with curtailed power, compared to the four aforementioned universities.

In all other universities that have come into existence since 1980, the president, who is also the chancellor of the universities has the sole authority to appoint the VC, pro-VC, and treasurer. In the four major universities, in contrast, the senate can, theoretically, nominate preliminary candidates.

Although the post-1980 universities do not have the provision of a senate, they do have a syndicate or other forms of a governing body vested with organizational power. However, most syndicate members are appointed by the chancellor (the president) and/or the VC, who is appointed by the chancellor to begin with. In contrast, senates composed of elected academic and student representatives thus possess some representation.

All medical colleges are governed under a piece of legislation introduced in 1961 (when present-day Bangladesh was part of Pakistan) and are under the explicit control of the executive government without the proxy of the president or the chancellor. The government appoints all members of the 'governing body' that administers medical colleges.

The government also enjoys some overt control over the Bangladesh University of Engineering and Technology, also governed under a law dating back to 1961, and other 'engineering and technology' universities (not to be confused with 'science and technology' universities) that were established later.

Historical context also supports the idea that post-1980 university legislation was altered for the government to gain more control of universities. From 1976 to 1990, Bangladesh was run by military rulers, who came under serious challenge from university students and scholars. Therefore, changes in legal texts for universities were viewed as a direct attempt by the military-run government to gain more influence and control in subsequent publicly funded higher educational institutions.

Although Bangladesh returned to a parliamentary democratic system led by the prime minister in 1991, subsequent governments continued to follow the military playbook. The president, who by then had become a titular head of state, is still the chancellor of all universities, but he does not make independent decisions and merely relies on the advice of the prime minister and the Ministry of Education. In other words, the executive branch led by the prime minister simply replaced the military rulers.

The disparity in institutional autonomy enjoyed by the 1973 and post-1980 publicly funded universities is so stark that the former are called 'public' universities and the latter, 'government' universities. 'We have now developed a peculiar higher education system where not all of the taxpayer-funded universities are "public"– the newest ones are known as "government" universities', noted Zobaida Nasreen, a senior academic at Dhaka University, in an op-ed for *The Daily Star* in 2019 (8 July). 'Since 1998, the number of state-funded

universities has increased six-fold (currently 54). But none of the 45 new universities is autonomous; they are all government-controlled', she added.

The influence of the ruling party and the government in major appointments in publicly funded universities can be understood by an incident dating back to 2017. A professor of Rajshahi University (one of the major universities) applied to the president and the Ministry of Education, expressing her interest in becoming a pro-VC of the university. Her letter reportedly contained 'recommendations' from two government ministers, two members of the ruling party's executive committee, and the local unit chiefs of the ruling party and its youth wing, who did not possess any academic credentials (Hasan, 15 September 2017). Though she was not made the pro-VC, her letter exposed the influence that local ruling party leaders wield over these universities.

The associations representing faculty members in public universities can engage with respective university authorities in negotiation and lobbying. However, their priorities are more aligned with mainstream partisan political trends than with collective bargaining on the freedom and well-being of faculty members.

As mentioned earlier, in all public universities, the VC has varying but disproportionate power in the recruitment of faculty members and executive officials, as well as their appointment to critical academic and executive positions. Without strong accountability measures, VCs are often found to be implicated in serious corruption and nepotism.

VCs or senior academic officials loyal to them often keep multiple academic and administrative positions to themselves. In one extraordinary case, a former VC of Begum Rokeya University situated in the country's northern region held 17 academic and administrative positions – including that of the treasurer and eight department chairmanships – alone (Ahmed and Huq, 13 February 2016).

In May 2021, the outgoing VC of Rajshahi University appointed more than 100 teachers and officials on the last day of his tenure, flouting regulations. Some media reports suggested that those appointed included his relatives and personal staff (Kaium et al., 25 October 2020). In response, the government formed a 'ministerial' investigation committee comprising members of the UGC (*Dhaka Tribune*, 7 May 2021). The VC, who was previously the leader of the ruling party-affiliated academics, admitted that most of those appointed at that time belonged to the ruling party's student wing, and yet he defended the move as a 'humanitarian' gesture and suggested that he was not obligated to follow the moratorium on recruitment issued by the ministry (*The Business Standard*, 8 May 2021). As evident in this case, the failure of the respective university authorities to self-regulate, the misuse of autonomy to shield corruption, in addition to the sheer dependence on government funds, paves the way for government intervention, direct or otherwise.

The UGC also often calls on the Ministry of Education and the prime minister's office to take action against VCs who, in its assessment, are found to be involved in corruption or other kinds of misconduct (Alamgir, 18 May 2021), exposing the government control of universities. The lack of accountability

mechanisms to check corrupt VCs can be linked to political interference and the lack of democratic representation in the senate and other bodies. It is a vicious cycle: Legal loopholes and the lack of democracy in the senate and student bodies allow the government to bypass them and position loyal academic officials, who then become corrupt – either by choice or under pressure from their political benefactors – which further invites government interference.

Scholars often argue that corrupt conduct in universities is a direct result of partisan consideration in the appointment to senior positions. 'Instead of following the rules, VCs are being appointed through executive orders', Professor Abu Naser Md. Wahid, a senior academic with Rajshahi University, commented to the media (Ali and Rahaman, 8 May 2021). 'Such orders are the result of serious lobbies by individuals affiliated to political leaders. Once appointed, the VCs remain loyal to the [political] leaders who lobbied for them. This is how the corruption starts'.

Bangladesh also has a number of higher educational institutions operated by the military. Although these tend to be institutions focused on natural sciences, technology, engineering, and medicine, the positions of VC and other senior officials are generally filled by military generals. These positions are treated merely as administrative or executive positions devoid of any academic credentials. Some mid-level decision-making positions are also occupied by mid-level military officers, although most scholars are civilians. An academic who teaches at a military-run university noted in the survey that teaching in these universities is akin to 'following orders [from] those…that lack basic knowledge about academia'.

In the four major public universities, a teacher's contract can only be terminated on grounds of 'moral turpitude or inefficiency', provided an inquiry committee – where the teacher can nominate a member – investigating their conduct recommends it. Yet, in recent years, Dhaka University, one of the major public universities with relatively better autonomy, and National University, which is also obligated to protect faculty members' civil rights, terminated scholars' contracts for their political views (Amnesty, 2021).

In most other public universities, faculty members can also be removed on additional grounds of misconduct and for being 'ill-disciplined'. These universities can demote or terminate the contract of a teacher without necessarily forming an inquiry committee, as long as the VC consents to the termination or demotion of the accused academic. Moreover, National University and Open University mostly operate through affiliated higher-secondary colleges, where the government has direct control over the appointment or termination of teachers. The Private University Act, 2010, stipulates that a faculty appointment committee shall be composed of academic officials of the university and educationists nominated by the board of trustees. However, the board of trustees, who more often than not are unaffiliated with academia (Kabir and Webb, 2018), exercise influence in both the appointment and termination of faculty members and other staff (Ibid).

With the exception of a few top-ranked private universities, the student admission process in private universities is nominally competitive, meaning almost

anyone who meets minimum eligibility requirements is admitted. Public universities' admission criteria are merit based and intensely competitive. They also reserve certain quotas for marginalized communities. However, there have been some allegations of irregularities in admission processes, granting favourable treatment to ruling-party activists (*The Daily Star*, 9 September 2019).

4.4.3 Freedom to Research and Teach

A culture of fear persists among Bangladeshi faculties as to what to talk about and what not to talk about in the classroom, and what research questions they should explore. Our interlocutors have shared interesting insights into the subjects they are fearful to talk about in classrooms and online lectures and fearful to approach as research topics. Such fear is widespread, irrespective of location. In response to the question 'are you afraid to talk about some issues in the class?', one interlocutor said, 'Very much. Given the fact that Noakhali [a south-eastern district of Bangladesh] is a highly conservative area, and I was teaching gender, it was tough to discuss issues regarding gender equality and women empowerment'. Academics who participated in our research told us that they are concerned about teaching and researching issues related to LGBTQ, Islam, the ruling party, and the government. Some of the answers were compelling and are worth mentioning here. One interviewed academic stated that 'there is a potential risk of losing my job if I talk about some issues in the class settings, especially the issues that are [a] religiously and culturally sensitive topic that goes against the dominant ideologies within the state'. Another said, 'Direct criticism of the government's actions [is] taboo. If agents of the ruling party hear of criticism, they may exert damaging pressure on the teacher's career'.

The fear and concerns about what to talk about and not to talk about in the lecture room are more prevalent among private university faculties. This fear is well grasped through the following observation of a private university faculty member:

> There is a fear of falling as a victim of DSA among the faculties including me. It is particularly true during the time of Covid-19 when we are having online classes. Students can easily record a particular topic and share it on the social media. This is why I do not give the recorded lecture to the students. Our university also take a written consent from the students before beginning a semester so that they do not manipulate lectures content. Besides, in the normal time, students also record lectures, thus the fear of DSA is there. In some cases, contemporary sensitive issues are less discussed due to this fear. For example, the issue of Hefazat Islam (a conservative religious group) is hardly discussed in the class, although this is a good topic of discussion in social science. This fear of not being able to raise questions and analyse such contemporary topics is painful as an academic. It is particularly difficult in private universities as we do not have a union among us in private universities.

Another private university faculty member said, 'Every semester, I get calls from the head of the department and VC and am strongly charged why I always talked in the classroom against government interests'. In response to the question 'do scholars refrain from examining certain research questions or teaching specific topics, theories, or evidence out of fear of professional or other retaliation?', a respondent noted, 'for research, academics apply self-censorship in choosing topics, especially [so] they don't … hurt the ruling party and government. The climate of fear enacted by the government might be a reason'. Another respondent noted:

> Out of fear I do not conduct research in certain areas and I remain very careful not to write [on an issue] that would create a debate (controversy). For example, I avoid being very critical about the roles of the [government] on CVE (countering violent extremism), extra-judicial killing, political violence, disappearances of the academics like Mubashar Hasan, victimisation of academics, researchers and others. I know this is a shame, but I do not see anyone protect me. My university will not protect me – that I know from a previous [experience].[5]

These comments from interviewees resonate with the series of events that took place prior to this research. Below we present a series of events demonstrating why this culture of fear and self-censorship persists among academics and how this culture thrives amid the lack of solidarity among scholars divided across partisan lines and the lack of support from their own institution's administration.

In 2019, a senior professor affiliated with the University of Science and Technology Chittagong, a private university, was physically assaulted by a group of students for delivering 'obscene' lectures involving 'male-female relationship and Freudian psychoanalytic theory' (Nasreen, 8 July 2019). Some of the students had first attempted to stop the professor from discussing these issues, pressured the university to terminate his contract, and subsequently threatened him with dire consequences.

In 2020, Bangladeshi authorities arrested two teachers – both of whom taught in public universities in Rajshahi and Rangpur – for writing Facebook posts criticizing a deceased former health minister of the ruling party. Both of them blamed that politician for dismal healthcare systems during the Covid-19 pandemic. In March of the same year, according to *Scholars at Risk*, two professors who taught in separate affiliate colleges under National University were suspended by the government. In one case, the government cited an assistant professor's 'unwarranted and inciting' remarks about the shortage of personal protective equipment (PPE) in health facilities during the Covid-19 pandemic as a reason to suspend her (*Scholars at Risk*, 2020). Faculty members of the affiliated college are under the direct authority of the government and lack the minimal autonomous protection enjoyed by their colleagues in public universities.

Beyond academics, in 2020, two students were expelled by the University of Liberal Arts (ULAB), a private university, after they organized a protest demanding a tuition fee waiver for students due to the Covid-19 pandemic. They were accused by the university authorities of 'pursuing an agenda to malign ULAB's image'. The expelled students were subsequently arrested on vandalization charges pressed by the university, which is controlled by a family conglomerate closely linked to the ruling party (Riaz and Rahman, 2021). In 2021, Khulna University, a public institution, suspended one teacher and terminated the contracts of two others because they expressed solidarity with a student movement, which demanded a reduced rate for student fees and sufficient residential facilities for students, among other things. Two students had also been expelled from the university for their participation in the movement. Following a legal challenge, however, the High Court suspended the decisions regarding the three teachers.

Restrictive tools such as notices to 'show cause' or threats of disciplinary action were used by university authorities to stifle critical speech or punish defiant students or scholars. Bangabandhu Sheikh Mujibur Rahman Science and Technology University, a public institution in the southern district of Gopalganj, expelled 13 students in 2013 for writing Facebook posts critical of the university administration. The expulsion orders for three students were subsequently withdrawn after they apologized for their posts. Dozens of students have been served show-cause notices for participating in protests or merely sharing links to relevant news reports on Facebook related to a sexual harassment complaint filed by a female student against a faculty member.

While these examples do not demonstrate a direct link to the freedom to research and teach, these events have left a deep psychological impact on Bangladeshi academia (including on those whom we interviewed). Our interlocutors say they live in a culture of fear, the chilling effect of which ultimately impacts their choice of research topics and teaching material.

They are too conscious to choose lectures that may be deemed by the ruling party and its sympathizers or other elements, such as Islamists, as 'anti-state', 'anti-Islam', or 'anti-government'. The resultant self-censorship, in turn, is an affirmation of unfreedom. We argue that self-censorship out of fear of persecution or repercussions is a restriction on the free agency of academics.

For example, one interviewee said they were advised by the dean to not conduct any 'Islam-related' study and that such a study would have lower chances of receiving funding. They also mentioned that the university refused to fund their studies on violent extremism or radicalization as 'demonstrating the problem of radicalization in the society would be deemed as anti-state'. Instead, they relied on their own or external funding sources. Some scholars, especially those affiliated with public universities, noted that they fear threats of physical violence from the ruling party's student wing, the Chhatra League, whose members dominate nearly all campuses.

In 2017, a faculty member in Comilla University, a publicly funded institution, was reportedly harassed by members of the Chhatra League because he

allegedly took a class on National Mourning Day, a public holiday marking the killing of Sheikh Mujibur Rahman, the most important figure of the ruling party and the father of Prime Minister Sheikh Hasina. In response, the university administration sent him on 30-days of disciplinary leave before a probe committee was formed to investigate the allegation. Although the faculty member clarified on social media that he did not take a class on that day but was merely advising a group of students, he reportedly received threats of violence by some activists associated with the Chhatra League. His colleagues reportedly alleged that he was being targeted by Chhatra League members who are close to the VC, whom he had criticized for corruption in social media posts. As evident in this case, the idolization of Sheikh Mujibur Rahman and Prime Minister Hasina has reached such an extent that any perceived anomaly can be exploited to target or harass rival scholars.

Aside from issuing threats of physical violence, members of the Chhatra League have intimidated scholars in other ways. In 2018, a Chhatra League activist filed a sedition case against Anwar Hossain Chowdhury (*The Daily Star*, 17 May 2018), a professor and former assistant proctor at Chittagong University, for allegedly making derogatory comments against Bangladesh's liberation war and Bangabandhu Sheikh Mujibur Rahman in a research paper published in a journal (Choudhury, 2017). In 2020, the government, as is required, approved the proceeding of the sedition case.

In July 2018, an associate professor at Chittagong University, Maidul Islam, wrote a post on Facebook criticizing Prime Minister Sheikh Hasina for her government's handling of a student protest. A former Chhatra League member, who had studied at the university, filed a case under the Information and Communication Technology Act, the predecessor to the DSA, for the alleged 'defamatory' remarks. Islam was then arrested by the police. A judge granted the police days to interrogate him in connection with the case.

In addition to the criminal prosecution, current members of the Chhatra League demonstrated against Islam and another teacher, Khandakar Ali Ar Raji, for their alleged derogatory Facebook posts, declaring them 'persona non grata' on the campus. Islam was reportedly forced to vacate the campus and applied for security to the proctor of the university over the threats he received from Chhatra League leaders and activists (Hussain, 24 July 2018). Ar Razi also told reporters that he felt unsafe on the campus (*Prothom Alo*, 19 July 2018). Students who organized a human-chain programme in support of the faculty members were reportedly attacked by the Chhatra League.

Maidul Islam and another scholar at the same university, Rahman Nasir Uddin, were also the subject of a complaint filed with the prime minister's office and president's office. Based on their complaints, the Ministry of Education reportedly investigated the allegation that they had defamed the prime minister and the president in their posts on Facebook. It was not clear whether the complaints related to the same Facebook posts, but the ministry reportedly sent a letter to the university, asking to dismiss them from their positions (*The Daily Campus*, 13 March 2021). A leader of the Chhatra League had submitted a

separate complaint with the university administration seeking the dismissal of both teachers (*Bdnews24.com*, 24 September 2018a). The university formed a three-member committee to investigate the complaint and asked the teachers to offer their side of the story.

Months later, in April 2019, Ar Razi was served a notice by the university to explain a separate Facebook post, which read, 'Running university through hooliganism is a sin'. In a letter, the university's acting registrar reportedly claimed that he had 'committed a punishable offence by posting such provocative status on Facebook' (*The Daily Star*, 9 April 2019). A group of scholars who signed a statement in support of Razi observed that the registrar had acted beyond their legal remit when asking him to explain his Facebook post (*The Daily Star*, 17 April 2019).

In September 2020, a professor at Dhaka University aligned with the main opposition party, the Bangladesh Nationalist Party (BNP), was removed from his position for 'defaming' Sheikh Mujibur Rahman (Bangladesh's founding leader and father of Prime Minister Sheikh Hasina) and 'distorting history' in an op-ed published two years earlier (*The Daily Star*, 9 September 2020). In his piece, the professor glorified a former president who founded the BNP, questioned some of the historical narratives advanced by the ruling party, and criticized the records of Sheikh Mujibur Rahman, Bangladesh's founding president. The piece prompted serious protests by members of the Chhatra League, who declared the professor 'persona-non-grata' on the campus and burned effigies of him. He was immediately suspended by the university authorities in 2018 (*France 24*, 3 April 2018).

Far from defending him, the association of faculty members, led by those aligned with the ruling party, said the op-ed was a 'serious violation' of the constitutional recognition of the liberation war and was akin to 'questioning Bangladesh's existence' (*Bdnews24.com*, 24 September 2018b). The professor subsequently retracted the entire piece and apologized for writing it. However, two years later, a syndicate meeting of the university still permanently removed him from his position. The move was criticized by a teachers' body affiliated with the opposition BNP as 'unprecedented' and politically motivated (*The Daily Star*, 9 September 2020).

On the day of his dismissal, a sedition case was filed against the professor, the successful prosecution of which can result in up to life imprisonment (Amnesty, 16 September 2020). He also received multiple death threats for the article, according to an urgent action letter issued by Amnesty International (Ibid).

In March 2021, a group of progressive-leaning students were protesting the arrival of India's Prime Minister Narendra Modi, a close ally of the ruling regime, accusing him of stoking anti-Bangladesh rhetoric and communal violence against minority groups in India. According to a report by *Scholars at Risk* (2021), alleged members of the Chhatra League, the student body of the ruling party, attacked the student protesters. Earlier in 2019, at the country's top-ranked engineering university, Bangladesh University of Engineering and Technology, a student was tortured by the members of

the Chhatra League for allegedly criticizing Bangladesh's relationship with India, resulting in his death.

In 2015, a ruling party-aligned pressure group 'CP Gang' organized major rallies, calling on its supporters to 'resist' a group of civil society figures, including a number of prominent academics known as critics of the government. Calling them 'liars and anti-independence intellectual prostitutes', the group 'banned' them from Shaheed Minar, a monument established to mark the death of student activists killed by the Pakistani forces in 1952, before Bangladesh became an independent state.

In 2019, an event in Germany to launch a book, *Voting in a Hybrid Regime: Explaining the 2018 Bangladeshi Election*, by Ali Riaz, a prominent Bangladeshi academic at Illinois State University, United States, was disrupted by people claiming to support the Bangladeshi ruling party, who presumed the book sought to question the electoral legitimacy of the current government (Abrar, 10 December 2020).

4.4.4 Exchange and Dissemination of Academic Knowledge

Scholars and students are free to access scientific literature and other research materials. Collaborating with other scholars, including from other countries, is accepted. However, the number of foreign visiting scholars or students coming to Bangladeshi universities remains limited. In 2019, Dhaka University had only 49 international students (Roy, 29 November 2019). In medical colleges, the rate of international admissions – especially from neighbouring India – tends to be higher. The 2019 annual report of UGC mentions that 20 public universities had 482 international students in that year, whereas private universities had 1,467 international students. Top private universities routinely appoint foreign experts and scholars, including to senior academic positions, and partner with foreign institutions in research and student exchange.

In contrast to the few international scholars coming to Bangladesh, according to a recent report by the UGC, more than 2,000 scholars employed with public universities have gone abroad to study or for research leave (Ahmed, 9 January 2021). Public universities generally offer incentives such as salaries and other benefits to scholars who pursue advanced education abroad. However, the UGC report also echoed a popular concern about whether this leads to 'brain drain', as a significant number of foreign-trained scholars choose not to return home. However, the respective public universities or UGC nonetheless do offer grants and funding for scholars to attend research seminars and pursue studies or research abroad. Most scholars surveyed for this study felt that the funding was mostly merit based, although some did note that scholars loyal to senior academic officers may get preferential access to such funds.

In 2019, the University of Chittagong did not permit Maidul Islam, the formerly jailed professor from the same university, to travel abroad to pursue a one-year research scholarship (*The Daily Star*, 17 September 2019). Although it was a rare precedent and the university did not outright deny his application,

Maidul Islam's case was widely followed as his persecution had already been well documented. The case also prompted 275 scholars to write an open letter urging the university authorities to grant him the study leave (*The Daily Star*, 20 September 2019).

In 2019, a group of researchers led by a former professor at Dhaka University identified the excess presence of antibiotics and other harmful chemical elements in pasteurized milk available in the market. In response, a senior bureaucrat threatened the lead researcher with legal actions for disclosing the findings without having published them in a peer-reviewed journal (*Bdnews24*, 9 July 2019). This is a problem because bureaucrats interfering with scientific study – and with threats of legal actions too – compromises academic integrity and freedom.

Although the university's teachers' association belatedly defended the academic, the heads of department at the Faculty of Pharmacy, from which the professor had previously retired, released a joint statement distancing their institutions from the study. In 2008, a similar study by Dhaka University that found the presence of melamine in powdered milk also triggered controversy, with the government siding with the manufacturers and discrediting the study.

In 2020, Brac University, a leading private university run by the globally acclaimed non-governmental organization BRAC, threatened disciplinary action against one of its senior public health researchers for his role in producing a Covid-19 epidemiological forecast (*Netra News*, 22 March 2020). Ironically, the university is part of the Open Society Network which, among other things, planned to start a 'scholars at risk' programme to assist 'a large number of academically excellent but politically endangered scholars' (Redden, 2020).

The study in question, which predicted significant Covid-19 infection and fatality rates in a non-intervention scenario, was prepared for policymakers to plan ahead to combat the upcoming pandemic. It was subsequently leaked to a whistle-blower website, *Netra News*, known for publishing stories deemed highly critical of the government. After *Netra News* published the draft findings of the study, the dean of the public health department at Brac University released a statement distancing the university from the draft report and vowed to initiate an investigation into the episode. Subsequently, however, the university claimed the copyright of the document to force a document hosting website, Scribd, to remove it from its server (*Netra News*, 26 March 2020).

4.4.5 Campus Integrity

Most public universities host police stations. Our interlocutors said intelligence personnel are stationed in various capacities. Historically, Bangladeshi public universities offered spaces for movements protesting against the government. On the campuses, the proctor (as a general rule) determines whether the university needs to summon the police to maintain security and order. However, public universities – especially Dhaka University, which is situated at the heart of the capital city and is thus considered a political hotspot – have often witnessed

the heavy presence and heavy-handed approach of security forces and intelligence agencies during student protests (*Dhaka Tribune*, 27 February 2021). Campus branches of the Chhatra League also violently act against protesting students or those belonging to opposition groups. Police incursion into student dormitories is not uncommon either (Human Rights Watch, 1996). Especially when a new government takes charge, security forces aid ruling-party–linked student groups to evict students aligned with opposition groups from student halls (Human Rights Watch, 1997). Security forces also accompany public officials invited as guests for events at universities. The use of CCTV at higher education institutions is widespread, mostly for security purposes with little-to-no academic impact, said our interlocutors. Universities often issue circular memos against the perceived incursion of outsiders, although those in urban areas fail to enforce such rules.

Major public universities in Bangladesh have long been at the forefront of political and social justice protests. It is not uncommon for campuses to be shut down to curb the intensity of student protests, although such incidents have become less intense and less frequent over the last few years. The Awami League has heavy-handedly maintained a sense of stability on campuses, where its student wing remains the most dominant force. The last major protest that disrupted academic life on campus in Dhaka University dates back to 2018, when university students protested the quota system in public jobs and university admissions that overwhelmingly favoured certain sections.

Student leaders and activists have often been picked on by law enforcement agencies on campus. In April 2021, an activist with a group that opposed the quota system in public jobs was detained by plainclothes detectives on the Dhaka University campus (*New Age*, 14 April 2021).

The right to assembly, including on campus, is at present seriously suppressed by agents of the state and the ruling-party activists. Activists belonging to the political opposition, the BNP, are routinely targeted by ruling-party cadres and not allowed to hold protest rallies or organize partisan events. When a new party comes to power, the supporters of the previous governing party are evicted from dormitories – which are generally used by students affiliated with political parties as a political base – by the supporters of the new ruling party. Those who are aligned with the opposition parties rarely find a seat in student dormitories. During extraordinary periods of political instability, student activists with known ties to the political opposition cannot even join classes or take exams, fearing reprisals by rival groups, with university authorities reluctant to intervene in these cases. Since the current ruling party has been in power since 2009 with few signs of change in the status quo in the foreseeable future, the balance of power has been tilted to the incumbent party and its affiliated student organ.

Private universities do not allow partisan political activities on campuses. They also strictly suppress internal student movements, such as when the ULAB filed a case against students demanding tuition fee reductions during the Covid-19 pandemic (see Section 4.4.3). In 2017, Brac University, a

leading private university, terminated the contract of a lecturer of law, allegedly unfairly, which triggered student protests demanding the reversal of the decision. It took days of protests and hunger strikes by students for the university to reverse the termination (*The Daily Star*, 5 August 2017).

Despite active efforts by private universities to disassociate themselves from partisan politics, in recent years, students have engaged in social and political, if not overtly partisan, protests. In 2018, when students in East West University and North South University, both private universities, joined a popular movement initiated by schoolchildren for better road safety, they were violently assaulted by cadres associated with the ruling party, backed by law enforcement agencies (*The Daily Star*, 7 August 2018). Some of the dozens of students arrested by the police on and around campus were denied bail repeatedly (*The Daily Star*, 17 August 2018).

In 2016, Bangladesh witnessed a devastating terrorist attack carried out by a local offshoot of the Islamic State, which included some former students of the North South University. Among the victims, some of whom were considered suspects for a period of time, was a lecturer at the university. The subsequent government crackdown and investigation by the intelligence agencies resulted in the suspension of 29 scholars and officials at the university. Some of the suspended scholars included senior academics (Newaz, 5 January 2017). Media reports suggested the university authorities suspended them simply at the instructions of the government and did little to challenge the findings of the law enforcement forces. The UGC also demanded that the university dismantle several committees. The Private University Act, 2010, also includes a unique provision that states, 'Proposed private universities … shall not patronize any individuals or organizations in terrorist or militant activities or actions similar in nature'.

4.4.6 Subnational and Disciplinary Variation

Although prestigious universities located in major cities are often at the forefront of political movements, any repression on students and scholars at these urban universities invites relatively more resistance and protests, thanks to the presence of vibrant progressive groups, though their numbers have been shrinking in the face of persistent state persecution. In addition, the capital city, Dhaka, wields outsized power compared to the rest of the country. All major government offices and buildings are located in Dhaka, which also hosts cultural and media headquarters. Therefore, any adverse events that take place in Dhaka garner more attention and media coverage. Civil society sometimes calls out the harassment of students and scholars by authorities and discrimination by university authorities. However, in district cities or rural towns, irregularities and violations of academic freedom are more rampant. Respective university authorities are more centred around the VC, with power centres dominated by their allies. The removal of students or even scholars is more easily carried out with little protests from external civil society or academic groups. In the absence of strong

civil society and press in regional areas, universities are under tighter control of the government apparatus and ruling party of the day.

Newly established public universities lack experienced faculty members. Therefore, professors from prominent universities are appointed to senior administrative and academic positions in these universities on an ad-hoc basis. But at times, these academics do not permanently move to their new workplaces and take little interest in the affairs of the new university. In one extraordinary case, the VC of Begum Rokeya University situated in the northern city of Rangpur (originally employed with Dhaka University) was on the campus only once a week on average during his almost four-year tenure (*The Daily Star*, 14 March 2021). The academic is a close relative of a powerful former ruling-party minister, headed an election observation organization accused by the opposition of having legitimized controversial elections (*Dhaka Tribune*, 25 March 2019; *Prothom Alo*, 1 December 2018), and calls himself a 'Major' of the Bangladesh army (*Brur.ac.bd*, 2021).

Private universities, where the government does not intervene in specific cases, provide limited space for students and scholars to raise concerns about how the respective university functions and is run. The very nature of the private universities, where students pay hefty tuition fees with almost no public subsidies, discourages students from getting involved in protests that may cost them their studies. Private universities also disproportionately employ part-time scholars (more than 26%, according to UGC statistics), in contrast to public universities, where most positions are tenured except for some adjunct-faculty positions. Therefore, less stringent job security makes scholars in private universities reluctant to get involved in freer activism and academic work.

A UGC report also highlights financial disparity among publicly funded institutions and private universities, which do not receive public subsidies. According to the 2019 annual report by UGC (University Grants Commission of Bangladesh, 2019), as many as 100,000 (34%) students in public universities (excluding National University and Open University, which mostly rely on affiliated colleges) enjoy free or highly subsidized residential facilities, whereas few students – if at all – in private universities have similar benefits. Public universities spend more than twice the amount per student compared to private higher educational institutions. These disparities are notable given the fact that private universities enrol more students than their publicly funded counterparts.

Since Bangladesh's academics, scholars, and students are mainly targeted for their political activism, disciplines such as law, sociology, and political and social sciences are more vulnerable to undue interference, as evident from our interviews with faculty members. Other scientific disciplines, whose works affect business interests, are prone to restrictions such as efforts to discredit research or self-censorship (see Section 4.4.4). Those who deal with sensitive topics such as militancy or Islamic fundamentalism are also found to be treading carefully with their work (see Section 4.4.3).

4.4.7 Efforts to Promote Academic Freedom

No state agencies promote academic freedom, or any freedom for that matter. On the contrary, government organs have actively undertaken initiatives and efforts that curtailed and undermined freedom and autonomy – or whatever is left of it – enjoyed by academics. Despite the serious risks facing scholars in Bangladesh, no notable organization provides explicit support to scholars or students whose academic freedom is curtailed. However, human rights and legal rights groups provide legal support to scholars and students facing legal persecution. Informal groups representing faculty members and notable academics issue statements in support of scholars and students at risk. Even though teachers' associations are highly partisan, they do stand in solidarity with scholars, as long as their works do not involve politically sensitive issues. Human rights organizations also document criminal complaints against academics, but they often do so from a wider perspective of violations of free speech, as opposed to a dedicated focus on academic freedom. Although teacher associations in public universities are divided across the political spectrum, they often stand in solidarity with scholars, lobby for their interests, and protest interference by the executive branch of the government.

4.5 Conclusion

Through its bureaucratic and political interference and control, and the crackdown on and harassment of dissenting scholars and students, the government – aided by the ruling party's political organisations – is by far the top violator of academic freedom in Bangladesh. As the regime seeks to establish its control over every sphere of society, political loyalty is rewarded in universities, contributing to a culture of corruption devoid of accountability. The fact that public universities are not self-sufficient financially allows the government to wield influence, but the failure by university authorities to properly self-regulate also invites interference. The introduction of repressive acts such as the DSA has helped to deepen the culture of fear in society, which has also spiralled into academia. The ruling party's student wing has violently targeted students who have taken to the streets against government policies and has hounded scholars who have displayed defiance to the ruling party's political agenda and narrative.

From right-leaning Islamist students to those belonging to the political opposition, left-leaning progressives, and secular students, no one is spared when the political tenets of the regime are challenged. Religious fanatics pose a threat as well, as indicated by scholars' increased exercise of self-censorship when it comes to religious issues. The ruling government, despite its secular credentials, has increasingly tolerated and condoned selective Islamist groups such as Hefazat-e-Islam, which have influenced issues that, to a limited extent, have affected academic freedom.

In private universities, on the other hand, trustee board members – who behave as the 'owners' of their respective institution – wield control over

academic officials despite having little or no scholarly credentials. The accreditation of private universities also often hinges on the political affiliation or loyalty of the founders to the ruling party. Although a few top private universities possess increasingly impressive research and scholarly credentials through their international collaboration and quality control mechanisms, most private universities lack the basic infrastructure and resources required to deliver quality research and higher education.

In a way, the rise of private universities also represents disparity in Bangladesh's society. Public universities are almost completely subsidized but offer quality education to a low number of students, given the size of the population, while education in better private universities can be extremely expensive. Those who cannot secure a place in public or government-run universities or afford private university education often end up in colleges affiliated with National University or Open University, which have dismal records in terms of quality of education. The severe disparity can also be noted in the ratio of male and female students and scholars.

In universities, research output is severely low, while university employment is at times treated as simply a lucrative and financially secure 'job' rather than a serious research and academic position. As a result, instances of well-qualified students and scholars attempting to study and work abroad have become a growing trend.

Overall, with democratic space rapidly shrinking, academic freedom has deteriorated over the last 12 years, as have freedom of expression, press freedom, and overall human rights conditions. In the immediate aftermath of Bangladesh's independence, universities enjoyed relatively better freedom, as evidenced by the enactment of the 1973 laws that gave four universities more autonomy than their successors. According to the Academic Freedom Index prepared by the V-Dem Institute at the University of Gothenburg, academic freedom in Bangladesh was at its best between 1972 and 1973 (V-Dem 2022). Military regimes that came to power through coups and counter-coups in 1975 and ruled the country until 1990, faced resistance from university campuses. Military rulers, in response, sought to increase their administrative control over universities, as is apparent in post-1980 university legislation. When Bangladesh returned to parliamentary democracy in 1991, according to the V-Dem index, Bangladesh enjoyed academic freedom almost on par with the 1972–3 level until 1995. Bangladesh has only seen conditions deteriorate since then: A gradual increase in political polarization and violence on campuses has met with declining academic freedom. Evidently, the fate of academia is intricately linked with and reflective of the health of democracy in Bangladesh. Unless the government miraculously decides to be more tolerant and accommodative of dissent, improved academic freedom will remain far off in this nation of 160 million for the foreseeable future.

Notes

1 Arif H. Kabir served as a reviewer for this study. The case study covers events up until summer 2021.

2 0.00 is the worst possible score, and 1.00 is the best possible score. Year-by-year scores can be accessed at https://www.v-dem.net/data_analysis/CountryGraph/.
3 The UGC's chairman is, more often than not, a partisan and a political appointee.
4 These degrees have no secular academic bearing. A decision to recognize *kamil* degrees as equivalent to a Master's was widely viewed as a bid to appease Islamists. For more, see Roy, Huq, and Rob (2020).
5 The interviewee referred to the enforced disappearance of Mubashar Hasan, the lead author of this chapter. See more details on the case in *Front Line Defenders* (2021).

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5 Academic Freedom in India

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5.1 Summary

Higher education institutions (HEIs) in India have, since colonial times, been treated as appropriate objects of state control. Despite this, India maintained a good record of academic freedom, which has been substantially compromised in recent years, as reflected in the drop of academic freedom levels shown by the Academic Freedom Index, from 0.69 in 2012 to 0.46 in 2020.[2] The longer-term trend shows a modest dip from 1990 to 2004,[3] and a precipitous decline since 2014 causing the academic freedom score for 2015 to fall well below the global average. The coincidence of this with the downgrading of India from a democracy to an electoral autocracy is arguably not accidental (Alizada et al., 2021).

Thus, notwithstanding the centralization, bureaucratization, and politicization that had historically produced weak institutional autonomy for higher education, academic freedom was relatively protected in the past, even if by benign neglect rather than design. It is only in recent years that governmental control over universities has intensified, with significant consequences for academic freedom.

The range and comprehensiveness of the recent assault on academic freedom is wide: From the politicization of appointments of heads of universities and even faculty appointments at every level, to constraints on the freedom to teach, research, and disseminate knowledge both in professional circles and in the public domain, to threats to campus integrity by vigilante intimidation and violence directed at students and teachers. All this has been facilitated by already low levels of institutional autonomy and the absence of legal protections for academic freedom.

5.2 Methods, Sources, and Scope of the Study

This study focuses on the years since 2014, with the decline of academic freedom coinciding with the illiberal and populist turn in national politics and the targeting of particular universities perceived to be liberal or left-wing in academic orientation.

The research for this study is desk based. It draws upon a variety of sources, including compilations of the erosion of academic freedom by Indian scholars

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(*The Wire*, 18 April 2021); global datasets and reports, such as Scholars at Risk and the Academic Freedom Index; international law and Indian jurisprudence; official reports; existing literature on the higher education system in India; and newspaper reports. The study is substantially focused on the last few years, so it is heavily dependent on news reports, which are all drawn from reputed publications and whose content has generally been reported in more than one publication. News from less prominent campuses in the states is often not mentioned in the mainstream national media but to compensate for this, every attempt has been made to cast the net of geographical coverage as widely as possible, seeking out reports in regional (English-language) papers.[4]

A *National Education Policy* to reform education was announced in July 2020. It promises to fundamentally transform higher education, beginning with the reorganization of its regulatory architecture. However, the discussion in this study is of the situation at present, ahead of the implementation of the new policy.

