Issues of Freedom

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The justification for academic freedom – not to mention the freedom of teaching and discussion, and the freedom to carry out research and to disseminate and publish the results – is that they are vital to the growth of knowledge and its dissemination. To achieve this, the state and society must provide academic staff with the conditions in which to carry out their jobs without fear of restrictive or repressive measures, and without a threat to their independence, to their careers and even, as we shall see in this dossier, to their lives.

Academic freedom is not some outdated privilege, even if its existence dates back to privileges enjoyed by masters and pupils in medieval Europe. As these freedoms are vital to the development of science and of knowledge that benefits everyone, they are the preserve of the academic community working in higher education, and they are different from civil, political, social and cultural rights, which are applicable to all citizens.

The exercise of academic freedom is closely linked to the autonomy of the education institutions themselves, and no less so to the status of teachers. Hence the devastating effect of the weakening of tenure rights on academic freedom. Nowadays, there are fewer and fewer tenured university teachers who can practise their academic freedom without fear of dismissal. The same goes for researchers, of whom only a tiny minority in the most developed countries enjoy stability of employment, and are able to protect academic freedoms now coming under increasing threat from privatisation and growing competitiveness in a context of globalisation.

As this dossier makes all too clear, academic freedom is a key issue in a democracy, and in some countries needs to be codified and written into the law. However, this freedom must not be opposed to the rights of citizens to debate the limits and orientations of science and technology, and to make collective choices that promote people's interests generally. To exercise this right, citizens must be sure of the skill and impartiality of researchers and of academic workers, and of their independence from all political constraint and any economic or financial pressure.

This dossier also identifies the similarities, not to say the complementary relationship, between academic freedom and another freedom that is no less essential in a democracy: the independence and freedom of expression of journalists.

According to UNESCO figures, there are millions of academic workers and scientific researchers who devote their professional lives to advancing and transmitting knowledge. They are transporters of science – the people who train the minds of tomorrow's workers. To do that, their independence needs to be guaranteed by a genuine professional status that has been negotiated with those concerned, and combined with a duty of information-giving and transparency towards the public. We accordingly remind states of their obligation to apply UNESCO Conventions and Recommendations relating to higher education and researchers.◆

Monique Fouilhoux
Coordinator Education

[1] The phrase 'academic community' covers all those persons teaching, doing research and working at an institution of higher education (Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education, September 1988).

[2] The phrase 'higher education' refers to 'programmes of study, training or training for research at the post-secondary level provided by universities or other educational establishments that are approved as institutions of higher education by the competent state authorities, and/or through recognized accreditation systems' (UNESCO Recommendation Concerning the Status of Higher-Education Teaching Personnel, 1997).

Academic Freedom in UNESCO

by Dimitri Beridze
Division of Higher Education, UNESCO

"Higher-education teaching personnel are entitled to the maintaining of academic freedom, that is to say, the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies. All higher-education teaching personnel should have the right to fulfil their functions without discrimination of any kind and without fear of repression by the state or any other source. Higher-education teaching personnel can effectively do justice to this principle if the environment in which they operate is conducive, which requires a democratic atmosphere; hence the challenge for all of developing a democratic society. "

Article 27 of the Recommendation concerning the Status of Higher-Education Teaching Personnel

When the 29th session of the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) composed of high-level ministerial representatives of some 188 States, meeting in Paris from 21 October to 12 November 1997, approved the Recommendation concerning the Status of Higher-Education Teaching Personnel (hereinafter referred to as the 1997 Recommendation), the world academic community had every reason to celebrate a long awaited victory. For the first time in history some six million teachers in higher education obtained an international legal instrument regulating their rights and responsibilities in the society. The path towards this day was long and difficult. It took the international community some thirty years after the adoption, in 1966, of the similar Recommendation concerning the Status of Teachers (hereinafter referred to as the 1966 Recommendation), and covering the rights and duties of teachers in primary and secondary education, to prepare a similar legal instrument for teaching personnel in higher education and to have it adopted it by UNESCO.

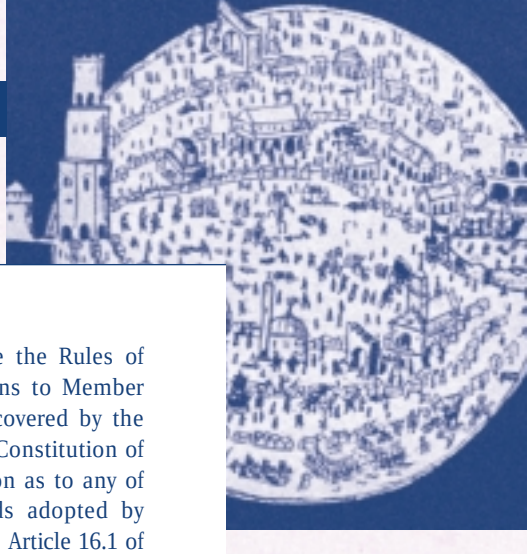
It was also the first time that the governments agreed on the definition of the profession. According to the 1997 Recommendation, 'higher-education teaching personnel' means all those persons in institutions or programmes of higher education who are engaged to teach and/or to undertake scholarship and/or to undertake research and/or to provide educational services to students or to the community at large.'(Article 1, f)

There were several important reasons to have a specific international legal instrument for teaching personnel in higher education. One of the reasons is the ever-growing number of persons involved in this profession. UNESCO's 1998 World Education Report lists the numbers of educators at all three levels of education (primary, secondary and tertiary) at 56.6 million. Of that total, 11% represent higher education teaching personnel. This means, in effect, that the 1966 Recommendation covers 89% of teaching personnel, while the 1997 Recommendation covers the remaining 11%. It is also worth noting that the total number of all three levels jumped by 15.6 million or 37% since the year 1980. At that time, tertiary educators made up 9% of that total. Therefore, it can be seen that the number of personnel at all three levels continues to grow as one of the largest groups of professionals in the world.

