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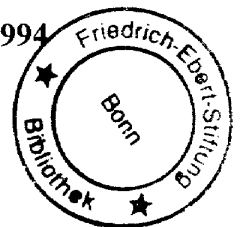
## **Arab Thought Forum**

International Dialogue Series

## **ACADEMIC FREEDOM IN ARAB UNIVERSITIES**

**ATF Seminar**  
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## INTRODUCTION

This book documents the proceedings of a seminar on "academic freedom in Arab universities" organized by the Arab Thought Forum in Amman, on 27 and 28 September 1994. The seminar is the first to be held in the Arab world on this topic, interest in which has been recent also on the world level. Several meetings have recently been held and a number of declarations were issued, in an attempt to establish academic freedom on the basis of human rights.

The nature of academic freedom has been the subject of extensive studies trying to determine whether it is a civil right to be accorded to any researcher or is it an exclusive privilege of the academic community, i.e. researchers, teachers, students and employees in higher education institutes. Should it therefore be a special right to be exercised by a certain group - the academic community - similar to the special rights accorded to other groups such as the rights of children and those of minority groups? Or is it a human right based on the principles of human rights in general? In fact, most declarations issued so far tend to implant those rights in human rights conventions such as those stipulating the right to self expression.

Despite all that, arriving at a special declaration or an international convention on academic freedom remains engulfed by several difficulties: strict legal documentation, proper practice that does not jeopardize other rights and interests, determination of the competent international authority that should issue such declaration - the UN general assembly or the UNESCO - and should such declaration be binding as a stipulation of international law or should it be only morally binding?

There are currently a number of declarations on academic freedom issued by conferences and seminars, which were held in Europe, Latin America and Africa. The issue of academic freedom has been specifically dealt with by two organizations, namely, UNESCO and University Service International (USI), a non-governmental organization with world-wide local committees, specifically concerned with fighting all forms of intervention in freedom of education and with the relationship between the university and civic issues. USI was instrumental in the issuance of the Lima Declaration of Academic Freedom and the Independence of Higher Education Institutions (1988), considered the most important in this regard. (An analysis of this declaration is found in one of the papers of this book).

To date, not a single international agreement or declaration exists on academic freedom. Concern by the Arab Thought Forum in this issue does not solely echo the international concern, but emerges as an outcome of certain developments specific to the Arab countries. Academics around the world share in the effort of defending the university independence, which should in no way be viewed as an isolation of the university, but rather as its immunity against external intervention - be that governmental, political or ideological. They also share the concern of making the educational policy of the university dependent on its staff, i.e., teachers, students and administrators. Besides their participation in this world-wide concern in the defence of academic freedom, academics in the Arab world are currently involved in those efforts for particular reasons exclusive of the Arab region:

**First:** The defence of academic freedom should not be concentrated on intervention by the ruling authorities, but should also confront pressure by political and religious groups which is aimed at imposing factional and ideological control over the university curricula and teachers.

**Second:** The rising demand for university education in most countries and the inability of the public sector to cope with this great demand, has brought in the private sector to invest in higher education institutions established under various names. The question therefore arises as to the authenticity of those so-called academic institutions, and to the soundness of their supply-demand curricula. Scientific research in those institutes becomes a luxury, and therefore hardly could they be described as universities; academic responsibility in these institutions becomes that of the shareholders. A university professor is therefore transformed into a private sector employee deprived of his academic status and freedom as a researcher.

The aim of this seminar is to bring the quite recent issue of academic freedom into public debate as it relates to the future role of Arab universities - a place for producing objective knowledge and for conducting scientific research.

**Ali Oumlil**

## CHAPTER 1

### Academic Freedom And International Conventions

Ali Oumlil

Despite the great interest that the subject of human rights has raised in the Arab countries since the early 1980's, the subject of "academic freedom" is new to us or nearly so. Even at the international level, the subject of academic freedom has not spurred interest until the early 1980's.

Certain university circles, which started lately to be interested in academic freedom, consider it an integral part of human rights. But, is it really so? Human rights are general rights, while academic freedom is an exclusive right of a special category, namely the academic community or those who undertake teaching and research, and work in higher education institutions. Would it be logical to have "special" human rights? Advocates of these special rights cite the special rights granted to children.

Advocates of academic freedom avoid considering it a privilege for the so-called "academic group." Although exclusive for them, it is deeply rooted in the intellectual, constitutional, and legal legacy of human rights, which means that although academic freedom is a new concept, its meaning and implications are existent in human rights principles and conventions.

The most fundamental support for academic freedom is found in the right to education, unambiguously documented in international human rights conventions issued following World War II. Prior to that, neither the American Constitution (1776), nor that of the French Revolution (1789), had any clear text on the right to education. The German Empire Constitution (1849) refers to "the freedom to obtain and teach knowledge" (Paragraph 152),

and to education as a task of the state, independent from the church (Paragraphs 153-156). Obviously, the underlying outlook is liberal, and is similar to that of the 18th century with respect to human rights (the US Bill of Rights and the French Declaration of Human Rights), which stirred the animosity of the church for almost two centuries (the church's acknowledgement of those rights came only during the 1960's). It is also well known that European liberals fought hard against the church to transfer the education task from the church to the state with the view of transforming public education into a civic duty, providing education and the teaching of modern skills.

The aim of advocates of academic freedom was to establish it as a human right -- though confined to a particular group-- and therefore seek to find a reference for it in international agreements and conventions. They refer it to the "right to be educated," as well as various rights included in international conventions, especially those included in the International Covenant on Civil and Political Rights (Articles 18, 19, 21, 22) concerning the freedom of thought and expression, the formation of societies and the holding of meetings, in addition to the UNESCO agreement (1940) against discrimination in education.

Despite all that, not a single international document on academic freedom exists, nor is there any international mechanism for the implementation of any such document.

Non-governmental organizations (NGOs) and the concerned UN agencies have not become interested in academic freedom until the early 1980s, and a number of declarations have been issued by the various conferences and seminars organized ever since.

In their conference held in Sienna in 1982, the International League of University Professors and Lecturers issued the Covenant on Duties and Rights of Academic Freedom, and in 1988 the Conference of European Universities and their Presidents, held in Bologna, Italy, issued the Magna Carta of European Universities.

The Lima Declaration, which we consider to be the most comprehensive and precise of all those declarations, was issued in 1988. Two African declarations were issued in 1990: The Dar es-Salaam Declaration was of a local nature as it was issued by a conference of various associations of workers in Tanzania's higher education establishments; the second was the Kampala Declaration. In 1993, the Polish Human Rights Center organized a meeting in the city of Poznan and issued a declaration on academic freedom, which was introduced to the international symposium on education in Montreal (Canada) in March 1994. The declaration was found to be in need of modification.

Following are some of the remarks to be made on those declarations:

- Their multiplicity denotes the top place that the subject of academic freedom has started to occupy among non-governmental university and human rights organizations.
- Those declarations meet on various points and some of them duplicate the others with respect to definitions, articles, or even text formulation.
- They vary in precision and comprehensiveness, but the Lima Declaration is, in our view, the best.

### **The Lima Declaration**

This declaration is a result of persistent efforts by the World University Service (WUS), a non-governmental organization concerned with the relationship between "education," "human rights" and "development" and comprising professors, students, and other members of academic institutes from all over the world. Initially, the declaration was proposed during the general assembly meeting of the above-mentioned organization, held in Nantes, France in 1984. The participants formulated a preliminary draft

for a declaration on academic freedom, and in 1986, an international workshop held in Madrid in the framework of the WUS general assembly began studying the project. Two years later, following consultations and large-scale discussions, the Lima Declaration of Academic Freedom and the Independence of Higher Education Institutions was proclaimed during the WUS's General Assembly, held in Peru in September 1988.

The declaration's introduction underlines conditions warranting its issuance and the steps taken by the WUS to promulgate it. WUS makes clear that its declaration is by no means international, but simply a move "towards an international declaration on academic freedom and the independence of higher education institutes through discussions and consultation at a higher level, considering this declaration a starting point."

The preamble represents an umbrella covering all that is to come in the "declaration" and constitutes the terms of reference as represented by international criteria on human rights in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the above-mentioned UNESCO agreement. Foremost among the terms of reference is the "right to learn." A state is under obligation to guarantee this right, but the issue of a state's obligation and its capabilities of guaranteeing this right has not yet been reconciled. It is relevant to mention here that while the European convention on Human Rights (1952) stipulates that nobody "shall be denied his right to learn," the European Court has ruled that the state is under no commitment to establish schools for all, but is obliged to secure equal opportunity for enrolment."

The Lima Declaration is particular in using precisely-defined terms and a legal language, beginning with the title itself. It defines "academic freedom" as "the liberty of members of the academic community -- individually or collectively -- to pursue knowledge, and to develop or process same through research,

studies, discussion, documentation, production, innovation, teaching, lecturing and writing." This broad area of liberty is considered in this declaration as a "basic pre-condition for teaching, research, administration and services carried out by universities and other institutions."

Are there in the declaration limits for this freedom and the rights ensuing from it? Article 13 of the declaration states that the exercise of the above-mentioned rights "shall be accompanied by special responsibilities and duties." They may be subject to certain limitations which are essential for the preservation of other people's rights. This specific article stirred disagreement among the discussants, a number of whom called for its complete annulment. Of course, there is nothing like absolute freedom, yet a law should not be enacted as a pretext to abolish freedom. Liberties should rather be organized in a manner that allows for the highest possible degree of individual and public freedoms. The history of democracy is one of expanding and deepening the scope of freedoms. The relation between freedom and law is an old problem: It suffices to refer here to Article 10 of the French Declaration on Human and Individual Rights concerning the freedom of opinion and belief. "Nobody shall be persecuted on account of his opinions, even the religious among them, provided those opinions do not disturb public order as imposed by the law." This article stirred great controversy among the constituent group as regards the authority of the law in restricting freedom of opinion and faith in the name of preserving public order. It was particularly the subject of continuous attacks against the declaration until the convening of the Second Ecumenical Council in the 1960s, when the church declared its recognition of human rights. "Because the church is the Guardian of the Gospel, it permits the Declaration of Human Rights, and admits and highly values the dynamic nature of our age which has given those rights a new impetus."

Historically, securing freedom of thought was the crux of the struggle for obtaining religious freedom. The latter was the origin out of which freedom of opinion emerged, although it seems more comprehensive. The adversary in this struggle was the church and its followers. Hence the question is posed: Is this freedom of belief, which has acquired such significance in the history of Western liberties, binding to all? Shouldn't we expect such developments to take place in our part of the world as well? We believe that in spite of the fact that advocates of human rights, including basic liberties, will demand and defend those liberties in full, yet political liberty may precede all else and thus the struggle for it rises to the top of the agenda of political and intellectual endeavors.

At this point, the objection might arise as follows: "If our conditions demand that political freedom shall precede religious freedom, how could we explain the rise of 'fundamentalism'? Wouldn't this grant religious freedom a priority over other liberties?"

Despite their religious and comprehensive discourse, these movements, are essentially political movements whereby agreement or opposition is primarily a political position. The conflict here is not related to belief, but rather to the controversy over political systems.

Notwithstanding its roots in international conventions on human rights, such as freedom of opinion, expression and assembly, academic freedom has its own specificity as an exclusive right of "the academic community," defined by the declaration as those "who undertake teaching, learning, and discussion, and work for higher education institutions." This definition embraces also the students, administrators and the services people in a university. As the freedoms of all those categories might not always be compatible, the writers of the Declaration trust that a democratic administration of higher

education institutes will take care of those idiosyncrasies, which constitutes the essence of independence of higher education institutions, as advocated by the Declaration.

The state in our part of the world is the primary founder and financier of universities and scientific research centers. Staff members and administrators are government employees having some particular considerations. The call for the independence of higher education institutes may be opposed by the state on economic grounds and the requirements of economic planning as well as rationalization requirements. Evidently, the governments' main concerns are those of security. The university is the home of critical thought, which is at the core of academic freedom. The Lima Declaration statement that "higher education institutions may critically address such conditions as political suppression and the breach of human rights in societies," is based on several considerations: Among those is the fact that what is called for in this article is included in the rights mentioned in the International Covenant on Civic and Political Rights. A university's teaching staff enjoy the same human rights of other human beings, and its staff members enjoy a conventional status and special capabilities empowering them to assume a larger role in a democratic society. Certain universities have a long history in opposing repressive regimes at enormous sacrifices.

A university, however, should not be converted into a forum of party politics and religious disputes. The distinction should be clear between views expressed by the staff or a staff member or by students or a student council on any public issue, and attempts of exploiting a university position for promoting specific, political or religious groups. Independence is, therefore, to be viewed as freedom, not only from government control, but also from the influence of the various pressure groups in society.

Public order, therefore, has special connotations in higher education institutes. It does not only mean guaranteeing the



corporal and moral security of those related to the institute, or the regular conducting of teaching, learning, research and the administration, but also the realization of a certain national consensus on limits that should not be overpassed if the university is to maintain its special status as a place for free knowledge. In order that this consensus be preserved by all parties: A professor should abstain from exploiting his position for party/sect propaganda; a student should act first and foremost as a student rather than as a member of any political party; a politician should not consider the university as a place for promoting party membership.

Academic freedom and university independence are primary conditions for higher education institutes to become centers for scientific research and development. The university community (teachers, students and administrators) should, therefore, be bound by an ethical contract which should also be binding to the political authority. A university's sanctity should not be violated or politically exploited on pretexts such as preservation of public order. Social political groups should also be bound by this contract in order that a university is not turned into a forum for political confrontations.

Now, we pose the question: What does academic freedom and university autonomy mean? The question might first seem irrelevant. However, without freedom of research, teaching, and learning, scientific research cannot advance and the identity of a research professor cannot be realized. Independence of a higher education institute is further a basic condition against pressure, or exploitation. Academics in the Arab world, as well as all those concerned with higher education and scientific research, should co-operate with their colleagues all over the world in the defense of freedom of research, study and teaching.

In the Arab world, there are specific reasons why the academic community should be more keen about securing

academic freedom. These include special conditions, such as the rise of the extremist tides, which try to impose a closed system of knowledge, to which ministries of education and university administrations try to accommodate, in addition to a rising number of private sector universities -- in the form of commercial enterprises -- to meet the rising demand for university education. The owners of those universities claim that they have shouldered a significant portion of this burden on behalf of the state. Profit thus becomes the primary consideration in such enterprise, and education programs are tailored to suit market requirements to the detriment of academic standards.

It is feared that the big loser in this operation would be the academic and the university teacher, who might become an employee in a private sector corporation. Academics, on the other hand, will not be consulted in formulating and administering university policies. It is to be noted here that world renowned private sector universities, such as Harvard University in the United States, are not geared by profit, and should provide a model for university autonomy and academic traditions.

In view of the rising number of high-school graduates and the parallel growth in private universities to absorb them, certain checks and controls should be applied to preserve the identity of the university and the professor's status, and to allow the academic community to play a leading and decisive role in implementing university plans and scientific programs.

In addition to worldwide efforts to defend academic freedom and the autonomy of higher-education institutes, academics in the Arab world have become particularly concerned with those endeavors in an effort to achieve and maintain academic standards and traditions of higher education institutes in the Arab countries.