5.3 Characteristics of the Higher Education Sector

The enormous influence of the state over higher education is exercised through the Ministry of Education and the University Grants Commission (UGC).[5] The heads of public universities are selected by the government; the UGC determines uniform indicators of academic achievement for recruitment and promotion, licenses new programmes, conducts a centralized examination for research funding for doctoral students, and formulates 'model syllabi' to ensure curricular uniformity.

India has a large higher education sector, with 45 central (federal) and 409 state universities in the public sector, and 349 private universities. There are 95 Institutions of National Importance that include several All India Institutes of Medical Sciences (AIIMS), Indian Institutes of Technology (IITs), Indian Institutes of Management (IIMs), and a range of others. There are also 41,901 colleges, and an additional 10,726 stand-alone colleges like polytechnics. In the 1950s and 1960s, the expansion of higher education was funded by the central government; in the 1970s and 1980s, largely by the states; and from the 1990s onwards mainly by private investment, often by entrepreneurial politicians. Engineering, business, and medical schools predominate in the private sector, though some elite undergraduate colleges offering liberal arts degrees have recently been established. Since these universities raise money chiefly through high fees, admission is selective. Private universities rarely follow UGC norms for teacher salaries, and function through a high degree of management (often family) control with next to no faculty participation in decision-making. In addition to these institutions, there are also a number of research institutes that have small doctoral studies programmes but no active teaching. These are funded by the central government's research councils, such as the Indian Council of Social Science Research and the Indian Council of Historical Research, and are not subject to control by the UGC.

The UGC is a very powerful regulator that exercises disciplinary and punitive powers over both public and private universities. Its official mandate goes beyond funding to include 'the promotion and coordination of University education and […] the determination and maintenance of standards of teaching, examination and research in Universities' (University Grants Commission Act, 1956, III.12). The All India Council for Technical Education performs the same role for engineering colleges; other professional bodies are statutorily empowered to determine standards for education imparted in different fields such as medicine and law.

Colleges and universities in the states account for 94% of all students in government-funded institutions. More than half of all students enrolled are in private colleges of indifferent quality. Less than 50% of the central government's expenditure on higher education is allocated to the central HEIs in which 97.4% of students in centrally funded institutions are enrolled. The remaining 51.1% of central government funding goes to institutions like the IITs and IIMs, which account for just 3% of student enrolment. Grants for infrastructure have been suspended in centrally funded universities, which are being encouraged to seek loans from the Higher Education Financing Agency, a non-banking financial institution, incorporated in 2017. Public universities are also expected to innovate with their courses to raise revenue through fees, although fees have previously been charged for some professional courses in public universities. Bank lending for private education within India increased from Rs. 3 billion in 2000 to Rs. 717 billion in 2018.

Teachers in public universities have job security, and though their salaries afford a decent, middle-class standard of living, the profession ranks low in social esteem. The 77,912 vacant faculty positions in central and state universities point to the casualization of academic labour.[6] Vacancies range from 22% in the IIMs to 41% in the IITs. The University of Delhi has 5,000 teachers without tenure, sometimes 'temporarily' employed for two decades in the same college.[7]

Concerns about access and equity have driven the expansion of HEIs, with low fees, scholarships, and affirmative action enabling a three-fold increase in the Gross Enrolment Ratio over 20 years, with 37.39 million students enrolled, 80% of these at the undergraduate level, and less than 0.5% at the PhD level. The male-female ratio is balanced, though the share of female students in PhD programmes and Institutes of National Importance is low.

The quotas in public universities, for disadvantaged groups like the Scheduled Castes and Scheduled Tribes, Other Backward Classes, and Persons of Disability, amount to about half the total. Even so, the Gross Enrolment Ratio of these groups is lower than the national average, while that of Muslims is much lower than their proportion in the population (Ministry of Education, 2019). Those at the lower end of the socio-economic ladder are more likely to study humanities than professional courses like law or management (National Statistical Office survey analysed by Kishore and Jha, 2020). Faculty composition is reasonable in terms of gender but less diverse in terms of caste, tribe, and

religion.[8] In elite institutions like the IITs and IIMs, these groups account for just 9% and 6% of faculty respectively. Despite greater access, members of disadvantaged groups have, in testimonies ranging from suicide notes[9] to interviews with researchers (see Deshpande, 2011), affirmed the persistence of everyday practices of discrimination that they encounter even in the best institutions, which consequently fail to achieve more than token inclusion.[10]

Corruption in HEIs takes many forms, including the politicization and even 'sale' of faculty appointments in state universities (*The Times of India*, 24 October 2015). Academic malpractices, such as plagiarism (Chandra, 2018; Pushkar, 2018) and contract cheating in the writing of dissertations (Bhardwaj and Kumar, 2016), are common but rarely punished. India also happens to be the country where the largest number of predatory journals in the world is located (Yadav, 2018).

Indian universities have a long history of student politics and protest, stretching back to the colonial era when campuses were sites of nationalist mobilization. The student wings of political parties are active on campuses, and student union elections are commonly fought on party lines. Student unions and teacher unions are typically represented in decision-making bodies in the university, though the meaningfulness of this varies depending on the political and institutional context.

5.4 Current State of Academic Freedom and Key Developments in the Recent Past

5.4.1 Legal Protection of Academic Freedom

India has been a signatory to the International Covenant on Economic, Social and Cultural Rights since 10 April 1979 and the exceptions specified by the Indian Government do not include any under Article 15.3. As such, India is at least formally committed to the provisions of this Article on academic freedom, as also to the General Comment No. 25 issued in April 2020, though none of the principles enunciated in these documents, or indeed in the UNESCO declaration of 1997, are referenced in the laws and regulations governing higher education.[11]

Unlike in New Zealand or Brazil, academic freedom does not find mention in Indian law or in the Indian constitution, and it is rarely mentioned in sub-national legislation.[12] It has generally been viewed as a subset of the constitutionally guaranteed freedom of speech. Indeed, in 1986, the High Court of Andhra Pradesh held that 'free speech in Indian Constitution includes academic freedom' (*Dr. R. Rama Murthy and another v Government of Andhra Pradesh*). Court verdicts have however invoked the forceful case for academic freedom made by the University Education Commission (Ministry of Education, 1949), holding that the pursuit of intellectual excellence by educational institutions requires that they be 'free from unnecessary governmental controls' (*T.M.A. Pai Foundation v State of Karnataka*).

The jurisprudence on academic freedom per se is limited. The most significant recent judgment pertains to an article prescribed in the History syllabus of the University of Delhi, to which the Akhil Bharatiya Vidyarthi Parishad (ABVP), the student wing of the Rashtriya Swayamsewak Sangh (RSS), objected. Describing itself as a 'social and cultural organization', the RSS is the ideological parent and anchor of the ruling Bharatiya Janata Party (BJP). Both organizations have become immensely powerful since the BJP came to power. In the University of Delhi's syllabus case, which dates from 2008, the High Court pronounced, 'Academic freedom is fundamental to the life of the university. What should be included in the list of readings for a course curriculum in a university should be left to academics and experts' (*Dina Nath Batra v University of Delhi*). Nevertheless, after the token appointment of a committee to look into the issue, the Academic Council of the University in 2011 voted to remove the article from the syllabus.

As such, neither international covenants (conventionally seen as 'soft law' and therefore not binding) nor the occasional judgments of courts have been conducive to ensuring an environment for academic freedom to flourish.

Recent official reports show little commitment to the idea of academic freedom except in the superficial sense of technological innovation, hackathons, and start-ups (UGC Resolution, 27 July 2018). The *Report of the Committee for the Evolution of the New Education Policy* (Ministry of Human Resource Development, 2016) expressed concern about the balance between free speech and freedom of association, and emphasized the need to restrict 'political and other distractions' on campuses, keeping in view the 'primary purpose' for which universities have been established, be this equipping students for occupations or enabling them to study subjects that interest them. It is notable that four of the five members of this committee were bureaucrats. The phrase 'academic freedom' does not occur even once in the *National Education Policy 2020*, which promises faculty autonomy to design curricula and pedagogical approaches 'within the approved framework' (Ministry of Education, 2020).

5.4.2 Institutional Autonomy and Governance

Higher education institutions have little institutional autonomy: Everything from faculty recruitment, pay-grades, and security of tenure to mechanisms for promotion in the academic hierarchy is governed by uniform rules, identical or substantially similar to those for civil servants. The Ministry of Education and the UGC are the chief instruments of state control, with the latter being a willing handmaiden of the former.

Over the last two decades, there has been a steady accretion of power in the UGC. It has been described as a 'prison warden' rather than a regulator (Chandra, 2017, p. 21), as it has helped to entrench an unprecedented degree of bureaucratization and homogenization. It has formulated model syllabi to create curricular uniformity, and has begun to energetically exercise its power to license new study programmes and decree the suspension of existing ones. It

conducts a centralized examination for research funding for doctoral students and has developed quantifiable matrices for evaluating the quality of faculty to judge their fitness for recruitment and promotion. In an attempt to check arbitrariness in appointments, the UGC introduced a qualifying examination, the National Entrance Test, a standardized objective-choice test that determines eligibility for candidates applying for an Assistant Professorship in a college or university. Faculty promotions are governed by a set of Academic Performance Indicators that includes research and publications. Promotions are made under a programme called the Career Advancement Scheme that is modelled on the promotion structure within government and specifies the minimum number of years that a faculty member has to spend at every level of the academic ladder. In 2015, the UGC introduced greater centralized control over the content of education, through the Choice Based Credit System, which prescribes a common minimum curriculum with uniform evaluation and grading systems for all universities in India, within which there is some flexibility of choice. In February 2021, the Uttar Pradesh government announced a common undergraduate syllabus for all universities in that state.

In May 2018, the UGC issued a controversial directive, asking universities to follow the Civil Service Conduct Rules for their employees (UGC F.No. 22-9/2017(CU), 1 May 2018). This is despite the existence of a clear judicial ruling that teachers are not civil servants, and Civil Service Conduct Rules do not apply to them (*Dr. Suchitra Mitra and Another v Union of India*). Compliance with these Rules implies that teachers can no longer express criticism of the government or any current or recent policy, nor speak, write, or publish without prior permission. 'Purely scientific or academic' writing is permissible, but there is no clarity as to who the deciding authority would be. Political participation beyond voting is prohibited for the teacher and her family. Many universities – the Central University of Gujarat; the Maulana Azad National University, Hyderabad; and the Tribal Central University of Amarkantak – hastened to adopt them, either by mandating compliance with these rules or by incorporating them in university Ordinances. The Jawaharlal Nehru University in Delhi also announced its intent to comply. In October 2018, in response to pushback by faculty, the government clarified that the rules would not be implemented in any central university that had its own Ordinances (Pathak, 26 October 2018). The UGC order was not, however, rescinded.

Vice-chancellors of universities are appointed by the government, which means such appointments are usually political decisions. In central universities, vice-chancellors have historically been appointed from a list of names prepared by a search committee constituted by the executive council of the university with one member out of three nominated by the government. This list of names is finalized by the Ministry of Education and sent to the president of India who, in his capacity as visitor,[13] customarily selects the first name on the list, usually that of an eminent academic. This procedure has been modified recently: Vice-chancellorships are now advertised, and 'interactions' are organized with shortlisted applicants. The name selected by the president is now seldom that of

a high-profile academic but invariably that of a person with desirable political affiliations. In July 2021, vice-chancellors were appointed to 12 of the 22 central universities that have been without leadership for long periods. The delays were reportedly on account of the files from the Ministry awaiting decision in the prime minister's office, which technically has no role in this process (Mohanty, 31 May 2021). In their capacity as visitor, the president of India also nominates chancellors and members to the governing bodies of universities (such as the university court, the academic council, the executive council, and nominees to selection panels).

In state universities, it is the governor of the state government who plays the same role. Here, vice-chancellors' appointments are intensely politicized and manipulated, and in some places even secured through corrupt means, as signalled by the reference, in a 2016 official report, to the 'going rate' for vice-chancellorships (Ministry of Human Resource Development, 2016). Patronage and nepotism are common features of university faculty appointments, especially in state universities, which account for 85% of the total number of publicly funded universities in the country. Political interference by state governments in universities is almost accepted as natural, as is the expectation that faculty recruitments will be made in accordance with the ideological orientation of the party of government in the state.

Conflicts over such appointments can occur between the elected government and the governor. In June 2020, the government of the state of West Bengal appointed a certain professor as pro-vice-chancellor of the University of Burdwan while the governor of West Bengal appointed another, also directing all vice-chancellors to communicate with him as chancellor, bypassing the government (The Indian Express, 3 June 2020). A similar standoff occurred at the University of Delhi, a central university, in October 2020. The vice-chancellor, who was in hospital, was suspended by the president of India, as a battle raged between two factions of the teachers' organization of the ruling party. For one day, on 22 October, the university had two pro-vice-chancellors and two registrars, one set appointed by the vice-chancellor and another by the rival faction (Shankar, 3 November 2020).

Whether by rule or convention, heads of departments generally serve for a period of two–three years by rotation in order of seniority. Some universities have this written into their Ordinances, with exceptions for the vice-chancellor's exercise of discretionary powers in extraordinary circumstances; in others, it is a convention. In 2017, the Jawaharlal Nehru University deviated from this norm to select the dean of its largest school, superseding five senior faculty members.[14] This soon became a pattern with several chairs of centres being perceived to be appointed according to political affinity rather than rotation and seniority. Most recently, three senior professors were bypassed in the appointment of a replacement for the head of the Department of Political Science at the University of Delhi, who had succumbed to Covid-19 (Shankar, 2 July 2021).

The governance model of the Indian Institutes of Management (IIMs) has insulated them somewhat from such conflicts. The IIMs were given even greater

autonomy by the Indian Institutes of Management Act, 2017 following a tussle between the Education Ministry (in favour of more governmental control) and the prime minister's office (in favour of autonomy). In March 2021, the government tried to undermine this autonomy, when the Ministry asked the director of the IIM Ahmedabad to submit a copy of a PhD dissertation that had been passed a year earlier. A Member of Parliament belonging to the ruling party wanted the award of the PhD to be put on hold while the dissertation was re-examined by 'independent professors'. The trigger for this was that the student had, in his thesis, described the BJP as an 'ethnically constituted' and 'pro-Hindu upper caste party'. The director refused to share the dissertation with the Ministry on the grounds that it could not be the arbiter of an academic dispute. His refusal is believed to have been the motivation behind the government seeking powers to initiate an inquiry against the board of governors of the IIMs. The government was restrained only by the advice of the Law Ministry that this would violate the provisions of the IIM Act (Chopra, 4 March 2021). In July 2020, the Ministry objected to another decision of the IIMs to grant a one-year MBA for working professionals, on grounds that it violated UGC norms for the award of degrees. The one-year degree continues to be offered, even as the conflict remains unresolved.

Most universities provide for some participation of teachers and students in the institutions of academic governance in two ways: First, the representation of faculty in the academic council or the executive council (mostly ex officio representation); and second, through consultation with the elected unions of teachers, students, and staff. How meaningful this participation is, depends on the context. The Jawaharlal Nehru University, arguably the best example of a self-governing academic community in India, has a long history of meaningful participation by teachers, whose elected representatives, in addition to ex officio faculty, are also members of the Executive Council. In the last few years, however, this participation has been rendered meaningless, as the elected teacher representatives are not allowed to speak (*The Hindustan Times*, 20 January 2021). The Teachers' Association representatives have been removed from meetings of the Academic Council (Deeksha, 15 October 2019, 2019); and student participation in the Academic Council has also been discontinued, on dubious technical grounds (Ibrar, 15 October 2019).

In principle, standard recruitment procedures exist, but the considerable litigation around recruitment and promotions suggests that these are not uniformly applied. In earlier times, deviations from merit-based criteria for both recruitment and promotion were based on factionalism and clientelism, based on a range of factors, from caste and provincial identities to the academic patronage of research supervisors, to political affiliation. The widespread practice of universities recruiting their own graduates further entrenched these forms of groupism. In 27 out of 29 states, the recruitment of assistant professors for colleges is through a centralized process,[15] conducted by the State Public Service Commission, following which teachers may be posted to any state-funded college or university.

In December 2018, Upendra Kushwaha, the Union Minister of State for Human Resource Development, from a party in alliance with the ruling BJP, resigned from the Council of Ministers, citing as one of the reasons for quitting the government, the fact that in central universities in the past four years, 'RSS people are occupying all (senior) positions at academic institutions. They are appointed as VCs and chosen as teachers' (*The Telegraph*, 10 December 2018). In the Jawaharlal Nehru University, similar pressures led to conflicts over appointments, resulting in several chairs and deans submitting written notes of dissent against the flouting of procedures and the appointment or promotion of under-qualified persons (Mahaprashasta, 18 January 2018; Shankar 27 November 2020). Some of these appointments have been challenged in court.

Student admission policies in universities are merit-based, though there are discretionary quotas at the disposal of college managements. In private colleges, especially technical and medical institutions, the corrupt practice of 'capitation fees' (a donation or an amount in excess of the prescribed fee to secure preferential entry) has been an ongoing phenomenon, despite Supreme Court rulings against it.

Not much is known about the extent of manipulation in student admissions. Allegations of political interference were made in Jadavpur University in Kolkata in 2018, when the university scrapped its 40-year-old practice of holding tests for admissions to undergraduate courses, thereby eliminating teachers from the process. This was seen to open the door to corrupt practices prevalent in other colleges where pay-offs and political clout are believed to influence admissions (Roy, 6 July 2018). A similar exclusion of teachers from the admissions process has been achieved in Jawaharlal Nehru University, which had a unique model, conducting an all-India written examination that was set and evaluated, following the highest standards of anonymity, by the faculty during the summer vacation. In the last two years, the faculty's role in determining admissions has been undermined, first by switching to an 'objective-type' multiple choice format of questions and answers (including for PhD admissions) and then by outsourcing the entire examination to the National Testing Agency, which contrary to what its name conveys, is not a government agency but a registered society, essentially a non-governmental organization.

5.4.3 Freedom to Research and Teach

In March 2021, Pratap Bhanu Mehta, a prominent public intellectual and professor of political theory at the private Ashoka University near Delhi, resigned. In his resignation letter, he said, 'After a meeting with Founders it has become abundantly clear to me that my association with the University may be considered a political liability. My public writing in support of a politics that tries to honour constitutional values of freedom and equal respect for all citizens, is perceived to carry risks for the university. In the interests of the University I resign' (Scroll, 18 March 2021). In another letter to his colleagues, Mehta wrote, 'We have to ask the uncomfortable question, what will it take to build liberal

universities in a country marked by illiberal politics? Our colleagues in public universities have been facing this for a while. Now this growing contradiction is coming home' (*The Times of India*, 21 March 2021).

The Ashoka University was founded in 2014, by a group of successful entrepreneurs, as a liberal arts university and it was touted as India's answer to the Ivy League. Mehta's resignation letter makes it clear that the signal for him to quit was given by the founders and trustees of the university, rather than by its chancellor or vice-chancellor. There has been much media speculation about what interests of the university – campus expansion or regulatory clearances – were at stake. What is clear is that Mehta, who has been a vocal critic of the government in his newspaper column in *The Indian Express,* was proving to be, in his own words 'a political liability'. It is also clear that it was not Mehta's scholarship or teaching that was the problem, but his writings for the general public that continue to be published in that newspaper.

This may be contrasted with cases in public universities. In October 2020, an assistant professor of Political Science at the V. M. Salgaocar College of Law in Goa was threatened by the ABVP for the 'anti-religious' content of her classroom teaching. By teaching Foucault and radical Indian social theorists, and by referencing the suicide of Rohith Vemula and the murder of rationalists in her lectures, Shilpa Singh sought to introduce students to ways of critiquing power relations in society. The head of Goa University's Department of Political Science came out in support of her autonomy in the classroom, and the college rejected the ABVP demand to terminate her services. Singh herself said that, for her, 'doing humanities is to shoulder some social responsibilities, especially being a woman. If you curtail this freedom, it's equivalent to me dying' (Nair, 12 November 2020).

In December 2019, the ABVP mobilized protests against the appointment of Professor Firoze Khan in the literature section of the Sanskrit Vidya Dharma department at the Banaras Hindu University, a central university. Following a month-long agitation against a Muslim professor on the grounds that his religious identity made him ineligible to teach Sanskrit, Professor Khan resigned, and in a compromise settlement, joined the Arts Faculty of the same university to teach the same subject in another department (Pandey, 10 December 2019).

Academic freedom may be somewhat better protected in public universities than private universities, because of the job security provided in public universities compared to the contractual arrangements followed in private universities. However, this is not an infallible assurance, as at least three recent developments in public institutions show.

In April 2021, Dr K. S. Madhavan, a historian at the University of Calicut (a state public university) wrote a newspaper article on how reservations (affirmative action) were being subverted in universities in the state of Kerala, where the Left Democratic Front is in power. Dr Madhavan was issued a show-cause notice, alleging that his article had violated various provisions of the Kerala Government Servants Conduct Rules and also tarnished the image of the university (Gokul, 16 May 2021). Also in Kerala, at a central public university, Gilbert Sebastian, an

assistant professor of International Relations at the Central University of Kerala, was suspended in May 2021. In this case, it was the ABVP that filed a complaint against him, claiming that he had described the RSS and BJP as 'proto-fascist organizations' in an online class. A committee was instituted to inquire into the charge, and Sebastian was suspended (Apoorvanand, 19 May 2021). Most recently, Dr R. G. Sudharson, an assistant professor at the Madras School of Social Work, was asked to either resign or be dismissed from service. While the letter of dismissal questions his professionalism and diligence in the performance of his duties (rebutted by many students), Dr Sudharson, a public intellectual who has been outspoken in his defence of civil liberties, could not even secure an inquiry into the circumstances of this dismissal (Notes on the Academy, 26 May 2021). News reports suggest he had been raising concerns about the lack of transparency in the college's presentation of data to the National Academic Accreditation Council (Vasanth B. A, 25 May 2021). These examples indicate that faculty in public institutions, whether central or state, and regardless of the party in power, are vulnerable to arbitrary discipline.

Short of termination and suspension, public universities have in recent years adopted a punitive approach even to the participation of teachers in standard union activities. As such, the simple act of taking part in a peaceful demonstration or march can attract a disciplinary order, refusal of leave to take up a fellowship abroad (Bhattacharyya, 16 September 2020), denial of sabbatical leave, denial of promotion, or the holding back of retirement benefits (Mohanty, 10 December 2020).

Though it is relatively rare for private universities to face threats from student organizations like the ABVP, an exception is the mobilization against the appointment of the eminent historian Ramachandra Guha, as Shrenik Lalbhai Chair Professor of Humanities and director of the Gandhi Winter School at the School of Arts and Sciences at the Ahmedabad University. The ABVP wrote a threatening letter to the vice-chancellor on 19 October 2018, seeking the cancellation of the offer of appointment to Guha.[16] On 1 November, Guha announced that he would not be joining the university 'due to circumstances beyond my control' (*Scroll,* 2 November 2018).

In general, the freedom to research exists, though securing research funding from the state-funded councils of research in the social sciences and humanities may not be easy given the packing of these councils with academics friendly to the government.[17] In an extraordinary episode in 2016, the state government of Gujarat directed every university to ensure that its doctoral students conduct research on at least five topics out of a list of 82, which were mostly evaluations of the welfare policies of the government.[18]

5.4.4 Exchange and Dissemination of Academic Knowledge

The standard ways in which academic knowledge is exchanged and disseminated include the publication of research papers and books; seminars and conferences where knowledge-sharing takes place; and research collaborations. In all these respects, academic freedom has seen attenuation.

5.4.4.1 Publications

In July 2019, the National Democratic Teachers' Front (the NDTF, backed by the RSS) opposed the introduction of a book, *The Burning Forest: India's War in Bastar* by Professor Nandini Sundar, to the Sociology syllabus of Delhi University. The matter was referred to the department, which neither defended its right to academic freedom, nor responded by sending back a revised syllabus, with or without the book. The result is that a two-decade old Sociology syllabus continues to be followed.

Over the last few years, several books and articles have been forced off syllabi by groups like the ABVP and the NDTF on ideological grounds (Jha, 17 July 2019). The fear of legal proceedings invoking colonial-era laws haunts academic publishing today, encouraging self-censorship.[19] It makes publishers pusillanimous, as in order to avoid vexatious and expensive lawsuits, they hire law firms to vet manuscripts for any content that could be construed as seditious or defamatory. Academics, wary of having their scholarship evaluated not by their peers, but by easily offended members of the lay public, are fearful of losing their scholarly achievements to unsolicited and irrelevant controversy. This encourages a tendency to self-censorship that is, in the long run, damaging to the enterprise of scholarship itself.[20]

5.4.4.2 Denial of Research Visas

In July 2018, Pakistani scholars, scheduled to attend the Asia Conference of the US-based Association of Asian Studies at Ashoka University, which was co-hosting the conference, were refused visas to attend (AAS Statement, 2018; Mitra, 7 June 2018). Up until this time, academics denied visas were allowed to participate in conferences online. On 15 January 2021, the government notified a new restriction that required prior approval from the Ministry of External Affairs to hold an online international conference or seminar on topics relating to the security of the Indian state or otherwise 'clearly related to India's internal matters' (*The Wire*, 30 January 2021). The guidelines specified that the relevant ministry would ensure that such an online event is not related to the 'Border, Northeast states, UT of J&K, Ladakh' (Ministry of Education, 15 January 2021). The names of participants would also require prior approval by the government. 'India's internal matters' could arguably encompass almost anything of interest to academics, especially in the social sciences. Even before this, there was a technical requirement to obtain the approval of either the Ministry of External Affairs or the Ministry of Home Affairs for conferences to which foreign participants were invited. Those from Pakistan, China, Afghanistan, and Iran were more closely scrutinized than others. The January 2021 guidelines, however, made it appear as if something like a visa was needed even to participate in an online conference. The president of the Indian Academy of Sciences, in a letter to the education minister, expressed its opposition to this, saying that the new requirements were 'overly restrictive, lacking in clarity and detrimental to the

progress of science in India' (Eduvoice, n.d.). The policy was also opposed by 17 scholarly associations including the American Historical Association and the British Association of South Asian Studies, besides a host of scholars across the world. In February 2021, the government withdrew the order, saying that with the easing of restrictions on travel, such clearance would no longer be required.[21]

5.4.4.2.1 RESEARCH COLLABORATIONS

In September 2019, on the eve of a state visit by the Chinese President Xi Jinping, the UGC announced a new policy by which research institutes planning to sign an agreement for a research collaboration with a Chinese institution are required to seek permission from both the Ministry of Home Affairs as well as the Ministry of External Affairs. Data on research collaborations for specific periods is unavailable, but anecdotal evidence suggests that foreign universities and research institutions are hesitant about collaborations given the political climate, especially if such research is likely to draw unfavourable official attention to local researchers or render them vulnerable to harassment.

5.4.4.3 Cancellation or Disruption of Seminars and Lectures

The list of cancelled and disrupted seminars and lectures is perhaps the longest in the catalogue of the denial of academic freedom in the last few years. A status report (Sundar and Fazili, 28 August 2020) prepared for the UN Special Rapporteur for Freedom of Opinion and Expression in 2020, lists as many as 65 events or seminars only on the campuses of public central universities (not including state universities and private colleges) for which permission was denied by the college or university authorities or, if held, were disrupted, most frequently at the behest of the ABVP (*The Wire*, 31 July 2018).

In February 2017, Professor Rajshree Ranawat of the English Department at the Jai Narayan Vyas University in Jodhpur was suspended for inviting a prominent feminist academic, Professor Nivedita Menon, to deliver a lecture on nationalism that was presumed to be 'anti-national' (Menon, 17 February 2017). Similar incidents have occurred at various campuses, with prominent speakers being disinvited at the last minute due to political pressure by the ABVP, or film screenings or street plays being cancelled due to threatened disruption. In 2017, a seminar at the Ramjas College, University of Delhi – titled 'Cultures of Protest' – was disrupted, and student leaders from the Jawaharlal Nehru University (JNU) who were attending it were beaten up. Faculty members were also attacked, while the police, unable to control the mob, asked the organizers to cancel the event (Sangomla, 22 February 2017). At another college of the same university, a seminar on 'Resistance and Democracy' was denied permission on grounds that the list of speakers had 'unwanted names' (Jha, 5 March 2017). At the Delhi School of Economics, an event on 'Seventy Years of Indian Democracy' was denied permission on grounds of security, anticipating disruption (Sharma, 24 August 2017). In Allahabad University,

there were clashes in February 2017, between the ABVP and the liberal leadership of the student union, which had invited a well-known left-wing journalist to speak on campus.

In February 2020, the eminent danseuse Mallika Sarabhai was invited to deliver the convocation address at the National Institute of Design, Ahmedabad. Sarabhai had been a vocal critic of Prime Minister Modi at the time of the Gujarat riots of 2002 and was also a prominent face in the citizenship protests of 2019–20. Three days before the event, an announcement was made postponing the convocation (Mumbai Mirror, 4 February 2020). In 2019–20, in universities and colleges across India, there was a spate of denials of permission by authorities to hold discussions and debates on the Citizenship Amendment Act, 2019. In general, it has been events related to so-called 'sensitive' topics – religion, gender, and Dalit issues, or specific regions of India (the northeast, central India, and Kashmir) – that have provoked the hostility of the ABVP or made university administrations fearful in anticipation of allowing events that may annoy the ABVP.[22]

5.4.4.4 Extra-Mural Freedom

Extra-mural freedom has, at least since the 1915 *Declaration of Principles on Academic Freedom* by the American Association of University Professors, been recognized by academics, after freedom of research and freedom of teaching, as the third important aspect of academic freedom. Extra-mural freedom is exercised when university teachers express their opinions outside the university campus, whether as citizens participating in political activities or simply sharing their views with the public.

While the numbers of teachers who exercise extra-mural freedom is typically not large, those that do have to contend with harassment by the state constabulary and sometimes even face false cases of political extremism. Two special thorns in the side of the establishment have been Kashmir and what are officially described as 'Left-Wing Extremism Affected Areas', areas of central India where the Maoist (Naxalite) movement has been active. Academics visiting this region are routinely targeted. Police reports were filed in Chhattisgarh against two professors, Nandini Sundar and Archana Prasad, for the murder of a tribal person, ostensibly based on a complaint by his wife. The charges included murder, rioting, possession of arms, and unlawful activities. The Supreme Court ordered that the professors be given a chance to approach the court before arrests were made, but the charges were eventually dropped. In the meantime, the incident contributed to the ongoing delegitimization of academics.

5.4.5 Campus Integrity

Since 2016, the intimidation of students and teachers by arrests and violence has become more frequent. The colonial-era law of sedition has been repeatedly invoked against students, teachers, and activists, most strikingly deployed

in the case of the students at JNU in February 2016, where three left-wing student activists were arrested and imprisoned, supposedly for having participated in a 'seditious' meeting of poetry-reading in which 'anti-national' slogans were allegedly raised in favour of self-determination for Kashmir. The students were released a few weeks later; the video evidence on the basis of which they were detained turned out to be doctored (Majumder, 15 February 2016; Singh and Dasgupta, 2019).

Several other campuses of centrally funded public universities have also been troubled. In June 2018, Allahabad University witnessed violence and arson on account of which the administration asked students to vacate the hostels. First Information Reports were filed with the police against 400 students and about a dozen were even jailed (Scroll, 5 June 2018). Violence and arson also occurred at the Banaras Hindu University, following the shaming of a victim of sexual harassment by the hostel warden and university authorities in September 2017. Here again, instead of providing justice to the victim, the university filed police reports against hundreds of students, and cut off water and electricity supply in the women's hostels (Dutta, 27 September 2017).

An attack on the Aligarh Muslim University (AMU) in April 2018 was sparked by an event planned by the AMU Student Union (AMUSU) to confer honorary membership of the Union on Hamid Ansari, a distinguished alumnus of the university, who had till recently been the vice-president of India. The BJP MP from Aligarh, a member of the university's court, demanded that a portrait of Muhammad Ali Jinnah be removed from the student union office.[23] Despite it being known that Jinnah's portrait hangs alongside the portraits of every other president of the AMUSU, armed members of the Hindu Yuva Vahini and the Hindu Jagran Manch marched into the campus and the police had to be called in to stop the violence (*Business Standard,* 6 May 2018).

Other universities that have witnessed agitation over the last few years include Jadavpur University in Kolkata, the Hidayatullah National Law University in Chhattisgarh, and the Punjab University, Chandigarh. But of all the recent campus disturbances, that of Manipur University stands out for its blatantly political character. In May 2018, teachers and students began demanding the resignation of Vice-Chancellor A. P. Pandey on grounds of financial irregularities, but also alleging that the vice-chancellor was neglecting his official duties and spending his time hosting political meetings, with only members of the ABVP having unrestricted access to him. All six deans and 29 of the 31 heads of department resigned from their positions. The university effectively shut down as a result of the extended protests, 89 students and 6 teachers were arrested, and even though the vice-chancellor was suspended in September 2018 (Saikia, 11 June 2018; Leivon, 22 February 2020), a new vice-chancellor was only appointed in July 2021.

Over the last two years, there have been multiple arrests of politically active teachers and students, besides human rights lawyers and activists, all charged under the Unlawful Activities (Prevention) Act (UAPA),[24] under which it is very

difficult to be granted bail. Most of these are related to two events, the Bhima Koregaon violence of 2018 and the Delhi riots of February 2020, in the wake of the protests against the Citizenship Amendment Act 2019 (CAA). In the Bhima Koregaon case, several scholars charged under the UAPA have been in custody since 2018. They include Professor Anand Teltumbde of the Goa Institute of Management, Professor Hany Baby of the University of Delhi, both defenders of Dalit rights, as well as Professor Shoma Sen of Nagpur University (Hrishikesh, 26 February 2020; *The Wire*, 16 July 2020). The second set of arrests came in the wake of the Delhi riots that followed two months of peaceful protest against the CAA. Despite video grabs of BJP politicians inciting violence (in one case with a policeman standing by), it was students, mainly from the Jamia Millia Islamia (JMI) and the Jawaharlal Nehru University (JMU), who were arrested on grounds of conspiring to incite the violence. They include Meeran Haider, Safoora Zargar,[25] and Asif Iqbal Tanha (at JMI); Devangana Kalita and Natasha Narwal (at JNU); and, in September 2020, the former JNU student leader, Dr Umar Khalid. Teachers from Delhi University (Professor Apoorvanand) and the JNU (Professor Jayati Ghosh) were also interrogated by the police in connection with the February 2020 riots. In June 2021, three of the students were released on bail by the Delhi High Court, which unequivocally held that 'protest is a right, it's not terror'.[26]

In December 2019, students and teachers of the JMI were leading the citizen protests against the discriminatory Citizenship Amendment Act. On 15 December, the police forcefully entered the JMI campus, attacked the library and beat up the students reading and working there, fired tear gas shells, smashed the furniture, and broke the CCTV cameras. Two hundred students were injured, two with bullet wounds (Slater and Masih, 16 December 2019). Police also entered the campus of the AMU on the same day, firing rubber bullets and tear gas shells on a candlelight march by students in protest against the CAA, and even on students inside hostels. Similar action was repeated at Delhi University the following day, though here it was the ABVP that beat up protestors and threw rocks at them, while the police remained bystanders.

The other Delhi campus whose students and teachers were prominent in the protests was JNU. On 5 January 2021, approximately 50 masked persons (mostly but not only men) entered the campus. Armed with sticks, metal rods, and bottles, as well as the addresses and room numbers of marked (many of these Kashmiri Muslim) students in the hostels, they unleashed premeditated and organized violence on students and teachers. The attackers were identified as ABVP activists and screenshots of WhatsApp chats established the coordinated nature of the attack from within ABVP circles (Sethi, 7 January 2020). The police investigation into the violence quickly sank into oblivion, as even the identified intruders were allowed to simply vanish, hinting at the possible complicity of politically committed faculty in letting the goons onto the campus and subsequently shielding the culprits till the event receded from public memory.

5.4.6 Subnational and Disciplinary Variation

5.4.6.1 Subnational Variation

Some Indian states have enacted laws that seek to entrench greater state control over universities. For example, the West Bengal Universities and Colleges (Administration and Regulation) Act, 2017, placed restrictions on teachers making 'any statement of fact or opinion […] that has the effect of any adverse criticism of any current policy or action of the state government or the central government' (Chowdhury, 23 April 2018). In September 2020, the Government of Odisha promulgated an ordinance that takes away the right of the university to appoint its own teachers. This power will now be exercised by the Odisha Public Service Commission, which means that the bureaucracy will make faculty appointments and decide on the transfers and service conditions of teachers. In some states, such as Gujarat, there are longer histories of the denial of academic freedom, of surveillance around talks and films, and of attacks on art exhibitions.[27]

In terms of the denial of academic freedom, the region most adversely affected is undoubtedly the erstwhile state (now Union Territory) of Jammu and Kashmir. On 5 August 2019, the special status of the state was changed through the repeal of Article 370 of the Indian constitution. This was accompanied by the closure of universities and colleges (except one medical college), the occupation of campuses by the police and other forces, arrests of scholars and activists, and a prolonged telecommunications shutdown. The restoration of internet services by a court order also yielded only 2G speeds, entirely inadequate for online teaching or research. Scholars at Risk (2020, p. 51) reports the vulnerability of Kashmiri students on campuses in other parts of India, including Delhi.[28] Academic events or film screenings related to Kashmir are regarded with suspicion. In the Jamia Millia Islamia, the chairperson of a department received a show cause notice from the Ministry of Home Affairs because it disapproved of the title of a PhD thesis by a Kashmiri student (Sundar and Fazili, 28 August 2020).