Another, perhaps less visible but more fundamental reason is that over the last several years the teaching profession, as were many others, was confronted with the challenges posed by the globalization process and its economic, financial and technological consequences. The working condition of teachers, including those in higher education (believed to be a relatively privileged group in comparison to those working at other education levels) has significantly deteriorated. A growing concern for teachers and their organizations as to how to preserve their identity in the globalized world, how to defend their fundamental rights (for those in higher education encapsulated in the notion of Academic Freedom) and how to improve their status in the society of tomorrow, hoped to be knowledge-based society, all the above served as a strong motor in making the above concern a priority on the agenda of the international governmental organizations, such as UNESCO and the ILO.

These and other concerns are reflected in some 77 Articles composing the 1997 Recommendation. The most rich and diverse contents of the Recommendation touch upon many sensitive issues of higher education and of the contemporary world. I should mention some of them: the right to access to higher education and to the teaching profession, public versus private higher education, the right to association and to collective negotiation and bargaining in higher education, the right to academic freedom and institutional autonomy in higher education, and the role and place of national laws, regulations and authorities versus international standards and institutions. These issues are considered in the context of the current development and on-going reform in higher education. The overall tone of reflection is determined largely by the fact that we are living in times of severe cuts in funding in all public services, and more particularly in the sector of higher education. This has direct implications on staffing issues and brings more uncertainty and instability to the higher education profession than was the case a few decades ago.

The immediate 'hostages' of this are, as usual, the users: students and teachers; society at large is also



caught, as it is in the interest of most families that their children get the best possible education and, thus, greater opportunity for success in their life.

The question of the Status for Higher-Education Teaching Personnel is not merely a question of funding or costs. It goes well beyond the financing of education in general and of higher education in particular. Rather it relates to a more profound and global problematic - Human Rights. In too many regions, teachers, including those in higher education, are facing injustice and violation of their fundamental rights.

While education remains, as it is commonly recognized and recently reaffirmed by the Report of the International Commission on Education for the Twenty-First Century (1996), a major treasure of humanity and a powerful tool for preparing all to meet the challenges of the twenty-first century, educators constitute a vital component of the society of today and of tomorrow and their role, responsibilities and, consequently, their social status, which in turn determines their life and work conditions, should correspond to the expectations of the society they will serve.

Teachers in higher education have therefore the right to a status, which would, at least, correspond to that enjoyed by their school colleagues. Although in practice the status of teachers in higher education is recognised in many Member States and by many higher education institutions, there is no common international standard specific to this category of intellectual workers (according to the International Labour Office's terminology), a vital part of the intellectual and creative force of the humanity.

What obligations does UNESCO have to follow up on the 1997 Recommendation? It should be recalled that this Recommendation was approved by the General Conference of UNESCO and, therefore the Rules of Procedure concerning Recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution of UNESCO apply to this Recommendation as to any of some forty-four international standards adopted by UNESCO in all its areas of competence. Article 16.1 of the Rules states, that "Member States shall submit to the General Conference special reports on the action they have taken to give effect to conventions or recommendations adopted by the General Conference."

Moreover, the recent World Conference on Higher Education held at UNESCO Headquarters in Paris from 5-9 October, 1998, has adopted the Declaration and Framework for Priority Action. These include statements relating to the 1997 Recommendation wherein the participants stated that Member States should establish clear policies concerning higher education teachers, that higher education institutions and their personnel should exercise their ethical role, be able to speak out on problems and enjoy full academic freedom and autonomy. Without UNESCO's assistance, it may not be possible to determine whether Member States have followed these and other guidelines related to the Recommendation.

When the 1966 Recommendation concerning the Status of Teachers was adopted by the Special Intergovernmental Conference on the Status of Teachers convened by UNESCO, the Conference expressed the hope that the two Organisations, ILO and UNESCO, "after mutual consultation and in a sprit of close cooperation" should take measures for the implementation of the Recommendation concerning the Status of Teachers based on the constitutional provisions in force in these organisations. Hence, the Joint UNESCO-ILO Committee of Experts in charge of the Application of the 1966 Recommendation (CEART) was established. The CEART is a committee of 12 experts, designated and acting in their personal capacity and appointed for a period of 3 years – such appointments being renewable. The members of the Committee are independent persons, chosen solely on the basis of their competence in the principal domains covered by the Recommendations 1966, and have a thorough knowledge of the problems which application of the Recommendation might pose. Starting from the year 2000 the monitoring of the 1997 Recommendation is also entrusted to CEART.