## **CHAPTER 2**

### **Academic Freedom In Jordanian Universities**

Ali Mahafza

I find it necessary to point out from the very beginning that academic freedom is a modern Western concept that bears no relationship to the freedom which students and their Shaikh tutors enjoyed in our schools and ancient educational Arab-Muslim institutions. Our modern universities and high institutes, as well as so many of our political, economic and cultural institutions, are only copies of those of the West, which we have taken by choice or have been imposed on us by Western colonial rule. With the exception of old Arab universities, such as Al-Azhar (Egypt), Zaituna (Tunisia), Al-Qurawiyyin (Morocco) and Al-Hawzat Al-Ilmiyya in Najaf (Iraq), the majority of Arab universities have been established according to modern western standards; they apply western systems, regulations and university traditions.

The earliest among our modern universities, established during the first half of the 20th century, took after the European model, which allows the teaching staff a large margin of freedom and a relatively wide administration and research authorities. The university board remained the most important administrative body, acting as a liaison between the university and its scientific, vocational and cultural activities on the one hand and society on the other hand.

As of the early 1970's, certain Arab universities have shifted toward the American system, which allows a university president, appointed by the board of trustees or the official authority, wider authorities and responsibilities. The council of deans (the academic council) is given an extensive supervision of academic activities, especially as regards its three major functions: teaching,

scientific research and civic responsibilities. The university board kept discharging its traditional role as a bridge that links a university to the society and thus secures more interaction between them.

Other Arab universities have been influenced by the Soviet model, whereby universities and other higher education institutions were linked to the Ministry of Higher Education in order to ensure the state's supervision of higher education in areas of planning, administration and scientific research. As a result, higher education institutions became subject to external control, and consequently, their academic and administrative boards became too weak to influence academic progress.

### The Concept of Academic Freedom

The concept of academic freedom in Western universities, which dates back to the Middle Ages, denotes: (1) recognition by the religious or civil authority of the autonomy of the university, and (2) special privileges of the teaching staff, students and employees, such as freedom of travel and safe movement, special courts to deal with irregularities, the right to stop teaching or to relocate, the right of graduates to teach anywhere they wish, and exemption of the teaching staff, as well as students, from taxes and military drafting. Universities have therefore enjoyed the freedom to organize and administer faculties, and to set up principles for staff recruitment. Edicts by the Pope and Royal decrees by European monarchs emphasized the autonomy of universities established by churches, monasteries or monarchies.

The concept of academic freedom, however, suffered a conspicuous change following the religious reformation which shattered the unity of the Roman Catholic Church and led to religious wars between Catholics and Protestants and a state of belligerency among states and various minor political entities.

Universities were naturally influenced by that state of affairs and were converted into national institutions. The danger that began to threaten their autonomy became political, as the secular sovereign state would not allow such education if it did not comply with its aims and objectives. Catholic governments imposed an oath of obedience on university professors and teachers and enforced strict censorship on books and lectures. Similar restrictions were also imposed by Protestant governments.

Early symptoms of academic freedom appeared following the establishment of Leiden University in Holland in 1575, which allowed its teaching staff and students a certain level of freedom. This concept of academic freedom developed and took considerable dimensions in the 17th and 18th centuries in German universities such as Leipzig and Goettingen. Academic freedom started to denote freedom to teach and freedom to learn (*Lehrfreiheit* und *Lernfreiheit*) on the establishment of Berlin university in 1811 under the presidency of the famous German philosopher Johann Gottlieb Fichte.

National, radical conservative and church movements all had their impact on academic freedom in European universities. Religious restrictions were imposed on Oxford and Cambridge universities and remained valid until 1871. In various European universities supporters of Darwin's theory on evolution were exposed to a termination of their academic posts.<sup>(1)</sup>

During the 20th century, academic freedoms were influenced by international tensions and ideological wars. In World War I some professors were accused of holding no allegiance to their states. In 1915, teachers in American

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(1) *The Encyclopedia Americana*, International Edition. Danbury, Connecticut: Grolier Inc., 1989, Vol. 1 pp. 67-68; *Collier's Encyclopedia*, New York: Macmillan Educational Corporation, 1978, Vol. 1, p.p. 55-56.

universities felt the need to defend themselves by forming The American Association of University Professors, which strove since its inception to defend academic freedom, declaring in its first statement that:

"A faculty or university professor is a citizen whose profession is knowledge and works for an educational institution. When he talks or writes as a citizen he must be totally free of any control by an institutional system. His special social status, however, imposes on him special commitments. As a learned man and as an educator, he has to keep in mind that people may judge his profession or institution by his words. In all cases, he should therefore try to be precise and well controlled. He should also show respect for others opinions' and shall have to make clear, in every possible way, that he does not speak on behalf of his institution".<sup>(2)</sup>

Academic freedom in United States universities was influenced by the economic crisis of the early thirties and the proliferation of socialist and communist ideas. University staff had therefore to take an oath of allegiance. A similar oath of allegiance is made by students seeking scholarships from the Federal Government, as stipulated by the National Defense Education Act of 1958.<sup>(3)</sup>

Academic freedom has developed from the 19th century concept (freedom to teach and to learn) to mean a teacher's exclusive right to teach and a student's right to learn without any external intervention. Academic freedom also includes freedom of

expression, publication and belief. Freedom, as far as a teacher is concerned, has three different aspects: freedom to pursue research toward arriving at scientific conclusions, freedom to present such scientific results to students precisely and accurately and to make judgments in the field of specialty, and, finally, freedom to publish the results of research to the benefit and critical discussion of colleagues. Academic freedom denotes also a professor's right to select textbooks and methods of teaching as he sees fit. He is also entitled to specify the material to be taught with details of the content.

As for the student, academic freedom means the right to receive sound learning, the right to arrive at conclusions based on his studies, the right to listen and to express his opinions, as well as the right to form an opinion on what he learns. A university student is free to select the subjects of his study and to actively participate in student unions and associations.

Academic freedom, however, has its limits, that is, has to be practiced with responsibility. The freedom of teaching should in no way imply a teacher's right to mislead his students or colleagues. Freedom without responsibility becomes an intervention in the freedom of others. In addition, society should exercise certain controls on academic freedom. Laws and regulations concerning the freedom of speech and publication define what a teacher can say or publish. Similarly, colleges, institutions and scientific centers in universities provide the guidelines that organize the activities of the teaching staff and determine their behavior.<sup>(4)</sup>

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<sup>(2)</sup> *Collier's Encyclopedia*, Vol. 1, p. 56.

<sup>(3)</sup> *The Encyclopedia Americana*, Vol. 1, pp. 66-67.

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<sup>(4)</sup> *Colliers Encyclopedia*, Vol. 1, p. 55; *Brockhans Encyclopedia*, Wiesbaden, F.A.; Brockhans, 1966, Bd.1, S. 248; *The New Encyclopedia Britannica, Macropedia*, 15th Edition, Chicago, 1974, Vol. 8, pp. 13-14.

In brief, academic freedom consists of the following components:

1. Administrative and financial autonomy of the university, which means non-intervention by any political, religious or social authority in the appointments of the university's teaching staff or employees, nor in matters of promotion, leaves, or termination of office. University independence also means the right to manage finances and expenditures as per its laws and regulations without any external interference.
2. The right to establish faculties and scientific centers; to introduce areas of academic specialization and training courses; to design training, curricular and research programs (modification, development or annulment); to hold examinations and grant academic and honorary degrees and certificates; and to define conditions for student enrollment (in colleges, institutions and centers of the university).
3. The right of the teaching staff to specify their own subjects and to determine the textbooks required for each course and the methods they see fit for teaching the subject, their freedom to present their own ideas and arguments away from any external intervention, and their right to publish the outcome of their own research.
4. The right of students to select their own courses according to their capabilities and qualifications, as well as the right to select the teachers in charge of these courses. Students also have the right to express their own opinions in the course of their study and to organize student bodies, which enhances their scientific capabilities and personalities and allows them to become active individuals within the university and the society at large.

5. Academic freedom should be practiced with responsibility and in the framework of university laws, regulations and guidelines.

In the final analysis, academic freedom remains a relative matter, both in dimensions and implications.

### Academic Freedom in Jordanian Universities

The laws prescribed for the four Jordanian state universities (University of Jordan, Yarmouk University, Mu'ta University, and the Jordan University of Science and Technology) allow some kind of administrative and financial autonomy for each. Their laws stipulate that "a university has a judicial personality, which is financially and administratively independent." Article 5, Paragraph B of the Jordanian Universities Law No. (29) for 1987 stipulates that a university is "scientifically independent, which means that it designs its own research programs and educational and training curricula, holds examinations, grants scientific and honorary degrees and certificates, and creates jobs and employs its own personnel in the scientific, technical, administrative and other areas."<sup>(5)</sup>

These laws also stipulate the creation of a board of trustees for each university to support its autonomy, manage its resources, approve its budget and bylaws, and recommend the appointment of the president. For each university there is a "university council", which acts as a bridge connecting the university to the society and provides opportunities for interaction. The "board of deans" is chaired by the president and consists of the vice-presidents, the deans of various faculties, and the deans of students, scientific

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الجريدة الرسمية الأردنية، العدد (٣٤٩٩)، الصادر في ١٦/٩/١٩٨٧.

research and higher studies as members. This board deals with academic matters and almost all administrative affairs. Each faculty has a special board to deal with academic affairs, and has its own departments, with councils consisting of all the teaching staff to manage the departments' academic functions.

Jordanian universities enjoy an acceptable degree of administrative and financial independence, at a time when the state is prevalent over all state institutions, including the legislative authority (the two houses of parliament) and the judiciary authority (judicial staff). This predominance gradually embraced universities through the establishment, in 1985, of the Ministry of Higher Education -- twenty three years after the establishment of the University of Jordan, nine years after the inauguration of Yarmouk University, and four years after the establishment of the Mu'ta University. With the establishment of the Higher Education Ministry, the board of trustees of the University of Jordan, and the Royal Commission of Yarmouk University were both dissolved.

A new Higher Education Council was established to replace the boards of trustees, earlier established by the universities' special laws. Naturally, this measure undermined the financial and administrative independence of those universities and subsequently the quality of university education.

Financially, Jordanian state universities have enjoyed a high degree of independence, as a result of tax legislation, whereby a special "university tax," collected by the Ministry of Finance, was annually distributed among the various universities according to proportions decided by the Higher Education Council. Successive Jordanian governments have allocated annual grant to help universities carry out their development projects. Such grants, however, have been stopped during the last two years, and universities have become dependent on their share of the above-mentioned tax, students fees and some other special resources.

It is only fair to mention that Jordanian legislation contains certain stipulations ensuring academic freedom for members of the teaching staff. Article (18) of teaching staff regulations of the Jordan University (Regulation No. 14 of 1984) stipulates the following:

"A member of the teaching staff of the University of Jordan shall enjoy within the scope of his academic work full freedom of thought, expression, publication and exchange of opinion in matters related to study subjects and his university activities, within the limits of established laws and by adherence to university regulations and directive."<sup>(6)</sup>

Article (4) of teaching staff regulations of Yarmouk University No. (4) for 1977 includes the same text.<sup>(7)</sup> However, the general political climate in the country -- that is, the imposition of martial law following the June 1967 war, which has remained in affect up to end of 1989 -- restricted a lot of those freedoms granted by university legislation.

It is true that the royal commissions and the previous boards of trustees were appointed by the King, at the recommendation of the Prime Minister. It is also true that the council of higher education, which replaced these boards, comprises the Minister of Higher Education as chairman, together with ministers of

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نظام رقم (١٤) لسنة ١٩٨٤: نظام أعضاء الهيئة التدريسية في الجامعة الأردنية صادر بمقتضى المادة (٣٤) من قانون الجامعة الأردنية رقم (٥٢) لسنة ١٩٧٢، والنظام المعدل رقم (١٠) لسنة ١٩٩٠ المنشور في الجريدة الرسمية الأردنية، العدد (٣٧٠٤) الصادر في ١/٨/١٩٩٠.

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نظام رقم (٤) لسنة ١٩٧٧: نظام أعضاء هيئة التدريس، صادر بمقتضى المادة (٤٦) من قانون جامعة اليرموك رقم (٩) لسنة ١٩٧٦، نشر في الجريدة الرسمية الأردنية، العدد (٢٦٧٦) الصادر في ١٦/١/١٩٧٧،

ص ١٠٠.

education, planning and culture, as well as the presidents of the state universities, representatives of community colleges, and six other members with experience and specialization. But, government representation in this council is stronger than what it used to be in the boards of trustees and the royal commissions. This clearly indicates the wish of the executive authority to interfere directly in the affairs of institutions of higher education in the county.

The government's wish to interfere has remained alive and confirmed by university legislation. Article (32) of University of Jordan (UOJ) Law No (52) for the year 1972 states that the board of trustees of the university "shall be entitled to terminate the services of any member of the working staff with no obligation to declare the reasons."<sup>(8)</sup> Article (45), Paragraph (B) of Yarmouk University Law No. (25) includes the same text.<sup>(9)</sup> Article (25) of Jordanian universities Law No. (29) for 1987 contained also the same text.<sup>(10)</sup> Those articles were like brandished swords above the heads of university personnel in Jordan. They were resorted to in 1978 to get rid of six members of the UOJ teaching staff whose

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الجريدة الرسمية الأردنية، العدد (٢٣٨٤) الصادر في ١٠/٥/١٩٧٢. وقد عدل هنا القانون بموجب القانون رقم (٢٤) لسنة ١٩٨١ (الجريدة الرسمية الأردنية، العدد (٢٠٢٣) الصادر في ١٦/٩/١٩٨١)، وعدل القانون رقم (١٥) لسنة ١٩٨٥ (الجريدة الرسمية الأردنية، العدد (٣٣١٠) الصادر في ٢/٥/١٩٨٥)، وعدل بموجب القانون رقم (٢٧) لسنة ١٩٨٥ (الجريدة الرسمية الأردنية، العدد (٣٣٢٠) الصادر في ١٩٨٥/٥/٢٨).

(9)

الجريدة الرسمية الأردنية، العدد (٣٣٢١) الصادر في ١٩٨٥/٥/٢٨، وقد حل هذا القانون محل القانون المؤقت رقم (٩) لسنة ١٩٧٦ (الجريدة الرسمية الأردنية، العدد (٢٦٠٣) الصادر في ٢/١/١٩٧٦، ص ١٩٠).

(10)

الجريدة الرسمية الأردنية، العدد (٣٤٩٩) الصادر في ١٦/٩/١٩٨٧.

political loyalty became suspect as a result of accusations leveled against them. Before and after that year, these laws were applied to get rid of a number of workers at the same university. Article (45) of Yarmouk University Law was used to expel 20 of the teaching staff and other employees on the pretext that they had instigated students to declare a strike in May 1986. Those expelled were able to resume their jobs only after the democratic changes of 1990.

Also indicating the government's intention to control the universities is the text of Article (35) of UOJ Law, concerning the government's authority to suspend teaching when called for. Security concerns were crucial in this regard.

The same concerns governed appointments of personnel, including teaching staff, administrators, technicians and others, who were required to present security clearance on applying for any university post.

Article (40) of the Regulations on the teaching staff of University Of Jordan No. (14) for the year 1984 stipulates that a member of the teaching staff "shall desist ... from the activities hereunder listed, subject to punitive sanctions as included in the same regulations":

- participation in any political, ethnic or regional activity inside the university.
- occupying the position of chairman in any professional association.
- membership in the boards of directors of companies, or participating in the management thereof, unless commissioned to do so by the university.

Regulation No. (4) for the year 1977 on the teaching staff of Yarmouk University consists of similar stipulations.

Despite the democratic changes which the country has witnessed since 1989, those provisions restricting academic and other freedoms of university employees remain valid until today.