5.4.6.2 Disciplinary Variation

History and the social sciences have been particular casualties of the deprivation of academic freedom. The importance of history as a discipline cannot be underestimated because the entire worldview of the RSS and the BJP is based on a version of Indian history that is akin to myth rather than fact (Hansen, 1999, Chapter 2; Sharma, 2003, pp. 4–12). Their cherished vision of the glories of ancient Indian (read Hindu) civilization is of a past that must once again be reinvented as the future of India. The Indian future of this vision is rooted in a sacralized narrative of India's past, which cannot therefore be tested by standard methods of historical research (Kanga, 19 March 2021).

Since 2014, there has been a rash of pseudo-scientific and even obscurantist statements by prominent leaders, claiming variously that ancient Indians had

airplanes, stem cell technology, and the internet (*DW*, 8 January 2019). Claims of this kind seek to set research agendas in science that are politically motivated rather than driven by the scientific community. Such encouragement has led to claims like those advanced in papers presented at the Indian Science Congress (Lakshmi, 4 January 2015). Indigenous 'science' is the project of the Vijnana Bharati, the science wing of the RSS. The chancellor and vice-chancellor of the Jawaharlal Nehru University are leading lights of Vijnana Bharati, as are the former chairs of India's Space Commission, Atomic Energy Commission, and the current head of the Council of Scientific and Industrial Research.

5.4.7 Efforts to Promote Academic Freedom

Efforts to defend academic freedom against assault have mainly come from teacher and student organizations, with support from some sections of civil society, though the mainstream media have often been reticent. The resistance has largely taken the form of protest marches, demonstrations, and signature campaigns. Some of these have found international support from leading intellectuals and academics abroad, and also critical coverage in foreign press. However, international opprobrium has not created any discernible embarrassment.

In such circumstances, resistance to the denial of academic freedom has mostly taken the form of trying to engage the conscience of society and public opinion. There appears to be little public sympathy for what academics do, let alone for academic freedom. The criticism of *award wapsi* (the return of state awards) is an example of such societal indifference. In 2015, as many as 26 Indian writers returned state awards they had received for art and literature in the past from state academies of culture, as a symbol of protest against the intolerance of dissent in art and literature, and against the silence of the state in response to vigilante violence, especially the murder of the rationalist writers, M. M. Kalburgi, Govind Pansare, and Narendra Dabholkar (see Section 5.4.4). Those who returned awards were accused of participation in a politically orchestrated campaign of Marxist intellectuals trying to tarnish the image of the government.[29]

More disturbingly, resistance has a tendency to spark reprisals. Students and teachers who spoke out against the Citizenship Amendment Act 2019, and were visible in the anti-CAA protests, have been targeted by the police in connection with the riots in northeast Delhi in February 2020.

5.5 Conclusion

The decline in academic freedom in recent years appears to have paralleled the backsliding of India's liberal democracy. A diminished commitment to liberal values of free speech and dissent in the public sphere, not to mention retribution for their exercise, necessarily has adverse implications for intellectual freedom in the academy.

Two pre-existing conditions – historically low levels of institutional autonomy in the form of state control over public higher education, on one hand, and the absence of a legal and juridical framework to protect academic freedom, on the other – have facilitated the present state of affairs. Thus, even as the prospects for academic freedom are contingent on the national political climate, fundamental structural change in the form of substantive institutional autonomy would be necessary for this freedom to thrive.

In this context, the official use of the term 'autonomy' in recent times is ironic for two reasons. First, the promise of autonomy to select institutions of higher education implies the freedom to start new courses, to hire foreign faculty at differential salaries, and so on, and to do so by raising their own revenue. In other words, the promise of autonomy is an inducement to privatization and there is no guarantee that such autonomy would entail academic freedom or even protect the constitutional provisions for social inclusion (for a longer discussion of the issue, see Jayal, 2020).

Second, the denial of autonomy to the bulk of India's universities has been accompanied by the promise of autonomy for the governmental project of creating a handful of world class universities. To this end, a competitive process was launched in 2017 to select 20 universities (public and private) as Institutions of Eminence (Jayal, 2019). Ironically, the political exhortations for cutting-edge innovation, issued by populist leaders seeking to create world class universities as vanity projects, show no recognition of the importance of academic freedom to the advancement of knowledge through research.

The distance travelled from the first two decades of independence to the present is indicative of many things: The acceleration of demand for higher education but the simultaneous fall in social esteem for the university teacher; the coveting of professional education (engineering, medicine, etc.) that yields employment opportunities as opposed to education in the social sciences and humanities that does not; and the diminishing appreciation, amongst politicians and civil servants, of the idea of the university, from which the value of academic freedom may be derived. Lacking legal backing, and also lacking political and administrative commitment, it is not surprising that academic freedom has had few influential champions in the polity and society.

Notes

1 Nandini Sundar served as reviewer for this study. The case study covers events up until summer 2021.
2 The Academic Freedom Index is scaled from 0 (very low) to 1 (very high). See V-Dem v11 data, available at https://www.v-dem.net/data_analysis/VariableGraph/ (V-Dem 2021). Also see Spannagel, Kinzelbach, and Saliba (2020).
3 The coalition government from 1999–2004 was led by the Bharatiya Janata Party (BJP).
4 My own location as a faculty member at the Jawaharlal Nehru University [at the time of writing] can be viewed as both a strength and a weakness. It is a strength insofar as it provides a ringside view of the multiple facets of the denial of academic

freedom, from petty forms of harassment to the undermining of consultative academic bodies; a weakness insofar as my experience can be considered limited to a university that has been the chief object of hostility.

5 Until very recently, the Ministry was called the Ministry of Human Resource Development.

6 A Parliamentary Committee report in March 2020 showed that, in central universities, more than 6,688 positions out of a total of 18,243 sanctioned teaching posts, and 12,323 non-teaching positions out of a total of 34,928, had not been filled (Parliament of India, Rajya Sabha, 5 March 2020).

7 A category of teachers labelled 'guest faculty' have remained unpaid throughout the pandemic (Sharma, 3 May 2021).

8 Women comprise 42.15% of all teachers. At the all-India level, Scheduled Castes, Scheduled Tribes, Other Backward Classes, and Muslim teachers are at 8.7%, 2.36%, 32.1%, and 4.86% respectively.

9 In his suicide note, Rohith Vemula, a doctoral student at the University of Hyderabad, said "The value of a man was reduced to his immediate identity and nearest possibility. To a vote. To a number. To a thing. Never was a man treated as a mind. As a glorious thing made up of star dust" (*The Wire*, 17 January 2019).

10 A recent video from the IIT Kharagpur – in which a professor is seen hurling casteist abuse at students from Dalit and Adivasi backgrounds – illustrates the persistence of systemic casteism (Bhattacharya, 27 April 2021). Students at IIT Madras and the University of Hyderabad have been punished for holding Dalit study groups. The suicide of Rohith Vemula in January 2016 was an example of how deep caste prejudice runs.

11 While academic freedom is not legally guaranteed, it is interesting to note that the report of the first University Education Commission (1948–49) described "exclusive control of education by the state" as an attribute of totalitarian tyrannies, saying that although higher education was undoubtedly a state obligation, "State aid is not to be confused with State control over academic policies and practices. Intellectual progress demands the maintenance of the spirit of free inquiry" (Ministry of Education, 1949, p.42).

12 One piece of sub-national legislation that specifically mentions academic freedom is the Karnataka State Universities Act (2000). The Statement of Objects and Reasons claims that the "structural alterations" made by the Act in universities are motivated by the need to "confer academic freedom and autonomy conducive for adoption of new methods in teaching, learning and research for achieving eminence and excellence."

13 The Central Universities Act, 2009 states that the president of India shall be the visitor of the university. The visitor nominates members to the executive councils and selection committees of central universities, and is the appointing authority for vice-chancellors. Three presidents of India have been scholars themselves, Dr S. Radhakrishnan, Dr Zakir Hussain, and Dr S. D. Sharma.

14 Four of the five senior faculty members who were overlooked for the deanship had dissented from the vice-chancellor's attempts to rig selection panels (Vincent, 2 October 2017).

15 In some states, even assistant professors for university departments are taken from the list of selected candidates from the centralized recruitment process.

16 The ABVP asked for the cancellation of the appointment in the interest of 'education and the nation'. The letter stated, 'If such persons co-operate with anti-national activities and activities for disintegration of India with the help of your institution, Vidyarthi Parishad will lead radical movement against your institution and you will be solely responsible for it' (*The Wire*, 2 November 2018).

17 The list of awardees of senior fellowships by the Indian Council of Historical Research (n.d.) suggests strong affinities with the dominant ideology of the day. Also, in April 2018, the Indian Council of Philosophical Research ostensibly postponed,

but in effect cancelled, a seminar it had asked the Jawaharlal Nehru University to hold, as some of the papers being presented were on Adivasi (tribal) religious practices. The RSS insists that Adivasis are Hindus (*The Wire*, 7 April 2018).

18 The topics suggested included 'Gujarat: Good governance for growth, scientific management and development – A critical study of existing pattern and future course – A policy suggestions' (*sic*) (Yagnik and Chauhan, 26 April 2016).

19 In February 2014, Penguin, the publishers of Wendy Doniger's *The Hindus: An Alternative History*, came to an out-of-court settlement with the Shiksha Bachao Andolan Samiti (Committee for the Struggle to Save Education) by which they agreed to pulp all unsold copies of the book. It was later republished by Speaking Tiger books in Delhi. In June 2014, in response to a legal notice from the same organization, Orient BlackSwan, the publishers of Megha Kumar's book *Communalism and Sexual Violence: Ahmedabad since 1969*, also withdrew the book, which was subsequently republished overseas by I. B. Taurus. In both cases, the threats came from an 85-year-old retired schoolteacher called Dinanath Batra, who is on a crusade to correct what he views as distortions in history books, to expunge 'anti-Hindu' and 'anti-national' content from them. Batra does not have a single peer-reviewed publication, and his textbooks, which are prescribed reading in Gujarat schools, refer to Pakistan, Afghanistan, Bangladesh, Tibet, Nepal, Bhutan, Sri Lanka, and Myanmar as parts of undivided India or 'Akhand Bharat' and contain injunctions against Western culture.

20 The harassment of authors and publishers is symptomatic of a malaise that was most terrifyingly expressed in the brutal killings, between 2013–5, of the 'rationalist' scholar and former vice-chancellor M. M. Kalburgi, and outside the academy, of two activists, Narendra Dabholkar and Govind Pansare. What the professor and the activists had in common was that they had provoked the ire of Hindu groups, especially of an organization called the Sanatan Sanstha, by speaking up against blind faith, superstition, and idol worship.

21 This was clearly a face-saver to deal with the backlash to the January Office Memorandum of 15 January (Koshy, 24 February 2021).

22 In central universities alone, a database has recorded 60 cases of the "Denial of Permission/Disruption of Seminars/Meetings/Events on Campus" between 2014 and 2021 (*The Wire*, 18 April 2021).

23 Mohammed Ali Jinnah was the leader of the all-India Muslim League in colonial India and the founder of Pakistan. As a student at the Aligarh Muslim University, he had been president of its student union, whose office displays portraits of all past presidents.

24 The Act was amended in 2019 to make it possible for an individual, suspected of having terror links, to be designated as a terrorist. Before this amendment, only groups could be designated as terrorist organizations.

25 Zargar was four months pregnant at the time of her arrest. She was granted bail in June 2020, after many calls for her release.

26 The three students released are Asif Iqbal Tanha, Devangana Kalita, and Natasha Narwal (Garg, 16 June 2021).

27 In 2007, the reputed Faculty of Fine Arts at M. S. University, Vadodara, was vandalized by the moral police of BJP-VHP activists who found the paintings of a Master's student, Srilamathula Chandramohan, obscene. Chandramohan soon found himself in jail, and the dean of the faculty was suspended for allowing a protest exhibition to take place, as the vice-chancellor refused to stand by them. Chandramohan's degree in Visual Arts was withheld. Eleven years later, in frustration at not getting his degree, he set fire to the office of the vice-chancellor and was arrested. The original case against him – for his obscene depictions of the goddess Durga and of Jesus Christ – also stands (Shantha, 4 February 2018).

28 In 2019, following a terror attack on soldiers in Kashmir, a student house in Dehradun (the capital of Uttarakhand state) accommodating women students from Kashmir was attacked by a mob, calling them traitors. More than 20 girls locked themselves into shelter from the mob even as their landlord asked them to go back home (Upadhyay, 16 February 2019).
29 One distinguished scholar received a visit from the police asking if he was trying to spread disaffection against the state (Chari, 15 October 2015).

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6 Academic Freedom in Mozambique

Nelson Casimiro Zavale[1]

6.1 Summary

Throughout Mozambique's post-colonial history, the extent of academic freedom and institutional autonomy has been shaped by political and socio-economic changes. From independence in 1975 until the late 1980s, Mozambique had a one-party political system and a socialist, centralized economy, and it was ravaged by a dramatic civil war between government forces and the main opposition party, Renamo. In this environment, academic freedom and institutional autonomy were severely restricted. However, from the 1990s to the late 2000s, following Mozambique's transition from a one-party-state system to a multiparty democracy and from centralized socialism to a free-market economy, higher education institutions (HEIs) obtained new rights, particularly the constitutional right to institutional autonomy. However, from the 2010s onwards, these specific rights have been seriously curtailed by the rise of a rather (semi) authoritarian political regime.

Mozambique's constitution explicitly defines institutional autonomy as a constitutional right for HEIs. However, the constitution does not define academic freedom as a special right for academics but rather as amongst the civil liberties enjoyed by all citizens and as part of the freedom of scientific, technical, literary, and artistic creation. Institutional autonomy is reaffirmed in the law of higher education, the law 27/2009, but academic freedom is barely mentioned. In other words, the relevant legislation in Mozambique does not explicitly protect academic freedom. Despite being a constitutional right, institutional autonomy, in its diverse forms – pedagogical, scientific, administrative, and financial – is restricted at the practical level. Public HEIs are not self-governing institutions in matters of leadership. Vice-chancellors and deputy vice-chancellors are not elected by peers but appointed by the central government. Deans, directors, deputy deans, heads of department, and directors of academic programmes are also appointed by vice-chancellors, not elected. Private HEIs follow a similar logic, except for the fact that vice-chancellors are appointed by the owner, often religious or business entities. In terms of funding, public HEIs are dependent on the state budget but this budget is mostly channelled to pay staff salaries and running costs. Research is barely funded by the government; it is occasionally

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funded by donors. Private HEIs are dependent on tuition fees. However, tuition fees are not reliable and cannot be taken for granted, given the high competition among HEIs (Langa and Zavale, 2018, pp. 107–42). In other words, the administrative and financial autonomy of public HEIs is mostly restricted by the government and donors, whereas the market (i.e., tuition fees) imposes limitations for private HEIs. HEIs seemingly enjoy higher pedagogical and scientific autonomy, but restrictions also exist. Pedagogical autonomy, particularly the autonomy to initiate new academic programmes, is limited by the obligation to gain prior accreditation and authorization from the minister in charge of higher education.[2] Scientific autonomy, particularly the power to conduct research, is restricted by the lack of funding.

Compared to institutional autonomy, academic freedom is less protected. Academic freedom is not explicitly mentioned in the constitution and higher education legislation, and it is barely protected at the practical level. In general, the freedom to research and teach is more protected than the freedom to make public statements, particularly on social media. The freedom to teach, particularly to teach politically and socially sensitive topics, is restricted by the presence in classrooms of intelligence agents or eminent politicians disguised as students. The increasing trend of the authoritarian state and government in the 2010s, due to the return to low-intensity war, the discovery of natural resources, and the disclosure of the so-called hidden debts, has caused deterioration in the protection of human rights and civil liberties, including academic freedom. As a result, some academics have been censored, attacked, tortured, or killed because of criticism and statements they have made in public, particularly on social media.

6.2 Methods, Sources, and Scope of the Study

The structure and writing of this chapter followed the guidelines proposed by Kinzelbach et al. (2020). Besides a literature review, three main sources were used to obtain supportive information and evidence. First, documentary analysis was used to examine regulations, legislation, reports, and institutional frameworks and settings for academic freedom and institutional autonomy in Mozambique. Second, a thorough analysis and reconstitution of the most relevant cases covered by news media or reported on social media was made. The targeted period was 2018–21, but relevant cases that occurred before were also considered. Third, 28 key informants were interviewed: 10 senior university leaders from both public and private HEIs (vice-chancellors, deputy-vice-chancellors, deans; some in office and others no longer in charge); 15 academics (12 from social sciences and humanities and 3 from science, technology, and engineering fields); 3 student leaders. Although representatives from all HEIs were not included, effort was made to include interviewees in the purposive sample who are representative of different typologies of HEIs (public vs private; well-established vs new; larger vs smaller). Concerning academic staff, only senior staff were included, i.e., those holding a PhD and with more than five years

of working experience. Senior academics were preferred because they are often better informed about – or have experienced – restrictions to academic freedom and institutional autonomy. The methodology has three shortcomings. First, a survey of a more representative sample of academics was not undertaken due to insufficient time and resources for the study. For example, only informants from Maputo, the capital city of Mozambique, were included. Had informants from other provinces been included, particularly from provinces that are home to several HEIs (e.g., Beira and Nampula), a more regionally varied picture of restrictions to academic freedom would have been portrayed. However, statements from academics and university leaders working in Maputo potentially provide a general overview of the state of academic freedom, particularly taking into account, on one hand, that Maputo is home to 70% of all HEIs in Mozambique (Zavale and Macamo, 2016, pp. 247–61), including the main campuses, and, on the other hand, that the city is the country's main centre and stronghold of political and economic power. Second, given the political sensitivity of talking about academic freedom and institutional autonomy in Mozambique, this chapter does not include the names of the interviewees. Third, most interviews were administered online due to restrictions imposed due to the Covid-19 pandemic. However, face-to-face interviews were considered whenever preferred by the interviewees.

6.3 Characteristics of the Mozambican Higher Education Sector

Higher education in Mozambique, as in most Sub-Saharan African countries, was established after World War Two (Zavale and Schneijderberg, 2020, pp. 1–35; Beverwijk, 2005). However, unlike other European colonial powers, which established HEIs in their African colonies during the 1950s, Portugal established the first HEIs in Lusophone Africa later, in the early 1960s. Through Decree law 44,530 of 21 August 1962, the Portuguese colonial government established the first HEI in Mozambique, then known as Estudos Gerais Universitários de Moçambique, renamed the University of Lourenço Marques in 1968 and then, after independence in 1975, renamed Eduardo Mondlane University (UEM) in 1976, in honour of Eduardo Mondlane, Mozambique's hero and leader of the nationalist movement, Frente de Libertação de Moçambique (Frelimo). In the mid-1980s, two new public HEIs were established: The Higher Pedagogic Institute, renamed Pedagogic University (UP) in 1995,[3] and the Higher Institute for International Affairs (ISRI), renamed University Joaquim Chissano[4] in 2018. By the mid-1990s, Mozambique had only these three HEIs, with about 4,000 enrolled students (Zavale et al., 2015, pp. 101–34).

From the mid-1990s onwards – following Mozambique's transition from a one-party-state system to a multi-party democracy and from centralized socialism to a free-market economy – the Mozambican higher education system witnessed deep transformations. A new law, law 1/93, revised twice, in 2003 and

Table 6.1 Number and typology of HEIs in Mozambique

Typology of HEIs	*Public*	*Private*	*Total*
Universities	9	10	19
Higher institutes	4	20	24
Polytechnics	4	0	4
Higher Schools	2	2	4
Academies	2	0	2
Total	22	31	52

Source: Ministry of science, technology and higher education, Mozambique.

2009, allowed the establishment of non-public HEIs (Langa, 2013). As a result, a new era began, characterized by rapid expansion and differentiation of the higher education system. From the mid-1990s to the early 2020s, the number of HEIs rose to 52; and HEIs have diversified in typologies: Private vs public, university vs non-university types (see Table 6.1). The public HEIs are state-owned institutions and private HEIs are mostly owned by business and religious entities (Langa and Zavale, 2015, pp. 89–109).

The increase in and differentiation of HEIs was accompanied by a rapid increase in enrolments, from 4,000 in the mid-1990s to over 210,000 in the early 2020s (UNESCO and Kahn, 2021). Of these students, 90% are enrolled at undergraduate level, 9% at Master's level and less than 1% at PhD level (MCTESTP, 2016). About 45% of students are women, but only 4% of these female students are enrolled in science, technology, engineering, and mathematics (STEM) fields (Givá and Santos, 2020, pp. 61–77; Uamusse et al., 2020). Although there are more private than public HEIs, public HEIs account for 70% of total enrolments. In terms of individual institutions, six HEIs alone account for over 70% of total enrolments: Three public HEIs, namely UEM, with 40,000 students; UP, with 52,000 students; and University Zambeze (UniZambeze), with 8,000 students; and three private HEIs, Catholic University of Mozambique (UCM), with 20,000 students; Saint Thomas University of Mozambique (USTM), with 5,000 students; and Polytechnic University (A-Politécnica), with 4,000 students. These six HEIs account for 60% of nearly 10,000 Mozambican academic staff:[5] UEM has 1,700 academic staff, 1,250 of whom are permanent; UP has 3,000, of whom 1,600 are permanent; UniZambeze has 450, of whom 250 are permanent; UCM has 550, of whom 350 are permanent; USTM has 650, of whom 60 are permanent. Only 1,000 (10%) of all academic staff hold a PhD, and these are mostly affiliated with the two largest and oldest HEIs, UEM (400) and UP (300) (MCTESTP, 2016).

Therefore, despite the rapid expansion and differentiation, Mozambican higher education is still under constitution. A few large HEIs dominate student and academic staff numbers. Most HEIs, particularly private ones, are rather small in number of enrolled students and academic staff, have few permanent academic staff, and lack qualified staff at PhD level. While larger institutions are

mostly multidisciplinary, most small HEIs are specialized in specific scientific fields, such as health sciences, security/defence, accountancy/finance, or technology and engineering. With a gross enrolment ratio of 7.3%,[6] higher education is still an elite system, benefiting few prospective students. Some old HEIs have emerging research capabilities, but the majority focus essentially or exclusively on teaching (undergraduate) students. In a recent UNESCO report on research and innovation in Mozambique (UNESCO and Kahn, 2021), UEM appears as a unique university with Web of Science (WoS)-indexed scientific publications, over 66% of which are in health, 10% in agriculture, and 3% in engineering (Ibid; Zavale and Schneijderberg, 2021, pp. 37–52). Despite rising publications over the last five years, the majority of UEM's 1,700 academic staff do not publish, at least by international standards: Our search on WoS shows that, during 1980–2020, UEM published about 2,000 publications, half of which in 2015–20, i.e., an average of 200 publications per year or 0.10 publications per staff member per year.[7] Lack of funding, insufficient research qualifications of academic staff (including in English), lack of research infrastructure and equipment, and a lack of incentives to attract and retain talent are among the most influential variables for low publication levels (UNESCO and Kahn, 2021).

The rapid expansion and differentiation of higher education has shaped its funding system. As elsewhere in Africa, public and private HEIs in Mozambique have different sources of funding. In public HEIs, the government accounts for over 95% of funding, followed by donors, student fees, and income-generating activities. In private HEIs, student fees, which are around USD 150–300 per month, are the main source of funding, complemented by venture capital and donor funding. In public HEIs, given their socialist legacy, student fees are traditionally low: In 2021, day-shift students paid less than USD 100 per year. However, similarly to private HEIs, public HEIs have also introduced night-shift undergraduate and graduate programmes, which are run according to a private model. Students attending night-shift programmes in public HEIs also pay similar monthly fees to those paid in private HEIs, i.e., about USD 150–300. In public HEIs, government funding is often channelled to pay staff salaries and to cover investment in infrastructure and running costs, whereas research and capacity building, including human resources, is left to donor funding. Although about 70% of government funding is devoted to staff salaries (Rajá, 2010), academic salaries in Mozambique are low by international standards: The basic monthly salary of a full professor does not reach USD 1,000, and if all supplements are included, it does not reach USD 2,000. This is the reason why most academics in Mozambique, as elsewhere in Africa (Wight et al., 2014, pp. 32–40), are engaged in other income-generating activities, such as teaching night classes or in private HEIs, consultancy in companies and NGOs, and political activities in government. Funding higher education in Mozambique faces six main challenges. First, investment in higher education research and development is low: Although the nominal budget has increased with the expansion of higher education, the gross expenditure in research and development is 0.37% of GDP, i.e., far below the 1% recommended at the African and global

level (UNESCO and Kahn, 2021). Second, domestic funding in research and innovation is low, as most research is funded by donors. Third, the current public funding system is not equitable or socially fair, because it does little to differentiate the amount of fees to be paid by richer and poorer segments of society. Fourth, HEIs are often not accountable for the funds they receive because there is no performance-based funding system. Fifth, private HEIs rely heavily on student fees and are not funded by government (Langa, 2013). Lastly, there is lack of alternative and sustainable mechanisms for funding the whole system, particularly given the challenges of expanding higher education beyond the current gross enrolment ratio of 7.3%.

The rapid expansion and differentiation of higher education has also brought the challenge of steering and governing the system. Before the approval of law 1/93, which allowed the establishing of private HEIs, higher education was controlled by the government, through the Ministry of Education. The approval of law 1/93 established the principle of institutional autonomy, which was intended to reduce the government's interference in higher education and reinforce HEIs' internal mechanisms and leadership in the governance and management of academic and administrative affairs. At the national level, three councils were created to support higher education planning, policymaking, and implementation: The Council on Higher Education (CES), composed of rectors, which serves as an advisory board for the minister in charge of higher education; the National Council on Higher Education (CNES), composed of rectors and representatives from civil society and the business sector, which is an advisory board for the Council of Ministers; and the National Council for Quality Assurance of Higher Education (CNAQ), an advisory board for the minister regarding quality assurance. At the institutional level, HEIs are governed by their internal leadership (e.g., rectors, directors, deans) and collegiate decision-making and advisory boards (e.g., university and academic councils). At a higher level, a Ministry in charge of higher education was established to coordinate the whole system, with its name often changing depending on whether higher education is considered part of the educational system or part of the science, technology, and innovation system. These recurrent changes not only created discontinuities in the system, but also suggest a lack of medium and long-term government strategy for higher education. Besides this institutional framework, several laws and decrees have been approved to steer the whole higher education system.

6.4 Current State of Academic Freedom and Key Developments in the Recent Past

6.4.1 Legal Protection of Academic Freedom

In Mozambique, academic freedom is regarded as part of the civil liberties that all citizens have, but not as a special right of academics. The constitution does not explicitly mention academic freedom, but more general civic rights, namely the freedom of speech and information (Art. 48) and the freedom of scientific,

technical, literary, and artistic creation (Art. 94). These constitutional articles are reaffirmed in the law of higher education, law 27/2009. The freedom of scientific, technical, literary, and artistic creation is one of the principles of HEIs referred in this law (Art. 2), with institutional autonomy being one of the mechanisms enabling academic freedom (Art. 6). However, as elaborated further in Section 6.4.2, the institutional autonomy, particularly of public HEIs, is very limited. In turn, academic freedom is barely mentioned in the constitution and higher education law, as well as in HEIs' internal regulations. For example, academic freedom is neither mentioned in regulations for academic staff nor in the specific statutes of HEIs as one of the (special) rights of academics. In other words, relevant legislation in Mozambique does not explicitly protect academics from external influence, hindrance, and censorship in their pursuit of intramural (teaching and research) and extra-mural (public engagement) activities. Instead, the legal framework protects academics as common citizens enjoying civil liberties.

In recent years, while there have been threats to academic freedom, courts have hardly been involved. The most popular case involving a court goes back to 2013–15. In December 2013, the Office of the Attorney General in Maputo opened a criminal case against Carlos Nuno Castel-Branco, a professor of economics at Eduardo Mondlane University in Maputo, a research associate at SOAS University of London, and a founding member of the Institute of Economic and Social Studies (IESE), also based in Maputo. The case was opened after Castel-Branco strongly criticized the then president of Mozambique, Armando Guebuza, in a public letter posted on Facebook. Castel-Branco accused the president of being out of control and of pushing the country back to war, in a context of clashes between the Mozambican defence forces and militants from the armed wing of the Mozambican National Resistance (Renamo), the main opposition party. Castel-Branco was accused of crimes against state security, but in September 2015 a Maputo court acquitted him of these charges (Ribeiro, 2015; *Deutsche Welle*, 16 September 2015). In his verdict, the judge justified his decision on the grounds that Castel-Branco has written the text to merely express his opinion, which could not correspond to the truth of the facts, so it does not constitute any type of legal crime. According to the judge, in light of the constitution, everyone is free to think and publicly refer to the suitability or not of the president and condemning someone for having called him 'out of control' would be placing the court in a position of depriving freedom of expression, a constitutional right enjoyed by all citizens (Manhiça, 16 September 2015).

6.4.2 Institutional Autonomy and Governance

In Mozambique, institutional autonomy is a constitutional right of HEIs. Article 114 of the constitution stipulates that HEIs enjoy scientific, pedagogical, financial, and administrative autonomy, although they are obliged to submit their service to quality assessment and inspection as prescribed by the law. The meaning and boundaries of this autonomy are clarified in the legislation on

higher education. The law of higher education, 27/2009, defines autonomy as the 'ability of HEIs to exercise powers and faculties for pursuing their missions, including exercising administrative, financial, patrimonial, scientific and pedagogic duties to achieve academic and intellectual freedom'. This autonomy is exercised 'within the framework of HEIs' objectives and in accordance with relevant national policies and plans, in particular of education, science and culture' (Art. 6). The autonomy is threefold:

i *Scientific and pedagogic autonomy*, i.e., the ability of HEIs to define, design, initiate, suspend, and terminate academic programmes and scientific, cultural, and artistic projects; the ability to define the methods of teaching and assessment, as well as the ability of academics to teach and research according to convictions and without any kind of coercion (Art. 7).
ii *Administrative, financial, and patrimonial autonomy*, i.e., the ability of HEIs to dispose their assets, to obtain necessary revenues and to manage their budgets according to their respective plans and in compliance with applicable legislation (Art. 8).
iii *Disciplinary autonomy*, i.e., HEIs enjoy disciplinary power over offences committed by staff and students, under the applicable regulations and legislation (Art. 9).

However, this autonomy faces limitations. While HEIs enjoy scientific and pedagogical autonomy, decree no. 46/2018 of 1 August 2018 regulating the licensing and functioning of HEIs assigns to the minister in charge of higher education the competence of authorizing the opening of new academic programmes and departments, upon presentation of a prior accreditation certificate, issued by the national agency for quality assurance. In other words, after entry into force of this decree, no academic programme or department could be established and run without prior authorization by the government.

Two former vice-chancellors, namely professors Jamisse Taimo and Lourenço do Rosário, have recently chaired a commission charged with analysing the situation of HEIs in general, with a particular focus on institutional autonomy. In their report released to media in 2021 (*Jornal Savana*, 2 July 2021), they expressed concerns about the ongoing erosion of autonomy of HEIs, which takes two main forms. First, HEIs were transformed into mere recipients of orders from the Ministry in charge of higher education, which instead of coordinating, places them in a subordinate position through its centralizing policy. The authors highlight that the rationale for establishing higher education councils at the macro or system level, namely CES, CNES, and CNAQ, was to ensure coordination of the higher education system while maintaining the autonomy of HEIs and reducing government interference. By ascribing to the CES and CNES similar competences to those of the Council of Rectors, the law of higher education perverts this principle by transforming the Council of Rectors into a redundant and irrelevant body. In addition, the CNES – the national body responsible for advising the government in matters of the establishment,

running, closure, and approval of statutes of HEIs – is composed of more members from outside than from inside the academia: Six leaders of HEIs against five representatives from government, three representatives from the productive sector, and three representatives from civil society. The composition of six insiders against eleven outsiders is problematic because it gives more power to stakeholders who are outside academia to take decisions on key issues pertaining to HEIs. Second, the report regrets that CNAQ, initially established to promote quality assurance and improvement, has become an inspection agency, imposing further limitations on HEIs' autonomy. Besides this, CNAQ charges high fees for its services: For example, the fees for establishing and inspecting HEIs are fixed at 150–100-times the minimum wage, and for pre-accreditation of new academic programmes, at 48-time the minimum wage. Given these high fees, the former vice-chancellors accuse the government of establishing institutions to be financed by HEIs, and of diverting resources that would be used by HEIs to improve teaching and research.

Administrative autonomy is limited by the mechanisms of selection of senior leaders, approval of internal statutes, as well as by the functioning and composition of governing boards. In public HEIs, top managers are not elected by peers, but appointed by the government: The president appoints rectors and vice-rectors of public universities (Art. 159 of the constitution), and the prime minister appoints general directors of public non-university HEIs, following proposals of internal governing boards. However, the government is not bound to appoint the nominees selected by internal governing boards; in some cases, the government has simply overlooked the suggested nominees and appointed rectors or general directors who were not recommended by or even affiliated to the concerned universities. Besides appointing top leaders, the government is also responsible for approving the statutes and regulations suggested by HEIs for their internal organization and governance (Arts. 18 and 19 of the law of higher education, law 27/2009). By approving statutes and regulations and by appointing rectors and general directors, who subsequently appoint (not elect) all mid-range leaders and managers (e.g., deans, directors, and heads of department), the central government sets the boundaries of administrative autonomy by controlling the most important issues pertaining to policymaking and implementation within HEIs.

Additionally, public HEIs are not completely autonomous in handling most administrative issues, such as the recruitment and remuneration of (academic) staff, since most of these issues are shaped by central legislation applicable to the whole state apparatus. The administrative and financial autonomy of higher education is also constrained by sources of funding. According to the law regulating the state's financial administration system, the law 9/2002 of 12 February 2002, state departments and institutions can only have effective administrative and financial autonomy – i.e., exercise their powers of carrying out definitive and enforceable administrative and financial acts – if two cumulative conditions are met: First, if this is justified for their proper management; and second, if they have or generate their own revenues (state and donor

revenues are not considered to be 'own revenues') covering at least two-thirds of their total expenses (Art. 6). In other words, while under constitutional and sectoral law, public HEIs are autonomous, this autonomy is practically limited or non-existent because they are financially dependent on the state. As stated above, government funding covers over 90% of public HEIs' finances (mostly for paying salaries and running costs), with donors responsible for funding research and capacity building.

In addition, institutional autonomy is exercised by university collegiate boards, but the way these boards are composed, and function imposes limitations. Public HEIs have advisory boards (e.g., academic councils, and councils of directors and deans, which are replicated at college levels) and decision-making boards (e.g., university councils). According to the law, particularly institutional statutes, university councils are composed by representatives of different stakeholders from the university community (University of Zambeze, 2011) namely managers, academic staff, students, administrative staff, and representatives of external stakeholders (e.g., government and wider society). University councils of public HEIs are composed of 22–5 members. Some of these members are elected by peers (e.g., representatives of professors, lecturers, researchers, managers, administrative staff, and students) while others are appointed, particularly representatives of external stakeholders.

This composition limits institutional autonomy in two ways. First, elected members, particularly those representing academics, administrative staff, and students, tend to be fewer in number than those appointed. The UEM university council, for example, is composed of 24 members, 11 of whom have been elected to represent academic and administrative staff and students. The other 13 members represent external stakeholders (three for government, six for civil society), and managers (two deans/directors, one rector, and two vice-rectors). At the University of Zambeze, the university council has a similar composition: Only 8 of 22 members have been elected to represent academic and administrative staff and students. This composition is an indication that university councils are controlled or co-opted by external stakeholders (e.g., government) and appointed university managers and leaders rather than by ordinary elected academics, administrative staff, and students. Second, this situation is exacerbated by the fact that, at least in these two universities, the university councils are presided over by rectors, making it difficult for these decision-making boards to be independent and to hold the overall university management and leadership accountable. Acknowledging this limitation, a movement of change has begun, particularly at Pedagogic University (and particularly at the five new universities that were established in 2019). This consists of establishing independent university councils capable of overseeing the university and taking decisions with some degree of autonomy vis-à-vis the leaders and managers in charge. In the statutes of these new universities, the powers of the rector have been reduced and the university councils have been shaped to work as checks-and-balance mechanisms. For example, the rector is no longer the chairperson of the university council, no longer has the right to vote, and also no longer has the right of a

casting vote. See, for example, decree no. 7/2019 of 18 February 2019, chapter VII, section I, UniRovuma Statutes.

The interviews conducted with some selected (former) rectors and vice-rectors of the main public universities in Mozambique not only confirm the limitations of institutional autonomy depicted through documentary analysis, but also provide further statements as to how these limitations are felt within the management of public HEIs. Two categories of these statements are worth mentioning. First, the interviewees confirmed the limitations of effective financial autonomy of public HEIs, which takes two forms. On one hand, public HEIs are under-funded. Public HEIs get their budget through direct negotiation with the Ministry of Finance. However, the budget allocated barely reaches the amount requested by HEIs and, in most cases, informal contacts and networks with some influential staff at the Ministry of Finance are important to allow a smooth allocation and management of the budget, particularly for institutional investment. This is because there are few budget lines to fund research and long-term institutional investment. The budget provided to public HEIs mostly funds salaries and some running costs, but salaries and benefits are not competitive enough to attract talented staff and, most importantly, to retain and motivate staff to dedicate themselves to internal academic activities, particularly research. As a result, most academics, particularly talented academics and those working in economically attractive sectors (e.g., STEM fields and business, law), devote themselves to external activities that are more lucrative, such as consultancy, part-time (or full-time) work as politicians or professionals in the private sector and with NGOs. On the other hand, the interviewees pointed out that the financial autonomy of HEIs is limited by external sources of funding. Externally, public HEIs are mostly funded by donors (industry provides little funding for HEIs) and as such, donors influence HEIs' priorities in terms of research agenda and institutional capacity building. It is not surprising that scientific areas typically needed in the poor economic condition of developing countries (e.g., agriculture, health) are more likely to receive funding than others (e.g., engineering, social sciences, and humanities).

