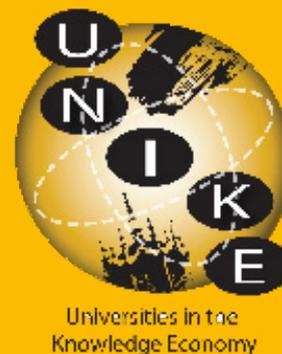


UNIKE Notes on Doctoral Education No. 3

March 2017



ACADEMIC FREEDOM

edited by Sina Westa and Susan Wright

CONTENTS

The UNIKE Project	2
Academic Freedom: An Introduction	3
History and Legal Aspects of Academic Freedom	4
Academic Freedom in Europe: The Bologna Process and Academic Freedom	5
Academic Freedom in UNIKE's Partner Institutions, results of survey	6
Academic Freedom in the U.S., summary of presentation by Cary Nelson	9
Academic Freedom from the Point of View of UNIKE Doctoral Fellows and Partners	10
Summary and open questions	11
References	12

UNIKE is an Initial Training Network (ITN) funded
by EU FP7 - Marie Curie Actions

All rights reserved. No part of this publication may be reproduced in any form or
by any means without written permission from the authors.

The UNIKE Notes series can be found at www.unike.au.dk/publications/unikenotes



THE UNIKE PROJECT

The UNIKE project (an initial Training Network funded by EU FP7 – Marie Curie Actions) trains a networked group of critical researchers who are examining the changing roles of universities in the global knowledge economies of Europe and the Asia-Pacific Rim. The UNIKE project aims to generate potential research leaders who are equipped to develop doctoral education in their own institutions and internationally.

Many governments have embraced international agendas for university reform (put forward by the European Union, Organisation for Economic Cooperation and Development, World Economic Forum, UNESCO and the World Bank) on the understanding that the future lies in the development of an ideas-driven competitive global knowledge economy. By arguing that the two ways to compete successfully in this economy are through transfer of research findings into innovative products and through a higher education system that can attract international trade and produce a highly skilled population, universities are placed at the centre of strategies to prosper in this new economic regime. The European approach to competing in the global knowledge economy is to create a European Research Area (ERA), a European Higher Education Area (EHEA), and a Europe of Knowledge. Other kinds of strategies have formed in other world regions. These strategies have to be understood within a geographic shift in emerging centres of power from Europe to the Asia Pacific, and particularly East Asia.

The UNIKE project aims to generate new perspectives on the transformation of an institution central to policy projections of the future.

The project explores these issues through regular workshops, which are designed to cover different aspects of the debate. Each UNIKE workshop has a part dedicated to Aspects of Doctoral Education, covering the following topics:

- History of policy debates about doctoral education
- Secondments: Working for/researching in other organisations
- Academic freedom
- Governance narratives and the figure of the doctoral student
- Mobility and doctoral training
- Partners' own practices of doctoral education

From each of these events, a UNIKE Note on Doctoral Education will be generated. The current Note outlines the presentations and discussions that took place at the second UNIKE workshop, held at the University of Bristol on 24-26 February 2014. The main theme of the workshop was ranking and governance and included lectures, panel discussions and meetings with students to discuss their research proposals.

The main intended audience for this Note is composed of UNIKE fellows, full and associated partners and their networks, and other institutions and individuals who are interested in the subject.

ACADEMIC FREEDOM: AN INTRODUCTION

by Sina Westa, Faculty of Education, University of Ljubljana

Academic freedom is only one of many concepts under the umbrella term 'freedom'. It is a specific privilege given to academics and strongly connected to an obligation towards society. The core idea of academic freedom can be traced back as far as Socrates who gave his account of why one needs academic freedom. Socrates was sentenced to death because he was accused of corrupting the youth with his teaching methods and because he showed impiety towards the pantheon of Athens. Socrates was also famous for revealing the arrogance of important Athenian citizens. In his Apology he tried to make the jury and the Athenians aware of the effects of sending him to his death. He claims you need to allow critical voices because without a person who forces you to give an account of your life it is impossible to live well.