Those security restrictions have evidently alienated the university staff and caused their reluctance to get involved in their society's, political, security, social and cultural issues. The teaching staff have often been accused of aloofness and isolation in academic ivory towers. Those who tried to address those issues rather rationally in the local media were prohibited to do so, as the government applied against them the regulations applied against government officials.

Government intervention in university affairs is clearly reflected in the exceptional admissions imposed upon university administrations at the beginning of each academic year (10 percent of the total accepted students). Those lists are exempted from the university's general conditions for acceptance.

## Conclusion

A review of the laws and regulations governing Jordanian universities reveals a fair level of administrative and financial independence and an acceptable level of academic freedom. It also demonstrates a strong impulse on the part of successive governments to interfere, hence undermining the exercise of academic freedom. Security concerns underlying those governmental impulses have had their negative impact on higher education standards and performance.

In view of the present democratic changes, I think the time has come for a revision of those legal articles which restrict academic freedom in our universities. I also believe that the establishment of a ministry of higher education has proved, as it did in other Arab countries, a failed project. The establishment of several private universities and the increasing number of state

universities in Jordan necessitate the creation of a high-level accreditation body in order to ensure a respectful level of higher education in the country.

Furthermore, the higher education council is no more capable of shouldering the responsibilities of the boards of trustees, as it can neither manage nor secure administrative and financial autonomy. It has failed throughout the past years to develop and improve higher education standards and performance, as it remained an instrument for successive governments to interfere in the administrative, financial and academic affairs of universities. Reinstating the boards of trustees in Jordanian universities has therefore become a top urgency matter.



## **CHAPTER 3**

### **Academic Freedom In Egypt: Past and Present**

Muna Makram Obeid

The topic of this seminar, aptly chosen by the Arab Thought Forum, is of great significance, not only to Egypt, but to the whole Arab world, singled out for its state of liberties in general and academic freedom in particular.

As we approach the end of the 20th century, conducting academic research continues to be hurdled by many factors. It would be no exaggeration to state that we are moving backward as our basic concepts in this regard and the achievements of our forefathers of the Age of Enlightenment at the end of the past century and the beginning of this century are now being questioned and debated.

In this paper, I shall pose a number of questions and try to answer them.

- What is the state of academic freedom in Egyptian universities at present? Is there more freedom now than before? If the answer is "no", how would this state be accounted for and what prospects are there for overcoming the present shortcomings? If the answer is "yes", what indications are there for that?
- What is the impact of conflicting trends of thought within the university? How far does the penetration of politicized religious thought of the university justify violence as a legal instrument against dissidents?
- Where does responsibility lie with respect to all that?

Those are among the many questions arising in any discussion of academic freedom in Egypt. This paper focuses on the decline of academic freedom and the obstacles to its natural progress, which flourished during the periods of struggle for independence from colonial rule. The academics themselves, who remained spectators to events surrounding them and to the sizing up of their role, are to be blamed to a great extent for this decline. Following independence in 1952, the national government was able to mobilize a large number of those academics to promote the existing regime.

### **1. The University: From Independence to Dependence on the State**

Since its inception, the Egyptian university enjoyed relative independence away from the conflicts of the overall political process, despite the financial aid it continued to receive from the state. This was clearly stated by its founders in speeches delivered during inauguration ceremonies, whereby it was agreed that academic activity would be governed by secular principles. This tradition, relating to the university's financial and administrative independence, was not endorsed by the state after the Egyptian Revolution, which considered the national university to be a symbol of national independence, its own heritage and an instrument for controlling thinking toward achieving political stability.

This is quite evident to anyone following up the activities of the Egyptian university, which adopted double standards in dealing with the professors. The roots of state intervention go back, however, to the period preceding the revolution, such as the first attempt in 1926 for kicking Taha Hussein out of the Faculty of Arts following the publication of his book "On pre-Islamic Poetry," which was thwarted by the advanced Egyptian judiciary system. Again in 1932, when Taha Hussein, who was dean of the Faculty

of Arts, refused to grant an honorary doctorate to politicians, such as the then-prime minister Ismail Sidqi, he was transferred by the Minister of Education, Hilmi Issa, to a post in the Cabinet Secretariat. University President Ahmed Lutfi Al-Sayyid, tried in vain then to convince both the minister and the prime minister to rescind the decision, following which Taha Hussein resigned but came back during the government of Tawfiq Nassim in which Najeeb Al-Hilali filled the education portfolio.<sup>(1)</sup>

The serious role of the university had been felt prior to the Egyptian revolution; therefore, it was felt that the university could not be left to exercise absolute power, despite the fact that the course of events prior to the revolution differs greatly from post-revolution pressures.

The Egyptian university emerged during a social and political environment which is quite different from those of the Nasserite period, or the present one, during which all developments in areas of the social and natural sciences are being stifled by bureaucratic and administrative measures. This has led to a diminishing role of the university as a beacon for renaissance and enlightenment.

Questioning the causes behind the declining "Socratic tradition" in Egyptian universities, Professor Louis Awadh refers to the replacement of Reason by the Will, which has led to major social and economic changes, the disappearance between 1952 and 1982 of the capacity for rebellion among the intellectuals, and the appearance of a new form of terrorism -- street terrorism -- along with state terrorism.

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(1) In 1954, following the dissolution of political parties, closing the parliament and cancellation of the Constitution, 54 professors were sacked because they signed a document called "Document in Defense of Democracy". The discharged represented all shades of thought. In 1981, President Sadat transferred 60 professors to other jobs. Those were in disagreement with his peace tactics.

Dr. Awadh argues that due to the loss of the potential for dialogue, as well as dissent among citizens and the withdrawal of intellectuals during a period extending one third of this century, the university now consists of a bunch of isolated buildings, physically and functionally apart.

## **2. The Diversity of University Education and Its Impact on Academic Freedom.**

1. Secular universities, initially private (nowadays Cairo University and the regional universities), which developed along with the enlightenment movement and the struggle for independence. These institutions now constitute the focal point of academic interest.
2. Religious universities (Al-Azhar, as well as its branches and its affiliates and religious institutions all over the country), with a completely different output from the other universities.
3. Universities affiliated financially and administratively to a foreign university, such as the American University of Cairo.

The divergent output of those institutions and the different outlooks of their graduates reflect the various roles played by those institutions in Egyptian society.

The different academic traditions in all three types are reflected in research and promotion requirements. The elitist American University, for example, allows members of its community a higher level of academic freedom than their counterparts receive in the other Egyptian universities.

The public universities, on the other hand, combine both religious and secular traditions, which leads to a rising trend of unresolved periodic and traditional conflicts.

With respect to academic freedom, the controversial aspects continue to surface out every now and then. Violence in the past was an exception, and the university remained a forum for unrestricted and open debate allowing for free expression as in the literary works of Taha Hussein, Ahmed Amin, Amin Al-Khouli, Shafiq Gobrial, Abdulrazzak Al-Sanhouri, Wahid Ra'fat, Zaki Najib Mahmoud, Louis Awadh and others.

Outside the university, the enlightenment movement progressed in pace with academic research and scientific progress within the university, producing an "intelligentsia" whose creations are represented by Najib Mahfouz, Tawfiq Al-Hakim, Al-Aqad, Yousef Idris and others.

What we witness today is the politicizing of academic activity, not in the sense of political domination by the state, but in attempts to direct university professors and intellectuals towards political life. Although this, in a sense, is normal, it is prone to create imbalances in the educational process, directing the overall activity of the university toward the formation of political parties and cliques in the style existing in all third world countries.

The implicit understanding on the independence of the university has therefore disappeared, and financial and administrative dependence became manifest in a number of negative aspects:

1. Financial constraints in the area of natural sciences lead to a brain drain, while in various other cases political considerations come first in promotions of the academic staff. As for the social sciences, the main constraints lie in the political regime's view of those sciences as a threat to national security and unity.
2. Members of the teaching staff remain under the threat of losing their jobs or getting arrested. Although those measures have become much less than before, a university

trust, which has been guaranteed in the past by contributions from the Egyptian bourgeoisie, remains a better option against university dependence on the state.

3. Financial and administrative dependence allows bureaucratic mood and practices to prevail as the teaching posts become more of government posts, subject to administrative routine, creating among the staff feelings of frustration and resentment of the system, and perhaps the country. In the American University of Cairo (AUC), professors enjoy a better level of freedom as they are more or less independent of state supervision and control, which in itself is a disadvantage as it fosters a sense of cultural and spiritual alienation of the Egyptian AUC professor.

It is to be noted here that the Egyptian parliament has lately enacted legislation amending some university (private and public) laws relating to the employment of faculty deans, a move that has been viewed by some as a climb-down in the democratic course earlier guaranteed by the government, while others, and those are the majority, considered it a re-adjustment of the university course.

### **Terror and the Egyptian University**

It is only normal that Egyptian universities provide a forum for self expression and controversy, which has been manifested by the various schools of thought -- liberalism, secularism, radicalism, nationalism and Islam -- that have coexisted within the university. The university receives the youth during their crucially formative years to turn them into rational beings. However, as controversy becomes governed by violence, the educational process and academic freedom come to an end.

As terror begins, the state comes in to adjudicate between the various trends, and sometimes attempts to pamper one party at the expense of another. At the end of the 1970's, strengthening the

Islamists in particular was an attempt by the political regime to reduce and undercut the Marxist tide, ultimately rendering the political system, as well as the university, targets for this tide, which does not acknowledge the legality of civil institutions.

Increasing violence among the students keeps students and teachers apart to the detriment of the university's practices and traditions, exposing meanwhile the university teachers to increasing pressures.

During the past two decades, Egyptian campuses witnessed increasing threats directed against university professors and activities, such as imposing the veil on women students by religious institutes in Upper Egypt.

Naturally, the perspectives of those religious groups varies in degree. The most tolerant among them call for harnessing Western advancements in technological and natural sciences in development, emphasizing meanwhile the specificity of indigenous cultures vis-à-vis modernization.

The Islamicist tide has become overwhelmingly influential among the university staff, a great number of whom now call for the Islamization of science and the creation of an Arab or Islamic discipline of sociological and political sciences.

In 1993, university professor Naser Hamed Abu Zaid was accused of blasphemy and therefore was denied promotion. The university's non-involvement in defending a member of its staff was dealt with rather extensively by the local press. The apostasy accusation further leveled against Dr. Abu Zaid, which warrants certain measures, such as divorcing his wife, is quite unprecedented in Egyptian history.

All those developments could lead to the disintegration of the university and the undermining of its role as the avant garde for progress. They could also lead to increasing introversion by the Coptic community inside the university or to general religious

conflicts engulfing the whole university and its academic freedoms.

### **Responsibility of the Intellectuals**

It is only fair to add that academic freedoms in Egyptian universities have also been undermined by the disappearance of strong and assertive professors, who rather than pampering the followers of the Islamicist tide, or confining their role to a teaching function, are ready to continue to spread out enlightened ideas and thought. Among university professors are also those whom Dr. Fuad Zakkaria describes as "cultural brokers," that is, those who have made of academic research a private business.

### **Recommendations**

Like all types of freedom, academic freedom cannot be granted, but should be pursued and defended. The following recommendations would be relevant in this regard:

1. There is a need for a general convention that would guarantee minimal requirements for academic freedoms in the Arab world. Draft proposals should be submitted to the various Arab countries in this regard.
2. The rights and status of university professors and members of the teaching staff should be safeguarded against blackmail by the political regime.
3. It is necessary to keep the university professor in the Arab world abreast of developments worldwide with respect to academic freedom. Therefore, he should be provided the opportunity for interaction with university professors in the Arab world and abroad.

4. It is vitally important that a set of conventions and controls be formulated in order that academic practices, such as promotions, would not be subject to value judgments by certain parties or individuals.

## CHAPTER 4

### Academic Freedom In Tunisian Universities

Abdul-Fattah Amr

The concept of academic freedom is not separable from that of political democratic culture, which is based on moderation, as well as reconciliation between freedom and responsibility, ambition and reality, centralization and decentralization, short- and long-term concerns, competent initiative and controlled execution. In other words, political democratic culture rules out extremism and deviation from conventional bounds, and rejects agitation and disorder, as well as introversion and absolute power. It requires flexibility, intelligent expression, wisdom and deliberative behavior. It also admits the right to differ, and the need to administer and protect this right.

It is quite clear that such political culture is lacking in third world countries, including the Arab countries. The Arab states do not enjoy a stable political democratic culture, and therefore lack the academic conventions which are based on academic freedom. Whatever diverse outlooks there may be concerning this freedom, it is essentially based on, and defined by, knowledge and its limits.

Any digression from those limits is a digression from academic freedom, and an outright rejection of it, as it becomes exploited by the various ideologies and factional interests. Political, administrative and factional exploitation of knowledge renders the academic party to a struggle controlled by power politics, and transforms the university into an arena for power struggle.

To many observers the situation in Arab universities is characterized by disorder in varying levels. In many aspects, the Tunisian experience does not much differ -- especially during the 1970's and 1980's -- from that of third world countries, in general, and the Arab countries, in particular.

Like so many other countries, Tunisia lacks a legal or constitutional definition of academic freedom. The Tunisian experience has not produced so far a clear definition of the concept of academic freedom or its limits. So far, there has been no fixed approach in dealing with this concept and its denotations, but rather a functional approach that has often proved contradictory. Failure to implant academic freedom in Tunisian universities can be explained by the relatively short period of the Tunisian experience and the rapid development of university conditions in Tunisia.

The Tunisian experience started with the establishment of the University of Tunis in 1960 around a nucleus of institutes whose establishment dated back to pre-independence (1956) and which had been under the pedagogic and scientific supervision of French universities.

Higher education in Tunisia today is based in five universities of which three are in the capital, Tunis, the fourth in the center of the country and the fifth is down in the south. In addition, there is in the capital, Tunis, Azzaituna University. Each of those universities includes a number of higher education institutions with similar or diverse fields of specialization, as is clearly obvious in the middle and southern universities. Tunisian universities nowadays consist of 85 higher education institutes distributed across the country, especially around Tunis, Sfax and Sousse.

Total enrollment at present is 96,101 students - from first year to doctorate and post-doctorate studies - compared with a mere 2000 in 1960. The number of teaching staff grew from some few dozens in 1960 to 5,655 in 1994.

This rapid expansion in Tunisian universities, coupled with developments in the political situation, especially in the 1970's and 1980's, helps explain the tensions and conflicts for which the universities have become the principal stage.

Whatever the matters may be, any discussion of academic freedom in Tunisian universities must address the security of the university on the one hand and that of university people on the other hand.

## I. University Security

Security of the university signifies the peace and stability required to combat threats and pressures which involve disrupting the university's mission and exposing it to trampling and disrespect.

Scrutiny of a university's security stirs basic questions pertaining to structure, organization and the extent of the involvement of university people therein. The same questions relate to financing and its relation to the teaching curricula and the means of research. They also relate to a university's immunity against threats.

## A. Structure and Organization

The structuring of universities and university institutions in Tunisia is based on the participation of various parties, though the extent of such participation is sometimes quite limited. It would be enough here to discuss certain structural and organizational aspects of universities and higher education institutions.

- 1- Any discussion of the university, whose task is basically to coordinate between its various institutions of higher education, involves the university's president and its council.