Second, the interviewees confirmed the limitations of effective administrative and governance autonomy of public HEIs. The central government controls the most important issues regarding the management and leadership of HEIs. One former rector provided two examples of how this control occurs. First, through controlling and influencing the internal 'democratic' process used to select nominees for the position of vice-chancellor. The central Frelimo-controlled government and its representatives, who are members of university councils, often influence the process and its outcome in such a way that, when the nominees are not those preferred by the government, the whole process can be repeated, or the central government can simply overlook the nominees and appoint a different person. Second, a university can decide to suggest a new statute for its functioning, but this statute will be subjected to amendments to accommodate the central government's interests. If these interests are not met, the government can simply reject the proposal of statutes, irrespective of whether

this satisfies the demands of the internal university community. Another deputy vice-chancellor provided a third example. His university would perform better academically if it was autonomous in recruiting, promoting, and paying competitive salaries, as well as in allocating the budget, but most of these issues are decided by the central government.

Private HEIs seem to enjoy greater administrative and financial autonomy vis-à-vis the state or government, but their autonomy is constrained by the market. Similarly, in public HEIs, top and mid-range managers in private HEIs are not elected but appointed. The rector or vice-chancellor is appointed by the owning institution (e.g., a business corporation or religious denomination). In turn, the rector appoints all mid-range managers (e.g., vice-rector, directors, deans, and head of department). In terms of finance, private HEIs are heavily dependent on student fees. This dependency was particularly revealed during the Covid-19 pandemic (Cossa, 23 April 2021): While public HEIs were also affected, particularly those offering night-shift programmes, private HEIs were hit particularly hard, with some on the edge of closing due to a more than 50% reduction in revenues, as most students stopped paying fees (*MMO jornal,* 9 July 2020). Therefore, private HEIs enjoy greater autonomy vis-à-vis the state, i.e., they can decide and control their academic and administrative issues without much interference of the state. However, their autonomy is limited by two main forces: The interests of the owning institution and their ability to generate fees from students. For example, a deputy vice-chancellor from one of the oldest private HEIs in Mozambique stated that private HEIs struggle to run programmes that are too costly and unlikely to attract fee-paying students; likewise, the leaders of private HEIs find it difficult to take decisions that are not favourable to their owning entities, even if they are academically sound and reasonable. In addition, the autonomy of most private HEIs is also limited because most of them, especially the most influential private HEIs, have been established or are controlled by prominent actors connected to the government (i.e., former rectors, deans and directors at public universities are often appointed to similar positions in private universities; for example, Universities Politécnica, Wutivi).

6.4.3 Freedom to Research and Teach

The constitution and higher education legislation do not explicitly or specifically protect academic freedom, but rather the civil liberties of academics and the institutional autonomy of HEIs. The freedom to research and teach is legally protected under the umbrella of the scientific and pedagogical autonomy of HEIs. The law of higher education, law 27/2009, stipulates that HEIs enjoy scientific and pedagogic autonomy, under which they can: (i) define their academic programmes and fields, and their scientific, cultural, sporting, and artistic research programmes and projects; (ii) teach and undertake research according to the convictions of the faculty and independently of any form of coercion; (iii) establish, suspend, and terminate academic programmes; (iv) design academic programmes and curricula, including through consultation with the

labour market; and (v) define and choose teaching and assessment methods and introduce new pedagogical experiences (Art. 7). As a general rule, there is no official restriction and censorship of academics' freedom to research and teach, except the limitations imposed by decree no. 46/2018 of 1 August 2018 regulating the licensing and functioning of HEIs. This decree assigns to the minister in charge of higher education the competence of authorizing the opening of new academic programmes and departments, upon presentation of a prior accreditation certificate, issued by the national quality assurance agency.

However, at the practical level, there are at least three limitations. The first limitation regards funding. Research is barely funded by the government, and it is limited to particular scientific areas and programmes when it is funded. There are two main mechanisms through which the government channels funding to research. The first is through the National Research Foundation (FNI) and the second is through the Fund for Institutional Building (FDI), both from the ministry in charge of science, technology, and higher education. These two mechanisms are donor-dependent: The FNI is dependent on bilateral donors such as Swedish-SIDA; the FDI is funded by the World Bank. These mechanisms follow the government policy of prioritizing STEM fields. In the latest calls for application launched during 2019–21, only STEM fields were eligible for funding, while humanities and social sciences were excluded (Fundo Nacional de Investigação, 2019; MCTES, 2021). STEM fields are also prioritized in the provision of scholarships for undergraduate and graduate education by the ministry in charge of science, technology, and higher education, through its Institute of Scholarships. For example, in the 2021 call for scholarship applications, only STEM fields were eligible (MCTES/Instituto de Bolsas, 2021). As a result, social sciences and humanities have to look for alternative sources of funding, particularly external and foreign sources of funding that match their research projects and agendas.

Second, the lack of funding and low salaries was also highlighted by all interviewed academics as the main curtailment to freedom of research. This limitation is particularly felt by academics working in socially and politically sensitive areas, particularly social sciences and humanities, who are often neglected by the available funding schemes internally mobilized by HEIs. In addition, academics often complain of excessive bureaucracy and a lack of autonomy in managing mobilized grants and resources, which are often hijacked by senior managers to fund other expenses that are unrelated to the research project. As a result, academics engage in two alternative solutions. First, they are forced to establish research, think tank, consultancy, and non-governmental organizations to be more autonomous in mobilizing and managing funds. Several external and parallel competing research and think tank organizations have been created by prominent academics working in social sciences who are affiliated to public universities (Nylen, 2018, p. 269). Some of the most prominent examples of institutions are the Institute of Economic and Social Studies (IESE), established by a group of social scientists led by the economist Nuno Castel-Branco, a professor then affiliated to UEM; the Centre for Public Integrity (CIP) and Centre for

Democracy and Development (CDD), both established by a group of academics and social activists, led by Edson Cortez (an anthropologist), Marcel Mosse (a journalist and sociologist), and Adriano Nuvunga (a political scientist at UEM); the Foundation for Supporting Civil Society (MASC), established by a group of social scientists and activists, led by João Graziano Perreira, a political scientist affiliated to UEM; and the Women Forum, established by female social scientists and activists, led by UEM social scientist Teresinha da Silva. Academics from STEM fields are also active in establishing organizations, but mostly for consultancy (Zavale and Schneijderberg, 2020). Second, academics are forced to devote themselves to external income-generating activities that are more lucrative, such as consultancy, part-time (or full-time) work as politicians or professionals in the private sector and with NGOs. It is not surprising, for example, that there are more part-time academics at UEM colleges working in economically attractive areas (e.g., medicine, engineering, business, and law).

The third limitation is rather subtle and relates to curtailment of the freedom to teach. As a general rule, academics are free to teach any topic using any materials and methods. However, interviewees working in socially and politically sensitive areas (e.g., sociology, political science, and public administration) feel there is a need to be vigilant regarding what they say in classrooms. They feel the need to practice self-censorship, particularly if they address topics related to and unfavourable to the official government narrative and the ruling political party, Frelimo. One of our interviewees said, for example, that instead of saying 'the problem that Frelimo has', they often soften their languages by saying 'the challenges faced by the governing political party'. The reason for this self-censorship is that in those sensitive areas, government intelligence agents often infiltrate the classroom, disguised as students to monitor the orientation of speeches, particularly those that criticize or are unfavourable to the official government narrative and the ruling political party. In addition to intelligence agents, some senior and influential members of political parties, including from opposition parties, tend to enrol in politically and socially sensitive academic programmes (e.g., political science, public administration, law, and economics), and their presence in classrooms is felt to be embarrassing by some of our interviewees. In private HEIs, some academics practice self-censorship in their teaching to avoid termination of their contracts, since these are not permanent and have to be renewed every year.

6.4.4 Exchange and Dissemination of Academic Knowledge

In general, in Mozambique there is freedom of exchange and dissemination of academic knowledge, if by these terms we mean: (i) uncensored access to scientific literature and other research materials; (ii) the freedom of scholars to meet and collaborate with other scholars, both nationally and internationally; and (iii) the freedom of scholars or students to travel abroad, or the freedom of foreign scholars or students to visit Mozambican academic institutions. International academic exchange is also substantial, as evidenced by high rates of publications co-authored by Mozambican scholars in collaboration with foreign partners,

particularly from the US, Spain, South Africa, the UK, and Lusophone countries (UNESCO and Kahn, 2021). For example, in a recent study (Tijssen and Kraemer-Mbula, 2018, pp. 392–403), the most scientifically productive institution in Mozambique – the Eduardo Mondlane University – was ranked first among other selected African flagship universities in the share of publications in global and African cooperation categories for 1996–2015 (i.e., publications for which at least one of the co-authoring organizations is located in a foreign or another African country). However, it is difficult to justify this standing on the grounds of the existence of direct (government) incentives and funding opportunities. As mentioned earlier, the government offers very limited funding opportunities for research. The most reasonable rationale for significant publications by Mozambican scholars in co-authorship with foreign partners is the strong dependence of research funding opportunities on donors.

Moreover, there are no restrictions to publishing research findings, particularly as far as conventional publishing mechanisms involving (international, English-language) peer-reviewed journals and book publishers are concerned. However, restrictions are felt by some academics when intending to disseminate socially and politically sensitive research findings through conferences and seminars. Some interviewed social scientists, particularly with backgrounds in political science, public administration, sociology, history, and law, have voiced concerns about having suffered censorship – and even impediment – by university leaders when intending to organize conferences for the dissemination of their research findings and publications on topics related, for example, to the main opposition party Renamo, the civil war, electoral processes, and the law of decentralization. However, the most serious restrictions are imposed by non-academic authorities on academics who intend to express their views on social and political affairs, particularly through print, audio-visual, and social media. Throughout the 2010s, serious incidents have occurred involving academics who have expressed public statements and opinions (e.g., in media) that contradicted or were unfavourable to the official government narrative and the ruling political party, Frelimo. A recently published report by the Centre for Public Integrity, a Mozambican think tank engaged in fighting corruption and promoting transparency, has documented some of the most widely known cases of curtailment of academics' freedom of public expression (CIP, 2021).

As mentioned earlier, UEM economics professor Carlos Nuno Castel-Branco was judged (and fortunately acquitted) for criticizing the former president, Armando Guebuza. Another case concerns UEM law professor Gilles Cistac, who was shot dead on 3 March 2015 after making a TV appearance in which he allegedly supported the opposition party Renamo's political intentions of introducing decentralized autonomous provincial or regional governments (Issufo, 5 March 2018). The perpetrator has still not been identified. Following this incident, several colleges of law and social activists intended to organize rallies and demonstrations, but these were prohibited by the police and security forces (Sebastião, 6 March 2015; *RFI*, 7 March 2015). A year later, in March 2016, José Jaime Macuane (Saul, 23 March 2016), a professor

of political science at UEM and resident commentator at one of the most important television channels in Mozambique, Soico Televisão, was shot in both legs by unknown perpetrators and abandoned on the Maputo circular road, in the Marracuene district, eventually it would seem because of opinions he expressed publicly on TV. During the same month, Ericino de Salema, a journalist and another resident TV commentator for the same programme as Professor Macuane, was kidnapped and tortured by unidentified individuals, and abandoned, unconscious, on the Maputo circular road (Matias, 27 March 2018). After recovering from these abuses, both commentators withdrew from public intervention, ceasing to participate as permanent commentators on television programmes and temporarily closing their Facebook pages. When they resumed work, they avoided recurrent public appearances on social media. After these incidents, few academics have dared to publicly express their views on political and social affairs, particularly if critical of the government and ruling political party, Frelimo. The remaining 'authorized' commentators are those who have been labelled 'G40', a group of 40 members loyal to the government, who were allegedly selected and placed in public and private media to express opinions supporting the government and the ruling party (Cumbane, 21 August 2016). Pro-government commentators are particularly active in the state-run media sector, which, as referred to by Human Rights Watch (2021), tends to provide coverage favourable to the government. While several smaller private independent media outlets are emerging, some of them are targeted by government pressure, intimidation, harassment, and (self-) censorship, taking either direct (e.g., attacks to journalists) or indirect forms (e.g., cancelation of public advertising contracts) (US Department of State, 2019).

Following some success in silencing individual academics affiliated to universities, from 2017 onwards, restrictions and threats shifted towards social activists and researchers affiliated to prominent think tanks, civil society, and non-government organizations like the Institute of Social and Economic Studies, the Budget Monitoring Forum (FMO), the Observatory of Rural Areas (OMR), and the Centre for Public Integrity. For example, in 2018, following public debates and campaigns against payments of hidden debts by the government, CIP's premises were surrounded by the police, prohibiting its activists from wearing campaign T-shirts. Social media was then used to label CIP activists as unpatriotic. As a result, some activists were forced to temporarily leave the country or change their residence in fear of their physical integrity and safety. Academics, journalists, and social activists are not unique in having their freedom restricted. Students also suffer restrictions to their academic freedom, for example through limits to their holding decorative roles in national and institutional governance bodies (Zavale and Langa, 2019, pp. 90–108),[8] and also through limits on their freedom to organize demonstrations. For example, in May 2021, the police prohibited demonstrations organized by university students against newly approved legislation prescribing better conditions and perks in favour of parliamentary agents and officials. Valdo Nhamuneque, one of lead student protesters, was arrested and taken to a police station located in Maputo (*Deutsche Welle*,

11 May 2021). He was released days later after being defended by the social activist Adriano Nuvunga, CDD's director.

Two main reasons account for the worsening, from the 2010s onwards, of the country's democratic and freedom status. First, some brief context about Mozambique's situation prior to 2010 is important. From the end of the civil war in 1992 until roughly 2013, Mozambique was considered a post-war success story in terms of democratic and economic stability and peace (Phiri, 2012, pp. 223–45). After 1994, the country organized relatively peaceful elections in which the former warring parties – Frelimo and Renamo – shared political institutions (e.g., parliament, local governments, and electoral bodies) in a reasonably peaceful environment, despite the persistence of structural inequalities and political and socio-economic exclusion (Darch, 2018). In addition, from 1992 to 2015, the Mozambican economy grew at an average rate of 7%, then one of the highest in Africa (Ross et al., 2014). The discovery of huge mineral resources, particularly coal and natural gas, attracted several multi-national companies (e.g., Total, Rio Tinto, Riversdale, Sasol, Anadarko, ENI, Statoil e Petronas, and Exxon Mobil) (Gqada, 2013), whose effective and potential investment shaped the positive prospects of steady economic growth and development for the following years (Brooks, 2018, pp. 447–67).

From 2010 onwards, these prospects and hopes were darkened by two factors. The first is political and is concerned with the dramatic return to low-intensity military conflict between the armed forces of the government and of Renamo, the main opposition party, between 2013 and 2016, ending the peace that had lasted since the General Peace Accords that were signed in 1992. While the roots of the post-2013 conflict are situated in the shortcomings of the 1992 settlement (Pearce, 2020, pp. 774–95), including Frelimo's lack of acceptance of opposition political parties as legitimate democratic and economic partners, the conflict was particularly triggered by intensified elite competition over resource rents (Macuane et al., 2018, pp. 415–38), and also by the rather strong personality and radically intransigent political positions of the then president, Armando Guebuza, which involved persecution of the government's main political opponents (Darch, 2018). Afonso Dhlakama, Renamo's leader for over four decades (1977–2018) and one of the Peace Accords' signatories, was a victim of several attempts by armed forces to capture or kill him during Guebuza's presidency. Frustrated by his political and personal situation, Dhlakama and his loyal forces resumed war from 2013 to 2016; this has plunged the country into political instability that threatens human rights and civil liberties.

The second factor is economic: The revelations by the *Wall Street Journal* in April 2016 that in 2013–14 the government had secretly negotiated massive loans amounting to over USD 2 billion – the so-called hidden debts – without observation of judicial and democratic norms in force. The loans were provided by Credit Suisse and Russian Vnesh Torg Bank to three public companies – Empresa Moçambicana de Atum SA (EMATUM), Mozambique Asset Management, and ProIndicus SA – all supervised by the Ministry of Defence. Following this revelation, particularly the fact that the debts were illegal, unconstitutional,

economically unfeasible, fraudulent, and motivated by corruption, the international donor community, including the IMF, decided to withdraw financial assistance to Mozambique (CIP, 2021). As a result, Mozambique's political, economic, and social situation has deteriorated ever since, as widely documented by CIP's report. Besides the direct economic and social consequences of these debts, CIP's report indicates that Mozambique's political-institutional situation has been negatively impacted. Tensions and contradictions have dominated national politics within the ruling party and amongst highly ranked government officials ever since, due to the power struggle to obtain benefits and income from natural resources. As documented by Macuane et al. (2018), the prospect of rents from natural resources has influenced the political settlement and the dynamics of the power struggle both within and outside the ruling party and national elites. In this context, governance has deteriorated, political accountability has been reduced, government officials' impunity has increased, electoral manipulation has intensified, and citizens have lost confidence in the political and government system. In general, the country has become less democratic and more authoritarian. As recorded by CIP, from 2013 onwards, Mozambique's position in international governance indices has fallen (e.g., the *Mo Ibrahim Index of African Governance,* World Governance Indicators, Economist Intelligence Unit, Varieties of Democracy). For example, while prior 2015, the Economist Intelligence Unit Index classified Mozambique as a 'hybrid regime', from 2015 onwards, the country has fallen to be categorized as an 'authoritarian regime', i.e., the lowest democratic classification possible. The increase in authoritarianism was accompanied by an increase in authoritarian measures to restrict freedom of expression and other civil liberties, including attacks and threats against academics, particularly those who have criticized the government and the ruling political party.

6.4.5 Campus Integrity

Two main forces threaten the campus integrity of Mozambican HEIs. First, as elsewhere in Mozambican institutions, government intelligence agents, disguised as managerial, administrative, and academic staff, and as students, are present on campus, particularly at public HEIs (Freedom House, 2020). As referred to by some of our interviewees, occasionally these intelligence agents are on campus not only to maintain state security, but also to scrutinize and monitor initiatives and voices that are critical of or unfavourable to the narrative of the government and the ruling political party.

Second, similarly to what happens in other public institutions, public HEIs suffer from what has been termed '*partidarização do estado*' (CIP, 2020), i.e., the presence of representative units of political parties on campus. Public HEIs particularly house or host cells of the ruling party Frelimo. These cells often serve to engage public servants to contribute (sometimes financially) to the ruling party's electoral campaigns (US Department of State, 2019). In addition, our interviewees mentioned that these cells are used by the ruling party for

political mobilization, for monitoring political opponents, and for controlling the expansion of opposition parties. One interviewee – a former vice-chancellor of a large university in Mozambique – said they had unsuccessfully challenged the government and the ruling party to avoid establishing political cells within universities. They did not agree with this situation because universities should be regarded as spaces for intellectual freedom and not for politics. The ruling party is not unique in using HEIs as political spaces. Opposition parties also place prominent individuals (rarely cells) within HEIs, some of whom are disguised as students. For example, Raúl Domingos, a former senior member of Renamo and a key person in the negotiation of the General Peace Accords, was surprisingly enrolled as student of political science at UEM. While his intention to obtain a degree could have been genuine, one of our interviewees questioned these intentions because Domingos did not remain until he received the degree and his presence on campus and in classroom was embarrassing for lecturers. Given the presence of these two forces, intelligence agents and political parties, some of our interviewees regard some HEIs in Mozambique rather as political spaces and institutions than as academic institutions. HEIs in Mozambique are spaces not only for politics but also for recruiting personnel for political parties, particularly given academics' weak financial situation, which makes them vulnerable to political control.

Apart from threats caused by these two forces, the integrity of the university campus is sometimes threatened by the deployment of police to control or prohibit demonstrations organized by members of the university community. While such incidents have been rare in the last three years, in July 2017 the police invaded the UEM campus and launched tear gas to disperse demonstrations organized by administrative staff demanding payment of an effectiveness bonus, which had been suspended due to insufficient funds (Manhiça, 13 July 2017). The protesters had closed the main university buildings and, as a consequence, university activities were suspended for several days. However, with the exception of this incident and the presence of intelligence agents and political parties, HEIs in Mozambique have been functioning regularly for the last three years; no institutions have closed down due to political reasons; and no serious violations of academic life on campus have occurred.

6.4.6 Subnational and Disciplinary Variation

Restrictions to academic freedom and institutional autonomy vary according to the type of institution and the disciplinary field. The autonomy of public HEIs, particularly old and well-established HEIs, is more likely to be curtailed by the government, the ruling party, and to a lesser extent by international donors, than by the market and the private sector. In contrast, the market (particularly student fees) rather than the government or state is more likely to restrict the autonomy of private HEIs. As elsewhere in Africa (Zavale and Langa, 2018, pp. 1–24), academics working on, or with a background in socially and politically sensitive scientific areas (e.g., economics, political science, and sociology),

are more vulnerable to curtailment of their academic freedom through (self) censorship, intimation, and attacks than those working in STEM fields. Most of the victims indicated throughout this chapter have a background in social sciences. Likewise, the more established and publicly engaged (e.g., those making frequent TV appearances) an academic with a background in a socially and politically sensitive area is, the more likely it is that their academic freedom will be restricted. Unfortunately, as referred to in the methodology, regional variations in academic freedom were not addressed in this chapter due to insufficient time and resources.

6.4.7 Efforts to Promote Academic Freedom

Efforts to promote academic freedom depend on whether different entities are interested in or better served by academics being accorded more freedom. The government has taken some initiatives towards protecting human rights and civil liberties, particularly in response to pressures from the international community and domestic civil society for a more open and democratic society (Nylen, 2018; Oxford Analytica, 2018). For example, law 34/2014 on the right to information has been approved (Governo de Moçambique, 2014), the *Comissão Nacional dos Direitos Humanos* (National Human Rights Commission) has been created, the first Ombudsman in the country's democratic history was elected by parliament in 2012, and the government has ratified several international instruments on human rights (United Nations Country Team in Mozambique, 2011). However, shortcomings persist at the practical level, including law enforcement. In addition, these initiatives are often general and do not focus specifically on promoting academic freedom.

In general, the government and the ruling party are less interested and less engaged in effective initiatives to promote academic freedom. If that was the case, the government would have undertaken more audacious initiatives, such as turning academic freedom into an explicit constitutional right or amending the constitution to allow rectors and vice-rectors of public HEIs to be elected by peers rather than be appointed by the central government. Or the government would have supported the establishment of unions to protect academics and teachers. A step towards this direction was taken with the approval of law 18/2014 (Governo de Moçambique, 2014) which allows the unionization of public servants, but so far academics and teachers are still represented through the ineffective *Organização Nacional de Professores* (National Teacher's Organization), which is historically one of Frelimo's organizations for controlling civil servants. As a former rector we interviewed emphasized, more daring initiatives are necessary, such as writing an explicit article in the constitution to compel the state to fund HEIs (and research), including to provide better working conditions and salaries to academics. However, as that former rector emphasized, (higher) education, science, and technology do not seem to be government priority sectors. Evidence for this assertion, according to the former rector, is the fact that ministries in charge of defence, security, the economy, finance, and foreign affairs

are given more prominence within the government apparatus than ministries in charge of education, culture, research, and science.

Initiatives in favour of more academic freedom are often supported by opposition parties, civil society organizations, and international human rights institutions. The late Davis Simango, then leader of the third-most important political party, the Mozambique Democratic Movement, has often voiced concerns in favour of reducing presidential powers, including the power to appoint vice-chancellors (*E-Global, Notícias em Português*, 14 June 2019). National NGOs (e.g., CIP, CDD, and Liga dos Direitos Humanos) and international institutions (e.g., Human Rights Watch, Freedom House) are also active or engaged in more concrete initiatives to protect civil liberties, including academic freedom. For example, following Professor Castel-Branco's case, a group of academics, both nationals and foreign, started a petition to the Office of the Attorney General in Mozambique (Change.org, 2015). Another example is the engagement of lawyers by Adriano Nuvunga (*Sala da Paz*, 2021), director of CDD, to advocate for the release of Valdo Nhamuneque, the student protester arrested in Maputo in May 2021 for leading student demonstrations against legislation prescribing better conditions and perks for parliamentary agents. In other words, the limitation of academic freedom at HEIs seems to be resulting in a kind of 'academy of militancy', which opens space for civil society organizations to act. However, these initiatives are not systematic and do not tackle the structural, constitutional, legal, financial, and law enforcement omissions regarding effective protection of academic freedom. Perhaps an effective transformation might come from within academia through emerging agents of change.

6.5 Conclusion

As elsewhere in Africa (Zavale and Langa, 2018), throughout Mozambique's post-colonial history, the extent of academic freedom and institutional autonomy has been shaped by political and socio-economic changes. From independence in 1975 until late the 1980s, Mozambique was under a one-party political system and a socialist, centralized economy, and was ravaged by a dramatic civil war between government forces and Renamo. In this environment, academic freedom and institutional autonomy were severely limited. However, from the 1990s, following Mozambique's transition from a one-party state system to a multi-party democracy and from centralized socialism to a free-market economy, a new political-economic environment was characterized by respect for democratic values, a pluralist society, civil liberties, and social and economic rights. Higher education benefited from this new environment not only by expanding and diversifying but also by obtaining specific rights, particularly the constitutional right to institutional autonomy, although this was not accompanied by an explicit constitutional protection of academic freedom. While these rights have always suffered de-facto limitations – given government interference in university leadership and management, as well as underfunding of HEIs – such restrictions have been particularly aggravated during the 2010s. The return

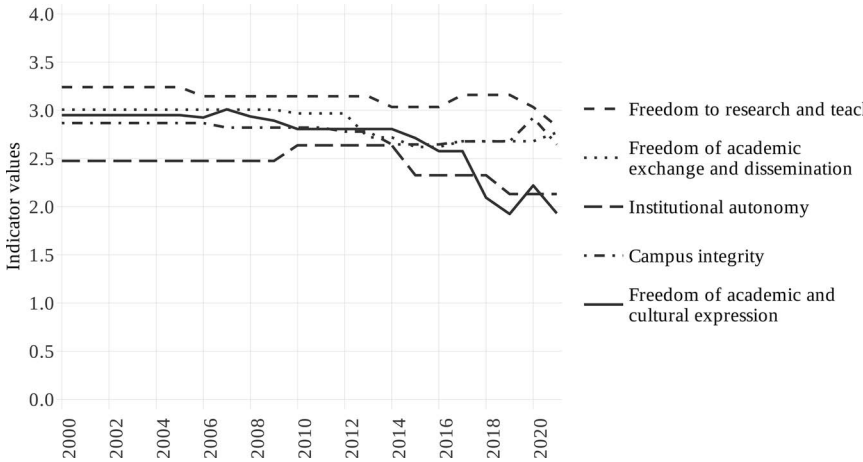

Figure 6.1 Academic freedom indicators for Mozambique 2000–21.

Data source: V-Dem (2022): v12.

to low-intensity military clashes between the armed forces of the government and Renamo, the discovery and exploitation of natural resources, and the disclosure of the so-called hidden debts have caused a decline in Mozambique's democracy, governance, economy, and finances, with dramatic consequences for the protection of human rights and civil liberties. In this context, limitations to institutional autonomy of HEIs have increased due to a reduction in funding, whereas restrictions to academic freedom have increased due to increasing government authoritarianism.

As Figure 6.1 from the Academic Freedom Index (AFI) shows, academic freedom in Mozambique can be summarized with two major points. First, all indicators of academic freedom in Mozambique – the freedom to research and teach; the freedom of academic and cultural expression, particularly freedom of making public statements on social media; the freedom of academic exchange and dissemination; institutional autonomy; and campus integrity – have deteriorated since 2010. Second, institutional autonomy has been more restricted than the other indicators for most of the past decade. However, the graph also shows that in recent years the freedom of academic and cultural expression has become the aspect of academic freedom that is most under pressure in Mozambique, which concurs with the findings of the present chapter on the increasing infringements on academics' individual freedom of public expression.

So far, little has been done to ensure that HEIs enjoy effective institutional autonomy and that academics enjoy effective academic freedom. Bolder measures are therefore needed, including constitutional amendments, to ensure special or functional rights for HEIs and academics. Without effective institutional and academic freedom, HEIs and academics cannot effectively perform their duties of teaching, research, innovation, and community engagement.

Notes

1 The author would like to thank the reviewers and editors for their valuable comments. Egídio Guambe served as reviewer for this study. The case study covers events up until summer 2021.
2 This is often a formal obligation because several universities run non-accredited academic programmes, particularly old and well-established universities.
3 This renaming aimed to upgrade the institution and to redefine its strategies to train teachers and educational experts, in a context of the restructuring of the whole higher education system in Mozambique. From 1995 to 2015, the UP had expanded rapidly in number of students, staff, academic programmes (including in educational programmes), and delegations and branches across the country. Given the management challenges imposed by this expansion and in order to decentralize decision-making processes, in 2019, UP was replaced by five new universities: UniRovuma, UniLicungo, UniPúngue, UniSave, and UniMaputo (Governo de Moçambique, 2019).
4 The latter resulted from the merging of the Higher Institute for International Affairs and the Higher Institute of Public Administration.
5 This number might be a duplication because most private HEIs have few permanent staff and often hire staff from public HEIs as part-timers.
6 *Gross enrolment ratio* is the total enrolment in tertiary education (ISCED 5 and 6), regardless of age, expressed as a percentage of the total population of the five-year age group following on from secondary school leaving (UNESCO Institute for Statistics, n.d.).
7 WoS is used as an indicative metric but also because it enables the collecting of aggregate institutional publications, and it is widely used to measure and compare research performance among universities and academics at the international level. However – and acknowledging the limited temporal, spatial, linguistic, and disciplinary coverage of WoS – UEM's academics certainly have more non-indexed high-quality publications.
8 Decorative roles in the sense that student representatives occupy seats because it is democratically convenient, but they do not have real power to influence decision making.

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7 Academic Freedom in Poland

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7.1 Summary

Since 2009, higher education in Poland has been in a constant state of reform, marked by a neoliberal turn that has been, to a large extent, continued under the national-conservative government since 2015. However, 2015 fuelled a new wave of political interventions in academic freedom for worldview, ideological, and religious reasons, in line with the national-conservative agenda. Such interventions have become more frequent than at any time since 1989 (Scholars at Risk, n.d.). The state of academic freedom in Poland is worsening as higher education in the country seems to be following in the footsteps of the Hungarian university system under Viktor Orbán's government (Koper and Mohamadhossen, 2020).

The changes in the regulatory environment of higher education proposed in 2021 present an unprecedented focus on conceptualizing academic freedom within the framework of identity politics that aim to establish a hegemony of national-conservative and Christian (Catholic) values. At the same time, Polish universities participate in the European frameworks of academic cooperation, resulting in an absorbing of the dominant agenda of the Western debates on equality, non-discrimination, and diversity-friendly campus culture. The tensions between these two contradictory tendencies are produced both top down, from the political environment, and bottom up, from student movements and organizations and from the social environment at large.

Potentially the most disruptive outcome of these tensions is a shift in the very concept of academic freedom since 2020. In the discourse of the governing party (*Prawo i Sprawiedliwość*, Law and Justice, further: 'PiS') and in its regulatory designs, academic freedom is being redefined as a principle guaranteeing all worldviews and types of beliefs equal access to expression within the university space, with the expression of conservative and national values deserving of particular protection by the state. The equivocation of the term 'academic freedom' in today's Poland is symptomatic of the ambivalent standing of Polish universities. They strive to be autonomous and free in order to be able to pursue their goals, which are seldom convergent with the programmes of political parties. However, they are also public, state-funded institutions. Today, universities are

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not just being manipulated or instrumentalized by politicians, which did happen before and does happen in all societies; they are being claimed by state power as the rightful domain of the state. The university's primary goal is thus redefined as serving the state and national interest. This is the main threat to academic freedom in Poland today.

7.2 Methods, Sources, and Scope of the Study

My analysis is based on desk research including the following sources:

- Laws and regulations pertinent to matters of academic freedom in Poland;
- Official publications of Polish state agencies, including the Ministry of Education and Science, the Polish Central Statistical Office, and the Council of Academic Excellence;
- Content of websites of nationwide institutions representing members of the academic community in Poland, including the Conference of the Rectors of Polish Academic Schools, and the Parliament of the Students of the Republic of Poland;
- Content of the websites of the Polish Academy of Sciences, and selected universities, faculties, and institutes, including in particular official statements on matters of academic freedom;
- Content (documents, podcasts, and multimedia) published on the websites of non-governmental organizations (NGOs) whose mission statements include considerations of academic freedom, scientific research, and teaching;
- Selected secondary literature on academic freedom and university autonomy;[2]
- Journalistic accounts of the cases discussed in Sections 7.4.3–7.4.6.

The current dynamics of higher education in Poland can only be fully understood when set against a comprehensive historical background, which I am not able to offer in this study. A reader who is otherwise unfamiliar with recent Polish history may not fully appreciate the extent to which new developments affecting academic freedom are connected to the broader direction of legal and political changes in the country, especially to the process referred to as 'the democratic backsliding' since 2015 (Bucholc, 2019, p. 85; Sadurski, 2019). Furthermore, a comparative regional Eastern and Central European perspective would shed light on mechanisms of institutional change and cooperation, but to include such a systematic discussion would be at odds with the nature of a single-country case study conceived here (Krygier, 2019, p. 544). However, political and historical contextualization should not replace reflection on legal and institutional changes that may have a lasting effect on Polish academia, the political situation in the country notwithstanding.

At the time of writing, important new regulations relevant to matters of academic freedom are being prepared or implemented for the first time. I describe the state of regulations as of mid-August 2021.

7.3 Characteristics of the Higher Education Sector

The development of the Polish higher education sector was marked by deep discontinuities. In the Polish People's Republic before 1989, universities struggled with cultural as well as political and ideological pressures. The social and political role of universities reflected their ambiguous connection with state power, but also the varying forms of commitment of academics to the preservation of Polish national culture and to what was perceived as the universal scientific ethos. It was a nexus of tensions not unusual in Eastern and Central Europe, but far more inflamed than in academic environments developing within democratic nation-state frameworks.

In the academic year 2019–20 there were 373 higher education institutions (HEIs) in Poland, comprising 240 non-public HEIs and 133 public institutions. The latter include 19 universities, 16 polytechnics, 13 universities specializing in natural sciences, economics, and pedagogy, and 9 medical universities (Statistics Poland, 2019, p. 11; *POLON*, n.d.). Non-public HEIs mostly include small institutions of local reach, with very few non-public academic schools capable of competing with state universities.

There were over 1.2 million students enrolled in the 2019–20 academic year (Statistics Poland, 2019, p. 18). With the gross college enrolment nearing 69%,[3] Poland is a large higher education market, but over 71% of all students study at public institutions (UNESCO, 'Poland', n.d.). These also employ 88,675 full-time academic teachers (over 90% of all in the country). The relevance of public-private partnerships in higher education is negligible. Private academic schools, which experienced a boom in the mid-2000s, have gradually fallen in number since then, mostly as a result of the falling numbers of persons between 19–24 years of age (Kwiek and Szadkowski, 2019, p. 1). Most students select curricula in business and administration (18.1%), health (10.9%), social and behavioural sciences (9.7%), and engineering/engineering trades (8.9%) (Statistics Poland, 2019, p. 11). The vast majority of curricula are offered in Polish.

As a rule, public higher education in Poland is free of charge; Art. 70 Sec. 2 of the Constitution of Poland stipulates that 'Education in public schools shall be without payment. Statutes may allow for payments for certain services provided by public institutions of higher education' (for an official translation see Government of Poland, 1997). In 2019, 7.6% of public HEIs' income came from tuition fees and other payments for educational services based on this constitutional exception (the corresponding number for non-public sector is 75%). Tuition fees vary significantly depending on the curriculum, institution, and location, with medicine and IT being the most expensive (up to over EUR 10,000 per year for medicine and dentistry in Warsaw) (Warsaw University of Medicine, n.d.), and humanities and pedagogy the cheapest (e.g., approx. EUR 760 per year for pedagogy in Lublin). Ukrainian and Belarusian students are the largest group of foreign students in Poland (Statistics Poland, 2019, pp. 123–46), and the number of Ukrainian students is expected to rise significantly as a result of the Russian invasion of Ukraine in February 2022. New legislation adopted

in March 2022 made it easier for the students of Ukrainian universities fleeing the conflict to continue their education in Poland, including a waiver of tuition fees for foreigners; the law also introduced special rules for the employment of Ukrainian researchers by Polish public universities.

The Polish higher education system has been described as 'largely reform resistant' (Antonowicz et al., 2020, pp. 391–409). Currently, it combines academic self-governance with strong state control. State control is exercised primarily by the responsible minister; the majority of universities are supervised by the Ministry of Science and Education. Scientific evaluation is conducted by the Committee for Evaluation of Academic Institutions (*Komitet Ewaluacji Jednostek Naukowych*), whose members are appointed from among the nominees of the academic community. The evaluation provides the basis for the national rankings of HEIs, which is relevant for the allocation of state funding. This funding accounts for almost 70% of the income of public institutions and 10% of non-public institutions (Statistics Poland, 2019, p. 14). Additionally, the Ministry distributes research funding and other funds via dedicated programmes. The Ministry's influence – and thus political influence on the academy's funding and development – is substantial, even though the current regulations provide for a relatively stable funding structure, only a small part of which can be subject to short-term political manipulation and hand-steering by the executive (Klincewicz, n.d..). The channels of public funding that are not directly dependent on the Ministry, notably the National Science Centre (*Narodowe Centrum Nauki*, n.d.), and the National Centre for Research and Development (*Narodowe Centrum Badań i Rozwoju*, n.d.), offer a range of open-competition funding schemes allocated on the basis of merit, many of them in international cooperation. The impact of private funding of academic research (e.g., by businesses, private foundations, or externally funded scholarships) is negligible.

Evaluation of teaching, organization, and curricula quality is conducted by the Polish Accreditation Committee (*Polska Komisja Akredytacyjna*), an expert body cooperating with the ministry in the assessment of teaching. The Commission conducts regular visits and issues opinions regarding study programmes in both public and private HEIs.