It is at the level of higher education that the critical spirit is developed and creation starts (the university is traditionally a laboratory for experimentation, including social field) so, therefore, it is for higher education and for those who constitute its teaching personnel, to find solutions to many of the problems challenging our common future. ◆

Dimitri Beridze
Chief Section for Interuniversity Cooperation Division of Higher Education, UNESCO

Arbitrary Decisions are Now the Rule

The legal void on academic freedom is gradually being made good by initiatives carried out by African universities and higher education unions.

by Raymond Koudou
SYNARES

Agricultural Research Laboratory in Burkina Faso
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Particularly in countries that were once colonised by western powers, academic freedom is based on documentation that these countries have produced in the field of higher education. Indeed, it has been placed on the statute books of these African countries through cooperation agreements covering higher education and scientific research.

These agreements focus on rights and freedoms, but the wording is very imprecise. A good illustration is Decree 66-134 of 16 April 1966 relating to the organisation of the University and higher education in Côte-d'Ivoire; it states that, *'university teaching staff enjoy the traditional freedoms and rights necessary for the performance of their higher education functions.'* The more recent Decree of 1996 goes no further.

This void, which is frequently to be found in African countries, has been a matter of concern for university teachers and associations and trade unions of higher education staff, and has resulted in them drawing up and adopting declarations at regional and sub-regional meetings and seminars[1]. Unlike many African countries, Senegal adopted specific legislation in November 1994. Academic freedom: short on definition but widely abused

There are numerous examples of violations of academic freedom; here are just a few. In 1988, a linguistics teacher at the University of Abidjan in Côte-d'Ivoire was struck off by the government because the subject he gave for homework was not to the government's taste; another concerns the expulsion in 1990 of 60 students in Côte-d'Ivoire suspected by the government of being behind strikes at the university. The forces of law and order often occupy campuses, and arrests are carried out on university premises in breach of university rules.

Eight university teachers were removed from their posts at the University of Gezira in Sudan in November 1990. Protests from colleagues resulted only in the dismissal of another eight teachers, and the arrest of some ten students who also received 40 lashes. The Rector even suspended students during the examinations on the grounds that they had been laughing and because of their clothing.

Many teachers at the University of Kinshasa in Zaire have been attacked and given death threats, and a teacher at the University of Lubumbashi has been the victim of harassment because he refused to join the Central Committee of the single party, although appointed by Presidential ordinance. The government in Botswana has even banned certain courses including philosophy courses focusing on Marxist theory.

In Burkina Faso, students were banned from taking part in trade union activities in 1989; in 1990, the campus was occupied for three months by the forces of law and order, and numerous students were arrested, detained and tortured. One, a 7th-year medical student, died. A physiology teacher was murdered in 1991.

In Cameroon, there was an attempt on the life of the leader of the higher education union on the grounds that he was considered very militant; he escaped with two of his fingers severed. In 1994, the Rector of the University of Abuja in Nigeria bluntly announced, 'I am the law.' He also said he was opposed to a workers' and students' union; when some teachers tried to set up a section of their union in the university, they were sacked.

Arbitrary decisions are therefore now the rule, and the targets are teachers and students, and also their unions when the latter robustly declare their independence from the government. What is to be done?

To conclude, the issue of academic freedom in Africa is clearly one of the many urgent tasks that have to be tackled. The first concerned the adoption of international legislation over which African States in particular ought to be challenged. This has been achieved through the involvement of everyone including UNESCO, the ILO, and the trade union movement, particularly Education International. What we now need to do is ensure that the law is transposed into our respective statute books, and that an Observatory of Academic Rights and Freedom oversees, monitors and promotes them in collaboration with trade unions in the sector. It will not be easy, but of all the urgent tasks, it is the most pressing. ◆

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1 Kampala Declaration on Intellectual Freedom and Social Responsibility, 29 November 1990
Dar-es-Salaam Declaration on Academic Freedom and Social Responsibility of Academics, 19 April 1990
Abidjan Declaration on University Rights and Academic Freedom, 10 April 1996
Academic freedom in Africa, Codesria, Dakar, 1994
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UNITED STATES OF AMERICA

Is Tenure Bad for "Business" ?

by Martin D. Snyder
American Association of University Professors

The history of higher education in the United States has witnessed periodic challenges to the concept of academic freedom and the practice of tenure to ensure it.

Since its founding in 1915, the American Association of University Professors (AAUP) has insisted that academic freedom can hardly exist without assurance that those faculty who profess the truth in their research and teaching will not be subject to dismissal for doing so. By 1940 this principle was fully articulated in the Association's outline of the concept of tenure as providing a substantial probationary period (seven years) and assessment by a review of peer colleagues, after which a faculty member would be given the security of tenure in the professorate. At that time, the leading associations for institutions of higher education signed on to the Association rationale for tenure. Since then, the major disciplinary associations have signed on as well.