"SOCRATES: I say, then, to you, O Athenians! who have condemned me to death, that immediately after my death a punishment will overtake you, far more severe, by Jupiter! than that which you have inflicted on me. For you have done this, thinking you should be freed from the necessity of giving an account of your lives. The very contrary, however, as I affirm, will happen to you. Your accusers will be more numerous, whom I have now restrained, though you did not perceive it; and they will be more severe, in as much as they are younger, and you will be more indignant. For if you think that by putting men to death you will restrain any one from upbraiding you because you do not live well, you are much mistaken; for this method of escape is neither possible nor honorable; but that other is most honorable and most easy, not to put a check upon others, but for a man to take heed to himself how he may be most perfect. Having predicted thus much to those of you who have condemned me, I take my leave of you." (Plato, Apology; emphasis added by the author)

Academic freedom is necessary to tell what Socrates termed 'truth' even if this truth is not favoured by those in power. The lesson from Socrates is that academics and human kind in general should be free from death or other suffering and able to search for truth and pass on knowledge to the younger generations and hence serve society as a whole.

Within doctoral education, academic freedom is also an important issue as students often aim to pursue a career in academia. Therefore, it is necessary to reflect on academic freedom as one of the key academic values. This reflection took place during one of the workshops of the project 'Universities in the Knowledge Economy' (UNIKE), which was held at Roehampton University as part of the doctoral training for the fellows.

Definition Box: General Definition of Freedom

The power or right to act, speak, or think as one wants

- Absence of subjection to foreign domination or despotic government
- The power of self-determination attributed to the will; the quality of being independent of fate or necessity
- The state of not being imprisoned or enslaved
- The unrestricted use of something

Distinction between

1. Freedom from: The state of being subject to or affected by (something undesirable)
2. Freedom of: A special privilege or right of access, especially that of full citizenship granted to a public figure as honour

(Oxford Dictionary)

Definition Box: Scholarly definitions of academic freedom

- 'Academic freedom I define as the right of the scholar in his/her teaching and research to follow truth where it seems to lead without fear of punishment for having violated some political, social or religious orthodoxy'. (Berdahl, 2010:2)
- "'ACADEMIC FREEDOM" typically is taken to mean, at least in British senior common rooms and among faculty members in the United States that academics and scholars should be free to pursue and proclaim the truth in both teaching and research without interference from unqualified outsiders'. (Moodie, 1996:129)
- 'Academics possess intellectual freedom but not moral freedom. They are free to express their ideas, but not free to express their behaviour' (Manan, 2000:265)
- 'Universities have a tradition of privileging certain categories of people by providing them with the place and space in which they could develop the intra and inter-psychic freedom to exercise defiant imagination, either collectively or in isolation. This is academic freedom. Having this freedom does not, of course, mean that it will be exercised'. (Boden and Epstein 2011: 478)

HISTORY AND LEGAL ASPECTS OF ACADEMIC FREEDOM

Summary of a presentation by Terence Karran

In the Middle Ages, universities started as guild institutes attached to Cathedrals and academic freedom was the protection for students to move around. At the beginning there were two university models. The University of Bologna was run by students who elected the president and paid their professors. Professors were only superior in exams. The University of Paris on the other hand was led by professors. Universities were given academic freedom and autonomy by the Pope to make them independent from the local powers. Whenever the academic community lost these privileges they moved to another city.

A huge step in the development of the European university was made after the Napoleonic wars. When Wilhelm von Humboldt convinced the King of Prussia to open a new University based on the ideas of Friedrich Schleiermacher, this university model was based on the guarantee that academics could follow truth. Professors should have *Lehrfreiheit* (the freedom to teach). For this reason they were employed by the state rather than by the other professors (so as to avoid a tendency to conservatively reproduce existing frameworks of thinking) and they were given civil servant salaries in order to make them independent from the university as an institution. *Lernfreiheit* (the freedom to learn) allowed students to move between courses and to be involved in research together with their professors. All students in this type of university were treated as adults in comparison to, for example, England where the university took over the parental role. *Freiheit der Wissenschaft* (freedom of science) was another principle that gave the university the power to decide on internal matters. And last but not least the unity of teaching and research was an important aspect because both of them figure in knowledge creation.

Today there are official policies and recommendations on academic freedom such as the Recommendation 1762 published by the Parliamentary Assembly of the Council of Europe (Council of Europe 2001), the EU charter on fundamental rights (European Union 2012) and the UNESCO recommendation (UNESCO 1997). In some countries, like Spain and Italy, academic freedom is even part of the constitution. But a clear definition of academic freedom is rarely found in these documents. Academic freedom is often not defined in a positive sense but the denial of it is described. This makes it very different from other human rights. In this sense, academic freedom has moved from a positive perspective the *freedom of* towards a negative orientation the *freedom from*.