The president is appointed by an edict of the president of the republic, and is selected from among the university teaching staff. Such selection is not legally subject to any special standards, and the assessment authority in this respect is full. As such, the university president acts, in compliance with the initial objective of universities, as assistant to the minister, and undertakes the administrative post of coordinating, reconciling and executing matters pertaining to the duties of the ministry, rather than those of higher education. The interference of the university president at the administrative and financial levels makes him sometimes an executive authority as regards certain aspects of the institution.

Chaired by the president, the university council consists of the deans of the various faculties and the directors of the higher institutions, as well as the elected representatives of the teaching staff, students, employees and workers. It also includes representatives of concerned economic, social and cultural groups. The powers vested in the university

council sometimes overlap with those of higher education institutions and restrict them - though in principle, the two are not inconsistent.

Obviously, in structuring the university, attempts are made at reconciling requirements with administrative needs. As the non-elected president may strengthen his powers at the expense of the elected university authorities or higher education institutions, the efficacy of such reconciliatory function remains questionable.

In fact, the scope of the university mission in Tunisia is quite limited. Though the university enjoys a legal status, it does not directly undertake higher education, but can interfere in its affairs. Meanwhile, higher education institutions, which also enjoy a legal status, undertake the affairs of higher education without clearly monopolizing this task.

In other words, the university's organization supports its administrative authority pedagogically, but restricts its academic authority administratively.

- 2- Higher education institutions, consist of faculties and higher institutes, all with specialized divisions. Of particular interest here is the fact that most institutes of higher education consist of scientific councils concerned with both pedagogic and scientific affairs, as well as some administrative and financial matters. Scientific councils consist of the elected representatives of the teaching staff and students, together with representatives of the concerned economic, social and cultural sectors. Those have no



right, however, to interfere in matters relating to the conditions of the teaching staff.

The sections comprising any higher education institution undertake one or more of the institution's specialized tasks. Sections are directed by professors, or in some cases, by lecturers elected by the section's teaching staff. A section's elected council may sometimes assist the director in performing his duties properly.

The difference between faculties and higher institutes is prominently spelled out by the fact that, except for the lack sometimes of an adequate number of professors, faculty deans are elected by their colleagues in the scientific councils. Directors of higher institutes, however, are appointed, but their appointments become valid only after the concerned scientific councils are consulted. It is to be noted that a certain similarity exists in the selection of a faculty's dean and an institute's director.

We should further refer to the fact that the selection of professors and students for membership of scientific councils is not done in isolation of political and party considerations. Despite the fact the councils are sometimes exploited, especially by students, for political objectives, representation on elective basis remains the more convenient means to university requirements; the appointment method exposes the university directly to heated arguments and political conflicts.

## **B. Financing**

Considering the financing question necessitates consideration of a university's public resources and their influence on teaching and research, and of private financing resources for higher education.

It is to be pointed out that until quite recently Tunisia had only few public institutions for higher education, which derived their financing directly from the state. Each higher education institute undertakes, in accordance with the directives of the finance ministry, to prepare its budget in the light of intervention by its scientific council. The budget is approved within the framework of ratification of the state budget, and is expended in accordance with public finance regulations on demand by the president. However, financial procedures allow some other parties to intervene and, if necessary, to prevent the execution of an expenditure order.

Although very important, the financial effort of the state does not provide a convenient framework for students, nor for developing research instruments. Due to shortage of financial and manpower resources, higher education institutes continue to suffer from over-crowding and lack of books and equipment, which limits the progress of top students and reduces education to a one-way process dependent on student cramming of information, instead of inquiry and discussion.

This often leads to frustration and lack of interest on the part of students and increases the chances of politicizing the educational process, thereby endangering academic freedoms.

Furthermore, the facilities available in most universities are limited, which discourages researchers and makes them turn away

from universities seeking to exploit their talents through other means.

Nowadays, it has become clear that national groups cannot face up to all the financial requirements of higher education. Therefore, many higher education institutes seek additional resources through contacts with economic and social groups. This opening up to the public has its positive impact, yet it may sometimes lead to relative restrictions on academic freedoms.

Suffice it to say in this regard that an estimated 50 million dinars would be needed to reform educational institutions and provide them with the required equipment, yet the state is only capable of providing about 3.5 million to be drawn from the education ministry's annual budget. The balance is expected to be raised by the business community (*Al-Sabah* newspaper 17/9/1994).

Since 1992, events have taken a new course as a number of people, motivated by mere profit, established private higher education institutes, more aptly described as commercial educational institutes, which employ unqualified teachers, sometimes on part-time basis, to the detriment of professional ethics and standards.

Institutions of private higher education rarely employ full time teachers, as there is no law against the establishment of these private institutions and nothing can be imposed on the state to interfere in this matter. In fact, the state declared over and again that it categorically had nothing to do with those institutions and the degrees they offered. However, pamphlets concerning conditions for private higher education have been prepared by the state, which has even started considering the enactment of a law that determines the course of private education. There is no doubt that much action has become necessary in view of the dangers of

internal and external financial, as well as political, intervention to which higher education might become exposed.

### C. The Sanctity of Universities

This means the security, safety and protection against all sources and means of coercion, so that the freedom of expression and analysis may take liberal and objective channels. In Tunisia, there is no text that specifically defines academic freedom, or gives it special protection. All that exists is that the president or director is committed to preserve security inside the institution; he is further entitled, when necessary, to contact the concerned authorities to undertake control of security affairs. It is to be noted here that the question of the sanctity of Tunisian universities has been controversial ever since universities became targeted by certain movements. Both the students, as well as the teachers, might become responsible for the violation of the sanctity of the university.

Violation of university sanctity and immunity started in 1966 when the regime reacted against criticism by interfering to suppress students, giving no heed to university sanctity or the protests of professors and teachers. On some occasions, they resorted to the "militia" of the ruling party under the pretext of "people's defense of their university institutions."

Later, in the 1970's, when the leftist wing gained strength among students and the Islamic movement emerged and became distinctively and gradually confirmed, the strongholds of the ruling party in the university were weakened. Nevertheless, doors were not yet flung open for the emancipation of the university from political trusteeship.

The university fell under the predominance of leftist and Islamic currents of thought, which exploited its sanctity as a shield to fight the ruling regime and to fight each other. Those factions resorted to financial and moral coercion against students and professors through strikes and "commando" attacks. The regime reacted by setting up "university police," most of whose elements belonged to the ruling party militia, prior to the establishment of police stations in major university institutions. Naturally, all those measures adversely influenced the education processes and the freedom of expression. The gravest threat to academic freedom came especially from the Islamic factions.

While the majority of professors adhered to academic freedom and the objectivity that their mission requires, others exploited the university sanctity for political and partisan propaganda. This digression was not restricted to any specific side, but was committed by teachers from the ruling party and others from the leftists and the Islamist groups. No doubt, such teachers quickly lost their credibility. Following some student disturbances, a number of them were expelled from the university. The situation did not calm down until the late 1980's, only to flare up again more acutely in the early 1990's as a result of actions by Islamic activists inside the university during the academic year 1990-1991. But ever since, the university has not witnessed any significant events as major university institutions have remained continuously under security controls.

Such conditions do not keep pace with academic freedom. The question, however, remains as to how can the university be protected against the various means of pressure and coercion and what are the means for preserving the university's environment for knowledge and freedom against competing power groups with empty slogans?

## **II. The Security of the Academician**

This means security against threats, pressure or influence, to allow the proper discharge of research and teaching responsibilities. This security embraces other activities such as recruitment, promotions, punitive actions and the freedom of study and research.

### **A. Recruitment**

Recruiting higher education teachers and professors is subject to a special text which is part of the public office law with due consideration to the specificities of higher education. Employment of all professors and teachers is carried out on competitive basis by special committees each consisting of five members - three are elected and two others, including the chairman, are appointed by the minister of higher education. Any breach of this procedure is liable for appeal before an administrative court.

It is also to be noted that employment is not limited to a specific period of time, and termination of service is only carried out in cases of inefficient performance. In such cases, the matter is referred to a joint committee prior to referral to the competent authorities.

Higher education professionals are not subject to "contract jobs" that may restrict their academic freedom. Contracts are only given to expatriates or temporary assistants.

Teachers of private universities are employed on credit-hour basis. Privately owned universities have not yet reached the stage of employing full-time professors, which limits academic freedom.

## **B. Promotions, Seniority and Discipline**

Promotion, seniority and discipline in public higher education institutes are subject to strict stipulations in the legislation governing higher education. As regards promotions, scientific considerations are very important.

Seniority is based on length of service and is almost purely automatic.

Seniority cannot be postponed except by a decision of a professional joint committee on the basis of reports by two professors and on the intervention of the scientific council of the concerned institution. This, however, rarely occurs.

Concerning punitive discipline, it is worthy of notice that the law on public office strictly outlines penalties referred normally to an administrative authority on the intervention of a joint committee representing the administration and the concerned university party. The procedures of punitive action are strictly defined and are based upon respect for the right to defense through the appearance of the concerned party before the committee and on the possibility to resort to an advocate or any other party for self defense.

The role of the penalty committee lies in proving and assessing the case to be referred to the competent authorities. Decisions are liable to appeal and annulment by administrative courts. Many cancellations have occurred in the past.

## **C. Freedom of Study and Research**

A university member enjoys full rights to study and research. Courses to be taught are assigned through a decision by the concerned department, and occasionally by a university's scientific council. The course subject matter is determined by a decision of the minister of education on proposals made by the scientific council. Any alterations within the program are the sole jurisdiction of the teacher who is entitled to concentrate on whatever parts he chooses and to give his own opinions and interpretations, as well as the right to copy, print and publish his own course material. The only case which might limit his freedom is the assignment by the scientific council of two professors to submit two reports on a staff member's work prior to his permanent employment. A minimum level of coordination should be guaranteed to ensure the proper teaching of certain courses by various teachers -- administrative law, for example.

In order to allow broader contribution to the course material, a teacher does not teach the same course beyond a limited period -- three years in general, which enhances academic freedom. Difficulties, however, emerge when teachers deviate from their profession's basic ethics.

There are cases when a teacher exploited his classes to promote political doctrines for the benefit of a party. The ensuing disturbances led to the expulsion of the teacher or to his transfer to another institute. In other cases, students conflicted with teachers whose political orientations were different. All these conditions pose a threat to religious freedom.

While research can be conducted individually or collectively in total freedom, this, in practice, may not be the case. In practical sciences, adequate equipment may not be available, and, when available, might be controlled by an administrative or scientific authority which may restrict the freedom of research. Freedom of research may further be hindered by publication restrictions, or by limitations as regards participation in scientific meetings and seminars. Financial constraints pose yet another limitation for research and consequently the exercise of academic freedom.

## CHAPTER 5

### Academic Freedom

#### In Syrian and Lebanese Universities

Radhwan Assayyid

During my work as editor in *Arab Thought* journal in 1979, I prepared a file on "The University Institution: A Concept and a Role." Among those I contacted to contribute to this theme was the well-known professor of philosophy, Dr. Hassan Hanafi. I do remember that I specifically asked him to write on the "freedom of scientific research, among German humanists and enlightenment thinkers." Dr. Hanafi replied that a different topic would be more suitable to the controversial atmosphere prevailing in the Arab world, namely, "Kant and the conflict of university faculties." Issue No. 20 of *Arab Thought* was published in April 1981<sup>(1)</sup> on the afore-mentioned theme, including the essay by Dr. Hassan Hanafi. His forecast on the controversial atmosphere in the Arab world proved correct when Egyptian authorities, despite the Egyptian tradition of freedom of debate and difference of opinion,<sup>(2)</sup> imprisoned and deported hundreds of academics, intellectuals, party leaders, and independent politicians for cases related to "freedom of opinion."

Among those was Dr. Hassan Hanafi, who was ordered to get his pay from the ministry of social affairs rather than the University! The afore-mentioned paper on Kant was the last of his

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مجلة الفكر العربي، م ٢٠، آذار/مارس - نيسان/أبريل ١٩٨١: "المؤسسة الجامعية فكرة ودور".

(2) Concerning history of discussion, dialogue and difference of opinion in the Egyptian University, cf: Conald M. Reid, *Cairo University and the Making of Modern Egypt* (Cambridge: Cambridge University Press, 1990) pp. 69-155

writings to be published during his lifetime in 1978.<sup>(3)</sup> In its introduction, it highlighted paragraphs from a letter by Emperor Frederick Wilhelm II to Kant (1 October 1994) blaming him for having published the book "Religion Within the Boundaries of a Simple Mind" in 1793, despite the ban issued against it in 1792. The university faculties referred to by Kant were four: Theology, Law, Medicine (referred to by the state as the High Colleges) and Philosophy (referred to by the state as the "Lower Faculty." Conflicts on objectives and curricula raged among the three High Faculties. However, direct subordination of those faculties to the state, and the state's attempts to exploit those faculties to realize a social, cultural and ethical discipline, undermined the disputes among them and concentrated those disputes against the lower faculty of philosophy. Two-thirds of Kant's book focuses on the contradictions between the faculty of Theology and the faculty of philosophy on the basis of their divergent objectives and curricula and, above all, their powers. The mainstay of philosophy is the mind and freedom, while in the other colleges, it is utility -- and ultimately, the interest of the state. Kant, nevertheless, views neither the differences between the colleges of philosophy and theology, nor those between the colleges of philosophy and law, as differences between the thinker and the state, since the mission of the former is to assess the work (theses) of the other colleges in pursuit of the truth, which is ultimately in line with state interests. Kant maintains that the freedom of research is necessary for the advancement of the human mind, but should be pursued in harmony with state laws, if progress and public education are to be realized.<sup>(4)</sup> Dr. Hanafi seems as though he expects a researcher to avoid the authority of religion and common beliefs, a conviction

(3) "Streit der Fakultäten". I referred to the Suhrkamp edition issued in 1969, while Dr. Hanafi consulted the French translation: Paris, 1955.

(4)

حسن حنفي: "الصراع بين الكليات الجامعية عند كانت، دراسة في حرية البحث العلمي"، مجلة الفكر العربي، م ٢٠، آذار/مارس - نيسان/أبريل ١٩٨١، ص ٢٣٣-٢٦٥.

that he tried to convey to Dr. Nasr Hamid Abu-Zaid, who had been for many years involved in a radically enlightened argument with Islamists in Egypt. He had sent me a lengthy study which I have published in *Al-Ijtihad* journal several months ago, and which begins as follows:<sup>(5)</sup>

"Interpretive sciences are not to be dealt with lightly by the public or the media, for those are exclusively for the elite. Public opinion consists of common beliefs and media fabrications. They are also instruments of pressure and coercion in the hands of authority. From the vantage point of the scientist, it might seem that he has abandoned his mission of defending freedom of opinion and scientific research, yet such defense should only be made in research centers and specialized journals and not in public".

Like all others, Hassan Hanafi complains that the atmosphere is overfill with dogmatism, which hampers the progress of scientific research. In the view of those dogmatists, the spirit of the 1960's and 1970's was not more open or more sympathetic to university professors and academic researchers,<sup>(6)</sup> as a result of an overwhelming atmosphere of ideologies producing high-powered debates outside universities and academic institutions, which later encroached into the university. In Syria, the debate became extensive over the re-writing of Arab history. In Lebanon, hot debate raged over "dialectic materialism" as the sole scientific method for interpreting history and dealing with problems of methodology and its ramifications in human and social sciences.

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حسن حنفي: "علوم التلويل بين الخاصة والعامة-قراءة في بعض أعمال نصر حامد أبو زيد"، مجلة الاجتهاد، م ٢٣، آذار/مارس - نيسان/أبريل ١٩٨١، ص ٢٣٣-٢٦٥.