Meanwhile, in the United States there has been a wave of criticism of the concept of tenure. After the Second World War, for example, the investigations of Senator Joseph McCarthy targeted university faculty as disloyal to American ideals and sought to undermine the careers of socialist "sympathizers." During the Vietnam War there were similar suspicions that the American professorate's search for truth might be disloyal to the country itself. That what American professors consider the bedrock of its educational system is being undercut by a new series of attacks is neither surprising nor novel. But the attacks this time are founded upon the anxieties of peace rather than war. The argument against tenure now, despite various nuances of language, fundamentally amounts to this: tenure is bad for business. Managerial opponents of tenure contend that it diminishes productivity (the "deadwood" argument), hampers flexibility (the "response to new challenges" argument) and discriminates against new and innovative faculty (the "old-guard, elitist" argument). As for academic freedom, the critics of tenure make vague gestures in the direction of the First Amendment of the U.S. Constitution as providing all the protection necessary for freedom of speech. Or they assert that retribution against academics for controversial teaching or research is a thing of the past. The most important principle for modern, global education, they argue, is that it must be managed like a business. And business requires authority that has the power to discipline uncivil employees who hide their lack of cooperation behind appeals to academic freedom.

The fundamental problem with the "business" argument, of course, is that colleges and universities, like hospitals and churches, are not businesses. Yes, there are business aspects to their operations—physical plants to maintain, payrolls to meet, and bottom lines to struggle with. But the business operations are merely the means to an end. Their purpose, unlike true businesses, is not to make a profit, but to provide a valuable and irreplaceable human service. That service is the maintenance and advance of scientific, philosophical, and imaginative insight through research and teaching. To treat these as just more grist for the corporate mill is to do the community they serve a grave injustice.

Challenges to tenure in the United States now take two basic forms: bribery and attrition. The "bribery" approach offers new or already tenured faculty the choice of alternative rewards in lieu of tenure. The "choice" for vulnerable, at times desperate new faculty is no real choice. And, senior, tenured faculty are being asked to risk their futures on the word of an administration already committed to corporate flexibility. There is, however, a more basic issue. While personal property rights do indeed inhere in tenure, its essential value lies in the benefit it provides to the larger academic community and to the common good of society. The AAUP maintains that academic freedom is at the root of tenure. It cannot be traded away for individual advantage.

The "alternative to tenure" approach has captured a good deal of public attention, though there seem actually to have been few takers among the faculty. Less publicized, but more insidious is the gradual, intentional strangling of tenure through attrition. As members of the American professorate retire, their positions tend to fall vacant or are filled with non-tenure track and part-time faculty. Administrators, who consult the managerial *guru du jour* rather than the past successful practice of American higher education, believe that the demographics of an aging professorate will provide the ultimate solution to the "problem" of tenure. The leadership of the AAUP has thus urged aggressive action on the part of faculty to fight for the retention of tenure-track positions, and to educate administration and boards of trustees about the fundamental value of tenure. In this battle to retain tenure as a traditional expectation for American faculty, the Association continues to work closely with the American Federation of Teachers, the National Education Association, the

The AAUP believes that before we march boldly into the corporate future, we should examine our past successes a little more thoroughly. We should be chary of the notion that everything can be viewed as a commodity, and, in particular, that education is just another commodity produced for marketing. Rampant application of this insidious form of economic fundamentalism to higher education will indeed destroy not only tenure, but education itself.

Bloomington campus of Indiana University
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Time, freedom, security and stability– these are the fundamental and enduring results of tenure. Take away tenure and its resulting benefits, and the entire purpose of higher education is defeated.

Canadian Association of University Teachers and the Fédération québeçoise des professeures et professeurs d'université.

Centuries ago, when universities were still in their infancy, Albert of Lauingen, styled even by his contemporaries as "The Great," had something to say on nearly every topic. It is not surprising that the preeminent polymath of his day would have held a few opinions which right thinking people would now reject. But, about education Albert got it right. He characterized the purpose of education as the search for truth in the joy of community. Let us take a moment to examine briefly each of the elements in Albert's statement. First, education is a search that may take years, the length of a career, even an entire life. It takes time. Next, the goal of education is the discovery of truth—not the docile acceptance of some predetermined political, corporate or ecclesiastical dogma. That requires freedom. Next, education provides for professors, not distracted by constant demands to prove their worth, a deeply satisfying sense of joy. Without security, however, there is no joy. Finally, education at its very best occurs not in isolated labs and offices, but through collegial connections within institutions and across institutions throughout disciplinary networks. But, a community of scholars requires stability. Time, freedom, security and stability—these are the fundamental and enduring results of tenure. Take away tenure and its resulting benefits, and the entire purpose of higher education is defeated. Albert the Great understood that in the 13th century.

The AAUP believes that before we march boldly into the corporate future, we should examine our past successes a little more thoroughly. We should be chary of the notion that everything can be viewed as a commodity, and, in particular, that education is just another commodity produced for marketing. Rampant application of this insidious form of economic fundamentalism to higher education will indeed destroy not only tenure, but education itself. American education shares with colleagues around the world the challenge to defend academic freedom from an economic determinism that is now being justified by global managers as the only truth we know, or need to know. ◆

Martin D. Snyder
AAUP's Associate Secretary
Academic Freedom and
Professional Standards

Vigilance in Defence of Academic Freedom

Despite the legislative definition of academic freedom in New Zealand, events during the 1990s caused the union and its members increasing concern.

by Neville Blampied
Association of
University Staff of New Zealand

In 1989, the New Zealand Labour government introduced the Education Amendment Act, thereby launching the undifferentiated, competitive, managerialist tertiary education system we have had for the past decade. As a sop to the injured feelings of the university sector, the 1989 Act included a definition of academic freedom, which may have been the first, and perhaps only attempt at legislative definition of this concept in any developed country.