The main supporting factors of academic freedom are tenure and self-governance, including a democratic way of selecting staff into leadership positions and an elected rector. These aspects are reflected in the UNESCO recommendation from 1997. The legal status of academic freedom varies significantly between different countries Terence Karran and his colleagues developed score cards to judge the degree of academic freedom in Europe and Africa (Karran 2007, 2009a, b, and c), these score cards were followed by a more comprehensive survey in Europe and Africa which is still going on. This research suggests that a legal framework for academic freedom and university autonomy is much more developed in Eastern European countries than for example in the UK or Denmark. The UK is the only country in this research that has full autonomy for universities but it does not have legal protections for academic freedom. This survey of the legal frameworks is an informative point of reference for the academic community, but it does not include more situational factors such as whether there is a supportive departmental atmosphere to exercise academic freedom.

Why is academic freedom important? Terence Karran answers that there are several reasons for the importance of academic freedom inherent in different aspects of university life. First, the location of new knowledge is unknown and hence researchers need the freedom to search for new knowledge in different locations and from different perspectives. Building a knowledge economy needs even more freedom. For students, the quality of their education is reflected in their degree of freedom and if universities were not based on the concept of freedom, they would be mere training places. Academic freedom is also necessary to protect universities for the future generations and to allow changes away from orthodoxy and convention. After the economic crises, economy students for example looked for new ways of teaching and learning economics to prevent new crises and to act in a more socially responsible way. This would not have been possible without academic freedom.

ACADEMIC FREEDOM IN EUROPE: THE BOLOGNA PROCESS AND ACADEMIC FREEDOM

by Sina Westa

One of the key aspects of the presentation was to highlight the role of academic freedom within European higher education. This included the role of academic freedom in the Magna Charta Universitatum and in the declarations and communiqués of the Bologna Process.

The Bologna Process is Europe's effort to create a common European Higher Education Area (EHEA). It aims at harmonising higher education while appreciating different educational traditions. Up until 2015, ten meetings between ministers of education from the participating countries had been held. Each of these meetings resulted in a joint declaration or communiqué about higher education in Europe. Academic values are a recurring issue within the Bologna Process and the Bologna documents refer in this respect to the Magna Charta Universitatum.

The Magna Charta Universitatum signed in 1988 by 80 university rectors is one of the first strategic papers that is concerned with academic values. Since then, the number of signatories has increased to 802 university rectors from 85 countries world-wide. The Magna Charta Universitatum sees universities as 'centres of culture, knowledge and research' (Magna Charta Universitatum 1988, 1) with the aim of 'spreading knowledge among younger generations' (ibid, 1) and hence serving society as a whole. In order to fulfil the tasks of serving society and human kind, universities must be autonomous institutions. More importantly, 'research and teaching must be morally and intellectually independent of all political authority and economic power' (ibid, 1). This strategic paper emphasises that all members of the university including students need to be given instruments to exercise their freedom in teaching and research.

The declarations and communiqués of the Bologna Process give repeated reassurance that academic values, university autonomy and academic freedom are important. But in an opposite way to the Magna Charta Universitatum, the main focus is on university autonomy and not any more on academic freedom. Academic freedom for students and teachers is rarely mentioned in its own right. It is mainly included as one item among many in a list of academic values such as non-discrimination, democracy and the involvement of students and staff in the process of change. University autonomy in the Bologna Process is more tightly connected to management's responsibilities for quality assurance and accountability than to the social responsibility of academics and the university as an institution towards society. Overall, it can be stated that academic freedom and university autonomy find their place in European policies but that they are strongly connected to accountability towards the state (Wright and Ørberg 2016).

ACADEMIC FREEDOM IN UNIKE'S PARTNER INSTITUTIONS

Summary of a UNIKE survey, by Sina Westa

In preparation for the UNIKE Roehampton workshop, each partner institution collected detailed information about the role and status of academic freedom in their own institutions and countries. For this purpose, the different aspects of academic freedom were divided into five categories; (1) general regulations; (2) Freedom in teaching and learning; (3) Freedom in research; (4) Freedom to choose who becomes a member of the academic community; and (5) Freedom in management and finances.