The control over academic degrees is exercised by the Council of Academic Excellence (*Rada Doskonałości Naukowej*, n.d.), whose members are elected by the academic community. In Poland, the usual steps in the academic career are the PhD, the habilitation, the university professorship, and the full professorship as the apex of the academic career. All degrees are statutorily regulated, and full professorships are granted by the president of Poland based on the recommendation of the Council of Academic Excellence. The Polish system of academic degrees and titles is relatively complex, with all degrees granted in complicated proceedings involving the cooperation of universities with central executive bodies (Kwiek and Szadkowski, 2019, p. 1). In the past few years, there have been reports of degree proceedings that were interpreted as politically biased. Probably the best-known case involves psychologist Michał Bilewicz (University

of Warsaw), a researcher of, among other things, hate speech, xenophobia, and antisemitism, and a critic of the PiS. He was recommended to the president as a candidate for a professorial nomination in 2019, but he has not yet received the professor's title, even though the president's role in the nomination proceedings is not construed as one that decides upon the merit of the candidates. On 2 July 2021, the Senate of the University of Warsaw (2021) adopted a resolution expressing its concern with the procrastination (Resolution no. 85).[4] Another candidate to professorship, Walter Żelazny, has been waiting for the nomination for four years. Since January 2022, his case has been pending before the Supreme Administrative Court as a result of the President's cassation.

The minimum salary for an academic teacher in the public sector is determined by law. In 2021 it is PLN 6,410 (approx. EUR 1,427) for a full professor (Article 137 of the Law of Higher Education and Science); the national average salary in 2020 was slightly over PLN 5,167 (approx. EUR 1,151) (Statistics Poland, 2020). Many academics, including tenured professors, hold second jobs, either in the higher education sector or beyond, but the possibility of combining jobs in higher education has been limited significantly since the 2000s. There are also many academics amongst active politicians, as well as in the highest ranks of the judiciary. This sometimes raises concerns regarding compatibility of duties and the impact of strain and time pressure, as well as political involvement, on the quality of teaching and research.

In 2019–20, 57.6% of students were women, with differing proportions of male and female students, ranging from over 80% women in education programmes, to 86% men in information technologies (Statistics Poland, 2019, p. 18ff). In 2019–20, there were 16,500 women among the 29,800 doctoral students. The faculty in 2019–20 comprised of 88,675 academic teachers, 46% of whom were women. Almost 28% of academic teachers were professors, with women accounting for only 33% of this group (Ibid, p. 181).

There is no comprehensive official data on discrimination in the higher education sector in Poland. However, since 2015 there have been repeated allegations of discrimination for reasons of gender, sexual orientation, religion, and political worldview, both by students and by faculty, usually in intensely political and media-saturated contexts (Zimniak-Hałajko, 2020, p. 367). In 2019, the Helsinki Foundation Poland reported at least 50 cases of discrimination or harassment filed by students against university authorities between 2010 and 2018 (Gerlich, 2019, p. 3). Anti-discrimination and diversity management measures such as gender equality plans are being implemented by leading universities, starting with the University of Warsaw, as part of their agendas for the social responsibility of science (for the University of Warsaw, see Kubisa and Cybulko, n.d.; for the University of Gdańsk, see Łojkowska et al., 2020). As of 2019, there were 14 public institutions with a functionary entrusted with the prevention of discrimination (Gerlich, 2019, p. 3). Reports show widespread experience of gender discrimination, especially in verbal form (for the University of Warsaw, Gerlich, 2019, p. 4). Prevalence of verbal forms of discrimination has also been shown by the very few studies on the situation of LGBTIQ students (for the

University of Warsaw, see Perfekcyjność, 2016, p. 19). On the whole, sensitivity in matters of equality and discrimination seems to be rising today, in proportion with to the intensity of academic repercussions of what is commonly referred to as Poland's ongoing 'culture war'. This rise in awareness seems to be accompanied by a growing polarization of beliefs (Zimniak-Hałajko, 2020, p. 367).

7.4 Current State of Academic Freedom and Key Developments in the Recent Past

As a result of the general setup of higher education governance, academic freedom in Poland is primarily freedom from undue or illegal intervention by state power. Restricting actors other than the state only play secondary or auxiliary roles. From this point of view, the major concern is the instability of a legal environment fuelled by what has been called 'the *dispositif* of the reform' in regulating academic research and teaching (Ostrowicka et al., 2020). For example, since the 2018 Act on Higher Education and Science entered into force on 1 October 2018, it has been amended 18 times.[5] The same goes for the rankings of scientific journals, or the rules of evaluation (see Section 7.4.4). The legal instability brings about the unreliability of strategic choices, both at the university level and the level of individual departments and scholars.

The main threats for academic freedom in Poland today come from two sources. One is the subordination of universities to a political vision of Polish state and national identity that rejects both political and cultural pluralism (Bill and Stanley, 2020, pp. 378–94). The other is the persistence of the neoliberal agenda in higher education governance installed in the late 2000s (Dakowska, 2015; Kwiek, 2010, pp. 129–41). We are currently facing a fusion of neoliberal management techniques with a national-conservative ideological offensive. An additional cause for concern is that this is all taking place in a predominantly state-funded and largely state-controlled higher education system. Beyond idealistic declarations, academic freedom is a matter of institutional resilience (see Chapter 10 of this book). However, the almost complete economic dependence of the leading Polish universities on the state gives little warranty for that, especially since the crisis of the rule of law in Poland affects the predictability of legal countermeasures that could be used against increasing state interventions (Bucholc and Komornik, 2018, p. 6).

7.4.1 Legal Protection of Academic Freedom

The autonomy of HEIs is a constitutional norm in Poland. According to Art. 70 Sec. 5 of the Constitution, 'The autonomy of the institutions of higher education shall be ensured in accordance with principles specified by statute'. This provision is located in an article dealing with the right to education as one of the economic, social, and cultural rights, which leads to a conclusion that it primarily refers to the organization of teaching (Łętowska, 2021, p. 92). From

this viewpoint, the constitutional protection of the autonomy of the institutions of higher education in Poland would be 'teaching centred'. Specific rules for realizing the principle of autonomy are left for ordinary statutes to specify.

Art. 73 of the Constitution states that 'The freedom of artistic creation and scientific research as well as dissemination of the fruits thereof, the freedom to teach and to enjoy the products of culture, shall be ensured to everyone'. According to this provision, scientific research is free and its results can be disseminated freely. Moreover, the constitution also guarantees the freedom of teaching. These freedoms – as opposed to the general freedom of speech and expression – are a prerogative of persons pursuing scientific research. The freedom of research, dissemination, and teaching are individual freedoms whose scope of protection should be determined in relation to the standards of scientific method and argumentation (Ibid).

Freedom of academic research has, from time to time, been the focus of the constitutional jurisprudence, which has repeatedly pointed out that it can be weighed against other constitutional values (judgements of the Constitutional Tribunal [PL] of 11 May 2007 (K 2/07) and of 25 November 2008 (K 5/08)). The rights of individuals affected by the dissemination of the findings of scientific research have been debated recently on the occasion of a court case regarding a chapter authored by Barbara Engelking (Polish Academy of Sciences) in a book *Dalej jest noc* (Night Without End), edited by Jan Grabowski (University of Ottawa). The book documented murders of Jews in Poland under German occupation during World War Two. A relative of one of the persons described in the chapter by Engelking filed a lawsuit citing a misrepresentation of the character of her paternal uncle. In February 2021, the right to have the imprecise information corrected was granted by the court of the first instance, but the demand for financial compensation was rejected. In August 2021, the Appellate Court in Warsaw overturned the sentence and dismissed the lawsuit altogether. The lawsuit initiated a vivid national and international debate on the limitations to freedom of science as well as on the rights of courts to control the quality of scientific work (*Cultures of History Forum*, 2021; Gessen, 2021; Higgins, 2021; *Monitor Akademicki,* 2021). While the political and disciplinary context (see Section 7.4.6) made this case particularly controversial, it did not alter the prevalent jurisprudential line: Freedom of science is not absolute, it is possible to seek legal remedies for infringements of other individual rights as a result of scientific research and dissemination thereof, and the relevant reference for determining whether such remedies are due is the state of scientific knowledge and the best practices in research methodology and documentation (Jarosz-Żukowska and Żukowski, 2014, p. 709).

The specific rules for freedom of research and autonomy of higher education in Poland are set forth by the Law on Higher Education and Science of 20 July 2018 (on the history of legislation in matters of higher education between 1989 and 2019, see Woźnicki, 2019, pp. 13–42). The Law mentions freedom of scientific research and teaching, as well as the autonomy of the academic community as the basic principles of Polish higher education. Furthermore, it refers to the

responsibility of scholars for the quality and accuracy of their research and for the education of the younger generation. The Law speaks of the special mission of universities for the state and the nation, including innovativeness of the economy, cultural development, and co-determining the moral standards of the public life. No acts of international law or other international reference documents are mentioned expressly, but Art. 3 Sec. 2 refers to international standards in teaching, research, and social responsibility of science.

The main means of securing the pursuance of these principles by academics is their disciplinary responsibility for an infringement regarding their duties or to the dignity of their profession, governed by Articles 275–306 of the Law on Higher Education. In December 2020, following the cases of disciplinary proceedings initiated against scholars holding conservative Catholic views who had published anti- LGBTIQ posts on social media or were reported to have provided misleading or false information regarding abortion and contraception in their university teaching, the Ministry of Science drafted an amendment regarding the disciplinary responsibility of academic teachers (for the context, see Zimniak-Hałajko, 2020). The draft of the bill dubbed the 'Academic Freedom Package' has been generally criticized by academics as equating scientific knowledge with worldview, and as a potentially powerful tool to give religious and political fundamentalists broad access to the university lecture room (Commission of Ethics of the Polish Academy of Science, 2021; KRSP, 2021). The core of the amendment is the exception of the expression of religious, worldview, or philosophical beliefs from disciplinary responsibility. The draft amendment also increases the control of the Ministry over disciplinary proceedings. The draft legislation is justified with the need to prevent undue accusation, pressure, and forced self-censorship on the part of persons whose views may likely give cause to discrimination (for the full draft of the amendment in Polish, see Government of Poland, 2021). In the press releases from the Ministry, it was frequently explained that the reason to introduce the new rules for disciplinary responsibility is the Ministry's desire to 'liberate the conservative members of the academia' (Polish Press Agency, 2021). The Academic Freedom Package was submitted to Parliament on 8 July 2021. On 23 July, the Parliamentary Commission for Education, Science, and Youth recommended that it be adopted (see the commission's report at Parliament of Poland, 2021).

7.4.2 Institutional Autonomy and Governance

The most frequently declared goal of the 2018 Law on Higher Education and Science (known as 'Ustawa 2.0' or 'The Constitution for Science') was an improvement of the quality of Polish science. The reorganization of universities was also declared to serve the goal of greater efficiency, innovativeness, and more managerial flexibility compared to the previous regulation of 2005. The law provides a general framework for the minimum structure of a higher education institution (council, rector, and senate in public higher education sector; rector and senate in the non-public sector) together with their basic competences (for a

case study of the implementation of structural reform in 2019, see Drygas, 2020, pp. 9–35). The introduction of the university councils was an innovation of the law of 2018, and it stipulates for 50% of the council's members to come from beyond the academic community (comprising all the employees, the doctoral students, and all the other students). The details of a university's structure and operations are set forth by the statute adopted by its senate.

The senate is elected by the academic community in curiae. The council includes persons elected by the senate and the president of the students' self-government body (elected by the students). The rector of a public HEI is elected for a four-year term (for no more than two consecutive terms) by the college of electors, the composition of which is determined by the school's statute; the council issues an opinion on the candidates. In the senate of a public academic institution, professors hold 50% of votes, other employees (faculty and staff) hold 25%, and the students and PhD students hold 20%. Special rules apply for various types of institution, depending on their specific status, but the general concept of a self-governing academic community dominated by the professoriate, with guarantees for student participation, and a strong position for the rector as the main executive power, applies throughout the system of Polish higher education (Kwiek and Szadkowski, 2019).

The universities are free to determine their internal structures below the rectorate/senate level. The statutory structure is mirrored in the faculties (*wydziały*), with deans as elected executives and faculty councils as deliberative bodies, mostly active in the sphere of community building, recruitment policy, and strategic development. As a result of the 2018 law, councils for the scientific disciplines were created, which have taken over tasks related to academic degrees and titles heretofore resting with faculties. The councils of the disciplines are often perceived as a duplication of the faculty structure, but they have built up a more centralized structure, as their competence extends over all representatives of a given discipline, notwithstanding their place of employment within the university.

Although there is correspondence between academic degrees and positions in the institutional structures, it is by no means straightforward. The employment structure in public higher education used to include a large share of full-time assistant professors employed for unspecified periods of time, long before becoming university professors and then full professors relatively late in their careers. For over a decade now, the structure of employment has evolved towards an increasing role for the fixed-term employment of junior faculty. These are not mainly the teaching forces, since the teaching market has been shrinking steadily since the mid-2000s. The rising share of part-time and fixed-term contracts is fuelled by the growing role of the third-party research funding. The employment prospects for PhD students and postdocs are therefore meagre compared to the late 1990s and early 2000s. Additionally, as a result of their relative increase in numbers and their relatively short-term employment, the opportunities for this group to effectively influence academic self-government have fallen.

The employees have a right to unionize and trade unions are active in higher education, including the biggest one, NSZZ Solidarność, but union membership is limited (about 13% of the national economy in 2019) (Public Opinion Research Centre, 2019, p. 1). In 2015, the president of the NSZZ Solidarność Science Section gave the number of the Section's members as 18,000 (the number includes both academic and non-academic employees in higher education) (*Forum Akademickie*, 2015).

7.4.3 Freedom to Research and Teach

As a rule, scholars are free to choose and investigate their research questions. The limitations to this freedom primarily concern the availability of funding. A portion of funding is distributed on a free-competition basis by the National Science Centre and the National Centre for Research and Development. In these competitions, the Matthew rule applies: The highest-ranking public universities secure the majority of funding available. Another set of limitations to freedom of research are related to the political pressure on scientists pursuing specific lines of research, which will be discussed in Section 7.4.6. For example, politicians denying gender studies and queer studies the status of science, while not limiting the freedom of research as such, may be expected to influence decisions regarding research and teaching (Ziemska, 2020). The same applies to political accusations and ensuing hate campaigns against Holocaust researchers (Kończal, 2020, pp. 1–13).

The research activities of public institutions that do not, strictly speaking, belong to the sector of higher education are also relevant for the determination of the scope of non-merit – based political control over science. A significant case took place in 2019: The historian Dariusz Stola (Polish Academy of Sciences), who had been critical of the government's politics of history and memory politics, won an open contest for the position of the director of the Polin Museum of the History of Polish Jews in Warsaw. Thereupon, the culture minister, Piotr Gliński, had refused to appoint him for eight months, and Stola finally resigned in February 2020 (Plucinska, 2020). Similar examples include the directors of institutions supervised by the culture minister being fired before the expiration of their contracts or their institutions being merged in order to make personal shifts possible (Sarzyński, 2021). Such was the much-commented upon case of the Museum of World War Two in Gdańsk, whose director, Paweł Machcewicz, was removed from his post in 2017 after a bitter media struggle and a prolonged courtroom battle (Steel, 2017; and for more context Logemann, 2017).

Freedom of teaching is subject to administrative limitations by university authorities, and also, to an extent, to quality control exercised by accreditation bodies. In recent years, student activism has been noticeable in a few cases covered heavily by the media, in which critique of teaching and curricula has turned mostly against conservative professors, but also against liberal teachers or predominantly liberal faculties (Zgierski, 2021). Student protests have become a part of Polish university life, mostly at the largest public universities, and

although most have targeted worldview and political issues, some have also pertained to university organization, governance,[6] and teaching. The usual field for considering such critique would be the competent university bodies. However, state power has also been known to intervene: The students of the University of Silesia, who filed a motion for disciplinary proceedings against a conservative Catholic professor, had to face repeated hearings at the public prosecutor's office as a result of an accusation of having falsified the materials on which the disciplinary proceedings were based. Solidarity with the students was expressed by many academic communities across the country (College of the Faculty of Humanities of AGH, 2020; Malinowska, 2020).

There were a number of cases of speakers invited to universities being targeted by campaigning, mobilization, or verbal attacks aimed at averting or hampering their lectures, or expressing disapproval of their views and politics. Examples include speakers representing both the right and the left side of the political spectrum, starting with President Andrzej Duda, who faced peaceful protesters at the University of Warsaw in 2020 (Kromer, 2020). Protests on campus and in social media were aimed against academics and public intellectuals representing feminist theory (University of Warsaw, 2013: Pacewicz, 2013), those censured for their communist political past (University of Wrocław, 2013: *Wiadomosci*, 2013), or their anti-religious views (Jagiellonian University, 2017: Subik, 2017), but also pro-life activists (University of Warsaw, 2017; e.g., a cancelled Rebecca Kiessling lecture at the University of Warsaw scheduled for 13 March 2017) and sitting judges of the Constitutional Tribunal (University of Gdańsk, 2020: Grzybowska, 2 2020).

The political and public activity of many academics raises questions regarding the separation of public and academic roles. There have been cases of disciplinary proceedings being initiated against academics using strong and offensive language publicly via social media.[7]

Universities adopt guidelines on speech on campus (Bańko et al., 2020). However, no binding rules and no 'speech codes' in the strict sense of the term have been introduced. Sensitivity towards verbal discrimination seems to be rising, as are reservations against impositions on linguistic usage in the academic context and objections to what is sometimes perceived as a political-correctness offensive. The champion of opposition against this is the current minister of science, Przemysław Czarnek, who is also one of the most vocal opponents of what the governing party describes as 'LGBT ideology' (*Dziennik*, 2020). In 2021, the minister shared his opinion that Poland should copy Hungarian laws against LGBTIQ (*Reuters*, 2021). In reaction to the Academic Freedom Package sponsored by Czarnek, in November 2020 the Conference of the Rectors of Polish Academic Schools issued a statement stressing the connection between academic freedom and non-discrimination based on 'gender, age, disability, race, religion, nationality, ethnicity, culture, worldview, political, religious beliefs, sexual orientation or trade union membership' (KRSP, 2020).

The debate about speech standards in higher education is not directly related to the increasing stress on and the formalization of the ethical responsibility

of science. The Polish Academy of Sciences operates a Committee for Ethics in Science, and in 2020, the General Assembly of the Academy adopted the Code of Scholar's Ethics (Polish Academy of Sciences, 2020). Various scientific associations adopt discipline-specific ethical codes, with domestic funding agencies insisting on including more and more elaborate ethical statements in grant applications and reports, and an increasing importance of university ethics commissions (on the differentiation of scientific ethos in Poland, see Bieliński and Tomczyńska, 2019, pp. 151–73; see also Falkowski and Ostrowicka, 2020, pp. 1–13).

7.4.4 Exchange and Dissemination of Academic Knowledge

Besides the limitations set by the funding level, there are no barriers in access to scientific literature and research material or raw data in Poland, and the accessibility of digitalized sources is not limited. International scientific collaboration is positively assessed in grant and degree procedures and its salience for academic careers has been rising since the beginning of the higher education reforms in the 2000s.

In addition to European programmes, there are international cooperative funding opportunities offered by the National Science Centre and the National Centre for Research and Development, and programmes specifically supporting academic mobility and exchange, including the National Agency for Academic Exchange (NAWA). Polish scholars and foreign invited scholars also benefit from the mobility opportunities offered by other programmes, including in particular Fulbright scholarships, Kościuszko Foundation scholarships, DAAD scholarships, and mobility and conference funding by the Foundation for Polish Science and the Batory Foundation.

The growing internationalization of Polish science is manifest in the evolution of the system for quantitative assessment of publications for the purposes of institutional evaluation, which has seen an increase in the relative importance of database-indexed publications in English. There has been substantial criticism of what is sometimes perceived as a one-sided imitative strategy for the internationalization of Polish science. Since 2015, the government has declared the necessity to support and protect Polish humanities and the Polish language. In the long run, the pressure on publishing in English, combined with the unequal chances to do so in various disciplines, can be expected to affect the publishing strategies of academics and to draw publications away from domestic publishing venues, especially journals.

Misgivings regarding publication policies since the 2018 reform are a good example of how the tensions between internationalization and the protection of domestic scientific tradition converges with concerns about the freedom of research. The reform increased the requirements regarding scientific publications. A minimum of one publication per scholar in four years was introduced, with any entirely non-publishing employees adversely affecting the evaluation of their institutions. Thus, the individual publishing output of all employees

was linked directly to the institution's standing and – as a result – funding. Certainly, with such low minimum requirements it is not a pressure in any way comparable to some systems known for their insistence on the 'publish or perish' rule, but this is introducing more pressure on researchers, nonetheless.

The main criteria for the assessment of the quality of publications includes the impact factors and rankings of journals in recognized databases. A new, detailed ranking of scientific journals was created to provide a quantitative measure of the quality of academic output (Ministry of Education and Science, n.d.). Teams of experts were created for each discipline, and journal rankings should result mainly from their work and the database indices. However, in the journal rankings published in 2019, the intervention of the Ministry of Science has changed the positions of many journals, especially in humanities and social sciences. In the new ranking published in 2021, the interventions went much further: The Ministry has changed the rankings, assigning unjustifiable positions to journals of a specific thematic profile or published by selected institutions, which in many cases can only be explained by their connection to the current minister. Analysis by the University of Warsaw's Digital Economy Laboratory has shown that the ministerial intervention was much deeper in some disciplines than the others, and that it favours journals in theology out of any proportion to other disciplines (Białek-Jaworska, 2015). This is evidence of the ruling party's support of the Catholic Church's interest and pro-Catholic interests in higher education policy (Koper and Mohamadhossen, 2020). Protest and criticism of this ministerial intervention by various academic institutions have been to no avail thus far (see for example, Resolution 01/2021 of the Committee of Legal Science of the Polish Academy of Sciences, 2021) regarding the ranking of scientific journals, and the statement by the Commission on the Evaluation of Science of 2021. The results of the first evaluation according to the new rules, which covers the years 2017–21, are expected in June 2022.

Dissemination of research findings to the general public beyond the academic community is free, but it is not unaffected by concerns with media freedom in Poland. In 2015, when the currently governing PiS first formed a government, Poland's rank in the World Press Freedom Index was 18. In the 2021 Index, Poland ranked 64 (23rd amongst EU countries) (Reporters Without Borders, 2021).

7.4.5 Campus Integrity

Campus integrity is governed by Art. 50 of the Law on Science and Higher Education, according to which it is the task of the rector to ensure order and security on the territory of the HEI. Most Polish universities do not have a classical campus and their premises are usually dispersed. Campus integrity means that any forces of public order can only enter the premises of a HEI if they are summoned by its rector, or if an imminent danger to human life, health, or a state of natural disaster occurs.

There have been very few cases of violation of campus integrity since 1989. Most have taken place in recent years and have been related to anti-government protests and demonstrations. The campus space, out-of-bounds for the police, is a safe haven for protesters seeking refuge, provided that it is made available to them. After the demonstrations in defence of LGBTIQ rights in Warsaw in August 2020, the rector of the University of Warsaw was criticized by the academic community for not opening the main campus gate to the protesters, many of whom were university students and employees and some of whom were arrested (the gate was closed because it was after working hours) (Pacewicz, 2020). During the first wave of mass protests after the judgement of the Constitutional Tribunal in late October 2020 regarding abortion law, the rector of the University of Warsaw decided to keep the main gate open longer in the evening 'to secure the safety of students and employees' (University of Warsaw, 2020).

During the same wave of protests after the judgment of the Constitutional Tribunal, police forces chasing participants of a demonstration organized by *Strajk Kobiet* (Women's Strike) on 28 October 2020 entered the premises of the Warsaw Technical University (on the Constitutional Tribunal's 2020 judgment on abortion, see Bucholc and Komornik, 2020; Korolczuk, 2016, p. 91). The university authorities issued an official statement indicating that 'such a violation of university autonomy has not been known for decades' (precedents include the 1981–83 Martial Law and the anti-Jewish and anti-student campaign of 1968) (Warsaw University of Technology, 30 November 2020). The Commander of the Warsaw Police issued a statement in which he admitted that the police action was a regrettable incident and that it should not be construed as an attack on the autonomy of the university or the academic community (Warsaw University of Technology, 2 December 2021).

CCTV surveillance is employed for security in Polish HEIs, but its impact on campus integrity has not yet been reported on. The Covid-19 pandemic and the switch to digital teaching has revived debates about the rights of academic teachers as authors of their recorded lectures and presentations, and the potential surveillance of teaching through control of recorded content. The limitations to the freedom of speech and expression in the digital academic space have also been widely discussed. In late 2020, cases were reported of academic teachers prohibiting students from displaying the symbols of *Strajk Kobiet* on their profile pictures during classes (Pitoń and Chojnowska, 2020).

Until 2021, there were almost no allegations of the use of staff cuts to limit academic freedom. In 2021, the Pedagogical University in Kraków started a massive staff reduction that affected, among others, eight professors at the Institute of Philosophy and Sociology, some of whom have criticized the PiS and the Catholic Church in the past. Although the university has cited its grave financial situation as a reason for the layoff, it has been suggested that it was in fact politically motivated by the wish to transform the university into a government-controlled site producing new elites loyal to the ruling party (Szostkiewicz, 2021), which the university has denied (Mrowiec, 2021). The student protesters

against the layoffs evoked the values of academic freedom and freedom from political intervention in science (Tymczak, 2021).

The news about the contemplated top-down reorganization, or even liquidation, of the Polish Academy of Sciences, has been revived from time to time over the last few years (see the president of Polish Academy of Sciences, cited by the Polish Press Agency, 2021). The Academy, which is a research unit, employs of a number of public intellectuals who have criticized the government and been targeted by pro-government media in the recent past. In April 2021, a report was released of a new draft bill prepared by the Ministry of Science, envisaging the creation of a new, centrally managed National Copernicus Program, including the foundation of a Copernicus Academy, enjoying very limited autonomy of governance and appointing structure (Sewastowicz, 2021). The design of the Copernicus Academy in the draft had all the appearances of mirroring the Polish Academy of Sciences, minus the references to academic freedom. The reaction of the president of the Polish Academy of Sciences was to express concern about what he described as a 'threat to the community' of the Polish Academy of Sciences. One particular concern was the assumption that the funding of the whole Copernicus Program would diminish the funding available to the Polish Academy of Sciences. The minister ridiculed the concerns on Twitter. Many other institutions, organizations, and individuals supported the Polish Academy of Sciences (Duszyński, 2021; Leszczyński, 2021). After a few months, on 2 March 2022, the draft legislation on the Copernicus Academy was reintroduced to the Parliament by the President and was passed by the lower chamber on 28 April 2022, causing new protests.

Creating mirror or parallel organizations as competition for the existing ones seems the preferable strategy for the current Polish government and its supporters. In 2021, a new higher education institution was created, named Collegium Intermarium, whose rector is a member of the pro-governmental national-conservative think tank Ordo Iuris, an organization promoting a traditionalist Catholic worldview (Ciobanu, 2021). Collegium was introduced as a 'space of freedom and order' (*Collegium Intermarium,* n.d.). The initiative has been endorsed by the government and granted funding from the governmental National Freedom Institute (Dauksza and Szczygieł, 2021). The heading on the Collegium's website reads 'a free University of Central Europe'. This is an allusion to the Central European University, sometime in Budapest and now in Vienna, which faced a massive attack by Viktor Orbán's government as an institution funded by George Soros and independent of the Hungarian government (Bucholc, 2017). The new institution was advertised as a conservative-Christian response to the offensive of liberal values, for which the Central European University stood (Żurek, 2021). The Collegium is also expressly meant to counteract the leftist tendencies its founders perceive as dominating in public universities (on the prevalence of leftist and liberal worldviews in Polish academia compared to American academia, see Zimniak-Hałajko, 2020; Wilkin, 2021).

While the Collegium Intermarium is a non-public institution, a number of new public establishments are also designed to produce scientific legitimation

for government policy. For example, the Pilecki Institute (n.d.), a public research unit with its seat in Berlin, has been said to be a parallel institution mirroring the research agendas of the Polish Academy of Science in the field of memory and Holocaust studies, but with a much larger budget (*Monitor Akademicki*, 2021). Other recently founded institutions pursuing research goals in line with the government's programme of memory politics and the politics of history include the Roman Dmowski and Ignacy Jan Paderewski Institute of the Heritage of National Thought (est. 2020), and the Institute of the Legacy of Solidarność (est. 2019).

Apart from new establishments and parallel institutions, the existing public academic schools may also be subject to ideologically motivated organizational change. In August 2021, Parliament adopted a statute transforming *Uczelnia Państwowa im. Szymona Szymonowica* in Zamość into Akademia Zamojska, postulating a reactivation of a historical academy that existed in Zamość from the 16th until the 18th century. The transformation was not preceded by any consultation with the school's authorities (The Rector of the School's statement cited by *Gazeta Prawna*, 2021). Proponents of the statute stated that the 'difficult situation of the fatherland' makes it necessary to establish a new academic school whose express goal is to 'strengthen in the Polish state and in the Polish nation its spiritual and civilizational identity, an authentically Polish tradition […] as expressed in the motto *Deo et Patriae*'. That these goals are not in accordance with academic freedom in a public university was raised in the opinion on the draft law by the Polish Academy of Sciences (2021).

7.4.6 Subnational and Disciplinary Variation

There is a clear disciplinary pattern behind the political interest in teaching, research, and scientific publications. On the whole, history has been the most directly affected discipline thus far. The PiS has the most vested interests in the interpretation of history, since memory politics and the politics of history belong to areas to which it attaches great importance (Hackmann, 2018, p. 587; Bucholc, 2019, p. 85). Publications by historians have been among the most frequently criticized by politicians in recent years. The best-known example is Jan Tomasz Gross (em. Princeton University), whose book about the mass murder of Jews by their Polish neighbours in the village of Jedwabne, first published in 2000, was a turning point in the public debate about the Holocaust in Poland (Michlic, 2017, p. 296). For the right, Gross's name has since become a metonymy of the defamation of the Polish nation by publicizing historical findings and expressing opinions based on them.

The government acted against defamation in the context of Holocaust narratives in 2018. A law was passed that envisaged the penalization of any statement that implied the participation of the Polish state or the Polish nation in Nazi crimes. Even though an exception was provided for scientific and artistic activity, the regulation caused a huge wave of criticism, and the most controversial provisions of the law were soon dropped under international pressure (Bucholc and Komornik, 2019).

Many commentators have indicated that there is a line connecting the anti-Gross campaign in the 2000s and 2010s, the 2018 law, and the aforementioned lawsuit against Engelking and Grabowski in 2021 (Wójcik, 2021). There are widespread fears of a freezing effect and concerns for the resilience of historical sciences under political pressure, possibly affecting the allocation of funding in the future. There is a clear division within the field of history, and high-ranking academic historians can be found both in the pro- and anti-government camps. This presages conflicts that may compromise common standards of research and dissemination that are indispensable for the preservation of academic freedom and autonomy.

Apart from the most politically sensitive fields such as Holocaust studies and the recent history of Poland (including the Communist period), the other disciplinary areas susceptible to political pressure are gender studies, queer studies, family studies, and related topics. The repeated doubts of leading politicians regarding the scientific status of gender studies have contributed to a sense of precarity for teachers and students of the subject (*WNP*, 2020). As opposed to history, where the main actors are state authorities and particularly the Ministries of Science and of Culture, the fields of family, sexuality, and gender-related research and teaching are subject to the influence of the Catholic Church, both directly and indirectly. This is especially the case in the few faith-based universities and with scholars who are Catholic priests. One example is a professor of the Catholic University in Lublin and a Catholic priest, Alfred Wierzbicki, who faced disciplinary proceedings after offering surety for an arrested LGBTIQ activist in 2020, following a series of public comments critical of the Church hierarchy (Catholic University Lubelski, n.d.). The actions taken by the university authorities in this case were declared to violate academic freedom by, amongst others, the Institute of Philosophy and Sociology of the Polish Academy of Sciences, (n.d.).

Political pressure makes itself felt in law and legal science, too. Law and human rights are to become the two cornerstones of teaching in the Collegium Intermarium, and government representatives have declared the need to produce new ranks of nation-minded lawyers to replace the current judiciary. Pursuing that goal, *Szkoła Wyższa Wymiaru Sprawiedliwości* (n.d., Higher School of the Judiciary) created by the Minister of Justice in 2018, will commence studies in law in the academic year 2021/22. The goal of the new curriculum is defined as 'educating the future lawyers who would have […] ethical standards suitable to take up the legal professions, especially those whose goal it is to serve the Polish State'.

This disciplinary pattern of pressures on academic freedom can be seen geographically: The political pressure is stronger, but also easier to identify and push back, in the big cities, like Warsaw or Kraków, with large academic communities and which also have more power to mobilize national and international support, owing to the greater prestige of the leading public HEIs located there. While smaller public universities around Poland play a crucial role for their respective regions, for which they act as the main higher education centres but also as key

employers and motors of demand in the local job, real estate, and consumer markets, their position in relation to the central government is relatively weak.

7.4.7 Efforts to Promote Academic Freedom

Most efforts to promote and protect academic freedom in recent years have been made by the academic community at large, by the HEIs themselves, or by official bodies and NGOs, with statutory representations of students and PhD students showing relatively less interest in the matter. Forms of action have included demonstrations (usually modest in size), public letters, petitions, opinions, reports, and statements.

The role of journalists has been crucial; infringements on academic freedom have been reported by media from multiple political perspectives so academic freedom has become a central issue in public discourse in Poland, despite the radically different interpretations given to it by various worldview groups. The role of social media is very important in spreading information, mobilizing support, and organizing action, especially in the student community.

Over the years, there have been a number of initiatives to promote academic freedom. Some have focused on the results of the reform of science for the humanities (like *Komitet Kryzysowy Humanistyki Polskiej*, n.d.), and others on political influences on university life in general (*Uniwersytet Zaangażowany*, n.d.), but all have related to university autonomy. However, there are also initiatives specifically dedicated to the cause of academic freedom. In 2020, a new initiative formed at the University of Warsaw called '*Monitor Akademicki*' (Academic Monitor). Its goal is to cope with the challenges that 'pertain to the very core of the university: the autonomy of higher education institution, the feeling of community and the unrestricted scientific debate' (*Monitor Akademicki,* 2020). Also in 2020, in Kraków, *Inicjatywa Wolna Nauka* (Free Science Initiative, 2020) was funded, whose goal is to oppose political intervention in science and to defend the university as a space for dialogue. It is noteworthy that both these initiatives explicitly address not only the recent actions by the national-conservative government, but also elements of neoliberal governance in higher education.

Commitment to the defence and promotion of academic freedom that opposes the current government's policy and the national-conservative turn in higher-education governance seems to be locally focused, with little engagement in global or regional developments. Even the actions of Viktor Orbán's government against Central European University in 2017 did not raise much alarm in the Polish academic community (see, however, a letter of support: Central European University, 2017; also, a Facebook post by Uniwersytet Zaangażowany, 2017). International frames for academic freedom (be it legal or institutional) are seldom referenced in Polish public discourse.

At the same time, a vision of academic freedom stressing protection of conservative values and voices and granting them equal access to the university platform is actively promoted by pro-governmental intellectuals and

organizations, notably by Ordo Iuris. Its report 'List of The Most Important Violations of Academic Freedom In Poland' (Ordo Iuris, 2020) documents 21 cases in which organizations, individual scholars, politicians, and public intellectuals representing a broad range of conservative values (including creationists, pro-life activists, political conservatives, critics of the movement for LGBTIQ rights, and advocates of national-conservative memory politics and the politics of history) were subject to disciplinary measures, had their lectures or exhibitions cancelled, or faced other steps taken by university authorities.

7.5 Conclusion

The state of academic freedom in Poland today gives cause for serious concern. Existing regulatory frameworks provide universities with relatively broad autonomy. As a rule, individual scholars are free to choose their research problems and approaches. But opportunities to make use of these freedoms are limited by still relatively low earnings, insufficient research funding, a structural gap between large academic centres and smaller cities, as well as by the pressing expectations of greater internationalization, competitiveness, and citability. An additional set of pressures, felt mostly in humanities and social sciences, are politically motivated state interventions in the autonomy of higher education. Currently, the governing national conservatives are advocating a shift in the meaning of academic freedom as a legally protected value that, if completed, will pave way for more political interference and jeopardize the link between academic freedom and the quality of scientific research.[8]

The limited engagement by international scientific and advocacy networks for the defence of academic freedom in Poland is no wonder when we consider the fate of the Central European University in Hungary. Moreover, international support for academic freedom in Poland is understandably selective and focuses on cases whose significance is amplified by the media. Domestic initiatives in defence of academic freedom defined according to liberal democratic principles virtually never use the international framing and they are usually small-scale, *ad hoc* and reactive in nature, which does not serve the long-term strengthening of academic freedom.

As a result of political debates and media publications, social awareness regarding the value of academic freedom seems to be rising, even though there is a large gap between various definitions of academic freedom, depending on the worldview and political stance of the actors. The polarization of standpoints is immediately noticeable. It would be a mistake to imagine the situation in Poland today as a conflict between the governing political majority on one hand and a consolidated, united academia defending its freedom on the other. What has been called 'Caesarean politics' (Sata and Karolewski, 2020, p. 206) deepens both the old and the new divides in the Polish academic community. State capture in Poland has come to involve the capture of universities, and even if the attempt can be pushed back, it will not leave community spirit in academia unscathed.

Notes

1 Ireneusz Pawel Karolewski served as reviewer for this study. The case study covers events up until spring 2022. The author acknowledges the support of Polish National Science Centre (2019/34/E/HS6/00295). I am grateful to the editors and to the reviewers for their valuable comments and suggestions. I also thank Marta Gospodarczyk for editing the first version of this study.