The Act said … *it is declared to be the intention of Parliament … that academic freedom and the autonomy of institutions are to be preserved and enhanced… [S161, 1]. Academic freedom was defined as the freedom of academic staff and students to … question and test received wisdom, to put forward new ideas, and to state controversial or unpopular opinions; … engage in research …; … regulate the subject matter of courses taught; … teach and assess ... [as] best promotes learning* … [S 161 (2)]. Councils, Vice-Chancellors, Government Ministers and other government agencies were required to act … *in all respects so as to give effect* … to these provisions [S 161 (4)]. However, there was no penalty provided for any breach of the academic freedom provisions. Elsewhere, the Act included among the characteristics of universities that they accept the role as …*critic and conscience of society*… [S 162 (4) (a)].

As is inevitably the case when managerialist and corporate values supplant collegial academic values, academic freedom was threatened. Against this, the establishment of the New Zealand Academic Audit Unit gave an opportunity to assess the degree to which universities actively acknowledged their "critic and conscience" role, by including review of this in the audit process. The Association of University Staff of New Zealand (AUS) also was successful at some universities at including reference to the staff critic and conscience role in employment contracts.

The most dramatic development of the 1990s occurred at the Christchurch School of Medicine (part of Otago University). Senior medical academics working at the school became increasingly concerned about deteriorating standards of patient care at Christchurch Hospital (then called a Crown Health Enterprise or CHE), where they did their clinical work. CHE management tried over a long period to suppress this adverse publicity, including putting pressure on the university to silence the academic critics. Fortunately, the university resisted, and in the end, the Health and Disabilities Commissioner investigated the situation at the hospital. The outcome of this investigation vindicated the concerns of the academics, and the CHE management was forced to institute wide-ranging changes to the hospital's systems.

Comprehensive audit of academic freedom

In 1998, AUS hosted a conference on academic freedom at which the Medical School staff involved were presented with the inaugural AUS Academic Freedom award by Noam Chomsky. AUS also decided that year to undertake a comprehensive audit of academic freedom in New Zealand. Dr Don Savage, a Canadian consultant with extensive international experience of universities, was commissioned to write a report. During 1999, he visited all New Zealand universities, and interviewed many others involved, from the Vice-Chancellors' Committee to major business lobby groups. His report[1], completed in February 2000, makes numerous recommendations for the strengthening and defence of academic freedom in New Zealand.

Since the completion of the Savage Report, new academic freedom issues have developed at New Zealand universities. Controversy has erupted at the University of Canterbury over a 1993 history thesis, which has been accused by Jewish organizations of being "holocaust revisionism." Although the student subsequently withdrew the main conclusions of the thesis and issued corrections, there have been calls for the thesis to be withdrawn from the university library, and for the degree to be revoked. The University Council has set up a committee to investigate the award of the degree, while the Vice-Chancellor and other senior management have rejected the view that the university "authorises" or "endorses" conclusions presented in student theses. This demonstration of support for academic freedom principles is welcome, but the AUS will continue to be vigilant in defence of academic freedom. ◆

Neville Blampied
President
Association of University Staff of New Zealand (AUS)

1 The report, together with papers from the academic freedom conference, is to be published in Academic Freedom In New Zealand, (editor R. Crozier) by Dunmore Press in June 2000.

Academic Freedom is Indirectly Constrained

Academic freedom may be defined differently according to the institution where an academic is employed.

Academic freedom traditionally favours an investigative and critical mind. However, it is currently threatened by two phenomena. Firstly, applied research is preferred to basic research, because the former is a way of bringing funds into an institution, especially when public monies become rare. Secondly, standardisation of evaluation procedures compel an increasing number of researchers to shape their work according to certain trends: fashion also exists in science, and being 'in' allows one to publish more rapidly and prolifically than would be the case by following the less popular routes sometimes taken by fundamental research. Academic freedom, although it is not directly attacked, is indirectly constrained to a growing extent in these ways.

In the field of teaching, academic freedom is also affected by the fact one is often engaged to train students for future professional and social integration. More and more students, because of the expanding culture of participation (e.g. membership of university boards), make urgent demands in relation to the quality of the "teaching-learning" duo. Is not that the purpose of education as a public service?

An element, which is accepted as a limit on academic freedom, includes the criteria of democracy, egalitarian rules of behaviour, respect for other staff and for students, regard for historical truth - in a climate of tolerance and mutual collaboration for the development of the institution and the society we want to promote.

Academic freedom in institutions of higher education outside the university is perhaps not so clearly thought out. It is often linked to the reality that these are governed by public authorities which have developed a social and cultural project of education that must be adhered to by staff and students – otherwise one chooses another institution. Also it is due to the feature that these institutions are younger than the universities and have not absorbed the ethos of a university, perhaps having not yet appreciated fully the value of academic freedom as a factor in intellectual and social development.

In the context of the wider society, academic freedom has on occasion been under threat from ideological or religious intolerance. While left-right tensions may have diminished in recent times, religious fundamentalism, of one sort or another, has increasingly raised its head, even in scientific areas, such as the issue of abortion, and one must be constant guard on that front.