Portugal

1. The Portuguese constitution sets out the *general regulations* on freedom and more specifically on academic freedom. Article 42 guarantees intellectual, artistic and scientific freedom. All people in Portugal also have the constitutional freedom to express their own views as private individuals.

2. *Teaching and learning* in Portugal is regulated by the legal frameworks of the education system (Law number 26/86) and of higher education institutions (Decree number 42/2005, Decree-law number 74/2005, Law number 62/2007), as well as by the legal statute on university careers (Decree-law number 124/99, Decree-law number 207/2009, Decree-law number 205/2009). The legal framework of the education system states that higher education systems have the goal to 'promote critical spirit and freedom of expression and research' (Law number 62/2007, Art. 11f). This guarantee of freedom is specified further in the legal framework of higher education institutions as it states that professors and students enjoy intellectual freedom in the process of teaching and learning (Law number 62/2007, Art. 74, 157). According to the legal statute on university careers, teaching staff at universities have 'freedom of scientific orientation in teaching and on the construction of the syllabus' (Decree-law 205/2009, Art.63). Nevertheless, this syllabus is subject to a process of accreditation of study programmes and degrees by an independent agency (Decree-law 369/2007). To guarantee the quality of Portuguese higher education there should be some form of accreditation of universities and study programmes (Law 38/2007, 16th August). The implementation of an accreditation system follows a European trend.

3. In line with the legal framework and the individual mission, *research freedom* is not only guaranteed to universities but to all Research and Development institutions (Decree-Law N125/99). Researchers are free to present their research results and to criticise their own institutions.

4. Concerning the *freedom of choice*, Portuguese universities have the freedom to select post-graduate students and to open up positions in accordance with their autonomy. Undergraduate students are not selected by the universities but have to reach certain numerus clausus set by the ministry.

5. In the area of *management and finance*, universities have the freedom to control their budget and decide what areas to prioritise. Research funding is given by the national funding agency to projects and centres/laboratories which must 'appear' as fundable according to guidelines. Higher education institutions are free to draw up their own governance models but only in alignment with the governance structures specified by the legislation.

Slovenia

1. In Slovenia *fundamental freedoms* are elaborated extensively in the constitution of the Slovene State. This includes freedom of thought, speech, press and conscience. The constitution also states that 'freedom of scientific and artistic endeavour shall be guaranteed' (Slovene Constitution, 2013: Art. 58) and there is a similar statement in the Higher Education Act (HEA) (Legislative and Legal Service, 2013). Academic freedom is not specifically named under the constitution. The official discourse about academic freedom in Slovenia is rather about university autonomy which includes the freedom of the individual.

2. Freedom of *teaching and learning* in higher education is regulated by the HEA. The freedoms of a university include the establishment and adoption of education and scientific research programmes, the determination of education regimes as well as the determination of forms and periods of the student assessment (Legislative and Legal Service, 2013).

3. *Research freedom* is granted in Slovenia under the HEA. Concretely, this means the freedom of research, artistic production and knowledge mediation. Artistic production here refers to research in the area of arts like art history and not the production of a work of art (Legislative and Legal Service, 2013).

4. Universities in Slovenia have the *freedom of choice* in selecting the titles of university teachers, scientific workers and university co-workers. They also develop the criteria for the selection process. They are free to select university teachers, scientific workers and university co-workers for the occupation of work places (Legal and Legislative Service, 2013).

5. The Slovene constitution sets the basics for the *managerial and financial freedoms*. It states 'State universities and state institutions of higher education shall be autonomous. The manner they regulate their finances shall be regulated by law' (Slovene Constitution, 2013: Art. 58). According to the HEA, universities are able to independently regulate their internal organization and operations by statute within the legal framework, to determine forms of cooperation with other organizations and to manage assets in accordance with the purpose for which they were obtained. Overall, universities in Slovenia are based on a cooperative management model in which the individual academics are involved in processes of election, selection and internal regulation. This also explains the policy focus on university autonomy and not academic freedom.

France

1. In France the constitution guarantees freedom of expression and association. Concerning academic freedom in France some important historical aspects are to be mentioned. During the French revolution academic freedom on a collective level was deleted completely from all policies. Only after 1968 were universities given back their legal status that was historically guaranteed by the National Council of Universities.