(6)

حسن حنفي: "الدين والتنمية في مصر"، في سعد الدين ابراهيم (تحرير): مصر في ربع قرن (١٩٥٢-١٩٧٧)، نشر معهد الامماء العربي، بيروت ١٩٨١، ص ١٨٩-٢٩٨.

In 1965, the Syrian journal *Al-Ma'rifa* (Knowledge), published by the Ministry of Culture and National Guidance, posed seven questions to 15 writers (12 Syrian and 3 Arab), including academic historians, Ba'ath Party politicians and Islamists. The questions focused on Arab history: its sources, writing methods and needs for development with respect to style and definition of historical epochs. The responses were published by the journal in five of its issues, which were then published in a book by the ministry in 1966.<sup>(7)</sup> Although the objective of then Syrian Minister of Culture Sulaiman Al-Khush, of unifying the vision concerning Arab history and methods of writing it, was only partially realized, there was agreement on the reality of a national history, which should be reviewed away from fundamentalist and Marxist outlooks. Most participants were academics led by Tawfiq Hatoum, professor of European history and chairman of the History Department in the Faculty of Arts of Damascus University. Islamic elements were represented by professor Muhammad Al-Mubarak and the Marxists by professor Yassin Al-Hafez.

Nationalism, as an ideology in historical writings and the humanities had been undermined in the discussions by giving way to Islamic culture on the one hand, and to socialism, rather than Marxism, on the other hand, making the attempt to rewrite history -- despite unanimity on the subject -- a questionable objective. In its 12th National Congress (1975) the ruling Ba'ath Party called again for the re-writing of history.<sup>(8)</sup> In 1976, *Al-Ma'rifa* reopened the debate in an article written by Dr. Hafez Al-Jamali,

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مجلة المعرفة: "كيف نكتب تاريخنا القومي"، ١٩٦٥، الأعداد ٤١-٤٦.

cf: Ulrike Freitag: *Geschichtsschreibung in Syrien: 1920-1990*. (Hamburg: Deutsches Orient Institut, 1991). pp. 255 ff.

(8)

حزب البعث العربي الاشتراكي: المؤتمرات القومية لحزب البعث العربي الاشتراكي ١٩٤٧-١٩٧٥ (دمشق: مطبعة القيادة القومية، ١٩٧٨) ص ٨١.

professor of sociology and president of Syrian Writers' Association in 1976.<sup>(9)</sup> Dr. Jamali stated openly that the writing of a national history is a state responsibility, yet writers should not put off their interest in the subject in order that history be weeded of all lies and myths. To implement the Party's decision, a committee was set up for re-writing national history; it held three meetings during which plans were made for the number of volumes (including the number of pages) covering each period. What was actually implemented was the publishing in 1980, of *Historical Studies*, a journal which is still being published under the supervision of Dr. Shakir Fahham, currently President of Arab Language Academy. Most of the contributors to this journal are academics whose specialized studies do not have the national mark of history, which, as recommended by the Party, should remain a state responsibility.

I have referred to the Syrian official project for history re-writing as a model for speculation in the discussion of academic liberties. Since the early 1960's, participants in these debates have been mostly academics, none of whom represent the state ideology (of the Ba'ath Party), although many of them are members of this ruling party. This implies that the Party never had a defined view of Arab history or of Arab social development. The necessity of possessing an official text of the nation's history was an imitation of the Soviet Union and East European regimes; yet this has lost its significance as ideological considerations during the 1970's and 1980's declined and the leader became more important than the party.<sup>(10)</sup> However, the discussions, debates and the prevalent atmosphere of those decades have left their stamp on the works of academics involved in historical, intellectual and social studies. During the 1970's and 1980's tens of books have been published on Arabs and Arabism as a dominating force in this part of the world

(9) U. Freitag, *op. cit.*, 273.

(10) cf: Volker Perches: *Staatsmacht und Gesellschaft in Syrien 1970-1989*, (Hamburg, 1990) pp. 168-179; Itamar Rabinovitch: "Historiography and Politics in Syria", *Asian Affairs*, 9 (1978), pp. 55-66.

-- Greater Syria and Egypt -- and over thousands of years.<sup>(11)</sup> There were also those who considered historical writing a national obligation.<sup>(12)</sup>

There is nothing in the laws and regulations of Syrian universities that relates to pluralism or the freedom of research. Ideologically, no commitments are required; yet the Ministry of Higher Education and the Party's cultural circles can exert their control through the employment of the teaching staff and the control of thought and published material. Despite widely circulating reports on pressures, practiced or potential, there is nothing tangible concerning systemic censorship of the freedom of academic research. It is to be noted, on the other hand, that, except for the very few last years, research in the political, social, and economic fields has passed through a stage of almost total stagnation throughout the 1970's and 1980's. Publications during this period were unscientific and consisted of textbooks and dictated material by teachers. Lively discussions on the "re-writing of history" did not permeate into the other areas, as researchers in those fields remained mostly non-academic.

During the 1980's, books and published material bearing high praise to Islam reappeared on the market in Damascus. Those were, however, dialectic in nature involving the foregone arguments of the 1950's.

Only translated books, published by the Ministry of Culture in its popular series, were books of interest, as they were mostly selected books and well translated by non-academics from outside the universities.

In other words, the lack of academic freedom during the 1970's and 1980's does not alone account for the lack of creativity,

(11) U. Freitag, *op. cit.*, pp. 290-294; Rabinovitch, *op. cit.*, pp. 60-61.

(12) For example: Ahmad Turbin & Khairiyaa Qassimiyya. cf: Freitag *op. cit.*, 349-355.

for there are certain conditions which are pre-requisites for the practice of freedom.

The Syrian general educational plan (1967) stipulated that education should aim at enabling students to participate in building a socialist and progressive society.<sup>(13)</sup> This plan was modified in 1984 to become less dogmatic and more detailed.<sup>(14)</sup> As in most third world countries during the 1960's and 1970's, students were awarded scholarships to pursue their higher studies in socialist countries in humanitarian and socio-economic disciplines, as well as in pure and applied sciences. Those graduates were appointed on their return as teachers and were offered minimal salaries, hardly enough for mere subsistence. Besides, there was little encouragement for research in the field of humanities, and since those graduates from Eastern Europe could not master any Western universal language, they could not avail themselves in their research with contemporary references in economics, sociology or political science, ...etc. I recall that I bought in Damascus in 1985 an Arabic translation of Montgomery Watt's book in Russian on the impact of Islamic civilization on European culture in the Middle Ages! The scarcity of scientific research is not therefore the result of direct censorship, as much as it is an outcome of dogmatism, the educational process, cultural isolation from the rest of the world, and a low-level of educational input and scientific research.

These conditions are not specific to any country in the Arab world as they are common in many other third world countries during certain stages of their post-independence.

On the eve the civil war broke out in Lebanon in the spring of 1975, a dogmatic atmosphere similar to that of other socialist

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مناهج المرحلة الإعدادية ١٩٧١-١٩٧٢، ص ٦٣-٦٥.

(14) Those amendments remained as a draft but were never carried out. They are, however, circulated.



Arab countries prevailed.<sup>(15)</sup> Even in academic circles, there was much talk about progressive trends in Arab culture and about social classes in Lebanon, ...etc., which came as a reaction to the specificity of Christian ideology\* and as part and parcel of preparations for a war against the so-called "reactionary, isolationist and zionist powers."

Hence ideological culture soon disappeared, despite its insistence on "scientific socialism." Post-independence cultural and scientific development in Lebanon went through channels different from those in Syria. On the eve of independence, there were no state universities in Lebanon, but there were two private universities, which emerged in the final third of the 19th century: the American and the Jesuit universities, established, respectively, by Protestant and Catholic missionaries.<sup>(16)</sup> The Lebanese University evolved gradually and with great efforts, from a Higher Institute for Teachers' Training during the 1950's into a complete university with the establishment of the Faculty of Medicine in the mid-1980's. The rise of the Lebanese University, however, did not affect the plurality of education. Most Lebanese students continue to enroll in private schools, which continue to grow in size and power everyday. The Arab University later appeared and during the war other universities emerged such as Bulmond, the Antonite, El-Casselee, Lloisa and Al-Hikma -- in addition to some Islamic religious institutes. Nowadays, the number of students in the Lebanese University exceeds the aggregate total of students of all

(15) On the ideological environments in the Arab Orient in the 1960's, compare:

ليونارد بايندر: الثورة العقائدية في الشرق الأوسط، تعريب خيرى حماد، دار القلم، ١٩٦٦.

See also:

البيئة الأيديولوجية في لبنان في بدايات السبعينات؛ تيودور هائف: لبنان: التعايش في زمن الحرب-الهيبار دولة وقيام أمه. مركز النشر العربي الأوروبي ١٩٩٣.

(16) cf:

الفكر العربي في مائة سنة- بيروت ١٩٧٨، وكتاب الجامعة وإيمان الغد، منشورات العيد المنوي، بيروت ١٩٦٨.

the other universities, but its standards do not rise to those of many private universities owing to the deterioration in staff and facilities during the war years. Just before the war, the Lebanese University was leading in law studies and certain branches of arts and sciences, but as of 1976, research centers in all departments have been closed. After the loss of its premises, the Lebanese University became scattered in a number of rented buildings, as the teaching staff favored private education with respect to schools and universities all through the troubled war period. The university facilities, allocations for professors, libraries and laboratories, were all seized by force by students and teachers who joined syndicated associations and resorted to strikes and demonstrations.<sup>(17)</sup>

In the 1980's, teachers' demands were restricted to the restoration of university representative councils and the raising of professors' salaries. On the eve of the war, the Lebanese University had an elected council of professors (with student participation) which ran the university and elected its deans and president. This system, however, was annulled in 1977, as the Council's authorities were transferred to the council of ministers and to the university president. Except for heads of departments, staff were now appointed by the council of Ministers. Owing to the spiraling inflation rates since the beginning of the 1980's, professors' salaries dropped from an average of US\$ 2,000 in the early 1980's to about US\$ 300 in the early 1990's. The university budget, of which 10% was earmarked for scientific research and scholarships for both teachers and students, covers now staff salaries only, with a mere 15% allocation for maintenance costs.

(17) cf:

مسعود ضاهر: "تطور الجامعة اللبنانية"، بمجلة الفكر العربي، عدد ٢٠، ١٩٨١، السنة الثالثة، ص ٣٠٥-٣٢٤، وحافظ قبيسي: "واقع الجامعة اللبنانية ومستقبلها"، بمجلة أوراق جامعية، العدد ٢، شتاء العام ١٩٩٣، ص ٢٥-٤٢. ومصطفى الجوزو: "مجالس الجامعة اللبنانية المعطلة بين الديمقراطية والنخبة"، في جريدة النهار ١٠/٢/١٩٩٤؛ و"الدولة والجامعة في نظام ريبونية العمل"، في جريدة النهار ٢٤/٣/١٩٩٤.

Any talk about intervention by authorities -- political or educational -- in the freedom of research is irrelevant in this case. Any educational policy or philosophy as described by Dr. Abdullah Al-Dayim, is so far lacking in Lebanon.<sup>(18)</sup> The war in Lebanon had its negative impact on both scientific research and university education, as all the foreign professors and distinguished Lebanese academics fled the country.

Many publications, produced mainly by Lebanese university professors, and well-known all over the Arab world, were discontinued as a result of the war and lack of financing.

A few scientific journals are currently produced by the American University of Beirut (AUB) and the Jesuit University. Private-sector universities, such as AUB and the Jesuit, focus on the current public demand for specializations in technology, business administration, communications, computer sciences and some economic disciplines, with only a slight interest in the humanities. It is to be noted here that scientific output in Lebanon, unlike Syria and perhaps Jordan and Egypt and other Arab countries, did continue outside the university campuses by authors who were normally not university professors. The publishing market in Lebanon has maintained its normal vigor throughout the civil war, as most of those publications were written by authors from the Arab Maghrib, Syria, Egypt, or Palestine, besides old books by anonymous authors.

Some international publishing houses produce English and French publications in Lebanon because of low production costs in comparison with their countries of origin.

The Arab Unity Studies Center in Beirut, established during the late 1970's, has maintained its activities with little and almost

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الدكتور عبد الله عبد الدائم: نحو فلسفة تربوية عربية - الفلسفة التربوية ومستقبل الوطن العربي. (بيروت: مركز دراسات الوحدة العربية، ١٩٩١).

unfelt decrease in its business. The center continues to publish high standard and often controversial studies, mostly by non-Lebanese writers, without facing any difficulties or serious challenges by any political or religious party.

Yet scientific research in the humanities suffered a quantitative and qualitative setback in Lebanon. University professors have come to indulge in drama, poetry and reflections, leaving their subjects of specialization aside. No doubt the war is quite responsible for this phenomenon; the downfall of the ideology of Lebanese specificity was followed by the fall of the leftist nationalist ideology and the emergence of profuse writing on issues of local and communal history, and the anthropological and sociological aspects for each religious sect, void of any common vision or future outlook.<sup>(19)</sup> It can be safely stated that an open outlook and a pluralistic culture are positive factors for transcending specific and secondary identities. That outlook has provided the bottomline for cultural, scientific and political studies, and the framework for radical Islamists and advocates of Lebanese specificity. This multi-faceted crisis in scientific research in Lebanon has, therefore, certain methodological aspects which go beyond the war crisis or the downfall of the traditional political consensus. It is a crisis of a revisionist approach to social and scientific sciences all over the world after overcoming the dialectics between "right" and "left", and "secularism" and "Islam", which raged during the 1960's and 1970's. Those are indeed the current Syrian cultural dialectics, emerging 20 years later than in Lebanon, and taking place, ironically, in the Lebanese press and publications.

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قارن بوجيه كوثراني: "إشكالية المنهج في الكتابة التاريخية العربية المعاصرة"، بمجلة منير الحواري، السنة التاسعة، العددان ٣٢-٣٣، ربيع وصيف ١٩٩٤، ص ص ١١٧-١٣٥، وأحمد ببيضون: الصراع على تاريخ لبنان، (بيروت: منشورات الجامعة اللبنانية، ١٩٨٩).

Aside from the prevalent trend worldwide, the prevalent temperament among Arabs is to turn toward technology disciplines, especially among the younger generations, who want to pursue fast results and short-term successes.<sup>(20)</sup> It might therefore be appropriate in this regard to reconsider the role of the state in scientific research and strategic studies in areas of social and pure or applied sciences.

In the beginning of this paper, I referred to the 1981 special issue of the *Arab Thought* journal, published by The University Institution, where, except for the title of Dr. Hassan Hanafi's essay, Conflict Among University Faculties in Kant's Works - A Study on the Freedom of Scientific Research, not a single reference was made to "freedom of scientific research."

Other than that, the articles included in this issue were either historical or functional in their treatment of the subject, including articles on medieval and contemporary higher education institutions in Europe, as well as Islamic educational institutions, in addition to a discussion of the social role of universities in the Arab world at present. As a spearhead for advancement, the university provides the lead into the future.

State universities (i.e., the free public universities) should therefore denote change, democracy and equal opportunity. These views are in complete congruence with Shaikh Muhammad Abdu's views on education and its social function.