Finally, one of the latest official definitions of academic freedom has come from Ireland in its 1997 Universities Act and it it useful to conclude with that. ◆

14 - (1) A university, in performing its functions shall:

(a) have the right and responsibility to preserve and promote the traditional principles of academic freedom in the conduct of its internal and external affairs and,

(b) be entitled to regulate its affairs in accordance with its independent ethos and traditions and the traditional principles of academic freedom, and in doing so it shall have regard to:

(i) the promotion and preservation of equality of opportunity and access,

(ii) the effective and efficient use of resources, and

(iii) its obligation as to public accountability

and if, in the interpretation of this Act, there is a doubt regarding the meaning of any provision, a construction that would promote that ethos and those traditions and principles shall be preferred to a construction that would not so promote.

(2) A member of the academic staff of a university shall have the freedom, within the law, in his or her teaching, research and any other activities either in or outside the university, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions and shall not be disadvantaged, or sub-ject to less favourable treatment by the university, for the exercise of that freedom.

Daltun O Ceallaigh and Camille Dieu
EI European Committee for Higher Education and Research

Academic Freedom in Latin America

With the process of democratisation under way since the beginning of the 1980s, many Latin American countries have witnessed an improvement in their academic freedom. Yet it must be pointed out that this freedom never amounted to much on our continent.

by Atilio A. Boron,
Latin American Social Science Council

In historical terms it was threatened on the most wide-ranging fronts: from the development of a strong and very conservative Church to the traditional intolerance of the region's oligarchies and the despotism of the military regimes. The intervals of populist government did little to improve this scenario significantly. Universities, since this is the subject of this article, were always regarded with suspicion by the establishment. During the extensive period of oligarchic domination, which in some countries lasted right up until this century started, academic freedom was suppressed in a cultural climate in which religious dogmatism had merged with the arrogance of the landed aristocracy. The situation deteriorated even further in the case of military regimes, whenever universities were perceived as the cradle from which "foreign ideologies" spread (which were invariably described as contrary to national interests). It is well known that these attitudes were at the root of much political persecution, which in some cases led to imprisonment, exile or death for many of the academics in the region.

The restoration of democracy put an end to these aberrant extremes and paved the way for the consolidation of academic freedom. This freedom found itself confronted with new pitfalls, however. First, the stagnation of democratic progress that occurred in some countries such as Mexico. Second, the decline that followed a more or less brief period of democracy in Peru, Guatemala and El Salvador. Third, the intensification of the armed conflict, namely in Colombia. Fourth, the lack of stable democratic institutions in Ecuador, Bolivia, Paraguay and Venezuela; and finally, the destabilising effect of the fiscal crisis and adjustment policies, which are undermining the viability of higher education and scientific research from top to bottom in the countries of the region, as can be seen in Argentina, Brazil and, to a large extent, Chile.

This is not the place for examining each one of these cases, that constitute an unfortunate typology of the threats currently hanging over academic life in Latin America. In any case, these diverse situations could give rise to a particularly simplistic view reduced to two extreme models: one in which the threats to academic freedom originate in the deterioration of the democratic framework and the resurgence of violence, and the other in which such freedom is affected by the problem of structural adjustment pursued by neo-liberal policies and the accompanying "single thought" or ultra-liberal ideology. Structural adjustment, undoubtedly one of the most deplorable aspects of globalisation, has had very adverse effects on the re-definition of research agendas, the establishing of priorities for education and the reorganisation of academic life based on purely commercial criteria which, in their own way, also constitute a threat to academic freedom.

Universities were always regarded with suspicion by the establishment.

What is certain is that, as a result of all these processes, academic life in our region is proceeding on a very precarious footing. Infringements of academic freedom vary in gravity: there is no comparison between the assassination of university lecturers in Colombia and Guatemala and the strikes that have paralysed a large part of the university system in Brazil, the prolonged strike by the UNAM (National Autonomous University of Mexico), the intermittent strikes that affect the work of our teaching staff and the phenomenon of bureaucracy which has invaded the countries in the region, obliging staff to devote a growing part of their time to interminable forms and papers of all kinds (a new labour of Sisyphus) required by the "experts" who handle the educational system in such a way as to ensure the much-desired "rationalisation". While these restrictions of academic freedom are less violent than the others mentioned above, this does not mean that they do not produce regrettable consequences in terms of the quality of our work in higher educational institutions. Poorly-paid teaching staff who must teach in two or three university centres at the same time, travelling from one end of the country to the other, without a proper budget for research and without the support of good libraries, are not likely to be able to exercise their academic freedom unhindered. Academic freedom cannot be reduced to material conditions: history shows us that there can be restrictions even in a world of generous budgets. But without even this minimum in terms of material conditions, academic freedom is a pitiful lie. And, unfortunately, Latin America is coming dangerously close to such a situation. ◆