2. *Academic freedom* today is regulated by the Act on the 'Autonomy and liberty of the university' (Assemblée Nationale, 2007) but, according to our respondent from ENS Lyon, instead of regulating academic freedom the Act rather imposes accountability and undermines the power of academics. Even if university presidents are reluctant to implement the Act on academic freedom, trade unions are powerful in defending the rights of academia. In France academics are civil servants and hence have to respect and apply every rule that is decided on by the state. Duties and missions of academics are prescribed by the state but not the content of intellectual activity and training. Overall, the French constitution does not define and regulate especially individual academic freedoms.

3. The question on *Freedom in research* was not answered.

4. University-level committees composed of peers are *free to choose* and recruit applicants for each faculty.

5. *Management and finance* issues are shared between the state and the university as half of the representatives in the National Council of Universities are elected by the research community and the other half is appointed by the Ministry of Higher Education and Research. This council is responsible for careers and promotion.

Denmark

1. In Denmark the freedom to express one's own views is protected for the individual in the Constitution but academic freedom is not a term that is used in government documents, although government has endorsed the UNESCO recommendations from 1997.

2. *Teaching freedom* is not mentioned in any policy in Denmark but the university law provides universities with the capacity to award degrees and to offer education programs. Study programmes used to be accredited by an independent agency but now accreditation of courses and quality management have been devolved to university managers. The term *freedom of learning* is rarely used and, while bachelor's and master's education is still free, recent reforms to student grants aim to make students complete their education more quickly and not spend so much time going deeply into ideas, or combining study with work experience etc.

3. In contrast to teaching and learning freedom, *freedom of research* is guaranteed by the University Law in Denmark (Danish Government, 2011). In clause 2 it states that a university has research freedom and is responsible for protecting and upholding the research freedom and ethics of each individual and of the university itself. Yet academics' ability to exercise their research freedom is constrained by the same law which says that the choice of research topics needs to fall within the research profile of the institution. According to Clause 14 university leaders can allocate work tasks to academics and academics can only use the time that is left over for their research. All publicly-funded research is to be open access by 2020. There is no special freedom in Denmark that allows academics to criticise their own institution.

4. Concerning *freedom of choice*, university leaders are responsible for deciding on all appointments based on a faculty committee's assessment of the candidates. Doctorates are awarded by the Academic Council which consists of elected members from the faculty (Danish Government, 2011).

5. University self-government was removed by the university law of 2003 (Danish Government 2003). The university's governing board mainly consists of members from outside the university. They appoint the rector, who appoints the deans of faculty, who appoint the heads of departments. Only the study boards consist of elected members of the academic staff and students. The university leaders control their own budgets and decide on what to prioritize. This system is aimed to give university leaders freedom to manage their units and deliver the knowledge and skilled workers that the government has deemed necessary for competitiveness in the knowledge economy. Leaders are meant to involve 'employees' in important decisions, but evaluations suggest they are not successfully combining strategic leadership with participation in decision making.

United Kingdom

1. In the UK, the Education Reform Act 1988 (UK Government 1988) abolished tenure yet stated that academic staff, have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or any privileges they may have at their institutions (Clause 202: 2a). 'Old' universities are established by individual acts of

Parliament or royal charters, and any major change to their governance has to go through the Privy Council and is not in the hands of the government. However, a law reform currently being debated in Parliament (UK Parliament 2017) would remove this independence and it proposes transferring these powers from the Privy Council to a new government agency charged with *inter alia* monitoring private providers of higher education and managing student satisfaction.

2. The assessment of teaching and learning has rested for many years in the hands of the Quality Assurance Agency, which was set up by university leaders. The legislation currently going through Parliament proposes moving these powers to a new government agency (UK Parliament 2017).

3. *Research* is increasingly controlled by management regimes as it is dependent on funding. The freedom of expression is theoretically given in the UK but there is pressure not to speak publicly about issues that are outside of one's own academic expertise. As in Denmark, publicly funded research must be published.

4. Freedom of *choice* exists for students but as education is an 'experience good', students can only assess what they have gained after they have 'consumed' it (Wolf 2017). Academics have less and less power to decide who joins the academic community as this is taken over by management.

5. New Public Management based on neo-liberal ideas is the prevalent management system in UK higher education. University management has the absolute discretion about internal funds and external funders are usually involved in agenda setting. Academia has decreasing influence on *finances and management matters*.