Since the 1950's, there has been a great deal of literature, especially in Lebanon and Egypt, on the role of the university and its teaching staff, reiterating what was published by *Arab Thought*. This is more or less reminiscent of Bernal's book which was translated in Egypt in the 1940's, concerning social functions of

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قارن على سبيل المثال بالفضل شلق: "النخبة العربية والقمع الذاتي"، بمجلة الاجتهاد، م، ٥، السنة الثانية، ١٩٨٩، ص ٥-١٦.

learning, though those essays and studies were free of Bernal's socialist outlook.<sup>(21)</sup> There was also the book of Stephen Curtis titled, *Universities Role In A Changing World*, which was translated in Egypt in 1975. Further, there was the lecture delivered by Taha Hussain at the AUB and published in the AUB research journal in 1955 under the title Future of Universities in the Arab world.<sup>(22)</sup> In the same year, Nicola Ziyada published his article in *Al-Abhath* research journal under the title The Influence of Universities in the Arab World.<sup>(23)</sup> Constantine Zuraq published two articles, The University and the Future of Arab Thought, and The University Student in Lebanon.<sup>(24)</sup> There was also a number of lectures organized by the University Professors' Association, and published in 1970 under the title A University Professor in Lebanon: The Present and the Future, all revolving around the role of the university and its professors in national progress. In addition, there was an essay on the freedom of university professors by the well-known lawyer Ibrahim Al-Najjar, which opened with a discussion on the limits in academic communities,<sup>(25)</sup> and above all, there was Dr. Louis Awadh's

(21) cf:

محمد السيد سليم: "الجامعة والوظيفة الاجتماعية للعلم"، بمجلة الفكر العربي، عدد ٢٠، ١٩٨١، ص ١٧٥-١٩٣.

(22)

طله حسين: "مستقبل الجامعة في العالم العربي"، بمجلة الأبحاث، حزيران ١٩٥٥، ص ٢٤٤-٢٦٠.

(23)

نقولا زيادة: "أثر الجامعة في حياة العالم العربي"، بمجلة الأبحاث، حزيران ١٩٥٧، ص ٢٣٣-٢٤٥.

(24)

قسطنطين زريق: "الجامعة ومستقبل الفكر العربي"، في: الفكر العربي في مائة سنة، (بيروت: ١٩٦٨) ص ٦٤٩-٦٦٨، والطالب الجامعي في لبنان، في كتاب: الطالب الجامعي في لبنان، (بيروت: منشورات رابطة الأساتذة الجامعيين، ١٩٦٩).

(25)

إبراهيم نجار: "حرية الأستاذ الجامعي"، في الأستاذ الجامعي في لبنان، (بيروت: ١٩٧٠) ص ٩١-١٠٩.

book<sup>(26)</sup> (published around 1962), originally a collection of essays highlighting the democratic and socialist feature of education and attributing to the university a vital role in progress. One of the book's chapters goes as far as equating the disappearance of scientific research to the demise of the university. The writer shows deep interest in technical obstacles to scientific research. In the final chapter, he discusses professor and student, without touching upon the freedom of research. Another yet revealing report indicating lack of interest in freedom of scientific research in scopes of education and pedagogy is the Strategy for Developing Arab Education, which includes a chapter on the university and higher education, with a paragraph on the situation of scientific research in the Arab world, and without any reference to the problem of scientific research among the shortcomings or reasons for backwardness.<sup>(27)</sup>

In fact the issue does not only relate to the prevalent ideas concerning the role of the university, but has also a bearing on the notion of freedom and its relation to scientific research: i.e. the distinction between the rights of a researcher and a citizen's civil rights, and the denotations of freedom in either case.

Ellen Schrecker mentions in his book *No Ivory Tower* that the presidents of 25 American universities met in February 1953 during the recession of McCarthyism to declare their position concerning academic freedom. As stated by Schrecker, the more they delved into the subject the more vague it became!<sup>(28)</sup>

(26) Ellen Schrecker *No Ivory Tower: McCarthyism and the University* (New York: Oxford University Press, 1988) p. 12; Joe Stork and Steve Niva: *Academic Freedom in the Middle East*, a Special MERIP Publication.  
(27)

محمد جواد رضا: "الجامعات العربية المعاصرة - من الغربة إلى الإغتراب"، مجلة المستقبل العربي، عدد ١٨٢، ١٩٩٤، ص ٤ - ٢٦. وقارن بمحمد فائق: الحريات الأكاديمية، القاهرة: ١٩٨٩.

(28) cf:

Contrary to this opinion, Dr. Muhammad Jawad Ridha maintains in an article published in *Al-Mustaqbal Al-'Arabi* that the freedom of a researcher is a well-defined concept which means the freedom of the professionally qualified to search for, and disseminate the truth. It differs from human rights in general because it is an exclusive right of an exclusive category of people, practiced under special conditions.<sup>(29)</sup> If only we can avoid the conclusive argument of Dr. Ridha, we can say that his conception puts the argument on academic freedom on its right course. The state of scientific research, however, is not what it should be, considering the wide gap between research in the Arab world and Israel, with respect to the number of researchers, scientific journals, investment in science and freedom of scientific research, and relations with world scientific centers.<sup>(30)</sup>

During the late 1960's, Dr. Hafez Al-Qubaisi hoped that the Lebanese University would become a center for research. Great

يسرائيل لاندرويس: "تهديد العلم العربي"، مقال مترجم بمجلة شؤون الأوساط، العدد الرابع، كانون الأول/ديسمبر ١٩٩١، ص ٨٦-٩٣. وانظر: المنظمة العربية للتربية والثقافة والعلوم: التطور العلمي في الوطن العربي - دراسة تحليلية، تونس، ١٩٨٧.

(29) حافظ قببسي: "مستقبل الأستاذ الجامعي في لبنان"، في كتاب رابطة الأساتذة الجامعيين، (بيروت: ١٩٧٠)، ص ١٢٦.

(30) cf: أحمد بلال: "أزمة البحث العلمي العربي: واقع ومردود، وتطلعات مستقبلية"، بمجلة شؤون عربية، العدد ٦٥، نيسان ١٩٩١، ص ٢٣-٢٨. وهناك مقالتان أخريان بالاتجاه نفسه في مجلة شؤون عربية، العدد ٧٥، أيلول ١٩٩٣، ص ٧-٢٢ (سلمان رشيد سلمان)، والعدد ٦٥، نيسان ١٩٩١، ص ٧-٢٥ (عنان مصطفى). وقارن بعبد الباسط سيدا: "واقع البحث العلمي عربياً"، بمجلة الطريق، السنة ٥٣، العدد ١، كانون الثاني/يناير ١٩٩٤، ص ١١٢-١١٨. وانظر الخمار بوقرة: "مستقبل البحث العلمي - السوسيولوجي في الوطن العربي"، بمجلة الوحدة السنة ٧، العدد ٨٤، أيلول ١٩٩١، ص ١٦٦-١٧٠، وحمدش عمار: "وضعية البحث السوسيولوجي في الوطن العربي"، بمجلة المستقبل العربي، عدد ١٣٤ (١٩٩٠)، ص ٦٢-٨٠. وفي مقترحات وأفكار لتجاوز الأزمة: قارن محمد ناصر: "التنسيق بين الجامعات العربية لتطوير الدراسات العليا والبحث العلمي"، مجلة المستقبل العربي، عدد ١٤٢ (١٩٩٠) ص ٢٤-٣٩.

many constraints stand in the way, and for the rest of the Arab world, however, what can one possibly say about the state of scientific research?.

## CHAPTER 6

### Academic Freedom

#### In United Arab Emirates Universities

Abdul-Khaleq Abdullah

#### 1- Introduction

The cause of freedom and human rights was of old a basic human priority. All religions, civilizations and ideologies were unanimous on the vital necessity for humans to adhere to it. Yet this cause has gained great momentum during the last years as one of the priorities of the "new world order."<sup>(1)</sup> This new order, which is still in the making, faces several outstanding issues, as well as new priorities, most important of which is the cause of human rights and liberties in civic and political areas. The emergence of the new world order coincided with an overwhelming surge of democracy world-wide and the end of the cold war era, which has given breath to human rights criteria and proped the cause of freedom to the top on the list of human values, transcending every other value -- social or political -- even among the most persecuted.

Though the human rights issue is directed against oppression and dictatorship, human rights are no more confined to those limits. The issue of human rights has diverged into various forms and claims with an increasing number of groups striving to obtain the rights relevant to the specificity of their own society, culture and profession. Foremost among those groups are women,

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أنظر الملف الخاص حول "الخليج العربي والنظام العالمي الجديد"، مجلة شؤون اجتماعية، المعداد ٤٣، خريف ١٩٩٤.

children, religious and ethnic minorities, in addition to other vulnerable groups, not to mention laborers, journalists, academics, ... etc., all possessing a relative specificity related to their activities and conditions. In this new age of human rights, it has become relevant to talk about rights and liberties associated with each of those groups.<sup>(2)</sup>

In this context, the rights of scientists, researchers and academics emerge as a distinctive requirement to their creative activities and for the advancement of university and research institutions. This segment of the society, which has dedicated its life to scientific research and knowledge is entitled to guarantees of security in their work. In this age of scientific and technological advancement, science has become a moving force toward a new world and toward building a human civilization which may be different in form and material from anything nowadays prevalent.<sup>(3)</sup>

Such developments no doubt motivate special interest in research activity and institutions, in both the developed and developing countries. Universities and research centers in developing countries will have to fight hard against social, intellectual and institutional constraints to academic activities, in order to stay abreast with the present scientific and technical revolution.<sup>(4)</sup> The question posed here relates to the nature, components and factors of academic liberties, and the way they differ or relate to other liberties -- scientific, intellectual and

(2)

راجع الوثائق الخاصة بحقوق هذه الفئات وغيرها في كتاب محمود شريف بسيوني، حقوق الانسان: الوثائق العالمية والاقليمية، دار العلم للملايين، بيروت ١٩٨٨.

(3)

جيمس بيرك، عندما يتغير العالم، سلسلة كتب عالم المعرفة، رقم ١٨٥، الكويت ١٩٩٤.

(4)

نبيل علي، العرب وعصر المعلومات، سلسلة كتب عالم المعرفة، رقم ١٨٤، الكويت ١٩٩٤.

professional -- and to the actual practice of those liberties in the world today.

## 2- Academic Freedom

As all other civic and political liberties, academic freedom is closely associated with the social and political environment, which may either be convenient and encouraging or antagonistic and hostile. The Human Development Report clearly indicates that states with the highest record of human rights violations and those least committed to liberties are the most turbulent, while those that affirm human rights and are most respectful of freedoms are those most developed, civilized and stable.<sup>(5)</sup> States that commit themselves to rights and basic liberties are also committed to academic freedom. Wherever the freedom of thinking, expression and assembly are practised, academic liberty is practised and safeguarded in word and content; but when those basic liberties are prohibited, there will be no room for acknowledging and preserving academic freedom, since it concerns a small social group, with perhaps little influence, and is confined to a small number of institutions which generally seem to be isolated from society. Social and political conditions are factors that govern the existence of academic freedom and other liberties and rights, on the level of both practice and implementation.

Academic freedom is only a manifestation of intellectual and scientific freedom and is closely associated with the freedom to differ and choose, and the freedom to inquire and learn. It is complementary to freedoms contained in the Universal Declaration of Human Rights and other international conventions of the civil and political freedoms of man. As all other liberties, academic

(5)

برنامج الأمم المتحدة الانمائي، تقرير التنمية البشرية لعام ١٩٩٢، جامعة اكسفورد، تشرين الأول/اكتوبر ١٩٩٢.

freedom means the absence of compulsion and coercion and the lifting of restrictions on research and teaching activities inside universities as well as other scientific and research institutions. More broadly, academic freedom means the advancement of scientific progress and the removal of all constraints limiting this activity and the proliferation of knowledge and scientific thinking.

But we have to accept that certain limits must be imposed on academic freedom as in all other liberties. Along with those externally imposed, there are those indigenous restrictions relating to the responsibilities of scientific research, professional commitment and the national and ethical responsibilities of a researcher or scientist.<sup>(6)</sup> Social and historical commitment has become a condition for scientific indulgence and is no more considered contravening with objectivity. Commitment is imposed nowadays on researchers, academics and scientists, especially as regards human, social and political causes, including the rights and freedoms of men and the subjection of scientific and research activities to serve those causes. As such, academic freedom and responsibility have become manifestations of a single reality whereby responsibility predominates.

At the same time, those exclusive rights of the university still require shouldering of special responsibilities. Dr. Muhammad Jawad Ridha says, "University people have indisputable rights, but they bear a clear ethical duty to broaden and deepen scientific concepts in society, which imposes a certain responsibility on those people -- to remain fully conscious of the social needs. Isolation from those realities leads to the alienation

(6)

هشام غصيب، جدل الوعي العلمي: إشكالية الانتاج الاجتماعي للمعرفة، الجمعية العلمية الملكية، الاردن ١٩٩٢، ص ١٤٩-١٦٠.

of university people from their societies, and deprives them of the opportunity to lead."<sup>(7)</sup>

Acknowledging the principle of responsibility and commitment in scientific and academic work by no way means full surrender of academic freedoms. Academic freedom is the rule, while the limitations are only the exception. Academic freedom is in fact an attempt to limit restrictions imposed on the activities of academics and all workers in the scientific field and on their right to publish results of their research. But, whatever the case maybe in relation to freedom and responsibility, it is quite evident that academic freedom relates to three closely knit axes: (1) all forms of scientific activity; (2) the freedom of individuals working in science and research; (3) the freedom of universities and scientific and research institutes, particularly the guarantees for obtaining internal and external independence. The specificities pertaining to each of those axes are as follows:

Academic freedom begins by ascertaining the freedom to learn and think scientifically, to search for truth and knowledge, and to express and publish research results freely. Those principles are as old as man's philosophic and scientific search for truth and justice. In some countries those principles have become established facts, yet, in many other countries bitter wars are still waged to establish those rights, as freedom does not include the independence of university institutes or academic research, but is rather associated with incessant efforts against the predominance of non-scientific thought. Academic freedom is associated with the subject of scientific thinking, which is now topical in many societies, including Arab societies. Regardless of their social

(7) محمود جواد رضا، الإصلاح الجامعي في الخليج العربي، شركة ربيعان للنشر والتوزيع، الكويت ١٩٨٤، ص ٢٦.

systems, Dr. Fouad Zakaria said, the advanced world have succeeded over the past four centuries in accumulating scientific legacies that have become deeply rooted in those societies, while a bitter battle continues to be waged by Arab thinkers to lay down principles for scientific research.<sup>(8)</sup> Academic freedom is simply this battle, which is being waged for the acknowledgement of the simplest principles of scientific thought and the search for truth. This struggle, bitter as it may be, should be sustained for the sake of society as a whole, and particularly for the sake of scientific researchers. In addition to scientific freedom, an important component of academic freedom, are the rights of university staff and researchers.

Academic freedom is a vital necessity for university teachers and researchers to carry out their duties in a secure environment, free from any external form of harassment or restriction.

University teachers and researchers have the right to express their opinions, and publish results of their research and hypotheses - however irreconcilable this may be to tradition - without risking injury or loss of post. It is as important for a researcher to have access to sources of information. However important, such rights are no more sufficient for academic work and certain privileges and incentives have become vital to augment those rights, which include respect, recognition, status, compensation and exchange facilities with other institutions as well as the privilege to join organizations and unions that look after private and collective concerns of researchers and academics. Academic freedom incorporates an integrated system of professional rights and incentives.

(8) فؤاد زكريا، التفكير العلمي، سلسلة كتب عالم المعرفة، رقم ٣، الكويت ١٩٧٨، ص ٨.