Atilio A. Boron
Executive Secretary Latin American Social Science Council

Academic Freedom and Globalisation

'The practice of scientific research and the use of scientific knowledge should always... be respectful of the dignity of human beings and of their fundamental rights.'[1]

by André Jaeglé
World Federation
of Scientific Workers

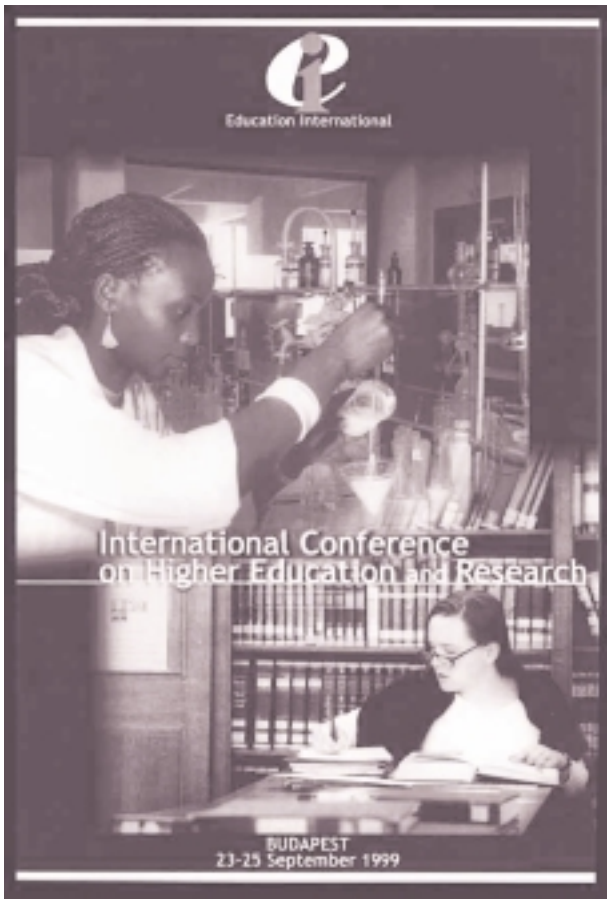
Surely no one would dare speak out against the above demand, which was adopted by the 2000 participants at the *World Conference on Science* held in Budapest in 1999. Alternatively, it may be no more than a platitude, or even just a pious wish?

The use of the most advanced knowledge triggers accomplishments of exceptional skill, particularly in the field of medicine. It also brings appalling risks both for individuals and for the balance and sustainable development of societies. Hence the idea of banning things in the hope that we can protect ourselves. Article 15 of the Universal Declaration on the Human Genome and Human Rights states that, *'States should take appropriate steps to provide the framework for the free exercise of research on the human genome…in order to safeguard respect for human rights, fundamental freedoms and human dignity.'* Whatever construction we put on that, it was approved by the 1997 UNESCO General Conference, and acknowledges the possibility of conflict between freedom of research and human rights.

The Council of Europe Convention on Human Rights and Biomedicine is more precise. Article 15 states as follows: *'Scientific research in the field of biology and medicine shall be carried out freely, subject to the provisions of this Convention and the other legal provisions ensuring the protection of the human being.'*

In September 1999, the Second EI International Conference on Higher Education and Research brought together 80 representatives of EI affiliates in the sector from around the world. The Conference called for closer examination of the academic freedom of researchers and underlined the need for unions to ensure that this fundamental right is respected. Society demands that new areas of research be developed. Therefore, the systems of research financing and career development should be more closely analysed and discussed from the trade union perspective.

Copies of the Report of the Second International Conference on Higher Education and Research can be obtained from EI's Secretariat.



But what is freedom of research exactly?

Article 14 of the Recommendation concerning the status of Scientific Researchers (UNESCO, 1974) states:

'Member States should seek to encourage conditions in which scientific researchers, with the support of the public authorities, have the responsibility and the right:

(a) to work in a spirit of intellectual freedom to pursue, expound and defend the scientific truth as they see it;

(b) to contribute to the definition of the aims and objectives of the programmes in which they are engaged and to the determination of the methods to be adopted which should be humanely, socially and ecologically responsible;

(c) to express themselves freely on the human, social and ecological value of certain projects and in the last resort withdraw from those projects if their conscience so dictates;

(d) to contribute positively and constructively to the fabric of science, culture and education in their own country, as well as to the achievement of national goals, the enhancement of their fellow citizens' well-being, and the fur-

1 Science Agenda, §66, World Conference on Science. See http://www.unesco.org/science

FREEDOM OF RESEARCH

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therance of the international ideals and objectives of the United Nations'.

In 1997, the General Conference of UNESCO adopted a Recommendation Concerning the Status of Higher-Education Teaching Personnel. Article 27 states as follows: *'Higher-education education teaching personnel are entitled to the maintaining of academic freedom, that is to say, the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies. All higher-education teaching personnel should have the right to fulfil their functions without discrimination of any kind and without fear of repression by the state or any other source. Higher-education teaching personnel can effectively do justice to this principle if the environment in which they operate is conducive. This environment can only be conducive in a democratic atmosphere; hence the challenge for all of developing a democratic society.'*

This Recommendation does not confer *'the right to do anything'* in the name of freedom of research. It applies to *'original scientific, technological and engineering, medical, cultural, social science or educational research which implies careful, critical, disciplined inquiry'* (Article 1), and does not distinguish between basic and applied research. It applies to higher education carried out by universities and other educational establishments approved by the *'competent state authorities'*.

So academic freedom does not appear to be fundamentally threatened by the *Universal Declaration on the Human Genome* or by the *Convention on Human Rights and Biomedicine*. It is threatened, though, by the transfer to the private sector of financial resources allocated to research, except where comparable freedoms are granted to private-sector researchers. That is where the real problem lies.