Academic freedom in Partner institution's countries

Similarities:

- Existence of a general constitution about freedom that is not related to higher education policies
- Academic freedom is not well defined
- All freedoms are granted within the legal framework of the state
- Existence of some form of accreditation of study programmes

=> some aspect of academic freedom is mentioned in ALL countries.

Differences:

- Policies on academic freedom cover different aspects of higher education in each country
- Criticising one's own institution is not allowed in all countries
- Status of academics within the state differ (e.g. civil servant or not)
- Management system (New public Management vs. cooperate model)

=> academic freedom DOES NOT mean the same thing in different countries

ACADEMIC FREEDOM IN THE U.S.

Summary of a presentation by Cary Nelson, Professor at the University of Illinois at Urbana Campaign and former president of the American Association of University Professors

The aim of the session was to outline the key assumptions about 'academic freedom' in the US, which are supported by the American Association of University Professors (AAUP). Cary Nelson addressed three key questions about academic freedom in his lecture.

What is academic freedom and how can we apply academic freedom?

Academic freedom in the U.S. includes the freedom to teach and the freedom to research. For the student it means the freedom to learn. Academic freedom is needed as the freedom of speech guaranteed by the Constitution is not sufficient for academia. Freedom of speech protects a person only from penalties imposed by the state, whereas, academic freedom protects the individual scholar from penalties imposed by the universities and the employer.

Three corner stones are needed to protect academic freedom. First, academic freedom has to be embedded in laws and principles. Second, job security, which means tenure, is necessary after a certain probation time. Third, shared governance needs to be the guiding principle for the organisation of a university. Authority should be shared by administration and faculty.

What are the main threats to academic freedom?

The erosion of job security in the academic world is one of the main threats to academic freedom. Job security is needed to ensure that academics conduct their research and teaching freely even if it does not entirely fit into the economic needs of the university or to the opinion of the majority of the academic community. In times of economic crises it is clear that tenure cannot be granted for all scholars but at least the majority of academics should be employed on a tenure basis (whereas this is no longer the case in the U.S.). Scholars with job security are then obliged to fight for the academic freedom of their colleagues without tenure. An example of how the lack of job security is reflected in teaching is the tendency of teachers to avoid controversial readings or lectures as they are afraid of losing their job due to student complaints.

Unbundling of faculty identities is another threat to academic freedom. Unbundling could look like this: Person A creates course X, person B teaches this course and person C grades the students taking this course X but they all never meet. The breaking up of academic functions into smaller parts lessens the will and ability of faculty members to identify with the university as a wider entity and prevents them from taking on responsibilities on a wider basis. Hence, the power of the administration continuously increases and the basis of shared governance disappears.

What academic freedom does and does not do:

1. Academic freedom is NOT the right to impose one's own views on the student, BUT to show them different views.
2. Academic freedom does NOT mean that a student is excused from mastering course material, BUT it protects student's beliefs.
3. Academic freedom does NOT protect someone from being criticised, BUT from being fired due to criticism.
4. Academic freedom does NOT protect someone from disciplinary actions, BUT ensures a fair treatment during the disciplinary process and the structure to complain about unfair treatment.
5. Academic freedom does NOT mean that someone can abandon their own responsibilities.
6. Academic freedom means that you have the right to be heard and to elaborate with only short interruptions.

ACADEMIC FREEDOM FROM THE POINTS OF VIEW OF UNIKE DOCTORAL FELLOWS

Discussion summarised by Sina Westa

This session was based on presentations from three working groups of fellows within UNIKE. It was followed by a discussion on academic freedom in relation to the fellows' own experiences.

Structural aspects of academic freedom were an issue during the discussion. It was made clear that academic freedom exists only when it is embedded in a certain political system that frames the conditions of academic work. Hence, the tension between the state, the public sphere and the public university regulates academics' work including their privilege of academic freedom. This tension is also inherent in the fact that universities are publicly funded under the assumption of fulfilling a social purpose. Due to this, academics have a social obligation towards the state and the public sphere to use the freedom they are given. Drawing on fellows' own experiences and different research sites it was clear that the concept of academic freedom is understood and applied differently in different countries. In India, for example, academic freedom is mobilised in the relation between government and university and between autonomy and excellence. The Indian Institutes of Technology for example argue that they have autonomy in designing their curriculum. Other universities in India do not have this autonomy and hence autonomy is only granted under the condition of excellence. In the Sino-Danish Centre in China, academic freedom was negotiated in the process of setting up the centre. The concept of academic freedom in this case was translated from the Danish context but mainly means student democracy.