2 Please note that the format of the case study applied in this chapter does not include a literature review.

3 See UNESCO country data at http://uis.unesco.org/country/PL, accessed 18 August 2021. According to UNESCO, Gross enrolment refers to 'the number of students enrolled in a given level of education expressed as a percentage of the official school-age population corresponding to the same level of education. For the tertiary level [higher education], the population used is the 5-year age group starting from the official secondary school graduation age' (UNESCO, "Gross enrolment ratio").

4 The case is discussed on the website of the Polish Commissioner for Human Rights (2021), who intervened in Bilewicz's case in January 2020. The reviews are available in Polish on the website of the Central Commission for Degrees and Titles (n.d.). See also: https://wiadomosci.onet.pl/kraj/walter-zelazny-i-tytul-profesora-andrzej-duda-zaskarzyl-wyrok-wsa/lb0c8p8.

5 Most of the amendments were arguably minor, but on the other hand, further amendments are already in the pipeline.

6 In 2015 and 2018, student-led protests against two respective reforms of the higher education law took place in major universities. See Karpieszuk, (2015).

7 The examples include a professor of the University of Warsaw using vulgar language referring to a teenager who protested, cross in his hand, against a demonstration in support of LGBTQI rights – the proceedings were dropped (see the university's official statement at University of Warsaw, n.d.); and a professor of the Nicolaus Copernicus University in Toruń who used offensive language describing a Pride parade – the author was initially suspended, the suspension was subsequently cancelled (see the university's official statements at Nicholas Copernicus University, 2019).

8 See the summary of a radio interview with Minister for Science Przemysław Czarnek, promising that as a result of the reform of disciplinary proceedings, which he sponsors, Poland will become 'a country of the highest level of academic freedom imaginable' (*Dziennik*, 2021).

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8 Academic Freedom in Turkey

Olga Selin Hünler[1]

8.1 Summary

After recurrent military interventions in the past, Turkish higher education briefly enjoyed limited academic freedom and even more autonomy before the latest coup attempt in 2016. The gravest damage to universities happened during the ensuing two-year state of emergency, and the after-effects of the statuary decrees continue today.

Since the founding of Turkey's first modern university, İstanbul University, in 1933, Turkey's Academic Freedom Index (AFI) score has fluctuated with the coup d'états in 1960, 1971, 1980, and 2016 (see Figure 8.1).[2] The AFI score reached its lowest (a score of 0.06) in 1981, the year after the 1980 coup d'état.

The university law introduced after the coup of 1980 enabled the establishment of foundation universities for the first time. The first foundation university was established in 1984, but numbers rose in the 2000s. Meanwhile, the number of public universities also increased. This rise allowed more students to access higher education and increased the number of the younger researchers recruited at universities. On the downside, this exponential growth in the number of foundation universities further commercialized higher education.

The period of relative democratization during the 2000s also positively impacted higher education. Historically sensitive topics, such as the Armenian genocide or the Kurdish issue, and socially controversial topics like gender and women's studies began to find a place in research and publications, although they were still not very present in official university curricula. From the mid-1990s, university campuses began to host a lot more academic and cultural events like conferences, exhibitions, and spring festivals. Negotiations with the European Union and Turkey's progress in fulfilling the road map's requirements contributed to improvements in academic freedom, university autonomy, and campus life.

However, after the 2016 coup attempt, Turkey's AFI score dropped to 0.07 again. Today, Turkey is ranked in status group E (AFI scores 0.0–0.2) alongside other countries with the lowest Academic Freedom Index scores. This reflects the reality on the ground, as this case study will show.

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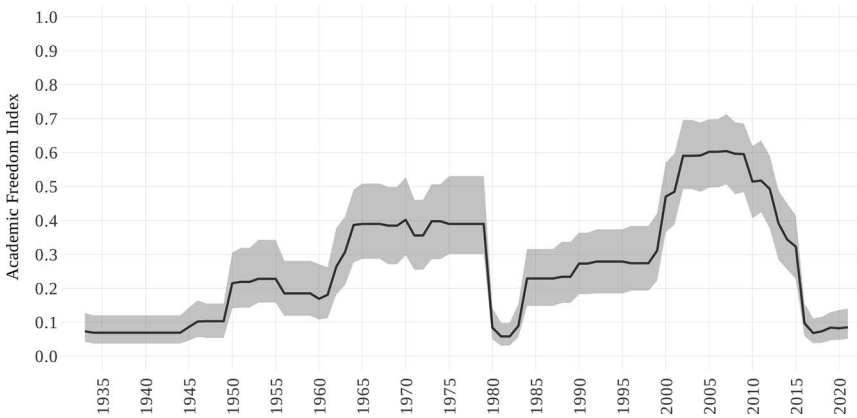

Figure 8.1 Academic Freedom Index Scores for Turkey 1933–2021. The grey area represents the confidence bounds of the data.

Data source: V-Dem (2022): v12.

The state of emergency ended in 2018, but the authoritarian rule of President Recep Tayyip Erdoğan continues. After the transition from the parliamentary regime to the presidential system in July 2018, Turkey's courts lost most of their independence. Investigations and trials on terrorism charges were used to silence academics, intellectuals, journalists, and every other critical voice in the country.

8.2 Methods, Sources, and Scope of the Study

Turkey has a vast and growing higher education market, yet its growth does not reflect the quality of educational institutions or steady progress in academic freedom or institutional autonomy. I will frame the chapter by focusing on two main historical junctures: One is the 1980 military coup, and the other is the coup attempt in 2016.

There is no longitudinal survey data on academic freedom and university autonomy in Turkey. Turkey opted out of European University Association's report on university autonomy in 2017 by not providing new data (Pruvot and Estermann, 2017). Due to the lack of centralized and objective data provided by universities or the Council of Higher Education, I mainly rely on reports prepared by Solidarity Academies in Turkey[3], press reports, a review of media and social media resources, and reports by international networks and organizations. In order to explain the structure of the higher education system, I considered reports provided by the Council of Higher Education.

To demonstrate contemporary changes, I have reviewed *Resmi Gazete* (the Official Gazette that publishes new legislation and official announcements), presidential decrees, and changes in higher education legislation and regulations in 2016.

In addition to informal conversations with five experts in higher education in Turkey who reside outside and inside Turkey, and one former student currently residing outside of Turkey, I have drawn on my professional and personal experience as a social scientist and scholar investigating academic freedom in Turkish higher education institutions (HEIs). I do not mention the names, affiliations, or other remarks that would identify my fellow experts in order to preserve their anonymity.

8.3 Characteristics of the Higher Education Sector

8.3.1 University Structure

Recognized HEIs in Turkey include public (state) and non-profit (foundation) universities. Public universities are predominantly funded from the state budget. Some universities might have their own independent resources (such as revolving funds, consultations, and research grants), but students still pay tuition fees. Presidential decrees establish tuition fees for public universities, and boards of trustees decide on student fees for foundation universities. Foundation HEIs refer to universities, higher technology institutes, colleges, conservatories, research application centres, and vocational colleges established by foundations, sponsored mainly by the country's prominent business families. By law, however, they are obligated to be non-profit organizations. Some of their budgets are funded by the state, the rest by tuition fees. In the academic year 2020–21, there were 207 universities in Turkey, 129 of which were public, 74 of which were foundation universities, and 4 of which were foundation vocational schools (Council of Higher Education, 2021).

In 2017, the Council of Higher Education selected 15 universities from 50 applicants to be research universities that would promote knowledge production in priority areas for 'Turkey's aims', as well as to increase the number of academics with PhDs and research competency. Additionally, the council selected certain universities to fulfil its 'Mission Differentiation and Specialization on the basis of Regional Development' and to realize internationalization strategies (Council of Higher Education, January 2019).

Nepotism and favouritism in public universities are not a secret, especially in smaller cities. However, political *caderization* is a problem in public and foundation universities in both peripheral and central cities.

8.3.2 University Governance

The Council of Higher Education (CoHE) is the responsible national authority for regulating higher education. The CoHE was founded after the coup in 1981 in order to restructure academic, institutional, and administrative aspects of higher education. Strategic planning, coordination, and establishing and maintaining quality assurance mechanisms were assigned as the most crucial responsibilities of the CoHE (Council of Higher Education, n.d.).

Even though the CoHE has been the primary responsible national authority for higher education, and despite the fact that the Ministry of National Education is another representative organization (European Higher Education Area, n.d.), since 2016 presidential decrees have regulated higher education and the CoHE has begun to act as a symbolic entity that executes presidential decrees and decisions. Today, the CoHE has 21 members appointed for a four-year period. Fourteen members are directly appointed by the president of Turkey. Nine members of the executive board are elected by members of the general board, and seven members are elected by the inter-university board which represents the National Rectors' Conference (Council of Higher Education, January 2019). The president appoints the head of the Council from among the Council members. In practice, the members of the CoHE are ultimately determined by the president of Turkey. Instead of academic and administrative merits and experience, appointed members are members of either the General Secretary of the Turkish Presidency or the Directorate of Presidential Administrative Affairs, according to the Science Academy Report (*Bilim Akademisi*, 2016–7).

University senates are composed of rectors, vice rectors, deans, directors of institutes, directors of post-secondary vocational schools, and faculty representatives. For rector appointments, see Section 8.4.2.

8.3.3 University Access

University admission is centralized and based on merit: Students need to take national university entrance examinations and to continue their studies at a university. A central replacement system applies for public and private universities and students need to pass a minimum score. Graduate admissions candidates need to pass centralized-generalized aptitude and language exams to apply for graduate programmes. The Gülen Movement, however, obtained the exam questions prepared by the Student Selection and Placement System (the ÖSYM) illegally and distributed the questions to their followers in order to place them within the public service and to help them gain promotions.[4] In addition, military school entrance exam questions and university entrance exam questions were also stolen and distributed in the Movement's prep schools and congregation houses. Even though the scandals broke in 2010 and 2011, the involvement of the Gülen Movement and ÖSYM officials was covered up until the coup attempt in 2016. Media confessions of ex-Gülenists and court testimonies of members revealed that the exact duration and extent of these operations were not comprehensible for the public.[5]

There is a long chain of protocols in the hiring of academic personnel. Candidates go through several steps to gain their appointment.[6] For the state universities, assistant professors can be appointed for a maximum of four years, with a possibility of renewal, but associate professors and full professors are appointed with tenure. Hiring procedures and requirements for foundation universities vary but they don't offer permanent contracts. The centralized

and somehow transparent-looking hiring procedures are not completely merit-based or free from nepotism. In 2021, the CoHE introduced a new regulation to control personalized calls for hiring (Council of Higher Education, 2021). Even after this regulation, multiple examples of personalized calls for applications, appointments of family members, and the selection of ideologically aligned candidates have been covered by the media (*Artı Gerçek*, 2021; Sansür, 2021; *T24*, 2020).

Academic salaries at public universities are calculated by taking into account factors like seniority, knowledge of foreign languages, and administrative duties, yet baseline salaries are equal, without a gender gap. Requirements for working in additional jobs in private institutions (e.g., universities, hospitals, or praxis) are also regulated. In 2020, salaries of academic personnel in foundation universities were mandated to be set as minimally equivalent to peers in public universities. The rapid increase in the number of foundation universities meant they were able to offer only minimum wage for academic personnel, and working conditions worsened during the Covid-19 pandemic. Even after the salary regulation, there are still significant gaps between foundation universities, in terms of salaries and working conditions.

8.3.4 Research Integrity and Misconduct

When Turkish universities first began to appear in academic performance indexes like their European and American counterparts, the political situation impacted their upward trend. The experts interviewed for this study are in agreement with the influential international university rankings on the decline in the performance of Turkish universities, especially after the purge in 2016 (*Times Higher Education*, 2021; University Ranking by Academic Performance, 2015 and 2019; *Economist*, 2017; Gurcan, 2019; Smith, 2019). The quantity and quality of publications have both been scrutinized. Turkish researchers rank third in publishing in predatory and fake journals after their counterparts in India and Nigeria (Demir, 2018). Plagiarism is becoming a significant problem for graduate theses, and renowned scholars have also been scrutinized following accusations of plagiarism, including the newly appointed rector of a prestigious public university, Boğaziçi Üniversitesi.[7]

Graduate theses have not been free from ethical violations. The Education Policy Research and Application Centre analysed 600 master's and doctoral theses written between 2007 and 2016, and revealed that 34% of them were heavily plagiarized (*Hürriyet Daily News*, 2016). Ghost-writing has become a lucrative business because it provokes no legal sanctions. Companies appear to provide editing and proofreading services, but they write academic papers and theses for a fee (Ögreten, 2019).

In 2018, corruption allegations were made against the general director of the Scientific and Technological Research Council of Turkey (TÜBİTAK), Marmara Teknokent, regarding non-transparent contracts and nepotism (Gümüş, 2021; *Haber Sol*, 2018).

8.4 Current State of Academic Freedom and Key Developments in the Recent Past

8.4.1 Legal Protection of Academic Freedom

Academic freedom is protected by Article 130 of the Turkish Constitution: 'Universities, members of the teaching staff and their assistants may freely engage in all kinds of scientific research and publication'.[8] However, the boundaries of this freedom are firmly established by the following sentence: 'this shall not include the liberty to engage in activities against the existence and independence of the State, and against the integrity and indivisibility of the nation and the country' (see Article 130 of the constitution). Similarly, Article 42 of the 1982 Constitution proposes rigid control of the state over education, stating that education shall be 'conducted along the lines of the principles and reforms of Atatürk, on the basis of contemporary science and education methods, under the supervision and control of the State'.

After their ratification in the Grand National Assembly of Turkey, international treaties have the same legal effect as codes and statutes, and 'international law duly approved and enacted by the legislature is also deemed to be part of the legal system' (Bacanak and Paksoy, n.d.). In addition to conditional protection of academic freedom provided by the 1982 constitution, Turkey also signed the International Covenant on Economic, Social, and Cultural Rights (ICESCR) – of which Article 15.3 explicitly guarantees the freedom of scientific research – in 2000 and ratified it in 2003, noting the Covenant would be implemented subject to the UN Charter. In addition, Turkey is also a signatory to the International Covenant on Civil and Political Rights (ICCPR), which protects free access to and dissemination of information, and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), on which basis the European Court of Human Rights has expressly referred to academic freedom in a case concerning Turkey. Even though Turkey is a signatory to these legally binding documents, the Justice and Development Party (AKP) government has bypassed them numerous times.[9]

8.4.2 Institutional Autonomy and Governance

8.4.2.1 Centralized Decision-Making

Turkish universities secured institutional autonomy through the University Law No. 4936 in 1946. This autonomy was maintained during the reign of the military's National Unity Committee after the coup d'état on 27 May 1960. However, through the establishment of the CoHE, the educational system was centralized, and university autonomy was revoked after the 1980 military coup. The Higher Education Law No. 2457 appointed the CoHE as responsible for appointing administrative personnel such as rectors, deans, and department chairs, instead of these appointments being made through elections and the

regulations of academic promotions. Universities were granted public entity status and scientific autonomy by Article 130 of the Turkish Constitution in 1982, but their autonomy did not extend to administration, funding, staffing, budgets, or university organization. Today, the CoHE decides on many academic and administrative aspects of higher education, including fields of research, student admission quotas in departments and universities, student fees, the opening and closing of faculties and universities, and minimum hours of teaching in education programmes. These are top-down decisions made without the participation of the universities and faculties (*Bilim Akademisi*, 2016–7).

In 2018, the *Presidential Decree on the Organization of Institutions and Bodies Affiliated, Related, or Connected with Ministries and the Organization of Other Institutions and Bodies* restructured two important and autonomous national research institutions: The Scientific and Technological Research Council of Turkey (TÜBİTAK); and the Turkish Academy of Sciences (TÜBA).[10] This restructuring changed the administrative organization of these institutions: The president authorized himself to appoint the president of TÜBİTAK, as well as its executive board members and vice presidents; again, no academic or scientific criteria were established for these appointments (Bergan, Gallagher and Harkavy, 2020; *Bilim Akademisi*, 2016–7).

As far back as 2011, the autonomous organizational structure of TÜBA had been damaged through a decree: Instead of electing its own members, the Council of Ministers would assign one-third of the members and one-third would be assigned by TÜBİTAK. In response, 70 members of TÜBA resigned and joined the Science Academy, which was established on 25 November 2011 as an independent and non-governmental organization. The Science Academy publishes reports and bulletins and organizes conferences to promote the principles of scientific merit, academic freedom, and integrity. It also runs a grant programme for young scientists.

After the publicization of the Peace Petition (see the next subsection), several signatories reported obstructions to their research projects from TÜBİTAK, including cancellation of their projects, being removed from juries, deleting previously completed projects from its website, as well as the cancellation of scholarships (*ABC Gazetesi*, 2019; *Tele 1*, 2019).

8.4.2.2 Mass Dismissals of Academics and New Hiring Practices

After the July 2016 coup attempt, President Erdoğan declared a state of emergency, which continued until July 2018.[11] Thirty-seven statuary decrees were released. During the state of emergency, dismissals of civil servants (including more than 6,000 academics) were executed with the statutory decrees. In July 2021, parliament adopted a new law to expand some state of emergency measures including detentions and dismissals, 'in order to effectively continue the fight against terrorism' (*Hürriyet Daily News*, 2021). Dismissals of the academics, like other public sector employees, were arbitrarily linked to alleged membership of terror organizations or support of terrorist organizations (Donald, 2019).

In July 2016, the CoHE demanded the resignation of all 1,576 deans in office from both public and private universities and an international travel ban was imposed on academics, even on those still working. In addition, 15 foundation universities, allegedly belonging to companies associated with the Fethullah Gülen Movement, were shut down and eventually became public universities.

Even before the coup attempt, academics were targeted for political reasons. After the release of the 'We will not be a party to this crime!' petition, also known as the Peace Petition, in January 2016, President Erdoğan targeted the signatories, known as Academics for Peace, on several occasions. In a defamatory speech regarding the petition on 12 January, he called the signatories 'so-called intellectuals' and 'pseudo academics' and accused them of treason. The CoHE made a statement declaring the Peace Petition 'irreconcilable with academic freedom' and warned the universities to take 'necessary steps' (*Türkiye İnsan Hakları Vakfı*, 2019). Some private universities dismissed the signatories without disciplinary hearings (*Bianet*, 2016), and some public and private universities publicly denounced the petition and launched disciplinary investigations. Some signatories were dismissed or resigned after those hearings before the coup attempt.

Arbitrary regulations and practices continued after the end of the state of emergency. Following the adoption of the Decree Law No. 685 in 2017, The Inquiry Commission on the State of Emergency Measures was established. The commission was appointed to evaluate and conclude applications regarding dismissals from the public service, cancellation of scholarships, and other measures carried out by the decree laws. More than 100,000 applications were handled by the commission and only 11.3% of the cases have been accepted (*Türkiye İnsan Hakları Vakfı*, 2020). None of the Academics for Peace were reinstated and some were not even granted their passports, even though they were all acquitted in court. In addition, according to Decree Law No. 694, academics who have been dismissed from public service, if reinstated by the State of Emergency Commission, are not able to return to their previous university. These academics will be assigned to another university 'with priority being given to universities outside of Ankara, İstanbul and İzmir, and which have been established after 2006' (Statuary Decree on commission for the examination of proceedings under the state of emergency, n.d.).

In April 2021, the 'Security Investigation and Archive Research Law Proposal' was approved by the governing AKP Party and its coalition partner, the Nationalist Movement Party (MHP). This regulation allows security investigations and background checks on all applicants for positions in public institutions, including educational institutions. The bill also allows public institutions to collect data from state institutions such as the police, courts, and intelligence agencies to determine any current or past investigations, records, or court decisions regarding candidates.

8.4.2.3 Changes in Rector Appointments

In 1992, rectoral elections were reinstalled by an amendment to the Higher Education Law (Law on the Amendment of Article 13 of the Higher Education Law No. 2547, 1981). According to this regulation, public university rectors were appointed by the president from among three candidates proposed the CoHE, which made a prior selection from the six candidates who received the most votes in their universities. In foundation universities, the selection of rectorate candidates and the appointment of the rector were made by the relevant boards of trustees, not by faculty votes.[12]

On 29 October 2016, rectorate elections were abandoned through decree number 676. Rectors of public universities were now to be appointed by the president from among three candidates proposed by the CoHE. The president would appoint the rectors of foundation universities after the approval of boards of trustees. In 2018, amendments made to the Higher Education Law meant rectors of state and foundation universities would be appointed by the president. In foundation universities, rectors are appointed after proposals from boards of trustees. The CoHE was thus bypassed from the selection process and the president became the sole authority over rectorate appointments.

Through the same amendment, faculty members are to vote for their candidates as dean, and then the rector nominates three professors, who may or may not be affiliated with the university, to the CoHE to be appointed as a faculty dean. The rectors might not put forward the elected candidates, and the CoHE might not accept the endorsed candidates (*Bilim Akademisi*, 2017–8). The same regulation also circumvents the previous roles of the CoHE and the Council of Ministers for planning in higher education, including establishing new universities, institutes of higher technology, vocational schools, institutes, and colleges.

The autonomy of Turkish universities has been targeted in the past and today. The political turmoil in the country affects the higher education sector directly. Since the 2016 coup attempt, the AKP government has revoked the remaining autonomy of Turkish universities.

8.4.3 Freedom to Research and Teach

8.4.3.1 Direct Attacks on the Freedom to Research and Teach

Although the constitution protects academic freedom and no specific laws directly limit it, the political and social climate perniciously restricts teaching and research. Between the 1980 coup d'état and the unsuccessful 2016 coup attempt, universities never thoroughly enjoyed freedom of teaching and research;[13] the 1990s and 2000s were relatively uneventful, except for sporadic attacks on academics and limitations of specific research topics.[14]

Since January 2015, the Academic Freedom Monitoring Project of Scholars at Risk (SAR) has documented 315 attacks on higher education. Twelve of the attacks comprise violence and disappearance, 123 imprisonment, and 110 prosecution (The Academic Freedom Monitoring Project, n.d.). Over 2016, SAR reported 49 incidents, including detentions, arrests, warrants, and wrongful prosecutions of at least 1,308 scholars, administrative staff, and students in Turkey.

The case of Academics for Peace (AfP) was an example of a major infringement of the freedom of expression of academics and it created a major chilling effect on other critical academics. AfP first gathered in 2012 to support Kurdish prisoners' demands for peace and 264 academics signed a petition for this purpose. Between 2013 and 2016, AfP took part in several activities to endorse the peace process. What is known as Academics for Peace today is made up of 2,200 scholars who have signed and publicized the aforementioned petition, 'We will be not a party to this crime!' to condemn the state's human rights violations in predominantly Kurdish-populated cities in Turkey and who have demanded the reactivation of the peace process.

Since the day the petition 'We will not be a party to this crime!' was declared to public on 11 January 2016, through press conferences in İstanbul and Ankara, the signatories have faced many attacks. Several of them have been physically and verbally threatened, pro-government media have ignited a hate campaign against them, and some TV channels, newspapers, and ultranationalist groups have released the signatories' names, affiliations, pictures, and addresses on social media. Seventy signatories were taken into custody. Four signatories who read a press statement condemning these violations were imprisoned in March 2016. Even before the coup attempt, signatory academics were subjected to disciplinary hearings and dismissed from their positions. Through the statuary decree, 406 signatories have been dismissed from their jobs and their passports have been cancelled and confiscated. They have also been prevented from finding jobs. Finally, all of them faced courts on charges of terrorism (*Academics for Peace*, 5 November 2021 and 11 November 2021; *Scholars at Risk*, 2018).

The case of AfP might have generated further worries and reluctance for some academics working on politically sensitive issues, such as the Kurdish issue, the Armenian genocide, militarization, and gender and queer studies. Such topics were already stigmatized as dangerous, and the attacks on AfP and the following military coup attempt and suffocating political climate of the state of emergency may have influenced some researchers to approach those topics even more reluctantly.

SAR has documented several threats to Turkey's higher education sector, including threats to AfP. Besides the dismissals through statutory decrees, thousands of scholars, staff, and students have been detained, arrested, or named in warrants. After the coup attempt, 294 graduate students were expelled from their home institutions while studying abroad, and more than 60,000 students were affected by state-ordered university closures. The students lost their right to access education; they were forced to change universities and encountered

discrimination in their new institutions (Namer et al., 2018). This turmoil radically altered the higher education system, stripped some academics of their freedom to teach and conduct research, and more importantly created a climate of fear that may lead academics to use self-censorship in their research and teaching.

8.4.3.2 Indirect Interventions on Academic Freedom

Except regarding mandatory history and Turkish courses, the CoHE and President Erdoğan do not directly intervene in the curriculum of universities and the president, the government and the CoHE do not prohibit work on certain topics. However, they have created a certain zeitgeist, a climate of fear and apprehension, censorship, and self-censorship, that makes it impossible to teach or study politically sensitive topics. For example, the CoHE initiated a new research institute on 21 July 2021 named 'International Institute of Genocide and Crimes Against Humanity'. The aim of the institute is defined as investigating the 'baseless genocide allegations about Armenians, but also about crimes against humanity wherever they committed in the world, from America to Africa, from Asia to Europe' (Council of Higher Education, 2021).

Academics have reported an oppressive political climate in which they do not trust their students, as cases of official complaints from colleagues and students to the Presidency's Communication Centre (CIMER) have risen (see more about surveillance on campus and student informants in Section 8.4.5). They fear being targeted by pro-government media or government-sponsored troll groups on social media.[15] These developments are among the major obstacles to their freedom to teach. Pro-government media share pictures of dissident scholars (such as AfP, scholars working on the Armenian genocide, or the Kurdish issues) with hate-mongering titles. For example, *Yeni Akit*, a pro-AKP newspaper, shared the names of the AfP signatory academics with the headline, 'Here is the full list of academics who signed that treason statement' (*Haber Sol*, 2012; *Jadaliyya*, 2016; *T24*, 2016; Taştan and Ördek, 2020).

During the state of emergency, some lecturers reported inspections of their courses by CoHE inspectors and university administrations (Taştan and Ördek, 2020). One expert I interviewed mentioned the dean of their faculty and vice rectors strolling through the corridors checking on the professors through the glass doors, even before the coup attempt. Another expert mentioned the faculty dean listening to the recordings of the courses prepared for the students and using the recordings as evidence for disciplinary hearings regarding a professor who signed the Peace Petition.

Neither the CoHE nor university administrations have provided a clear list of prohibited topics, yet erratic and arbitrary sanctions have raised fears of persecution for academics and students, who anticipate trouble and mostly self-censor their academic expressions on politically charged topics. The research and teaching topics the government does not appreciate are prone to change, depending on political and social circumstances, and the consequences of working on

unappreciated topics can also be very arbitrary and depend on the political climate. There have been many instances of academics being persecuted because of their research.[16]

Instead of directly banning the research and publication of politically controversial topics, the CoHE prioritizes certain research fields, such as information security, biomedical equipment, biotechnological and pharmaceutical technologies, cloud computing, big data and data analytics, energy storage, mechatronics and automation, and machine learning. The CoHE has also granted certain privileges and better funding opportunities. Social sciences and the critical research topics of the natural sciences (such as climate or environmental research) have not been included in the priority research fields. Similarly, through the new articles introduced to the Higher Education Law, the CoHE has become the decision-making and implementing authority regarding specialization of HEIs and making decisions to this end. On its website, the CoHE announced that with the 'Specialization in Higher Education and Mission Differentiation Project' implemented in 15 universities, universities will work with local actors to specialize in activities such as health, agricultural and geothermal studies, animal husbandry, basin-based development, textiles, ceramics, forestry, and nature tourism. The CoHE did not consult universities about their research priorities, faculty demands, or resources when enacting this, and more importantly gave them no opportunity to reject the decisions forced upon them (*Bilim Akademisi*, 2016–7). The consequence of this centralized planning and top-down decision-making is yet unknown.

The CoHE has a clear ideological agenda to push academic research and teaching in certain directions. The CoHE cancelled the Gender Equality Project, and the Gender Equality Attitude Document was removed from its website. Previously, through a document issued under the framework of the Turkish constitution and international treaties, the CoHE guaranteed work on gender equality in universities and provided actions to prevent gender inequality in higher education. Through this document, the CoHE encouraged universities to conduct research and teaching on gender. Later, the president of the CoHE stated that this project was unsuitable to the norms and values of Turkish society (*Ahval News*, 2019; *Bianet*, 2019). In line with the familial-ist and patriarchal agenda of the government, the CoHE changed its focus to 'gender justice' instead of equality and some gender and women's research centres were transformed to family studies centres (*Jinha*, 2021).

Daily political alliances, frictions, and conflicts can impact curriculum decisions. After the accelerated tension between France and Turkey over a petition signed by former French President Nicholas Sarkozy and 300 intellectuals criticizing Islam as being antisemitic and promoting violence, the CoHE announced that no student should be placed in French Language and Literature and French Language Teaching departments without its consultation (*Bilim Akademisi*, 2017–8).

In the aftermath of the coup attempt, universities and not-for-profit organizations were closed through the statuary decrees. Even though it was not

illegal to receive funding from foreign foundations or organizations, NGOs were scrutinized because of their international collaborations and funding from abroad. In 2018, for example, the Open Society Foundation in Turkey ceased operations and shut its offices because of an increasingly hostile political environment and various accusations it was facing. In addition, Turkish philanthropist and founder of the not-for-profit cultural institution Anadolu Kültür,[17] Osman Kavala, was imprisoned and charged with 'attempting to overthrow the constitutional order of the Republic of Turkey' and 'securing for purposes of political or military espionage information that should be kept confidential for reasons relating to the security and interests of the state'. Osman Kavala was frequently addressed as 'Turkish Soros' by the president. Many academics and graduate students are reluctant to collaborate with foreign foundations on the dissemination of their research results, to avoid being incriminated with espionage.

The arbitrary attacks on civil society led to the imprisonment of Turkish and foreign human rights researchers and activists in 2017, when a digital security workshop on Büyükada Island, İstanbul was raided by the police. The workshop was organized by human rights organizations, including Amnesty International's Turkey branch. Participants were arrested, imprisoned, and charged with membership of a terrorist organization and purportedly aiding a terrorist organization (*Freedom House*, 2020).[18] These attacks on civil society further contributed to the above described chilling effect, especially on academics working in the field of human rights.

8.4.3.3 Self-Censorship

After the wrongful imprisonments and detentions of scholars, house raids, disciplinary proceedings, and court proceedings charging the Peace Petition signatories under Article 7/2 of Turkey's Anti-Terror Act, for 'making propaganda for a terrorist organization', many academics were silenced by dread.

İnsan Hakları Okulu has documented different dimensions of self-censorship in a *Report on Academic Freedom During the State of Emergency* (Taştan and Ördek, 2020). Academics stated that they are avoiding politically sensitive topics during classes, removing sensitive topics from the syllabus or from the course content, not inviting guest lecturers or experts to their courses, and using international instead of local examples. They also postpone or cancel their courses and change exam questions to minimize the risks of experiencing repercussions.

One scholar interviewed for the present study, who works in a public university, similarly commented that even though they do not receive direct pressure from the administration in their university, they self-censor regarding the Kurdish issue and use international examples instead of examples from Turkey when teaching intergroup relations.

Another expert mentioned that teaching online during the pandemic accelerates their worries about surveillance. They try to be more careful with their

wording while preparing videos for their lectures. Avoiding certain topics, using more subtle language, and using examples not directly related to the politics of Turkey was also mentioned by another interviewee.

8.4.4 Exchange and Dissemination of Academic Knowledge

8.4.4.1 Targeting the Publication and Dissemination of Research

The freedom to publish and disseminate art and science is restricted through statuary decrees. After the 2016 coup attempt, 30 publishing houses were closed and thousands of books were withdrawn from bookstores and libraries through statuary decrees and some publishing houses were attacked by civilian groups.[19] Some books on political theory and literature were regarded as criminal evidence and collected in house raids (Turkish Publishers Association, 2016–7).

Individual scholars have also been a direct target of the government for disseminating their research findings. One current and well-known case is the trial of renowned scholar Bülent Şık. Dr Şık stood trial after publicizing the results of the Ministry of Health's research on cancer cases and industrial pollution. Dr Şık was sentenced to one year and three months in prison on the charge of 'disclosing information about duty', while he was acquitted of 'providing prohibited information' (Kepenek, 2021). Similarly, Professor Kayıhan Pala, a member of the Turkish Medical Association's Covid-19 monitoring team and a faculty member at Uludağ University's School of Medicine, faced a disciplinary investigation for sharing his concerns about the reliability of the officially reported mortality rate in Bursa (*Scholars at Risk*, 2020).

One expert underlined during the interview that publishing research in foreign languages (and similarly organizing scientific events) is safer than publishing in Turkish. Turkish publications (or events) about controversial topics could attract the attention of pro-government media, which often leads to criminal investigations or job losses, as well as social media campaigns against the scholars. Publications and events in other languages generally stay under the radar of the authorities, including university administrations, and are therefore less frequent targets of censorship and retaliations.

8.4.4.2 Restraining Researchers' Mobility

During the state of emergency (2016–8), the mobility of academics was restricted for a while and every graduate student and scholar who relied on state funding for research or study stays abroad was called to return immediately. Through statuary decrees, the mobility of purged academics was restricted, their special passports were cancelled, and their (and their families') applications for regular passports were also denied. The fact that most academic conferences were held online during the Covid-19 pandemic at least granted those scholars the freedom to participate in scientific events and present their research to the international scientific community.

TÜBİTAK has funds available to allocate to support scholars' conference participation fees and travel expenses. In 2021, only 45.3 billion Turkish Lira (approximately EUR 4.5 billion) was allocated to 127 state universities and Ankara University, of which at most, 1.4 billion Turkish lira was assigned. The amounts reallocated to support participation in international events are very low for public universities and for most foundation universities. Even with travel support, the ongoing financial and economic crisis in Turkey and the plunging of the Turkish lira in value make international travel exceedingly difficult, especially for early-career academics. Similarly, Turkey is not attractive for foreign scholars because of the increasingly authoritarian politics and ongoing economic turmoil. As one interviewee recalled, some of the international academics working at universities that were later to be closed on the grounds of alleged affiliation to the Gülen Movement were deported from the country after the shutdown of their institutions through statuary decree.

8.4.4.3 De-Platforming Scholars and Censorship

Many pro-government academics are frequently invited to contribute on mainstream Turkish television; some have regular columns in pro-government newspapers. Since mainstream media are owned by companies close to the government, only certain political positions are hosted, and critical voices are censored. Opposition scholars use digital mediums, including digital papers and magazines, social media, vlogs and blogs, as well as alternative TV channels mostly broadcasting from abroad. Social media, especially Twitter, has become the major medium through which to raise critical comment. Scholars also use social media to share their academic work and professional perspectives on social and political events. However, self-censorship is also widespread in social media posts. Not without reasons: A total of 36,066 investigations were launched by prosecutors for insulting the president in 2019, including against academic Hanefi Barış (*Front Line Defenders*, 2019). If students are found guilty of insulting the president, they are permanently banned from the public student dormitories that belong to Ministry of Education.

8.4.5 Campus Integrity

8.4.5.1 Surveillance

The freedom to teach is restricted through the use of surveillance methods on campuses.[20] In some institutions, administrative staff (department chairs, deans, vide rectors, etc.) keep classrooms under surveillance or ask students about the content of their courses and the performance of their instructors. Some institutions use lecture-capture technologies, which were proposed to help students to follow up on their classes and improve their academic performance by following the courses and class discussion. In some cases, recordings are used against academic staff for disciplinary proceedings. Student complaints to authorities

have caused enhanced restrictions. Students use official mediums like CIMER to complain and inform on their professors.[21] In some cases, after students have complained about professors (such as for criticizing the president,[22] or sharing terrorist propaganda during class) professors have been suspended or dismissed from their posts. Sometimes university administrations encourage students to push professors in a certain direction to get their testimonies to legitimize a suspension or dismissal.[23] In some cases, these dismissals help pro-government administrations to get rid of opposition academics, or to prove their ideological loyalty to the CoHE or the government, but sometimes they serve as mechanisms for personal enmity. When these kinds of incidents circulate in pro-government media, overly aggressive social media campaigns demanding the immediate dismissal, detention, or arrest of the professors are generally initiated by pro-government groups.

8.4.5.2 Freedom of Expression and Political Rights on Campuses

Political rights and freedom of expression have been restricted significantly since the attempted coup. Even beforehand, street protests were strictly restricted after the Gezi Park protests in 2013. The Gezi Park protests began as a reaction to a construction plan at Taksim's Gezi Park, İstanbul. Very quickly, demonstrations took place in almost every city in Turkey. Students and academics participated in these protests along with NGOs, labour unions, and other groups.

Physical violence and arrests of students because of public statements, participating in demonstrations, or protesting rectoral elections inside and outside campuses have continued during the pandemic. The number of detained students reached over 70,000, according to data provided by the Ministry of Justice in 2018. This number was 2,776 in 2013 (*T24*, 2018). At least 400 are university students, according to the Arrested Students Solidarity Network. Imprisoned students find it difficult to continue their studies. While some of the student inmates have no monetary support to pay their tuition fees, others have difficulties accessing textbooks or course materials, and many institutions do not have libraries or study rooms. In one interview, a participant said that prison administration didn't allow her to take her exams, and after she was discharged, civil police and the university's private security continued to harass her and intimidated the teaching assistants who graded her exam papers.[24] Students are arrested from campuses with charges like protesting against the CoHE, celebrating Newroz, or singing in Kurdish. Students also are also suspended from school when there is a criminal investigation or pending trial via administrative investigations (*Deutsche Welle*, 2018).