In a context of globalisation and economic war, scientific research inevitably becomes a way for each country to sharpen its competitive edge. Indeed, it is what provides the basis for the scientific policy of virtually all governments: it is a legitimate, yet dangerous, policy as there is a danger of all ethical commitments being brushed aside. Public research is not shielded from this threat either. There is a danger that an issue as difficult as research on the human embryo will go unanswered if societal debate is replaced by a commercial debate that dresses up an ambition to position oneself in a market with gaudy scientific trappings. In this market, there is at least a need to separate the wheat of the therapy from the chaff of whatever fantastic follies.

To sum up, freedom of research is not freedom to programme any old research project: this emerges very clearly from the *1974 Recommendation*. On the contrary, it involves the circulation of knowledge, and that is the opposite of a desire to patent everything.

That being said, a recognition of the academic freedoms specified by UNESCO in no way frees scientists from their responsibility as citizens to be involved in the definition and construction of a sustainable, human future. The academic freedoms that society vouchsafes to scientists in the exercise of their work must be matched by the democratic freedoms vouchsafed to citizens, and these, too, must include freedom of discussion outside all doctrinal constraint.

In other words, it is up to all of us, whether we are scientist citizens or non-scientist citizens, to ensure that the Budapest *Declaration on Science and the Use of Scientific Knowledge* does not remain a pious wish. ◆

André Jaeglé
President
World Federation of Scientific Workers

FREEDOM OF EXPRESSION

Journalists and Teachers Are Linked in the Fight for Free Expression

Although sometimes we may be reluctant to admit it, journalists and teachers have much in common.

We work in public and private service in pursuit of noble values, even if we struggle to make ends meet with poor salaries and miserable working conditions.

We are also victims of political bullying pressures by governments and private institutions that try to manipulate or interfere with our work.

Sometimes the pressure can be violent and deadly. When political extremists brought terrorism to the streets of Algeria a few years ago, among their prime targets were influential professional people who shape the moral and cultural values of society: lawyers, journalists and teachers.

For journalists our freedoms – in particular, freedom of expression and opinion – are fundamental to notions of quality and ethical conduct. The same is certainly true for teachers.

Journalists' unions around the world mobilise against political censorship and excessive commercial exploitation by demanding the right for journalists to act according to conscience in their work. No minister of information, no high-rolling advertiser and no big-shot media mogul should own and distort information to suit solely their own interests. Information, the currency of journalism we say, is public property and it needs to be gathered, shaped and distributed according to sound ethical principles.

Well, that's the theory. And it's a constant struggle to make it a reality.

Each year many journalists die and hundreds are injured or jailed because they refuse to submit to censorship. Meanwhile, many others submit to the subtleties of self-censorship because it is too dangerous or too much of a sacrifice to challenge corporate or political power.

Teachers, too, know that integrity and professionalism in the use of information is essential to democracy. But how can academic freedom and the right of teachers to act according to conscience be recognised and protected unless they, like journalists, are able to work freely? And how is the battle for academic freedom won without the support of other groups within society?

It should be obvious to all that the common good of society depends upon the unrestrained search for knowledge and its free exposition. That is why academic freedom in schools and universities is essential. Teachers should not be hindered or impeded in any way by the management of schools or teaching institutions from exercising their legal rights as citizens, nor should they be victimised because of the exercise of such rights.

These well-established principles for teachers are less well known within journalism, even though we are engaged in the struggle for similar rights of professional independence.

Some journalists' unions have included professional clauses in collective agreements to ensure their professional rights. Much has been done on similar professional issues by teachers' unions and other groups. But, to date, precious little sharing of information or discussion of how journalists and teachers can work together in pursuit of common or, at least, complementary values has taken place.

Journalists, like teachers, are entitled to freedom in carrying out research and in publishing the results; the freedom to report is of equal importance as the freedom to teach and to discuss; both teachers and journalists cherish the freedom to criticise and demand freedom from censorship, whether it comes from outside or within the profession.

Academic freedom, like journalistic freedom, does not require neutrality on the part of the individual. Rather, academic freedom, like professional, pluralist and inclusive journalism makes commitment possible.

With all of these rights come responsibilities. Just as journalists have to find ways of self-regulation that command respect both within journalism and within the community at large, so academic freedom carries with it the duty to ensure that research and teaching are based always on an honest search for knowledge.

Over the past ten years we have built up a network of supporting organisations in the fight for free expression that means today no journalist is brutalized, censored or jailed without a worldwide response. The International Freedom of Expression Exchange (IFEX) brings together a range of partners with diverse interests. But the common goal of establishing a culture of respect for free expression has created a powerful and influential coalition.

Similarly, the arguments for opening up a dialogue between journalists and teachers and exploring ways of working together on some of these issues are, I believe, unanswerable.

The struggle for human rights and democracy and freedom in the use of and access to information should not always be fought according to the narrow professional agendas that mark out our separate and distinct roles in society. A failure to collaborate and to share resources in pursuit of objectives and values both groups share could, in the end, diminish our effectiveness on our own ground. Better co-operation at all levels could effectively reinforce both the fight for academic freedom and journalistic independence.. ◆

IFJ International Federation of Journalists

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