Academic freedom, however, cannot be realized by merely acknowledging freedom of research and the rights and privileges of academics. Independence of academic institutions has also to be provided. One of the most important tasks of such institutions is pure scientific research which provides the *raison d'être* of a university, away from any direct political or religious intervention. For universities to grow, develop, and contribute to a society's development, they should be provided with the necessary liberties. Academic freedom is the sole guarantee against a university's digression from its original role as a place for undertaking scientific and philosophical research. Although the freedom and independence of a university is still a controversial topic, tradition has invariably proved that a university's mission -- scientific or developmental -- cannot be realized except through independence that secures the freedom of academic teaching and research.<sup>(9)</sup> Neither the social nor the hedonistic aspects of knowledge can be realized if financial and administrative independence are not guaranteed. Metta Aqrabi maintains that independence entails the choice of staff, promotion, application of laws and regulations, controlled selection of students, definition of the curricula and teaching methods, decisions on examinations, and specification of graduation requirements. A university has to be capable of exercising those duties without the intervention of authorities or society except within the tightest basic limits.<sup>(10)</sup>

Realization of all the components of a university's independence and commitment to the rights of academics and to the freedom of scientists and researchers, make academic freedom

(9)

محمد السيد سليم، "الجامعة والوظيفة الاجتماعية للعلم"، مجلة الفكر العربي، العدد ٢٠، إبريل ١٩٨١، ص ١٩١.

(10)

جاء هذا الاستشهاد في دراسة الدكتور حسن الابراهيم، "محنة التعليم العالي العربي"، مجلة المستقبل العربي، العدد ١٠١، تموز/يوليو ١٩٨٧، ص ٤٠.



a reality. Non-attainable at all times and in all societies, academic freedom does not normally flourish in isolation of the historical and social environment, and is not granted by official edicts or haughty administrative decrees. As all other liberties, academic freedom requires preparation of the environment and may have to clash with political and intellectual parties at all levels. However, until all its components are realized, it might be advantageous, as John Dickenson<sup>(11)</sup> suggests that we apply a practical definition that consists of four components of academic freedom: (1) internal independence of university and research institutes; (2) diversified sources of financing including the financing of basic and applied research; (3) job security for researchers and academics; and (4) existence of a professional organization, or an association which undertakes to defend researchers and academics individually and collectively.<sup>(12)</sup>

If the above-mentioned components constitute practical criteria for academic freedom, the question we are now faced with relates to the extent that those procedural definitions are real in the United Arab Emirates University.

### 3- United Arab Emirates University

Teaching started in the United Arab Emirates University on 10 November 1977, six years after the birth of the Federal State which became independent on 2 December 1972. The university started with four faculties: Education, Arts, Sciences and Political and Administrative Sciences, which later came to be known as the Faculty of Economic and Administrative Sciences. During the

(11)

جون ديكسون، العلم والمشتغلون بالبحث العلمي في المجتمع الحديث، سلسلة كتب عالم المعرفة، رقم ١١٢، الكويت ١٩٨٧.

(12)

المصدر السابق، ص ١٨٩.

inauguratory year, the number of students of both sexes totalled 504, while the teaching staff consisted of 54 members only.<sup>(13)</sup> But, it grew rapidly and the number of students rose in 1987 to 7,849, and to 12,000 at the beginning of 1994-95. The number of teachers rose to 290 in 1987-88 and 600 in 1994. Meanwhile, the number of faculties rose to eight by the addition of the Shari'ah and Law Faculty in 1978, the faculties of Agriculture and Engineering in 1980, and the Faculty of Medicine in 1986. The number of disciplines became 53 compared with 30 in 1986. Despite this growth, which also included the administration and budget, and the emergence of new deanships, such as the deanship of extension studies and the deanship of higher studies, the university continues after several years of its establishment in a constant stage of change and development. Like most other institutions and state agencies, the UAE university is still in its formative stage.<sup>(14)</sup>

The UAE university, as most other Gulf universities, is in its formative stage. These universities can be more accurately described as manifestations of a "university phenomenon,"<sup>(15)</sup> with functions and objectives different from those of traditional universities.<sup>(16)</sup> The UAE university at present is primarily concerned with meeting the urgent social developmental requirements, overriding thus the cultural, scientific and research

(13)

جامعة الامارات العربية المتحدة، الجامعة في عشر سنوات، اللجنة الدائمة لاحتفالات الجامعة، العين، بدون تاريخ.

(14)

للمزيد حول المراحل التأسيسية لواقع العطاء العلمي، راجع عبد الخالق عبد الله، "واقع العطاء العلمي في الامارات"، مجلة شؤون اجتماعية، العدد ٢٥، ربيع ١٩٩٠.

(15)

محمد جواد رضا، الإصلاح الجامعي في الخليج العربي، ص ٦.

(16) K.E. Shaw, Development Tasks for Arab Gulf Universities, Arab Studies Quarterly, Volume 15 No. 4 Fall 1993.

concerns and duplicating market concerns adhered to by other Arab universities.

Those graduates, as Dr. Hassan Ibrahim pointed out, "are more concerned with implementation than with thinking."<sup>(17)</sup>

Concentration on government jobs might have been proper in the early days of the university, as this coincided with the oil boom of the 1970's, and the accompanying sudden economic, social and cultural changes, which, until recently, have been difficult to control or manage, in the absence of legal systems and lack of skilled manpower.

The UAE university was no exception. The availability of financial resources and the enthusiasm of people to meet the needs of the new state pushed the university into a quick stride. In 1975, the Head of State declared his intention to establish a university to cater to the needs of UAE nationals, and in less than a year, following Law No. 4 for 1976, the university was declared established, and one year later, the first batch of accepted students was announced. Dr. Muhammad Jawad Ridha, member of the university advisory council commented on the this rapid action saying: "Thus a new university was born in the Arab Gulf, where the *raison d'être* was mainly political,"<sup>(18)</sup> a common feature in the establishment of all Gulf Arab universities. The political reasons underlying the establishment of the university might not be all that negative, considering the long history of public universities worldwide in supporting free search for the truth and in adhering -- in word and deed -- to academic freedom.<sup>(19)</sup>

(17)

حسن الابراهيم، "التعمية والتعليم: وجهها لوجه"، ذات السلاسل، الكويت ١٩٨٥.

(18)

محمد جواد رضا، الاصلاح الجامعي في الخليج العربي، ص ٦٨.

(19)

المصدر السابق.

The question that arises here is whether the university's political and strategic links with government institutions and its association with the oil boom period have had any influence on its independence, which, according to John Dickenson, is the first component of academic freedom.<sup>(20)</sup> Federal Law No. 4 establishing the UAE university stipulates that it is "an independent scientific organization with public judicial entity."<sup>(21)</sup> Article 2 of same Law states that the university is a lighthouse for human thought and a pioneering center for manpower development, cultural dissemination, and social development, preserving, meanwhile, the initial components of society."<sup>(22)</sup>

As a matter of principle, there is ample confirmation of the university's independence and of its nature as a scientific and academic organization. The Federal Law is quite clear about the university's supervision of its internal law and internal affairs as a scientific, rather than a governmental establishment. It is noted that official reference to the university invariably takes a positive note.<sup>(23)</sup> For the decision-maker, the UAE university appears well controlled and administrated. The experience of the past 17 years proved an increasing trust in the university by the state. Despite all reiterations of the university's independence, nobody doubts the state's watchful eye and the right it reserves for itself to interfere in university affairs in the same way it normally interferes with the

(20)

جون ديكسون، العلم والمشتغلون بالبحث العلمي، ص ١٨٩.

(21)

جامعة الامارات العربية المتحدة، القانون الاتحادي رقم ٤ لسنة ١٩٧٦ بإنشاء وتنظيم جامعة الامارات ولائحة التنفيذية، العين ١٩٨٤، ص ١١.

(22)

المصدر السابق، ص ١٢.

(23)

راجع خطاب الرئيس الاعلى للجامعة في لقاء اسرة الجامعة للعام الدراسي ١٩٩٥/٩٤. جريدة الخليج، ٥ سبتمبر/ايلول ١٩٩٤، ص ٥.

affairs of other institutions, with the view of keeping teachers and students away from political activities, or party politics. Obviously, such censorship is practised from a distance and does not prejudice university independence. The UAE university draws its own policies, systems, and bylaws with minimal direct external interference. In this sense, the independence of the UAE university continues to be preserved.

The UAE university, however, has become subject to administrative authoritarian rule from within, which hampers its academic activities. Bureaucratic over-staffing, which is a common feature of all Gulf universities, now crawls to the scientific sections and overloads the teaching staff by routine paper work. Dr. Hassan Al-Ibrahim believes that Gulf universities are infected by the disease of "bureau-pathology,"<sup>(24)</sup> which has become an end in itself. Bureau-pathology is manifested in a number of systematic restrictions which undermine the freedom of movement and dynamism and leave a negative effect on the teaching, research and social functions, in addition to the effect it has on the teaching staff itself.

The university administration tends to be strict and restrictive, which creates a feeling of insecurity and leads to teachers' unhealthy withdrawal and self-imposed restrictions that threaten normal expression.

The UAE university, which enjoys a relative degree of internal independence is now in dire need for liberty from administrative fetters. Perhaps a democratic revolution is the remedy suitable to all this and in all Arab universities.<sup>(25)</sup>

(24)

حسن الابراهيم، محنة التعليم العالي العربي، ص ٤١.

(25)

عمر محمد خلف، "ديمقراطية التعليم العالي في الدول العربية"، مجلة اتحاد الجامعات العربية، العدد ٢١، آذار/مارس ١٩٨٦.

Independence of the UAE university is connected on the other hand, with its financial resources, the second component of academic freedom. Diversified sources of finance are no doubt the strongest assurance against intervention by external pressures. Like all Gulf universities and most other Arab universities, the UAE university neither enjoys self-financing, nor diversified resources of finance. Reliance is almost total on government financing and without it the university cannot hope to be sustained. The Federal Government expended 4,000 million dirhams (US\$ 1,000 million) during the 17 years of the university's life, or US\$ 235 million per annum. The annual university budget rose from 90 million dirham per annum in 1977 to 300 million dirham in 1985, standing at 400 million dirham during the early 1990's. The university remains dependent on this sole financing source and the chronic deficit in its budget increases over the years. Doors are therefore wide open for official and political intervention.

The state enjoys a natural right to see to it that its money is being properly expended, which leads to mixing up political considerations with scientific and academic ones and ultimately the loss of academic freedom. Interest should not focus on the annulment of state financing, for this would mean an end of the university's existence, and a failure of all reform attempts.<sup>(26)</sup> Therefore, it is important for the university to broaden its financial resource base. Self-financing is one possibility, which strongly reinforces independence and prevents external intervention, making the university a forum for free thinking.

Academic freedom is not confined to independence and diversified financing sources; it embraces the freedom of the teaching staff to ensure their personal and professional satisfaction, their security and right to establish professional associations. John Dickenson especially emphasizes professional security and

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محمد جواد رضا، الإصلاح الجامعي في الخليج العربي، ص ٢٤٨.

immunity against expulsion as a result of disagreement in opinion.<sup>(27)</sup> Most of the teaching staff in the UAE university do not feel this security; anyone can be expelled without any reasons given for this drastic measure, since the majority of the staff (83%) are expatriates (seconded or on private contracts), who, in 1994 numbered 500 out of a total of 600. As for the termination of service, the Teaching Staff Handbook<sup>(28)</sup> provides that a staff member's service can be terminated during the two-year probational period with no reasons given for such measure. Following the probationary period, which should not normally exceed two years, a staff member is given a four-year contract, renewable for only a three-year period. Such conditions do not provide the expatriate staff with the incentive to produce and excel, and they enhance discrimination between nationals - who are employed on tenure basis - and expatriates who remain feeling insecure and temporarily employed.

The handbook includes a long list of duties, tasks, responsibilities and commitments, but lacks any mention of rights, privileges, immunities or the like. Foremost among those duties are:

1. Putting in full time and effort to teaching, lecturing, scientific exercises, and university guidance ... etc.
2. Commitment to high moral and university standards and traditions.
3. Participation in social development efforts.
4. Submittal to the head of the section at the end of each academic year, of a full report by a staff member on his scientific, research, and social activities.

(27)

جون ديكنسون، العلم والمشتغلون بالبحث العلمي، ص ١٩٠.

(28)

جامعة الامارات العربية المتحدة، دليل أعضاء هيئة التدريس، العين ١٩٨٨، ص ٢٧.

5. Abstaining from any business activity or any other activity that clashes with a staff member's duties and the dignity of his profession.<sup>(29)</sup>

Though security and stability represent the backbone of academic freedom in matters related to researchers and academics, this security is inseparable from the discrimination exercised against the teaching staff. Academic freedom rules out any discrimination on the bases of race, sex, nationality, or political and ideological beliefs. Academic freedom also requires the application of objective criteria in appointments, evaluation, promotion and qualification, as well as non-intervention in the work of a university professor as regards the choice of text-books, teaching methods or evaluation of students.

Discrimination is an intractable issue that allows for personal as well as structural and institutional practices. Other than the discriminatory measures mentioned earlier, it is difficult to point out all such cases. Perhaps the distinction between nationals and expatriates is in itself an implicit form of inescapable discrimination. Expatriates are the majority and the real founders of the UAE university, yet, they are filled with a deep feeling of insecurity, which undermines their enthusiasm for teaching and scientific research, contrary to their Emirates colleagues, who are granted full immunity and various privileges.

In fact, the privileged minority of UAE citizens and certain expatriates feel neglected and academically alienated as non-citizens are awarded key positions including those of the president,<sup>(30)</sup> vice-presidents, consultants, faculty deans, council

(29)

المصدر السابق، ص ٣٧.

(30)

تجدر الإشارة إلى أنه صدر قرار بتعيين الدكتور هانف جوعان الظاهري كأول مدير مواطن لجامعة الامارات وذلك مع بدء العام الدراسي ١٩٩٤/١٩٩٥.

chairmen and significant university committees and finally scientific sections' directors, as well as high-ranking academic positions. So, who are the real beneficiaries of this discrimination, and who are the victims? Is it the minority that enjoys privileges or the other way round? Or are they both victims of this discrimination?

Whatever the case may be, both nationals and expatriates constitute one single university family and have mutual concerns and similar academic and professional interests, which calls for the existence of an association to represent the academic staff before the university administration, to defend their urgent causes and to support academic freedom. Emphasis is nowadays expressed on the need to form a professional academic association as a liaison between the administration and the teaching staff,<sup>(31)</sup> without which the negotiating position of the teaching staff would remain quite weak. Staff members are therefore called upon to establish their own unions and associations and to strengthen them whenever possible.

Lately, an association for the teaching staff of the UAE university was formed as a professional and cultural entity headquartered in Al-'Ain, as stated in the first article of its memorandum of association, which further states that the association has specific objectives among which the following are of special significance:

1. Strengthening relations between members of the teaching staff and defending their causes.
2. Confirming university independence and advancement of its scientific and academic standards and securing academic freedom for its teaching staff.
3. Reinforcing the dignity and prestige of the university vis-a-vis society.

(31)

جون ديكنسون، العلم والمشتغلون بالبحث العلمي، ص ١٩٠.