Between 2015 and 2019, the Human Rights Foundation of Turkey (TIHV) documented 342 incidents in which students were exposed to rights violations while exercising their freedom of expression, assembly, and demonstration (*TİHV Akademi*, 2021). More than 3,000 students were directly exposed to rights violations: More than 2,000 students were taken into custody; 203

students were arrested during civic and political actions; 658 students were charged for civic and political participation; 152 students were sentenced with a cumulative total of 506 years and one month of prison time; 720 students were injured due to police violence and attacks from civilians, of which 252 students experienced violence on campuses; and 23 students were killed during the protests and demonstrations. Between 2015 and 2019, 658 students faced criminal proceedings and 152 of them were convicted for exercising their rights to assembly and free expression. The most frequent accusations were documented as opposing the Law on Meetings and Demonstrations, obstructing public officers, conducting propaganda for illegal organizations, being a member of an illegal organization, and insulting the president.

The police can only enter universities upon the invitation of rectors (and deans in emergency cases) or for criminal offences and prosecutions. Since 1981, however universities have been able to work with private security companies. At the entrance of almost every public and private university, students, academics, and administrative personnel need to show identity cards. Digital ID cards also help university administrations to surveil their employees and students, and in some cases entrance logs are used in disciplinary hearings or contract terminations. There are security cabins for uniformed police or private security stationed at the campus entrances, and visitors or foreign researchers need to explain their visits to security staff or provide proof of invitation from a faculty member. Even public universities do not let visitors into campuses without an ID card or invitation.

8.4.5.3 Targeting LGBTIQ Students

Since the Gezi Park protests, the government has increased pressure on women's and LGBTIQ+ movements; these attacks have also been directed at students. In 2017, a ban on public LGBTIQ+ events was issued during the state of emergency and was not lifted until 2019. The rector of renowned public university Middle East Technical University (METU), Mustafa Verşan Kök, prohibited Pride events on campus even after the ban was lifted by court. The METU Pride march was celebrated but the police brutally attacked people on campus, 18 students and 1 academic were detained and are facing prison sentences of up to three years (*ILGA Europe*, 2020).

The appointment of Melih Bulu by President Erdoğan, through a presidential decree, as the rector of the prestigious public university Boğaziçi University at midnight on 1 January 2021, triggered mass student and academic protests. Melih Bulu was not only an outsider to Boğaziçi University, but he was also the rector of a private university. What is more, he had organic ties to the governing AKP party. He was a long-term member of the AKP and an unsuccessful parliamentary candidate for the AKP in 2015 (*Duvar English*, 2021). Following his appointment, protestors demanded his resignation. Boğaziçi University students organized several sit-ins and protests, and police attacked the campus, issued arrest warrants, ordered the confiscation of cell phones, laptops, and

data storage devices of students. Police raided houses and broke down doors and walls to enter to arrest students (*Human Rights Watch*, 2021). LGBTIQ+ students were at the centre of the attacks and the room used by a student LGBT club was raided by the police, rainbow flags and books were confiscated, and the appointed rector closed down the students' LGBT club. Students who were carrying LGBTIQ+ flags were detained, and students who were waiting for them in front of the courthouse to show their support were also detained. Student protests dispersed to other cities and between 4 January and 5 February 2021, 579 people were arrested in 38 cities.[25]

8.4.6 Subnational and Disciplinary Variation

Even though the higher education system is highly centralized in Turkey, there are different levels and types of vulnerabilities that exist among institutions. The type and extent of infringement on academic freedom and autonomy also varies, even though every scholar, student, and institution is a potential target of government reprisals.

After the publicization of the Peace Petition, the CoHE directed university administrations to initiate disciplinary proceedings against the signatory academics. While many private universities immediately dismissed the scholars who had signed the petition without due process, some well-established foundation universities neither initiated disciplinary proceedings nor dismissed any scholars. Similarly, when public universities, even the most established ones, such as Ankara University, Ege University, or İstanbul University, commenced disciplinary proceedings, and later on submitted those names to the CoHE to dismiss them through the statuary decrees during the state of emergency, some public universities, including Boğaziçi University, Galatasaray University, and Middle East Technical University did not engage in such actions.

Disciplinary differences are not obvious. When we look at the distribution of the scientific backgrounds of dismissed academics, 3,667 of them were from applied sciences, 2,493 were from social sciences and humanities, and 342 were from natural sciences. Similarly, the disciplinary backgrounds of scholars who were dismissed or charged individually in recent years due to their research, teaching, or exercise of their right to express their views or right to assembly also varies.

After the defamatory speech of President Erdoğan in January 2016 against the academic signatories to the Peace Petition, vigilante groups targeted academics in conservative small cities, where such attacks might have been more likely to occur, but also in larger metropolitan cities. In some cases, students threatened their professors and marked their office doors. Ultranationalist groups intimidated and targeted the signatories; pro-government media released their photos and affiliations, and stirred up audiences with provocative news. Finally, a notorious gang leader, who fervently supported the AKP government up until recently, threatened signatories with the words, 'we will spill your blood in streams, and we will shower in your blood' (*Hürriyet Daily News,* 2016).

There are no faith-based, ethnicity-based, or gender-segregated universities in Turkey. However, President Erdoğan's initiative for a first all-women's university entered the '2021 Presidential Annual Program' and the CoHE was called on to develop this gender-segregated university.

8.4.7 Efforts to Promote Academic Freedom

There is no indication that the Turkish government has any interest in or is making any attempt to promote academic freedom and institutional autonomy. Quite the contrary, through statuary decrees, President Erdoğan has become the sole authority over every sector, including higher education. Even previously weak levels of academic freedom and autonomy further deteriorated during and after the recent state of emergency. A Scholars at Risk report stated the following:

> Recent amendments to the Higher Education Law in April 2020 make it clear that Turkish authorities have no intention of restoring even the minimal conditions required of academic freedom, including extramural speech. Quite to the contrary, through a set of ill-defined disciplinary clauses that contain deliberately vague phrases such as 'attitudes contrary to public morality' or 'supporting activities that qualify as terror', the new legislation provides university administrators with an expanded toolbox for criminalizing dissent. The sense in which Turkish universities are 'autonomous' today has more to do with the choice of repressive instruments against critical speech rather than collegial self-governance in service of academic freedom.
>
> (*Scholars at Risk*, 2020)

Since 2016, many Turkish scholars have applied for protection programs organized by SAR, or the Council for Academics at Risk, as well as scholarship programs offered to at-risk scholars, like the Philip Schwarz Initiative of Humboldt Foundation, the Academy in Exile Program, Pause, and many others. Academics dismissed through statuary decrees (even those acquitted from charges against them) have not been reinstated to their jobs. Many of them have not been able to find a job, even in foundation universities or outside academia, and not all passport bans have yet been lifted.

Independent initiatives such as Solidarity Academies, a grassroots organization established by dismissed scholars to advocate for academic freedom, are the dynamo of the advocacy of academic freedom in Turkey. They regularly document infringements on academic freedom and institutional autonomy as well as violations of student freedom of expression and campus integrity, and rights violations of academics and students. They offer free courses on academic freedom and marginalized fields (such as gender and queer studies) to students and publics.

8.5 Conclusion

Since the establishment of the first modern university in 1933, institutional autonomy and the freedom to conduct research and teaching have been infringed upon by interventions from the state and state apparatuses. The few victories for university autonomy during the early 2000s have eroded after military interventions and recurring military coups. Coups and coup attempts have led to massive purges of scholars from universities and the state's economic, academic, and ideological intervention in higher education. The latest intervention has led to the biggest purge in the history of Turkish higher education. It has restructured the fabric of universities and extinguished the remaining autonomy of institutions and scholars.

These spiralling periods of restrictions and constraints over universities damage higher education. Universities cannot provide secure spaces for critical debate, and political authority does not have any desire or plan to promote democratic spaces to stimulate academic freedom or university autonomy. On the contrary, educational regulations and practices are centralized, and after the coup attempt, statuary decrees and presidential decrees have become legislation. The arbitrariness of political decisions and implementation has pushed the regime in a totalitarian direction and shrinking democratic spaces have characterized the period after the state of emergency.

Many academics do not feel free to express their expert opinion or share their knowledge on politically sensitive issues; they use self-censorship to avoid political persecution. According to one survey, 76% of young people between the ages of 18 and 29 were ready to live in a different country if given an opportunity, and 64% were ready to leave Turkey if the citizenship of another country was granted permanently (*T24*, 2020). Furthermore, 61% student survey participants reported that they cannot freely express themselves regarding their problems or thoughts at the university they attend (Yurttagüler et al., 2019).

Forty-three percent of young people do not feel free to express themselves. Under these circumstances, the efforts of academics, activists, and students to demand autonomous universities and freedom to teach and learn in a democratic public sphere are becoming more and more vital.

Notes

1 Irem Tuncer Ebetürk served as reviewer for this study. The case study covers events up until summer 2021.
2 The Academic Freedom Index is scaled from 0 (very low) to 1 (very high). See V-Dem (2022) v12 data, available at https://www.v-dem.net/data_analysis/VariableGraph/
3 Solidarity Academies are a grassroots organization established by dismissed scholars to advocate for academic freedom outside of universities. They represent the dynamo of academic freedom advocacy in Turkey.
4 Fethullah Gülen began his career as a preacher in the 1960s and rapidly gained the attention of believers. Even though he was arrested after the military coup in 1971, he has managed to establish close connections with right-wing governments since the 1980s. Gülen and his movement ('Hizmet' or service, also called Gülen

Cemaati) slowly gained political influence during the 1990s and probably reached its prime with the rise of the Justice and Development (AKP) Party. For a detailed history of the Gülen Movement, see Günter Seufert (2014).

5 To see the article series prepared by Gökçer Tahincioğlu in 2021 and published on the *T24* news site on the stolen questions scandal, see Özel Dosya (26, 27, 28, and 29 2021).

6 In order to hire an academic for a certain position, the department chair applies to the faculty dean. If the dean approves the chair's petition, they send the request to the rector's office to discuss the petition with the members of the university administrative committee. If the committee and the rectorate approve the demand of the chair, they release a call for applications, defining the expected qualifications of the candidate in the Official Gazette. Candidates prepare a portfolio, a committee evaluates applications, and the dean provides positive or negative recommendations. At the end of the process, the rectorate decides on the appointment.

7 For contemporary plagiarism accusations, see Leonid Schneider (2021); and in Turkish, Esra Yalçınalp (2021). For an empirical study examining master's and doctoral theses within the framework of originality and plagiarism parameters, see Ziya Toprak (2017).

8 In the same Article, the establishment of HEIs and organs are described in terms of their duties and responsibilities while almost making no reference to freedom to do research or teach in those institutions. See the Constitution of the Republic of Turkey (n.d.).

9 The European Court of Human Rights found a violation of Article 10 (freedom of expression) of the European Convention on Human Rights in two cases. The first was Sorguç v Turkey in 2009; the second was Kula v Turkey in 2018.

10 TÜBİTAK is the centre for management, funding, and conduct of research in Turkey. Besides setting research goals and vision, TÜBİTAK supports research projects and grants scholarships, manages, and creates programmes for the public and private sectors, and also publishes scientific journals, popular science magazines, and books. For detailed information about TÜBİTAK, see https://tubitak.gov.tr/en. TÜBA is an academic association established to promote scientific research. On its website, the vision is stated as 'to be a science academy which gives direction to our country's science policies as one of the most active and valued members of the society of world science academies'. For detailed information about TÜBA, see http://www.tuba.gov.tr/en

11 After the approval of the constitutional changes in a referendum in 2017, the parliamentary system was replaced with an executive presidency and a presidential system. The prime minister's office was abolished, and the president held the authority to appoint the cabinet as well as many vice-presidents. As expected, since the referendum and the following election on 24 June 2018, Erdoğan and his party, the Justice and Development Party (AKP), won the majority vote and continued their electoral alliance with the extremist Nationalist Movement Party (MHP) and installed a one-man regime. This new regime has destroyed the principles of separation of powers and legislative and judicial independence. Even by statutory decrees, some powers of the Council of Ministers have been passed to the president. Eventually, the president has become the sole national decision-making authority, and the majority vote in the cabinet has basically represented his decisions. For detailed information on the constitutional referendum, see Sinan Ekin and Kemal Kirişci (2017).

12 Even though this amendment didn't grant real democratic election of administrative posts, some universities developed informal strategies to prevent nepotism and favouritism. For example, all rectorship candidates at Boğaziçi University and Middle East Technical University agreed to resign their candidacy if they didn't earn the highest place. In this way, the universities only gave the name of the candidate who had the majority vote of the faculty to the CoHE.

13 After the 1980 military coup, 24,000 organizations (including academic and professional associations) were shut down, and almost 4,000 teachers and 120 academics were dismissed by Marshall Law No 1402. In 2016, the attacks on academics and universities were multiplied.
14 Well-known infringements were the 17-year imprisonment of prominent sociologist İsmail Beşikçi, who studies the Kurdish question, and the imprisonment of Büşra Ersanlı, an eminent political scientist who gave lectures at the academy of the Peace and Democracy Party (the BDP), the Kurdish political party at the time, as well as researching and teaching on topics like the Armenian genocide, the Dersim massacre, and Kurdish question. Eventually, escalation extended across higher education. See Baser, Akgönül, and Öztürk (2017).
15 These troll groups, mostly referred as AK Trolls, are allegedly sponsored by the AKP and recruited through a government-organized NGO (GONGO) called TUGVA (Turkey Youth Foundation): https://en.wikipedia.org/wiki/AK_Trolls
16 In some cases, the nature of the accusations made against the scholars couldn't be disentangled from academic-to-extramural activities. For example, Dr Bülent Şık was charged with disclosing prohibited information in public but at the same time he was a signatory to the Peace Petition and dismissed from his post through statuary decree. A Carleton University PhD student, Cihan Erdal, was arrested during his field work in İstanbul on charges stemming from protests in Turkey in 2014. He was working on youth social movements and was a member of the Green Left Party and the People's Democratic Party (HDP) Central Executive Committee. Even though Erdal was released on 15 June 2021, there are several other Kurdish scholars or scholars working on the Kurdish issue who were imprisoned or currently are imprisoned.
17 The Trade Ministry has filed a lawsuit demanding the dissolution of Anadolu Kültür on the grounds that it 'carries out its activities without profit, similar to associations and foundations, which was the example of instrumentalizing the law'. For details see *Anadolu Kültür* (2021).
18 Amnesty International Turkey's honorary chair, Taner Kılıç was convicted on charges of membership of a terrorist organization and sentenced to six years and three months in prison. Three of the remaining participants were convicted on charges of aiding and abetting a terrorist organization and sentenced to 25 months in prison. For details see *Human Rights Watch* (2020).
19 NT Book chain and Kırmızı Kedi Publishing House were attacked by civilian groups. The office of the Avesta Publishing House in Diyarbakir was set on fire by unknown people (*Bianet*, 2017).
20 Surveillance on campuses was reported by four scholars interviewed for this study.
21 The Presidential Communication Centre (in Turkish CIMER) is a portal for citizens to share their demands, complaints, notices, opinions, and suggestions, or to ask for information about institutions or individuals. Users can also make anonymous complaints.
22 After a student recorded a professor's conversation during a break, İstanbul Bilgi University discharged the professor for using expressions that insulted President Erdoğan (Bianet, 2016).
23 After two students complained about one professor, the professor was suspended from her classes and university management began an investigation for 'making propaganda against the state and vilifying the education system'. Meanwhile, the dean of the faculty gave students witness testimony forms asking whether their professor shared propaganda for or against any party in the lecture, also asking whether she spoke against the national anthem, or whether she said anything insulting to national martyrs (Ökdemir, 2016).
24 Information taken from interview 6.

25 Melih Bulu was removed from his tenure as the Rector of the Boğaziçi University by another Presidential decree on 14 July 2021 (*Bianet*, 2021).

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Part III
Understanding Autonomy

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9 Hypotheses on Institutional Autonomy Decline

Kirsten Roberts Lyer, Ilyas Saliba, and Janika Spannagel

This chapter sets out three hypotheses on declines in university autonomy, as well as the relationship of autonomy decline with other aspects of academic freedom. These are derived from patterns identified in the Academic Freedom Index (AFI) data and the eight case studies on countries with major declines in institutional autonomy: Bangladesh, India, Mozambique, Poland, and Turkey – in Part II of this book – as well as Brazil (Hübner Mendes, 2020), Egypt (Saliba, 2020), and Russia (Kaczmarska, 2020), which were part of an earlier publication.

The case studies show that state interference with university autonomy impacts all components of academic freedom, as it essentially co-opts the intellectual autonomy of universities and creates state (governmental) institutions. This interference can particularly be seen in governance and leadership, but also in centralization and expanding oversight or regulatory structures. The close interrelationship between the various means and manners of state control in practice, set out below – such as control of internal governance structures and university leadership, state centralization of higher education policy and governance, excessive oversight, restrictions in funding or subject areas taught – has the result that some of the examples are not easily delineated into a single hypothesis, and thus overlaps occur.

Interference may, of course, come from multiple other sources than the state, including businesses and vested interest groups. However, the focus in this book is on state intrusion. This focus derives from three rationales. First, the majority of students and scholars globally find themselves in state or state-controlled universities, that is, private higher education providers are in the minority in terms of enrolments (Williams and Usher, 2022, p.32). Second, it is the state that is the primary duty bearer for human rights, and thus has the responsibility to respect, protect, and fulfil the rights in question. Third, it is the state that is the primary source of interference with institutional autonomy, especially in cases of severe autonomy decline, as the state has the power to change fundamental legislation, funding, and regulation.

A central goal of this book is to contribute to the understanding of the causes of severe decline in institutional autonomy and its effects on other components

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of academic freedom, and to facilitate future theory-testing research. Here this is set out in the form of three hypothesis:

1 Severe decline in university autonomy is usually the result of a broader trend of autocratization in a given country.
2 Where a severe decline in institutional autonomy occurs, government attacks primarily target university governance, both by changing its composition (leadership, governing board), and by substituting government control for academic self-governance (e.g., through regulatory bodies).
3 Attacking institutional autonomy is an effective way to stifle the freedom of science as it negatively impacts other components of academic freedom. However, it is not the only way to undermine academic freedom. Nor is there a typical playbook in the sequencing of attacks on the freedom of academia and the autonomy of higher education institutions (HEIs).

The quantitative data from the AFI dataset provides a first overview of the different components of academic freedom in the eight countries under review. Figure 9.1 shows the development in four of the AFI indicators (institutional autonomy, freedom to research and teach, freedom of academic exchange and dissemination, and campus integrity) over the past 20 years. While nearly all indicators display some level of decline in all eight countries over the period

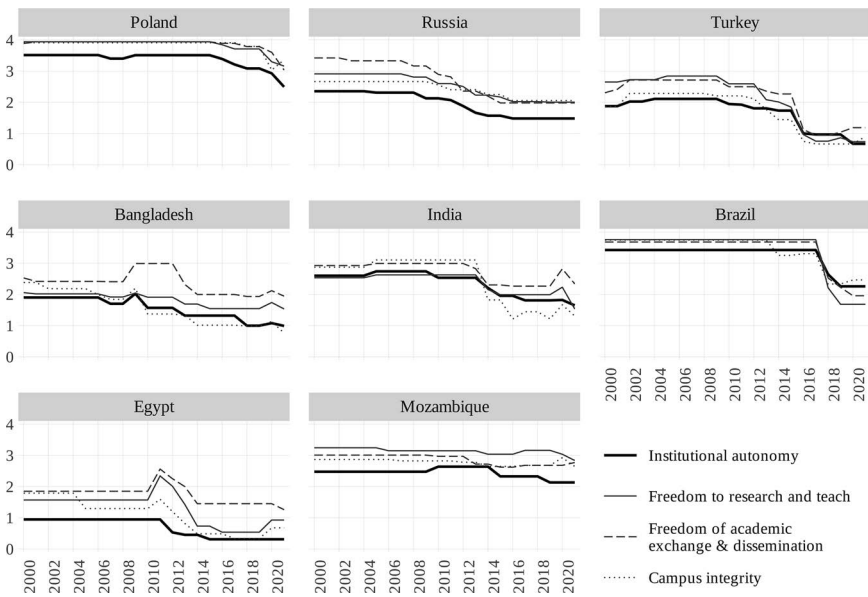

Figure 9.1 Academic freedom indicators for eight countries under review 2000–21. All indicators are scaled 0–4, with 0 corresponding to 'completely restricted' (or 'no autonomy at all') and 4 to 'fully free' (or 'complete autonomy').

Source: V-Dem (2022): v12.

under review, there are differences in how the various indicators relate to each other, and in particular to the decline in institutional autonomy.

The qualitative information from the case studies complements the quantitative data. The eight case studies reviewed in this part of the book, stemming from diverse parts of the world, all describe worrying trends of severe declines in university autonomy. Such decline has serious effects on the university as an academic institution in those countries, as well as on science more broadly, and there are multiple connections between a decline in autonomy and other infringements on academic freedom. In the following section, the three hypotheses are described in more detail, as well as how they relate to the qualitative and quantitative data.

9.1 University Autonomy and Autocratization

Hypothesis 1: Severe decline in university autonomy is usually the result of a broader trend of autocratization in a given country.

In all eight countries under review, the fall in institutional autonomy appears connected to a decline in the quality of democracy. Across the global AFI dataset of 177 countries and territories, in more than three-quarters (77%) of countries where there is a clear decline in democracy levels between 2011 and 2021,[1] there is also evidence of a decline in the institutional autonomy of universities. And for 95% of countries with a clear decline in institutional autonomy,[2] there is at least some decline in democracy levels within the same period.

In many of the countries, democratic decline manifestly precedes attacks on university autonomy. In the AFI data, the indicator on academic and cultural expression on political issues is less narrowly confined to academia and more attuned to the state of democracy outside the campus. In the data on the eight country cases reviewed, Poland, Turkey, Bangladesh, India, and Brazil can be identified as countries where the indicator on academic and cultural expression on political issues is negatively affected in the years prior to a clear decline in institutional autonomy (see Figure 9.2). In Turkey, for example, signatories of a peace petition prior to the attempted coup in 2016 were threatened physically and verbally and doxed[3] even before the government heavily cracked down on university autonomy. Likewise in Mozambique, academics have faced verbal and physical threats and attacks, and an academic was charged with libel for criticizing the former president before university autonomy was stifled.

All case study authors for this book acknowledged that this hypothesis applied to the situation in their country. This finding suggests that academics may be attacked as part of an autocratizing trend that is already underway when institutional autonomy comes under fire. The assumption that a delay might occur also matches the observation from the global trends data (see Figure 1.2) that academic expression tends to be the most volatile, and institutional autonomy the least volatile of the five AFI indicators. For instance, institutional autonomy in Egypt did not change while other AFI indicators improved with the democratic opening around 2011; during the subsequent autocratic turn, the negative impact on the other indicators was more forceful than on institutional autonomy. This example illustrates that academic institutions are more inert and

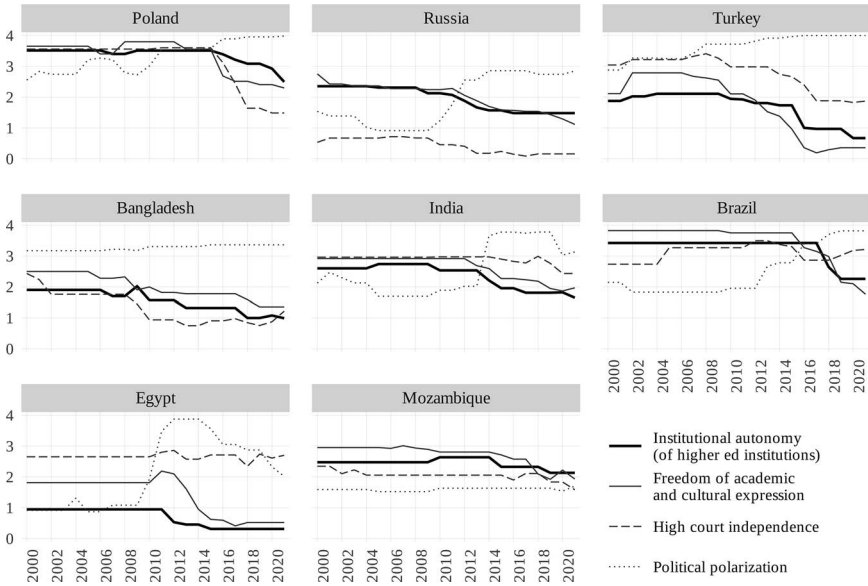

Figure 9.2 Political indicators for eight countries under review 2000–21. All indicators are scaled 0–4, with 0 corresponding to low and 4 to high levels.

Data source: V-Dem (2022): v12.

less sensitive to sudden changes in the political environment than other aspects of academic freedom.

Institutional attacks on universities can thus be expected to lag somewhat behind initial signs of democratic erosion. At which point in the process of autocratization such attacks on HEIs and their autonomy occur likely depends on various factors, such as the role of universities and scholars in the country and their perceived legitimacy in society. To clearly establish such factors requires more in-depth research. Generally, problematic anti-democratic laws may spread to universities even when they were not the original target. A stark example is Russia, where anti-democratic repressive measures such as the 'foreign agent' laws were applied to individual researchers as well as to sources of research funding. In one instance, this led to the withdrawal of the teaching license of the European University in St. Petersburg.

Other established national institutions, such as the judiciary, are often simultaneously under attack. The data analysis shows that in all eight countries the independence of the country's highest court faced pressure at the same time as HEIs (see Figure 9.2). The severe interference with the independence of the judiciary in Poland is a prominent example.

The issues raised by the case studies and the quantitative data reflect findings by other scholars, which have shown that universities have been a target of what has been termed the 'third wave' of autocratization, characterized by gradual

democratic erosion, which undermines democratic institutions while not disposing of them (Lührmann and Lindberg, 2019). In this regard, it must be recognized that relatively free universities are, or are perceived as being, democratic institutions. Along these lines, Uitz argues that 'illiberal interference with academic freedom often targets university self-government (university autonomy), through strategic appointments or institutional reforms' (2021, p. 10). Examples of this are seen in all eight countries studied. Further, the same author illustrates, as do the examples in Roberts Lyer and Suba (2019), how government machinations in relation to universities can be easily justified under guises of legitimate improvements to educational provision, 'excellence', and access to external funding. As Uitz says, 'once it is understood that illiberal leaders are not simply reforming higher education, but are actively cultivating an illiberal *Zeitgeist*, the prosecution of dissenting academics makes better sense' (2021, p. 12). Again, the case studies bear out this understanding, with clear examples of such 'reform efforts' in Turkey, Poland, and India, in particular. This situation, in which universities find themselves amidst a growing trend of autocratization, has important implications for understanding autonomy. As set out in Part I, universities must be autonomous entities in the sense of being run and governed by a community of academics for the purpose of advancing scientific knowledge by means of independent, critical thought. Where such autonomy is absent, academic freedom is likely to be severely under pressure as well. A reduction in or absence of autonomy can be expected to be closely linked to broader moves against democratic institutions in the country.

An additional and related observation from both the quantitative data and the case studies is that levels of political polarization are either high or growing in almost all countries under review with strong declines in institutional autonomy (see Figure 9.2).[4] Polarization can work as a facilitator of democratic decline (McCoy et al., 2018, pp. 34–5; Arbatli and Rosenberg, 2021), resulting in hostile encounters playing out on campus and against scientists, and of populist manipulation that degrades science and truth to the status of political opinions or fake news (Osmundsen et al., 2021; Väliverronen and Saikkonen, 2021). These dynamics can also reduce the legitimacy of academia in the eyes of the population and thereby lessen the political risks involved for those attacking institutional autonomy and other aspects of academic freedom. All eight case studies contain examples of the politicization of the academic space. In Brazil, the federal government engaged in anti-university rhetoric and a regional parliament established an investigatory committee that said it would examine the 'ideological bias' of faculty as part of its mandate (Hübner Mendes, 2020, pp. 76–7). The significant impact of anti-human rights 'foreign agent' and 'homosexual propaganda' laws in Russia, both to individual academics and to entire universities, shows the impact of politicization on academia. There is evidence that such regulations are selectively applied on the basis of political preferences. A leading Russian university (HSE) proposed changes to its internal regulations that would prevent faculty, staff, and students from discussing anything 'political' (Kaczmarska, 2020, pp. 114–5). Despite this, HSE's rector

signed a 2022 petition supporting the Russian invasion of Ukraine, illustrating the utilitarianism of the prior policies. Legislative changes at the national level further defined a concept of 'moral education' aimed at fostering patriotism and 'respect for the memory of the defenders of the fatherland' (Ibid, pp. 120–1).

Closely related to this politicization is a common trait in the countries reviewed that their governments view the university as an inherent tool of the state and extension of national policy, resulting in extensive interference when universities (or individual academics) are seen as being political (generally that is issues which are pro-human rights or pro-democracy). One part of this understanding is that academic dissent is not tolerated, as individual scholars are not seen as having a right to speak their educated understanding of the 'truth'. Instead, the academy is considered an organ of the state that should reflect the views of that state. In the case of Poland, 'the university's primary goal is […] redefined as serving the state and national interest', leading to a 'subordination of universities to a political vision of Polish state and national identity that rejects both political and cultural pluralism'. In Bangladesh, 'intense politicization' prevails with university administrations described as acting 'like an extended part of the government'. In Poland, the government has even adopted a strategy of establishing government-friendly, semi-autonomous or even fully politically controlled new universities or research institutions 'from scratch'. This politicization connects to the second hypothesis, in which governments seek to have politically aligned university leadership.

9.2 Attacking Governance

Hypothesis 2: Where a severe decline in institutional autonomy occurs, government attacks primarily target university governance, both by changing its composition (leadership, governing board), and by substituting government control for academic self-governance (e.g., through regulatory bodies).

Centralization, burdensome oversight, and particularly, government involvement in the appointment of academic leadership suggests an increasing desire for governmental control of universities in many countries (see also Roberts Lyer and Suba, 2019). Interference in governance centres on two main areas: Politicizing university leadership and substituting government for academic self-governance (e.g., through state capture of regulatory bodies).

Governments target institutional autonomy by imposing government-appointed leadership selected based on their political affiliations. This approach to reducing institutional autonomy appears to be preferred by governments over attacking other aspects of university functioning such as funding, curricula, or admissions. Senior leadership is appointed by government in Turkey, Mozambique (public universities), Egypt, Russia, and India where vice-chancellors are appointed by the national or state government, meaning these

are usually political decisions. In Turkey, rectoral elections were cancelled, and politically affiliated candidates appointed as rectors and deans (e.g., in Boğaziçi University), and in the case of Egypt, the president exercised his prerogative to appoint university deans and presidents. In public universities in Bangladesh, the president appoints the heads of the universities (vice-chancellors), acting on the advice of the prime minister, resulting in political appointments that often bypass the candidates proposed by the university. As a consequence, these appointments are reportedly driven 'almost exclusively by political connection and loyalty'. These vice-chancellors possess 'disproportionate power' in recruitment of faculty and officials, as well as control over firing and demotion. However, several case-study authors noted that politicization of appointments has also been applied to regular faculty (e.g., in Turkey, India, Egypt).

This type of state interference in institutional autonomy can be more long-term and difficult to monitor, and it may be preceded by enhanced centralization of higher education policy by the government, including increased regulation and burdensome oversight. Interference in leadership is all the more concerning because universities then de-autonomize themselves, through academic self-censorship that leaks into constrained curricula, state-friendly research proposals, hiring decisions, and to some extent even admissions, further transforming institutions into state-compliant bodies.

In addition to extensive interference in university governance, these examples illustrate high levels of state centralization of the functioning and purpose of HEIs in substitution for self-governance. For Mozambique, Zavale notes a 2021 study which found that institutions were placed in a subordinate position to the relevant Ministry through a centralization policy. He also writes that 'Besides appointing top leaders, the government is also responsible for approving the statutes and regulations suggested by HEIs for their internal organization and governance'.

This all suggests that among the factors of institutional autonomy, state oversight, particularly through the establishment of councils and other regulatory bodies, deserves special scrutiny. The publicly stated rationale for this form of regulation is often the improvement of coordination between the state and HEIs while maintaining university autonomy. However, the case studies illustrate that this is not always the case, and excessive government control can serve to undermine any legitimate purpose of these bodies.[5] Rather, regulatory and oversight bodies can be co-opted by the government. For example, in Turkey, Hünler writes that the Council on Higher Education (CoHE) 'has begun to act as a symbolic entity that executes presidential decrees and decisions'. Of its 21 members, 14 are directly appointed by the president. These councils can also represent state centralization of decision-making in place of academic self-governance. The CoHE 'is responsible for appointing administrative personnel such as rectors, deans, and department chairs'. Further, it decides on 'fields of research, student admission quotas in departments and universities, student fees, the opening and closing of faculties and universities, and minimum

hours of teaching in education programmes'. The extent of the CoHE's power is evidenced by its July 2016 demand, following the attempted coup, for the resignation of all 1,576 deans in public and private universities. Other important scientific research councils in Turkey have also become subject to direct presidential appointment, without any academic or scientific criteria established for the posts.

In India, the University Grants Commission (UGC) has 'been described as a "prison warden" rather than a regulator, as it has helped to entrench an unprecedented degree of bureaucratization and homogenization', according to Jayal in this book. The UGC is actively involved in standardization initiatives around curricula and doctoral funding (through a centralized exam), licensing of academic programmes, and developing matrices to evaluate the quality of faculty for promotion and appointment. In 2018, it ordered universities to follow the civil service rules of conduct, implying restrictions on criticism of the government or government policy and political participation. Another example comes from the individual state (regional) level in India, where the Odisha Public Service Commission makes 'faculty appointments and decide[s] on the transfers and service conditions of teachers'. In Mozambique, Zavale writes, the quality assurance authority 'has become an inspection agency, imposing further limitations on HEIs' autonomy'.

Politicization of regulatory bodies poses a significant risk to university autonomy. In India, for instance, academics have been challenged for their writing on the basis that it violated governmental servants contract rules (in Kerala). In Poland, the Council of Academic Excellence recommends full professorships to the president, and there has been an example of an academic perceived as anti-ruling party who was not granted a professorship despite such a recommendation to the president.

These examples raise the question as to whether institutions operating under systems so heavily controlled by the government to the detriment of self-governance can truly be said to operate autonomously and raise serious concerns as to the reality of academic freedom in such contexts. Interference by installing politically aligned individuals in leadership positions means that from that point onwards, further changes made internally within the institution will not appear to obviously result from external intervention. The Turkey and India case studies report on appointments of family members (to academic or governance positions) and selection of ideologically aligned candidates; and while these appear to be decisions of the university, they are a consequence of government interference in leadership. It was similarly noted that in Russia, 'Two types of actors are primarily responsible for creating indirect limitations on research and teaching: state authorities (on both central and regional levels) and university management' (Kaczmarska, 2020, p. 104). Thus, one of the major consequences of a severe decline in institutional autonomy that observers need to consider is that attacks against academic freedom may subsequently come from within the university itself.

9.3 Sequencing of Attacks

Hypothesis 3: Attacking institutional autonomy is an effective way to stifle the freedom of science as it negatively impacts other components of academic freedom. However, it is not the only way to undermine academic freedom, nor is there a typical playbook in the sequencing of attacks on the freedom of academia and the autonomy of HEIs.

All the case studies have shown a strong relationship between institutional autonomy and other aspects of academic freedom. This is in line with the expectation formulated in Part I that academic freedom requires the autonomy of HEIs. Indeed, as the autonomy of universities drops significantly, the freedom to research and teach without interference, as well as the freedom of academic exchange and of dissemination – both within academia and outside – always come under pressure.

This connection is also shown by the global AFI dataset in the correlation between institutional autonomy and the two relevant indicators for all available country-years between 2000 and 2021, as illustrated in Figure 9.3. The figure shows separate scatter plots for three pairs of variables. Each dot in a scatter plot represents a specific country in a specific year ('country-year'). A country-year's position on the y-axis shows how the country scored on institutional autonomy in that year, whereas its position on the x-axis shows how it scored on the variable of comparison. The correlations of institutional autonomy with freedom to research and teach (the first plot) and with the freedom of academic exchange and dissemination (the second plot) are relatively high at 0.89 and 0.88 respectively.[6]

These data patterns and the case studies suggest that deliberate interference with university autonomy aims to subordinate higher education to government objectives, which necessarily reduces the space for academics to freely operate. The situations in Bangladesh, India, and Mozambique particularly illustrate that where universities effectively become government institutions, it cannot be said

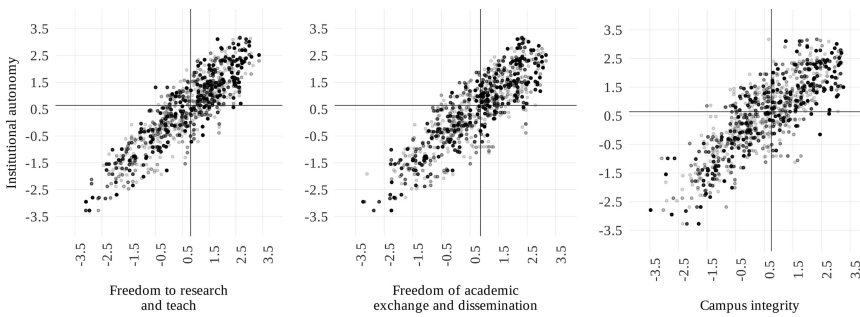

Figure 9.3 Distribution of country-years between institutional autonomy and three other academic freedom indicators 2000–21. Country-years are shown between 2000 and 2021, using raw values from the V-Dem model. The horizontal and vertical lines represent mean values.

Data source: V-Dem (2022): v12.

that there is genuine freedom to research and teach, particularly in subjects that may go against the political preferences or ideology of the government. In this sense, decline in institutional autonomy – particularly at the scale observed in the reviewed countries – serves directly and primarily to stifle academic freedom.