During this session it was pointed out that the meaning of academic freedom does not only differ between countries but also between different times. Even if the roots of the modern concept of academic freedom are often seen in the ideas of von Humboldt that point of reference was very different from today. Humboldt focused on professors' freedoms in teaching and research without including the rest of the university staff. In contrast, today academic freedom is also assumed for other academic staff like lecturers, researchers and teaching assistants. In other words, the understanding of academic freedom is very much dependent on time and place.

The specific status of PhD students and its effects on academic freedom were also discussed during the session. Tensions between senior faculty and PhD students as well as PhD students' ability to publish were named as influential factors for the experience of academic freedom. 'What happens to a student who wants to approach a certain research topic differently but who has a supervisor that wants to control the research area?'

was a question raised as an example of tensions between PhD students and senior faculty. In such situations it is not always easy especially for young researchers to claim their academic freedom. Hence it was concluded that exercising academic freedom is a process of learning. In order to practice academic freedom a lot of confidence and bravery is needed, especially when people work and live in another academic culture and country. Academic freedom can be seen as an academic skill that needs to be acquired and that is not only a privilege but also a duty.

The question of funding was also mentioned in relation to academic freedom. As academics are more and more pressured to apply for their research funding from external stakeholders it is not clear any more who is responsible for the protecting rights of academics. Is it the funder or the university? Would the university act against a major research funder to protect academics' freedom? Overall, it seems that academic freedom is not taken away from academics but that opportunities to exercise this freedom are slowly reduced. Other questions raised were: Can academics have academic freedom without job security? Are academics able to not comply with management, supervisors or funders if they do not have full-time employment contracts? Do universities defend individuals' academic freedom if they do not have job security? These questions are of importance as the number of full-time academics decreases steadily.

Academic freedom is usually embedded in the academic community and that can also raise problems. What if the community does not support the individual academic? What if the community wants to please the people in power and the individual wants to raise issues against this position? Is academic freedom a right of the academic community or the individual? There are also a lot of open questions that could not be answered in the session of this workshop. Where are the boundaries of academic freedom? Who guards the guardians? Why is it only academia that has academic freedom? Why not for example politicians who try to positively change the system for society or people? Who protects whom from whom and why? Who protects society from academic's misuse of academic freedom? Is academic freedom an individual privilege or a social responsibility?

SUMMARY AND OPEN QUESTIONS

The sessions during the UNIKE workshop at Roehampton University showed that academic freedom is not an easy concept to grasp as it means different things in different times and places. As the role of universities in society is changing continuously, academic values are changing with it. Hence, the questions raised concerning academic freedom have to be answered in the light of how to maintain certain principles in a context that is changing over and over again. What is clear is that academic freedom is assumed to be essential for academics and universities in their endeavour to fulfil their social responsibility.

Academic freedom is not only a value that exists or does not exist but it needs to be practiced by the academic community. The ability to apply one's freedom relies on the bravery and confidence of the individual and also on the support of the academic community. Hence, academic freedom is a skill and courageous disposition that doctoral students need to learn. Whether academic freedom is an individual right or is the right of the academic community is not clear and this was disputed among the workshop participants. Likewise it is not clear how to combine some kind of control over academics' behaviour and to prevent misconduct with the freedom of the individual. Overall, it can be concluded that there are still many open questions and that the discussion about academic freedom is important. Only by academics and students continuously discussing academic freedom among themselves and within their institutions can it be safeguarded and adapted to new changes in the higher education landscape.

Important questions about academic freedom

- Who defines academic freedom?
- Who owns academic freedom?
- Who exercises academic freedom?
- In what time and place? (context, context, context)
- Is it positively or negatively defined?
- Normative or descriptive?
- What are the limits of/boundaries to academic freedom?
- Is it a privilege or a social obligation?
- How do doctoral fellows acquire the courage and learn how to exercise academic freedom?
- ...