4. Representing the teaching staff in meetings and at all levels of university councils and committees.
5. Strengthening cultural and scientific relations between UAE teaching staff and their colleagues in various Arab, Islamic and world universities.
6. Strengthening cooperation among students, teachers, and the administration.
7. Enforcing social values and indigenous traditions within university policy and systems.
8. Exhibiting interest in national, Arab and Islamic causes.<sup>(32)</sup>

Although the association's bylaws emphasize the need to defend the interests of all members of the teaching staff, and to represent them in all university bodies, membership, however, remains restricted to UAE citizens. Expatriate staff members are not authorized to set up associations of their own, and are only permitted to become affiliates with an existing association without membership or voting rights.<sup>(33)</sup> While the existence of an association is a vital component of academic freedom, it belongs only to a minority of the staff members. (Federal Law No. 6 for the year 1974, which bans the right of establishment of vocational and public welfare associations by expatriates, and as per Law No. 20 for the year 1980).

This university association formed in 1990, and open only to citizens, has not yet been officially established. The association, which has not yet obtained legal status, or the university administration's approval, functions on a de facto basis and undertakes regular and open activities. The university administration is still hesitant to deal with the association, and is rather dissatisfied with it.

(32)

جمعية أعضاء هيئة التدريس، النظام الأساسي، جامعة الإمارات، ١٩٩٠، ص ١.

(33)

المصدر السابق، ص ٢.

It is to be noted that the UAE university association, like all similar UAE associations, lacks the commitment of its members. This is shown by poor attendance<sup>(34)</sup> on most occasions including the general assembly meetings, as a result of the academics' lack of interest and belief in communal and union activities, and in their status as a professional group. He, whose mission is to search for the truth and seek knowledge, may not be precisely interested in obtaining scanty privileges. He might not even find the time for vocational and union activities.<sup>(35)</sup> Four years after its establishment, the UAE university staff association has no real presence or effect, as it hardly deals with any of the problems of the academic community, nor has it promoted contacts with official or public agencies in the university or the society at large.

The association has also failed to promote interaction with international scientific and academic unions, as well as other governmental and non-governmental organizations which advocate academic freedom and the freedom of expression. This could possibly be ascribed to the relatively recent establishment of the association and its precarious legal status, or to the failure of association members to grasp the real nature of their mission, as well as their failure to overcome difficulties during the establishment period, including the financial ones. Success of the UAE university staff association will basically depend on its performance, and its effective role in consolidating the university's autonomy, as well as staff independence and security with a view towards realizing the university's academic freedom.

(34)

للمزيد حول واقع جمعيات النفع العام في الامارات، راجع راشد محمد راشد، المشاركة في العمل التطوعي في الامارات، مجلة شؤون اجتماعية العدد ٣٣، ربيع ١٩٩٢.

(35)

جون ديكنسون، العلم والمشتغلون بالبحث العلمي، ص ١٩٢.

## CHAPTER 7

### Academic Freedom In Yemen Universities

Abdul-Aziz Assaqqaf

#### Introduction

Our world nowadays passes through an age of tremendous change as it embarks on a new era -- the so-called New World Order. We, in the Arab world, cannot stand aside if we want to have an equitable share among the nations of the world.

Public liberties are among the most important components of this "new order," and scientific institutions play a pioneering role in developing the scope of such liberties. Therefore, this symposium constitutes an important contribution toward surveying the extent of freedoms allowed in universities and scientific institutes, and assessing the contribution of those institutions in cultivating and bolstering public liberties in other areas.

#### Academic Freedoms

##### A. Development of Public Freedom

Ever since its birth in May 1990, the Republic of Yemen has continued to strive towards achieving the better for its society, as evidenced by the growing margins of freedoms in various areas of political life -- freedom to form political parties, freedom of the press and freedom of association ... etc. Naturally, this transformation meets some obstacles as both the society and government probe their way in an atmosphere of increasing individual freedom.

Public freedoms in Yemen are nowadays depicted in the exploding number of political parties (more than 40), unions,

associations, and various types of non-profit organizations (more than 1,000), in addition to scores of newspapers and magazines (about 200).

Public freedoms are further directed against government control, as well as government officials.

I must, however, hasten to add that the inflationary number of unions, associations, newspapers and magazines has started to recede to a reasonable size commensurate with the population and the social, political, and economic activity of the nation. Some political parties have merged and others have disappeared, and the number now stands at eleven only. The number of active unions, associations and societies dropped to 100, and the number of magazines and papers now stands at 40 only. This decrease was not the result of restrictions by the state or any party, but an outcome of the decline in public enthusiasm.

In view of expanding public freedom in Yemen in the last few years, academic freedoms in the Yemeni universities of Sana'a, Aden and Ta'iz witnessed substantial growth. This is well-manifested by the increasing number of seminars, analytic research and discussion by university professors, students' scientific societies, and other forms of public and scientific activities.

No doubt, the development of public freedoms in general, and political freedoms in particular, has had its positive impact on academic freedom in Yemeni universities.

At the same time, the academic community -- university professors and students -- has had a positive and well-felt role in spreading and deep-rooting freedoms in all areas of public life with a view towards making it an inescapable public reality.

## **B. Constraints of Academic Freedom in Yemeni Universities**

There are well evidenced facts that can be cited in discussing the hindrances to academic freedom in Yemen and in highlighting the academic community's readiness to exercise those freedoms:

### **1. Acceptance and Enrollment Conditions**

Any student or member of the teaching staff cannot join the university prior to the completion of an elaborate set of non-objective procedures, which essentially work for excluding certain extremist or extremely liberal elements.

The procedural requirements of the past, such as an applicant's need for clearance from the Internal Security Department, have been canceled and replaced by a more intractable set of conditions.

### **2. Facilities for Scientific Research**

Foremost among the factors that have restricted academic freedom in scientific research, is the lack of research centers and facilities (references, such as books, journals or periodicals) in Yemeni universities. The business and economics department of Sana'a University, as an example, does not have a single subscription to any foreign journal.

### **3. Scarcity of Research Allocations**

Research allocations, which are quite scarce, do not allow any serious research effort, especially in the applied sciences where huge outlays for laboratories and experiments are required. Participation by university professors in both regional and international conferences has also become extremely limited.

Research allocations in Sana'a University -- the biggest of the Yemeni universities -- totaled only \$15,000 for the academic year 93/94. The deanship of scientific research spent most of this sum on administrative requirements.

#### **4. Politicizing Academic Activity**

Politicizing academic activity was among the major detriments to Yemeni scientific institutions, including both students and staff, adversely influencing the credibility and seriousness of scientific research. Political considerations govern all student activities and promotion procedures, as well as decisions relating to seminars and their topics. Political parties have their outreach among students - an activity that has been outlawed by government regulations.

Nonetheless, the liberties allowed for the academic community in Yemen are quite significant compared with those allowed in other Arab universities. The exercise of those freedoms, however, varies from one person to another, depending on the individual's conviction of the government's commitment to democratic practices.

#### **Contribution of Universities to the Expansion of Public Freedom**

Public and political figures, representing the government or opposition in Yemen, use the university as a forum to promulgate their vision of democratic practices, thus making the university a place for heated debates between followers of diverse political views. The university administrators and professors have, therefore, assumed a leading role in enforcing democracy and promoting public freedoms in the face of intelligence and security agents.

Among the intellectuals contributing to this rising trend in the universities are: Dr. Abu-Bakr Assaqqaf, Dr. Abdulla Al-Maqaleh, Dr. Muhammad Abdulla Al-Mutawakkil, Dr. Abdul-Aziz Assaqqaf, Dr. Muhammad Al-Afandi, Dr. Yusuf Muhammad Abdulla Al-Shaibani, Dr. Hassan Al-Ahdal, Dr. Fadhl Abu-Ghanim, Dr. Ahmad Al-Bishari, Dr. Abdul-Ghani Qassim, Dr. Abdulla Al-Huraibi, Dr. Abbudeh Hammud Asharif and others. Regardless of their orientations, these people have left a mark on the country's development.

#### **Conclusion**

The Republic of Yemen enjoys a relatively higher level of freedom than that exercised in other Arab countries. The exercise of those rights, however, remains limited, as the people in Yemen gradually learn the proper practice of rights and liberties and as those practices become well-entrenched in Yemeni society.

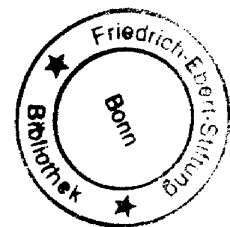


## **APPENDICES**

**List of Participants**

**Program**

**ATF Publications**



## List of Participants

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## Program

### Tuesday

27/9/1994

- 10:00 - 10:30 - **Opening Session**  
 - Dr. Ali Oumlil, Secretary General, Arab Thought Forum.  
 - Dr. Abdul-Qaddir Al-Atrash, Director, UNESCO Regional Education Office, Amman.  
 - Dr. Andrae Gaerber, Resident Representative, Friedrich Ebert Stiftung.
- 10:30 - 11:00 - Break
- 11:00 - 13:00 **First Session**  
 Chairman: Dr. Khairidin Hassib  
Academic Freedom in International Conventions
- 11:00 - 11:30 Dr. Ali Oumlil  
 11:30 - 13:00 Discussions  
 13:00 - 16:00 Lunch
- 16:00 - 19:00 **Second Session**  
 Chairman: Dr. Muhammad Adnan Bakhit  
Academic Freedom in Arab Universities
- 16:00 - 16:00 1. Jordanian Universities  
 Paper prepared by Dr. Ali Mahafza and presented by Dr. Muhammad Alwan.
- 16:15 - 17:00 Discussion  
 17:00 - 17:15 Break
- 17:15 - 17:45 2. Egyptian Universities  
 Dr. Muna Mukram Obeid
- 17:45 - 19:00 Discussions

- 19:00 - 21:00 Reception held by ATF Secretary General, Dr. Ali Oumlil, at the Marriotte Hotel.

### Wednesday

28/9/1994

- 09:00 - 13:30 **Third Session**  
 Chairman: Dr. Ali Attiga  
Academic Freedom in Arab Universities
- 09:00 - 09:30 3. Tunisian Universities  
 Dr. Abdul-Fattah Amr
- 09:30 - 11:00 Discussion  
 11:00 - 11:30 Break
- 11:30 - 12:00 4. Syrian and Lebanese Universities  
 Dr. Radhwan Assayid
- 12:00 - 13:30 Discussion  
 13:30 - 16:00 Lunch
- 16:00 - 18:00 **Fourth Session**  
 Chairman: Dr. Muna Makram Obeid  
Academic Freedom in United Arab Emirates Universities
- 16:30 - 17:00 5. United Arab Emirates Universities  
 Dr. Abdul-Khaleq Abdullah
- 16:30 - 17:00 6. Yemen Universities  
 Dr. Abdul-Aziz Assaqqaf
- 17:00 - 18:00 Discussion  
 18:00 - 18:30 Break
- 18:30 - 19:30 **Fifth and Final Session**  
 Chairman: Mrs. Laila Sharaf

### Roundtable

Dr. Khairiddin Hassib

Dr. Marwan Kamal

Dr. Amin Mahmoud

Dr. Ali Attiga

Dr. Ramzi Salameh

Dr. Mustafa Al-Khayyati

Dinner

20:00

## ATF PUBLICATIONS

### *(1) Series of Arab - International Dialogues and Seminars*

- Europe and the Arab World (English & French, 1982).
- America and the MIDDLE EAST (English, 1983).
- Palestine, Fundamentalism and Liberalism (English, 1984).
- Europe and the Security of the Middle East (English, 1985).
- The Arabs and China (Arabic, 1986).
- Arab Non-Violent Political Struggle in the Middle East (Arabic & English, 1986).
- De Gaulle and the Arabs (Arabic, 1989).
- Arab-German Relations in the 1990's (English & Arabic, 1991).
- The Arabs and Japan (Arabic, 1989).
- Arab-Japanese Dialogue II (English, 1991).
- Arab-Japanese Dialogue III (English 1992).
- Ethics in Economy: Euro-Arab Perspectives (English & Arabic, 1994).
- Arab Immigrants and Muslims in Europe (English, 1994).

### *(2) Series of Regional - Arab Dialogues, Meetings, and Seminars*

- Bridging the Gap Between Arab Intellectuals and Decision Makers (Sa'ad Eddin Ibrahim, Arabic, 1984).
- The Gulf Cooperation Council: A Step Or An Obstacle to Arab Unity. (Abdulla Bishara, Arabic, 1985).
- Advanced Technology and the Arab World (Arabic, 1986).
- Arab Manpower in the Oil Countries (Arabic, 1986).
- Food Security in the Arab World (Arabic, 1986).
- ARABSAT. and Horizons for Developing National Culture (Arabic, 1986).

- ARABSAT. Prospects and Potentials (Muhammad El Maqosi, Arabic 1986).
- Arab National Security in the 1990's (Ali Eddin Hilal, 1986).
- Distance Learning (Arabic, 1986).
- Arab Assets and Foreign Debts (Arabic, 1987).
- Violence and Politics in the Arab World (Arabic, 1987).
- Islamic Resurgence and Problems of the Arab World (Arabic, 1987).
- The Arab Intelligentsia (Arabic, 1988).
- The Lebanese Crisis: Economic and Social Impacts (Arabic, 1988).
- Political Pluralism and Democracy in the Arab World (Arabic, 1989).
- The International Human Order and Human Rights in the Arab World (Arabic, 1989).
- Prospects for Regional Arab Cooperation in the 1990's (Arabic, 1991).
- Towards A New Arab Order (Arabic, 1992).
- Human Development in the Arab World (Arabic, 1993).
- Gaza-Jericho Agreement: The Economic Perspective (Arabic & English, 1993).
- Academic Freedom In Arab Universities (Arabic & English, 1995).

### ***(3) Series of Arab Studies (Arabic)***

- The National State and Prospects for Arab Unity - Fahd El-Fanek.
- Report on the Arab Nations' State in 1988.
- Report on the Arab Nations' State in 1989.
- The Arab Predicament - Lutfi El Kholi.
- The Future of State and Society in the Arab World - Sa'ad Eddin Ibrahim.
- Arab Cooperation Council's Agreement (English).

- Egypt and the Arab World - Sa'ad Eddin Ibrahim.
- The Arab Political Mind - Muhammad Abed El-Jaberi.
- The Arab-Israeli Settlement: Limitations and Implications - Ghassan Salameh.
- Arab Development in the Arab Countries Experiences and the Future. - Yousef Sayegh.

### ***(4) Series of Strategic Studies (Arabic)***

- The Future of World Order and Experiments of Education Development - Sa'ad Eddin Ibrahim.
- Illiteracy in the Arab World - Hashim Abu Zaid.
- Higher Education in the Arab World - Subhi El-Qasem.
- Education Policies in the Arab Maghreb Countries - Muhammad Abed El-Jaberi.
- Education Policies in the Arab Gulf Countries - Muhammad Jawad Rida.
- Education Policies in the Nile Valley, Somal, and Djibouti - Amani Qandeel.
- Education Policies in the Arab Mashreq Countries - Su'ad Ismail.
- Arab - Education Since the 1950's: Accomplishments, Problems and Challenges - Nather Sarah.
- Future Manpower Needs of the Arab World - Antoine Zahlan.
- Arab Elitists' Views on the Future of Arab Education - Dia' Eddin Zaher.
- Final Report on Arab Education in the 21st Century - Sa'ad Eddin Ibrahim.

***(5) Series of Translated International Works.***

- *The Encroaching Desert*, Report of the Independent Commission On International Humanitarian Issues.
- *The Famine*, Report of the Independent Commission On International Humanitarian Issues.
- *Bare Feet Revolution*.  
Ed. Bertnard Shneider - Club of Rome.
- *Street Children*.  
Report of the Independent Commission on International Humanitarian Issues.