It must be acknowledged, however, that attacks on institutional autonomy are far from the only means of interfering with scholars' ability to freely pursue their work. This freedom can equally be targeted, for example, through the appearance of security forces, student militias, or surveillance on campus, censorship in publishing, the prosecution or even imprisonment or killing of individual academics or students, and other measures that serve to create a climate of fear and self-censorship, all of which were described by the case studies. These can but do not necessarily happen in conjunction with decline in autonomy. The indicator on campus integrity captures some of these alternative ways of applying pressure on academia and creating a climate of fear, and at 0.83, it is less strongly correlated with institutional autonomy than the two indicators discussed earlier. This may be a result of campus integrity being more open to interference from non-state actors (who can rarely impact institutional autonomy), but it may also reflect the fact that there are different forms of repressive means that governments can apply towards universities, of which attacking institutional autonomy is only one facet.

Evidence from the case studies as well as the AFI data suggests that there is no particular order in which these interferences and violations typically occur. In some countries, the freedom to research and teach is negatively impacted through other means before direct attacks on university autonomy take place. In India and Brazil, major incidents of campus integrity violations occurred before the autonomy of universities came directly under pressure. In fact, the repeated targeting of individual scholars or university campuses by third parties or by state agents, may also serve as a prelude or pretext for a systemic intervention in university autonomy.[7] In other cases, the autonomy of HEIs declined before the freedom to research, teach, exchange, and disseminate appeared affected in the mid-term (e.g., Bangladesh), whereas in some countries they decline at the same time (see Figure 9.1).

9.4 Impact of Autonomy Decline on Other Components of Academic Freedom

Having presented the hypotheses, this section utilizes the case study examples to discuss in more detail how each of the other components of academic freedom (the freedom to research and teach, the freedom of academic exchange and dissemination, the freedom of academic expression on political issues, and campus integrity) are related to and affected by a decline in university autonomy.

9.4.1 Freedom to Research and Teach

The case studies show that the most dramatic impact of declining institutional autonomy is on the freedom to research and teach. In particular, a number of areas where decline in institutional autonomy impeded the freedom to research

and teach stand out: Prioritization of funding, prevention of certain types of research, interference in hiring, and the creation of a climate of fear. The first three of these areas build on the examples above, in which excessive state control is exerted to increase costs for politically unwanted teaching content and research topics or approaches. The last (creating a climate of fear) is resorted to where administrative, legal, or regulatory measures fail – in these cases intimidation and violence are used to suppress academic dissent. All four areas have one central component, however, which is a state view that academics must bend to the will of the state – the very antithesis of academic freedom.

Prioritization for funding of certain academic fields over others – particularly of 'hard' sciences (e.g., prioritization of science, security, computing, data, and analytics in Turkey) over humanities and social science, as well as prioritization of specializations in 'non-controversial' topics – illustrates interference in both institutional and intellectual autonomy. As described in the Turkish case study, this represents the pushing of an ideological agenda. In Mozambique, while the overall low levels of core funding and research funding were starkly apparent, it was noted that the main sources of research funding 'follow the government policy of prioritizing STEM fields' to the exclusion of humanities and social sciences. Such approaches have been seen in other countries, like Ireland, and are also described in Part I in the context of market orientation (see Chapter 2). As Jayal describes, 'In an extraordinary episode in 2016, the state government of Gujarat directed every university to ensure that its doctoral students conduct research on at least five topics out of a list of 82, which were mostly evaluations of the welfare policies of the government'. Funding prioritization impacts the freedom to research by de-incentivizing certain areas or issues and making it more difficult for academics to pursue their research agenda in those fields or topics. Low salary levels and low overall funding also affects the ability to teach, as academics (e.g., in Mozambique and Egypt) rather devote themselves to external projects such as consultancies. Precarious contracts also encourage self-censorship when academics fear for their jobs if they are perceived by those who control their contract renewals (usually university administrators) to be dealing with politically sensitive topics.

A more overt form of interference can be seen in the direct interference by the state in specific research areas. For example, cancellation of gender-related research in Turkey and Hungary (Roberts Lyer and Suba, 2019, p. 81). In Bangladesh, academics expressed concern as laws imposing criminal sanctions for 'propaganda or campaigns' against the 1971 liberation war are seen as legal restrictions on independent studies.

Some measures interfering with research fields may not impact a university's institutional autonomy directly, but demonstrate state interference in the intellectual autonomy of the academy overall. For example, in Poland, the Ministry of Science interfered with the rankings of journals, by 'assigning unjustifiable positions to journals of a specific thematic profile or published by selected institutions, which in many cases can only be explained by their connection to the current minister'. This interference also saw significant intervention in favour of

theology over other disciplines. As is well known, rankings impact publication choice among academics and are closely linked to promotion and the overall prestige of an institution. Another example is denying gender and queer studies the status of science in Poland which, as Bucholc describes, 'may be expected to influence decisions regarding research and teaching'. Similar developments were described by Hünler in the Turkey study.

The creation of a climate of fear is a central challenge to identifying restrictions on freedom to research and teach, particularly what is *not* taught or researched cannot easily be detected. Academics may indicate that they are free to teach what they wish, but they may already have accepted a situation where freedom to teach means teaching 'within the confines of what is government-permitted'. As described in the Bangladesh case study, 'A culture of fear persists among Bangladeshi faculties about what to talk about and what not to talk about in the classroom and what research questions they should explore'. Politicization of research through government interference in hiring and firing of academics illustrates the extent to which this intrusion into institutional autonomy impacts the academic freedom to research and teach, as illustrated in these two examples from Bangladesh:

> One interviewed academic stated that "there is a potential risk of losing my job if I talk about some issues in the class settings, especially the issues that are religiously and culturally sensitive topic that goes against the dominant ideologies within the state".
>
> Another said, "Direct criticism of the government's actions [is] taboo. If agents of the ruling party hear of criticism, they may exert damaging pressure on the teacher's career".

A similar situation was described in Turkey with 'a climate of fear and apprehension, censorship, and self-censorship, that makes it impossible to teach or study politically sensitive topics that differ from the state thesis'. The same case study outlines extensive self-censorship in the avoidance of 'politically sensitive' topics in class, on syllabi, and even in postponing courses and changing exam questions. Further, extreme measures such as punishing academics for their research and publications have been documented in the various governments' interference with the autonomy of HEIs, such as in Turkey. This also closely relates to securitization of campuses and surveillance of academics. In Mozambique, the presence of intelligence agents in classrooms, disguised as students, results in self-censorship out of fear of possible repercussions. In India, intimidation has been seen from student groups; Akhil Bharatiya Vidyarthi Parishad (ABVP), a student group affiliated to the ruling Bharatiya Janata Party (BJP), successfully agitated for the removal of a Muslim professor from his department in a public university on the basis that his religion made him 'ineligible' to teach Sanskrit. They also complained against the content of a class by another professor who was then suspended.

9.4.2 Freedom of Academic Exchange and Dissemination

There were fewer clear examples of the impact of a decline in institutional autonomy on the freedom of academic exchange and dissemination. However, a number of cases illustrated that the autonomy of the institution to determine the parameters of this freedom had been entirely circumvented by the state. In India, particularly stark examples were seen in the denial of both research visas and online attendance which 'required prior approval from the Ministry of External Affairs to hold an online international conference or seminar on topics relating to the security of the Indian state or otherwise "clearly related to India's internal matters"'. While this order was subsequently withdrawn, as Jayal notes, 'Even before this, there was a technical requirement to obtain the approval of either the Ministry of External Affairs or the Ministry of Home Affairs for conferences to which foreign participants were invited'. There was also an interference, from the University Grants Commission (UGC), in creating research collaborations with China, which required permission from both the Ministry of Home Affairs and the Ministry of External Affairs. Similar attempts to control or limit scholarly interaction were seen in Russia with the government attempting to limit scientists' interactions with international scholars on the basis that it was necessary to 'protect industrial secrets' (Kaczmarska, 2020, p. 131) and Turkey, where signatories of the Academics for Peace initiative had their passports annulled. Intimidation of scholars, and a view that academics should be in line with state policy, was also recorded in Russia: 'Russian scholars presenting at international events need to take into consideration the potential presence of Russian diplomats in the audience and the possibility of these representatives questioning why a scholar – who works at a state-funded university or research institution – should criticize the current government' (Ibid, p. 132).

9.4.3 Freedom of Academic Expression on Political Issues

The case studies illustrate serious restrictions on academic freedom of expression imposed by the state, circumventing universities' self-governance on the matter entirely. In this regard, a distinction should be made between expression of academic expertise (i.e., what can be termed dissemination) and expression on political issues outside of the immediate expertise of the academic. Academic freedom traditionally covers the former, rather than the latter. However, it can often be challenging to differentiate between the two in practice, particularly when it comes to issues that have become highly politicized, such as human rights, gender, or migration. Moreover, the infringement of scholars' freedom of expression on political issues – a democratic right – often has severe repercussions for their academic freedom as well.

In countries such as Turkey, where academic freedom is legally provided for in the constitution, it is undermined by other articles that prohibit 'activities

against the existence and independence of the State, and against the integrity and indivisibility of the nation and the country'. In India, Jayal notes that 'While the numbers of teachers who exercise extra-mural freedom is typically not large, those that do have to contend with harassment by the state constabulary and sometimes even face false cases of political extremism'. In one example, 'the West Bengal Universities and Colleges (Administration and Regulation) Act, 2017, placed restrictions on teachers making "any statement of fact or opinion […] that has the effect of any adverse criticism of any current policy or action of the state government or the central government"'. In Mozambique, Zavale reports extreme cases in which scholars have been shot and killed for their statements on political issues. In a similar manner, arbitrary incarceration and enforced disappearances of outspoken critical academics have been documented in Egypt (Saliba, 2020, p. 165).

Illustrating the point made previously, that once there is excessive state interference in autonomy, it can be difficult to truly differentiate the actions of the state from the actions of the university, several examples showed universities themselves acting as the protectors of state interests through the restriction of academic freedom of expression. In Bangladesh, two of the four major public universities – which enjoy relatively better autonomy – have reportedly fired academics for their political views. In one instance, authorities arrested academics for criticizing a deceased former health minister as being responsible for the poor healthcare systems during the Covid-19 pandemic. University disciplinary proceedings have been used to supress 'critical' speech and punish members of the community. In Bangladesh, two scholars were investigated by the Ministry of Education for an allegation that they had 'defamed' the prime minister and president in Facebook posts, and the Ministry asked the university to expel them. Another scholar was ultimately removed from his position for an article he wrote, and a sedition case was opened against him. In India, a prominent academic at a private university resigned following pressure from the board of trustees that he was a 'political liability' as a result of a newspaper column he wrote. Numerous examples of the misuse of university disciplinary procedures against academics were documented in India.

Other examples show where HEIs have failed to stand up for the freedom of expression of their academics. This may be attributed, at least in part, to excessive state co-optation of institutions, including in the appointment of government-friendly leadership. In Turkey, some of the pressure comes through students, resulting in suspension or dismissal of professors. India has also seen the cancellation or disruption of seminars and lectures.[8] In India, the threatening conduct of the governing-party-affiliated student group ABVP, which has apparently swayed universities in hiring and firing decisions regarding professors who express liberal or anti-government opinions, illustrates a system in which universities are failing to protect their own academics. Whether explicit or implicit, the space for excessive external interference in India is growing, which sees many groups (student groups, teachers unions) intrude into hiring and the content of specific syllabi on the basis of the views of the academics. This trend

not only restricts academic freedom, but is to the detriment of the quality of the education provided. In Poland, students who filed a motion for disciplinary proceedings against a professor were faced with 'repeated hearings at the public prosecutor's office as a result of an accusation of having falsified the materials on which the disciplinary proceedings were based'.

9.4.4 Campus Securitization

Lack of protection offered by universities on campus, for example in Bangladesh, indicates a system that is failing to protect scholars and students. This absence of protection is clearly linked to a decline in institutional autonomy that has arisen because of repressive state interference in academic life. The case studies show how the behaviour of governments often suggests that they view academics as a security threat to the state rather than a group that needs to be protected if threatened by state or non-state actors. Turkey is perhaps the starkest example. Academic institutions can collect data from state security and judicial organs about candidates for the purpose of checking they are politically sound. Moreover, extensive surveillance of academics takes place on university campuses. Students have also been arrested on university grounds on charges such as protesting against the Council on Higher Education. In Bangladesh, campus facilities are highly politicized: 'When a new party comes to power, the supporters of the previous governing party are evicted from dormitories […] by the supporters of the new ruling party'. In Mozambique, the campus is securitized, significantly impeding academic freedom. This is aggravated by the occasional classroom presence of intelligence agents or high-ranking politicians. Furthermore, there are situations with ruling-party political cells on campuses that use HEIs as political spaces. Police interference on campuses in India and Egypt has created an intimidating environment. For India, Jayal notes that 'Since 2016, the intimidation of students and teachers by arrests and violence has become more frequent'. And, 'Over the last two years, there have been multiple arrests of politically active teachers and students, besides human rights lawyers and activists, all charged under the Unlawful Activities (Prevention) Act'. The monitoring of Russian academics abroad speaks to a similar view of academics needing to be in line with state policy (Kaczmarska, 2020, p. 132).

9.5 Conclusion

This chapter introduced three central hypotheses on decline in university autonomy, with illustrative examples from the AFI data and eight qualitative case studies. The comparative analyses showed the relationships between major declines in university autonomy and broader political trends in the respective countries, in particular those of autocratization and political polarization, which appear to cause and facilitate attacks on higher education. It identified that governments that interfere extensively in institutional autonomy usually

do so by targeting the governance composition of universities, including through excessive regulation that substitutes government control for academic self-governance. As a consequence, subsequent measures taken to undermine academic freedom are not as easily identified as the initial direct government interventions. The case studies further show that there is no typical playbook in the way or order in which different aspects of academic freedom and university autonomy come under attack. However, the obstruction of institutional autonomy also effectively undermines other aspects of academic freedom, including scholars' freedom to research and teach without interference, their freedom to exchange and disseminate their results, and the open research and learning environment that campuses should provide. Based on the empirical patterns and developments identified in the case studies and the AFI data, the next chapter proposes recommendations and policy options to strengthen the protection of the institutional autonomy of universities.

Notes

1 That is, more than a 0.1 decline on the 0–1 scale of V-Dem's Liberal Democracy Index (V-Dem, 2022).
2 That is, more than a 0.5 decline on the 0–4 scale of V-Dem's institutional autonomy indicator (V-Dem, 2022).
3 Doxing describes the act of publishing private information about an individual or organization.
4 The relevant indicator in the figure defines political polarization as society being 'polarized into antagonistic political camps', whereby supporters of opposing political ideologies generally interact in a hostile manner. See V-Dem indicator *v2cacamps* in the codebook at Coppedge et al. (2022).
5 A similar situation has been seen in Ireland (Roberts Lyer and Potapova, 2020).
6 0 corresponds to no correlation; 1 corresponds to perfect correlation.
7 We thank Marta Bucholc for drawing our attention to this point.
8 The UN Special Rapporteur for Freedom of Opinion and Expression (Kaye, 2020) lists as many as 65 events or seminars only on the campuses of public central universities (not including state universities and private colleges) for which permission was denied by the college or university authorities or, if held, were disrupted, most frequently at the behest of the ABVP.

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10 Conclusions

Learning Lessons and Moving Forward

Kirsten Roberts Lyer, Ilyas Saliba, and Janika Spannagel

The final chapter of this book considers the following question: *What can be done to protect the institutional autonomy of universities?* In particular, it makes three proposals based on the data and analysis undertaken in the previous chapters:

1. Clear standards on academic freedom, including the parameters of institutional autonomy as self-governance, and accompanying international oversight are essential.
2. International accreditation and rankings organizations should clearly account for the intellectual autonomy of the university. Excessive government control or interference should negatively influence rankings and accreditation, given its impact on the higher education system and scholarship.
3. Universities themselves must plan for threats through risk assessment and work to improve their resilience to undue interferences.

An extensive elaboration of these proposals is beyond the scope of this book. Nevertheless, the intention in this chapter is to propose a way forward that can be further developed in future scholarship and practice.

10.1 The Need for Stronger Standards on Autonomy, and International Oversight

The absence of an agreed international legal definition of academic freedom is problematic, as it means there is no benchmark against which to measure state behaviour. That academic freedom is grounded in different rights – education, expression, science, as discussed in Part I – means that when it is integrated into national law, states have broad scope to choose how it should be operationalized. Particularly where academic freedom is located in the right to education, it becomes subject to a very large degree of state discretion, and subject to state policy. For example, in Poland, an alarming example is the transformation of the public University of Szymona Szymonowica, which occurred without consultation with its leadership. The changed statute set the goal of 'strengthening the Polish state and nation' with a motto of *Deo et Patriae*, which suggests a complete undermining of the concept of institutional autonomy in favour of

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state policy. The Polish example also exemplifies thematic de-prioritization, particularly in instances concerning free research and the teaching of history.

Excessive interference in the functioning of universities, including how they are run and by whom, and how and what is taught, limits the academic freedom of the university community. As discussed in Part I, proponents of wide-ranging levels of government discretion that may ultimately harm academic freedom can find a foothold in some of the current international instruments, which technically allow broad interference. Many of the present international standards that reference autonomy allow universities to be subordinated to national policies or priorities, and are thus highly problematic for academic freedom. International standards and agreements on academic freedom should explicitly limit government discretion to the absolute minimum, with clear priority being given to robust and democratic self-governance.

The permissible extent of government interference with universities arising from the current state of international human rights law on academic freedom is a challenge for those aiming to develop clear parameters for acceptable state intervention into institutional autonomy. Two challenges arise in particular. First, universities cannot be entirely separated from the legitimate purpose of oversight of state monies, or regulations placing the university within the national higher education framework. Second, as described in Part I, higher education governance structures differ significantly around the world, based largely on national tradition. However, the examples in the case studies clearly show how this level of discretion is contributing to a failure to protect academic freedom. These two challenges are by no means insurmountable. Many independent state-based institutions, such as National Human Rights Institutions (NHRIs), find independence-appropriate means for the usage and oversight of state funds (see, e.g., Langtry and Lyer, 2021, Chapter 5.4). Further, baseline international standards can readily apply to national-level bodies across a broad range of legal systems and traditions. Such standards exist for the judiciary, police, prison services, and NHRIs, among many others. There is no reason to believe that universities are so unique as to their complexity that international standards could not also be elaborated for them. Indeed, there are plenty of examples of comparative scoring of universities in spite of very different national systems (e.g., European University Association, discussed in Chapter 2 in this book). Elaborating clear standards at the international (UN) level on academic freedom, and institutional autonomy as a component, will provide a normative, legal basis against which interference can be assessed.

Another rationale supporting the elaboration of international standards on academic freedom is illustrated by the case studies, which document the co-optation of 'academic freedom' for political ends. This particularly highlights the problems arising when placing academic freedom within restrictions of 'societal and political objectives' (Council of Europe, 2006). Proposals (at time of writing) in Poland 'focus on conceptualizing academic freedom within the framework of identity politics that aim to establish a hegemony of national-conservative and Christian (Catholic) values'. Such conceptualization appears

to fall within permissible state discretion. Related to this, the Polish case study highlights a concerning trend in the establishment of 'parallel organizations' to mirror existing academic structures, but with government-supported viewpoints (see Section 7.4.5 on campus integrity in the Poland chapter in this book).

On the basis of the case studies, and the authors' broader research on this topic, it is apparent that a number of fundamental parameters must be taken into account in any such standards. First, the standards must be based on the right to science. This sets a wider normative and legal basis for the purpose of both academic freedom and universities. Second, standards must include the central parameters of institutional autonomy. This should be based on a renewed understanding of self-governance that, rather than being limited, is robust. Autonomy in the context of academic freedom requires that academic institutions uphold the academic freedom of their community, and the state upholds the right to science of the broader community. Third, the scope of state interference in institutional autonomy must be clearly defined and limited in any standards. In this regard, the 1993 UN Paris Principles, as elaborated in the peer-review process for assessing NHRIs, can provide a useful basis for what this can look like in practice (see Langtry and Lyer, 2021, Chapters 3–5 in particular). The Paris Principles, adopted by the UN in a General Assembly Resolution, detail the mandate, structure, and purpose of NHRIs. NHRIs are then assessed for their compliance with the principles through a peer-review mechanism, which 'grades' them. Since 2006, this peer-review mechanism has produced detailed guidelines on the operation of NHRIs as independent, state-based institutions, including in areas of relevance for universities, such as independent selection and appointment of leadership, staffing, and autonomy in finances and funding.

The absence of clear standards on academic freedom and university autonomy as a component of that freedom, impacts the ability of international organizations to respond to threats against universities and academics. The elaboration of such standards, along the lines suggested, could significantly improve this situation. International standards developed within an international organization, such as the UN, can provide legitimacy and an authoritative baseline. However, in light of the risk of co-optation by the presence of authoritarian governments in such bodies, the monitoring of the implementation of the principles should be undertaken by a peer-review or expert body, with connections into the international system, as is done for NHRIs.

10.2 Reflecting State Control in International Accreditation and Rankings

University rankings, as well as accreditors of study programmes, are well-positioned to make a difference with regard to university autonomy. They assess university performance and study programmes. They can – and do – thereby create powerful incentives for university administrators and higher education policymakers to adjust their policies to achieve good ranking placements or accreditation results, central to the academic reputation economy (Kinzelbach

et al., 2021, p. 12). International accreditation and ranking organizations should thus include measures of academic freedom and university autonomy in their assessments. Such a normative shift has the potential to transform the academic reputation economy into a system of quality assurance that promotes the principles of academic freedom and university autonomy instead of turning a blind eye to both.

Accordingly, excessive government interference should negatively influence university rankings and accreditation processes, given their importance for higher education systems and scholarship. As Kinzelbach et al., put it, 'In an era of internationalized scholarship and autocratization, […] a new and free discussion is needed of the notions of academic excellence and reputation' (Kinzelbach et al., 2021, p. 15). The powerful incentives created by the academic reputation economy must be utilized to promote and protect university autonomy and academic freedom. The freely available Academic Freedom Index (AFI) data means that ranking and accreditation organizations now have a tool that provides an independent and scientifically rigorous assessment of the situation of academic freedom, including a component measure of university autonomy, in nearly all countries around the globe. By adjusting scores for university rankings and accreditation procedures, the AFI data – possibly in combination with events-based information on academic freedom violations (e.g., Scholars at Risk n.d.) – should adequately reflect the importance of academic freedom and university autonomy for the pursuit of truth and the right to science.

Since the university ranking business is dominated by for-profit organizations that are independent of political regulation, governments or international organizations have little leverage to pressure them into including academic freedom as a criterium of academic excellence. Instead, it is rather NGOs, scholars, universities, and research funders that can play a central role in pushing ranking organizations to recognize the importance of academic freedom for academic excellence (Gadd, 2020; Kinzelbach et al., 2021, pp. 7–8). Accreditation agencies, in turn, typically operate within the regulatory framework of governments that task them to assess the quality of higher education institutions (HEIs) and study programmes, serving as an independent mechanism for quality assurance. Governments are thus in a position to request that accreditation agencies include academic freedom and university autonomy in their assessments by changing regulatory frameworks accordingly (Popović, 2022, p. 35). Similarly, to the academic reputation economy governed by university excellence rankings, negative assessments by quality assurance agencies can lead to considerable reputational – and material – damage for universities that are not autonomous and do not respect academic freedom. The inclusion of relevant criteria on academic freedom can therefore alter the incentives for higher education policymakers and university leaders to respect and strengthen institutional autonomy, rather than neglecting or even undermining it. Given the negative impact government interference has on the higher education system and scholarship, international accreditation agencies and university ranking organizations should recognize their responsibility for academic freedom, and account for the intellectual

and functional autonomy of universities in their assessments. As argued by Kinzelbach et al. (2021), when attesting or measuring quality standards and the reputation or 'excellence' of universities, academic freedom should thus be part and parcel of such evaluations.

10.3 Threats and Resilience: A Roadmap for Universities[1]

Universities are vital democratic structures. As the analysis in the previous chapter has underscored, the growth of autocracies and decline of the rule of law has seen increased pressure on academic freedom in many places, often from threats directed at HEIs. A threat to a university is an intentional, organized effort to diminish or eradicate the capacity of a university to freely search for truth. Threats may arise from direct attacks or from a general hostile national environment. However, the absence of internationally agreed-upon normative standards on the scope of university autonomy also makes it difficult to develop a clear definition of what exactly constitutes a threat. This section refers primarily to threats from the state (or facilitated by the state), while recognizing that threats may come from a wider variety of sources.

Examining the eight case studies used in the analysis for this part of the book, as well as reports from Scholars At Risk (e.g., Academic Freedom Monitor, n.d.), Roberts Lyer and Suba (2019), and the UN Special Rapporteur for Freedom of Opinion and Expression (Kaye, 2020), the following types of threats that universities and their academic communities have faced can be identified:

- Interference with leadership: primarily placing government or government-selected candidates on the board;
- Interference in internal structures such as academic departments: government-appointed deans/heads of department, changes or restrictions on faculty and staffing resources and appointments;
- Budget cuts or other changes to financial conditions of the whole university;
- Undue interference with research funding, research topics, and publications;
- Restrictions on academic engagement, like joint funding/projects or international exchange; and on free expression within academia, including restrictions on academic programmes, curricula, and teaching;
- Restrictions on students: admissions, interference with grades/scholarships, or free expression;
- Undermining overall academic legitimacy: creating a hostile national environment, resulting in self-censorship; campus securitization; defamation or other spurious lawsuits.

These threats may create both immediate problems and long-term risks for universities in their ability to uphold academic freedom. The impact of these threats on universities can differ, depending on the structure of the university and how it is governed. Some universities may already have limited self-governance

because of the nature of the university model in the country (see Chapter 2). For example, state-centred universities that are already subject to extensive controls may not experience some of the above as a 'threat' but as part of their normalized reality.

The threats listed above are not unlike threats faced by other state-based institutions, such as ombudspersons and national human rights commissions. There is a large body of international standards and practice-based 'jurisprudence' to support central aspects of institutional independence in the case of those institutions (see Langtry and Lyer, 2021). Much of that learning can be applied to universities. However, those institutions benefit significantly from a benchmark of clearly elaborated international standards, rather than the comparatively vague pronouncements on 'academic freedom' and autonomy in existing international standards that relate to HEIs.

Responding to threats as an institution requires resilience. Resilience is the ability of an organization to absorb pressure and adapt to a changing environment and is commonly described in the literature as the capacity of an organization to 'bounce back' (Fisher, 2017, p. 219) after a shock. For organizations that face potential threats, including HEIs, resilience should be a strategic goal, part of good practice and effective management of risks (e.g., OECD, 2014; Smith and Fischbacher, 2009). The concept of resilience can help to inform how universities can be strengthened to resist attacks against them, such as undue interference in their right to self-governance, particularly when those attacks come from the government.

All universities should understand the risk that threats to their autonomy pose to their ability to uphold academic freedom and the right to science, and should have a clear plan that includes resilience planning and threat response. A major caveat here is that this approach is only relevant in situations when the state has not already largely co-opted higher education. Thus, for some of the cases described in this book, such proposals may come too late. However, the case studies have also shown that there can be significant variation between institutions in the same country, so that even when the overall situation is precarious, it may not yet be too late for some universities to preserve their autonomy.

While there are multiple potential approaches, the next sections briefly outline two steps that universities can take to protect their institutional autonomy. First, resilience planning to enhance the long-term resilience of the institution against threats to institutional autonomy should be a standard part of university strategy plans (or similar documents). Second, risk management provides universities with the tools to identify and respond to threats when they arise and should be a continuing practice.

10.3.1 Resilience Planning

As the threats listed above illustrate, universities have certain inherent vulnerabilities, particularly in relation to their legislative basis, their resources, and the extent of government discretion in regulating university governance and

higher education. Independent universities are also likely to be threatened as part of a broader reduction of democratic quality and the rule of law in a country. It is therefore important that as a part of their commitment to academic freedom, universities recognize their vulnerabilities before threats arise, and plan to strengthen the resilience of their institutions.

Universities must build resilience around the central pillar of the right to science; that is, they must be clear that their fundamental mission is the search for truth, with an ultimate goal of improving society for all through scientific progress and discovery (see Chapter 2). Practically, this means that universities should ensure that all strands of their operations – research, teaching, service – work towards this goal.

Key factors to strengthen university resilience as autonomous institutions in the long term are: Legislative basis; Building alliances and communication; Financial resources; Institutional morale; and Leadership.

Legislative basis: Where possible, universities should strive for the improvement of the national legislative basis for all HEIs. Legislative provisions must be based on academic freedom, grounded in the right to science, with institutional autonomy clearly defined within the parameters of robust self-governance, and there should be clear constitutional and regulatory protections for academic freedom. Universities should resist attempts at over-regulation and government interference on the basis that this interferes with the right to science. The right to education at the higher education level should be based on human rights, per international standards on the right to education, and there needs to be recognition that 'patriotic' education or other political requirements in relation to the content of higher education are incompatible with those standards. Legislation must also specify that universities have the power to select and appoint their own staff, using merit-based criteria on the basis of the needs of the university itself.

Building alliances and communication: Alliances can be critical in times of threat. Universities should invest time and effort in building alliances at the national level that support academic freedom-based autonomy, for example, with each other, and with parliaments, human rights bodies, civil society, and the media. Universities should be active in the communication of the scientific progress they are creating and the benefits for the wider community. Communications departments should assist scholars in outreach regarding their research and in making its importance understandable to non-specialists so the societal value of university-based and independent scholarly research can be understood.

Financial resources: Universities should strive for efficiency, but also seek sufficient funds from the state and be prepared to defend why they are needed. In particular, they must defend the role of research as essential for the search for truth. Scholars must be given time and space for such research, and suggestions that research 'wastes resources' must be robustly

refuted. The university itself should have proper internal checks and balances to ensure the merit of research, but this should be done *within the university community* and not by external ideologically guided regulation. Further, universities must ensure robust internal financial oversight and be transparent in their expenditures in order to defend charges of waste. Universities should further be firm in resisting efforts to undermine funding by states based on measures such as increases in academic-student ratios, which can both overwhelm scholars and reduce the quality of the education provided.

Institutional Culture and Morale: Robust codes of conduct, as well as transparent and sufficiently-resourced complaint-handling mechanisms – including for all forms of discrimination and harassment, also coming from outside the university and directed at its academic staff – are essential to ensure a positive institutional culture and good morale. Universities should ensure staff are properly remunerated and recognized for their work and commitment, and that they understand their role in upholding the right to science. Robust internal communications and a policy of openness and transparency also contribute to a positive culture. Tenure for scholars should be encouraged, and precarious contracts avoided. A **specific gender focus** is required, recognizing the different impacts on women in academia, seen globally in the low rates of women in academic leadership. The sexist environment of many HEIs restricts women's ability to freely choose their areas of focus for their research and teaching. While academic freedom is rarely examined through a gender focus, there is concern for the academic freedom of female academics as a result of pay inequality, reduced opportunities for promotions and appointments to more senior positions, as well as systematic experiences of harassment and discrimination. Minority faculty face similar issues.

Leadership: Leadership of universities is critical. It is the integrity of leadership that sets standards by example. The process of selecting and appointing leadership must remain firmly within the hands of the university community, who should select leaders using an inclusive and participatory approach. Universities should aim to set this requirement in legislation, as well as clear and publicly stated and accessible internal policies. Leadership training for faculty to ensure that they have the skills and abilities needed can also significantly improve governance (see Norman, 2019). Leadership must be expressly committed to upholding the right to science, including through combatting undue interference in autonomy. Building resilience itself also requires specific competences of staff and leadership. Training in crisis response and management should thus be a core requirement for university leadership.

The role of universities in upholding academic freedom is essential, and must be actively approached by academia. As Hasan and Ahasan put it in the Bangladesh case study in this book, 'the failure by university authorities to

properly self-regulate also invites interference'. Overall, robust, right-to-science based resilience planning can help universities frame important aspects such as resources, leadership, and institutional culture around the right to science, with academic freedom as a crucial guiding light.

10.3.2 Risk Assessment and Threat Response

Universities should be prepared for how they will respond when academic freedom, and particularly their institutional autonomy, is threatened. This requires not only resilience, but also regular risk assessments, routine monitoring, and a threat response plan.

Universities should regularly undertake **risk assessments focussed on academic freedom**, taking into account the threats listed above, their specific national environment, as well as their respective international partnerships (Baykal and Benner, 2020). An analysis of potential threats should identify specific risks to the institution. A risk in this sense is the likely impact of a threat. For example, if the threat is to the finances of the university, then the risk is to its continued operation at the same level of research and teaching. Risks should then be examined, and a risk management plan created. The plan should identify the likelihood of the risk, and the potential impact on the university.

As part of ongoing risk assessment, universities should **routinely monitor their national environment for potential threats to the right to science**. This can include changes in government or policy regarding universities or higher education, anti-academic rhetoric, and reform proposals, particularly when motivated by political ideologies hostile to academia or the freedom of science. Early warning signs of a threat will assist the university's ability to know when a specific threat will need to be addressed.

As part of risk planning, universities should create a **threat response plan**. Once a threat to academic freedom is identified, a previously designated crisis management team should operationalize, include senior leadership and relevant key representatives from within the university – this may need to be tailored depending on the nature of the threat. A communications plan, internal and external, should be part of any threat response. Further, the university leadership should have thought through how it will respond to likely threats and who will have to be included in crucial and time-sensitive decisions to avoid such considerations being made for the first time during a time of heightened stress.

Risks to academic freedom should be a central aspect of risk planning and management. In the face of any threat, the university should prioritize the safety and security of the community of academics, staff, and students. The functioning of the institution should be the next priority. Support should be sought from both national and international partners and allied civil society organizations when required, based on criteria defined in the threat response plan.

An academic freedom-focussed risk assessment and threat response plan not only signals the importance of this right and the university's commitment to it

but can actively assist the university in upholding academic freedom, even in the face of threats.

10.4 Final Remarks and Future Research Directions

The data from the AFI shows that university autonomy is in decline in many countries around the world. The five case studies from Bangladesh, India, Mozambique, Poland, and Turkey show institutions under threat and starkly illustrate the real risks to academic freedom from excessive state interference in university autonomy.

The analysis of the data on the current situation of university autonomy around the world and the evidence from the case studies support our three hypotheses. First, that severe decline in university autonomy is usually the result of a broader trend of autocratization in a country. Second, that excessive government interference or threats to university autonomy focuses on governance, particularly on who leads the institution, and can manifest in excessive state regulation, substituting government control for academic self-governance. Third, attacking university autonomy is an effective way to undermine academic freedom, but there is no one linear sequence visible in which this occurs, and targeting university autonomy is by no means the only way to undermine academic freedom.

Identifying where a state may have 'violated' university autonomy is challenging for a number of reasons. Despite the importance of normative standards, no clear, agreed, international definition of academic freedom and university autonomy exists. Furthermore, the purpose of universities themselves is not universally agreed. And an additional complicating factor is the extent of permissible discretion under existing standards in how the state manages and regulates its HEIs.

The proposals in the final chapter of this book are derived from the data and analysis, and indicate that recognition of academic freedom as a standalone right, incorporating a clear definition of academic freedom, with university autonomy as a component, is essential to ensure a robust normative basis for HEIs around the world.

The findings in this book have important implications for policymakers, university leaders, and other stakeholders. In particular, policymakers need to take urgent action to address the decline in democracy and the rule of law, which is undermining university autonomy. University leaders need to be more proactive in defending autonomy, and other stakeholders from civil society and international organizations need to support them in this effort, especially in the context of general democratic erosion.

Higher education institutions must have academic freedom – based on the right to science and the search for truth – at the heart of their mission and practice. Academic freedom must also be taken into account in university rankings and accreditation mechanisms. The myriad problems thrown up by interference in academic freedom demonstrated in the case studies point to the urgency of

this issue. Interference in university autonomy undermines the search for truth and is a violation of the right to science. Politicization of higher education twists and distorts curiosity-driven, knowledge-seeking research and teaching, and brings ideology and political preference into classrooms that should be focused on scientific inquiries for the greater societal good.

UN treaty bodies should engage more robustly on this issue. In particular, the Committee on Economic, Social and Cultural Rights (CESCR) should include monitoring of higher education legislation and practice as a specific line in its reviews under the International Covenant on Economic, Social and Cultural Rights (right to science). This encouragement should extend to stakeholders who provide shadow reports to the treaty bodies, including National Human Rights Institutions and Non-Governmental Organizations. Standard-setting by the Human Rights Council, UNESCO, and other UN bodies in this area will also be critical.

Universities themselves must uphold the academic freedom of their academic community. Universities as institutions are not the holders of any right to academic freedom or to science. It is the community of academics that is entitled to academic freedom and the whole of society that holds the right to science. Risk assessment, resilience planning, and threat analysis as part of universities ongoing business planning and strategic management are essential to monitor threats to the autonomy of the institution and academic freedom.

Finally, there are many potential future research paths that may arise from this book. In particular, future studies can use validity testing approaches and add additional case studies on different countries to further test and add to the three hypotheses developed in this book. Of further importance is examining autonomy decline caused by non-state actors. This book has focused on major autonomy decline as a result of undue state interference. Future research should thus consider situations in which the threat to university autonomy arises, for instance, from excessive market orientation and internalized managerialism, rather than from politically motivated state interference. Identifying the often-subtler impact of marketization and business interests, and how HEIs can maintain their academic freedom in this context, will be a particular challenge. However, the importance of this aspect was already emphasized by various country cases studied here and is likely to emerge even more clearly in other contexts. In shifting the very idea of a university from one that is engaged in the search for truth, to one that primarily exists to provide a workforce and applicable research for the market economy, such trends can have severe consequences for academic freedom and thus warrant further attention.

Note

1 This section benefits from the work of Kirsten Roberts Lyer for the Organization for Security and Cooperation in Europe's Office of Democratic Institutions and Human Rights in developing two reports on resilience of and threats against National Human Rights Institutions, (ODIHR, September 2022).

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