REFERENCES

- Assemblée Nationale (2007). Constituion du 4 Octobre 1958 treizième législature session extraordinaire de 2006-2007. <http://www.assemblee-nationale.fr/13/pdf/ta/ta0023.pdf> (accessed on 22 March 2017).
- Berdahl R. (2010). Thoughts about Academic Freedom, Autonomy and Accountability. Accessed Mai 2016. http://www.magna-charta.org/resources/files/Berdahl_2010Thoughts_About_Academic_Freedom_Autonomy_and_Accountability.pdf (accessed on 20 March 2017).
- Boden, R. & Epstein, D. (2011). A flat earth soeciety? Imagining academic freedom. *The Sociological Review*, 59(3), 476-495.
- Danish Government (2003) Act on Universities, Act no 403 of 28 May 2003. <http://www.au.dk/?id=244590&L=1> (accessed on 20 March 2017).
- Danish Government (2011). Danish Government 2011, no. 695, 22 June. <http://ufm.dk/en/legislation/prevaling-laws-and-regulations/education/files/the-danish-university-act.pdf> (accessed on 21 July 2016).
- DECRETO-LEI N.º 42/2005, DE 22 DE FEVEREIRO – Decree-law - Principles regulating the participation of Portugal in the European Higher Education Area.
- DECRETO-LEI N.º 74/2006, DE 24 DE MARÇO – Decree-law – Degrees and Diplomas on Higher Education.
- European Council (2001). Recommendation 1762 Academic freedom and university autonomy. . <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17469&lang=en> (accessed 21 May 2016).
- European Union (2012). Charter of fundamental rightht of the Eururopean Union. 2012/C 326/02. <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN> (accessed 23 May 2016).
- Karran, T. (2007). 'Academic freedom in Europe: a preliminary comparative analysis'. *Higher Education Policy* 20: 289-313.
- Karran, T. (2009a). 'Academic freedom in Europe: reviewing UNESCO's Recommendation'. *British Journal of Educational Studies* 57(2): 191-215.
- Karran, T. (2009b). 'Academic freedom in Europe: time for a Magna Charta?' *Higher Education Policy* 22: 163-189.
- Karran, T. (2009c). 'Academic freedom: in justification of a universal ideal'. *Studies in Higher Education* 34(3): 263-283.
- Legislative and Legal Service (2013). Higher Education Act unofficial consolidated text (ZViS-NPB10). LEI N.º 46/86, DE 14 DE OUTUBRO –Law of the education system.
 Lei nº 115/97, de 19 de setembro – Law changing the access conditions to higher education.
 Lei nº 49/2005, de 30 de agosto – Law changing the funding system of higher education.
 Lei nº 85/2009, de 27 de agosto – Law changing compulsory education to 18 years.
- Magna Charta Universitatum (1988). Magna Charta Universitatum. Bologna, 18 September 1988.
- Manan, W.A. (2000). Academic Freedom: Ethical Implications and Civic Responsibilities. In G. Neave (ed.) *The Universities' Responsibilities to Society. International Perspectives*. Pergamon: Amsterdam 253-270.
- Moodie, G. C. (1996). On Justifying the Different Claims to Academic Freedom. *Minerva*, 34 (2), 129-150.
- Oxford Dictionary (2016). Definition of freedom in English. Oxford University Press.. <http://www.oxforddictionaries.com/definition/english/freedom> (accessed 21 May 2016).

Plato 2004 [before 387 B.C.E.]. Apology. Translated by H. Cary. Project Gutenberg. <http://www.gutenberg.org/ebooks/13726> (accessed 21 August 2016).

Slovene Constitution (2013). Official Gazette of the Republic of Slovenia No. 47/13 of May 2013. Accessed May 2016. <http://www.us-rs.si/media/constitution.pdf>

UNESCO (United Nations Educational, Scientific and Cultural Organization) (1997). Recommendation concerning the Status of Higher Education Teaching Personnel. http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html (accessed 21 May 2016).

UK Government (1988). Education Reform Act 1988 The National Archives: Legislation.gov.uk. Accessed on 11 June 2016 at <http://www.legislation.gov.uk/ukpga/1988/40/contents> UK Parliament. 2017. Higher Education and Research Bill 2016-17 <http://services.parliament.uk/bills/2016-17/highereducationandresearch.html> Wolf, Martin 2017 'Why universities are not supermarkets' Times Higher Education 16 February.

Wright, Susan and Ørberg, Jakob Williams (2015). 'Autonomy and control: Danish university reform in the context of modern governance' in Susan Brin Hyatt, Boone W. Shear and Susan Wright (eds) Learning Under Neoliberalism. Ethnographies of Governance in Higher Education. Oxford: Berghahn. Pages 178-200