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ACADEMIC FREEDOM: CONCEPTUAL AND EMPIRICAL OBSERVATIONS

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Abstract

This paper introduces a definition of academic freedom. It differentiates academic freedom from freedom of speech, opinion, and association, and then provides some empirical observations based on the Academic Freedom index and some qualitative reports and research. It includes observations on recent violations of academic freedom in the West Asia and North Africa (WANA) region and Germany and the United States, with a focus on (self-) censorship, deplatforming, and other repercussions for academics working on Israel's conduct of war and the Israeli-Arab conflict at large. It concludes with thoughts on how cooperation in international higher education can help uphold academic freedom.

Defining Academic Freedom as a Professional Freedom

I understand academic freedom as the absence of legal, physical, or structural interference by state or non-state actors in a university's institutional autonomy and a researcher's independence in research, teaching, and outreach, as well as their personal integrity (Grimm and Saliba 2019, 47). Thus, hereafter, violations of academic freedom refer to any infringements on these freedoms, such as regulatory interference in the governance of higher education institutions, the retaliatory discharge of researchers or students, arrests of students or university personnel, or more severe infringements on their physical integrity.

An understanding of academic freedom as a professional right of scholars, similar to those granted to journalists, underpins this definition. This freedom is usually justified with the assumption that academics contribute to public welfare through their work by way of knowledge production and dissemination.

Academic freedom as a professional freedom is also exclusive because, in this narrow sense, it only applies to individuals who are speaking/publishing/teaching in their role as academics. This fundamentally differentiates academic freedom from universal human rights like the freedom of speech, belief, assembly, or association. Beyond the individual rights to independently seek out teaching curricula and research topics, academic freedom also entails an institutional dimension, namely that of university or institutional autonomy (Lyer, Saliba, and Spannagel 2022).

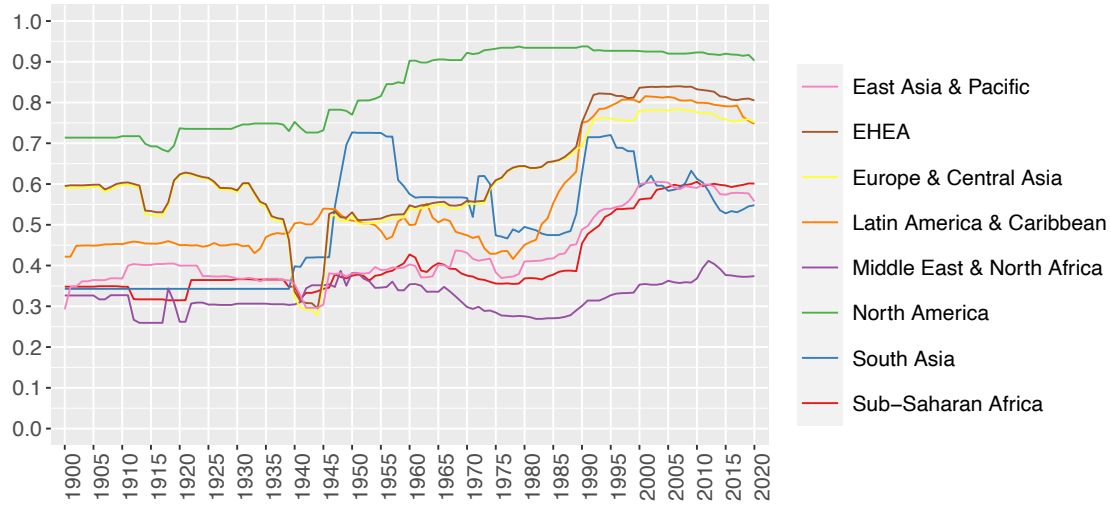
As higher education institutions increasingly curtail the rights to freely assemble and associate, and the free expression of opinion, students and scholars are often amongst the first affected, since universities are sites of political debate and organization. At the same time, in the context of encroaching and persisting authoritarianism and populism, the curtailment of universities' institutional autonomy is increasingly seen as a method of controlling discourse and limiting dissent by authoritarian regimes and populist incumbents.

Empirical observations in the Academic Freedom Index (AFi)

Global trends in academic freedom

The Academic Freedom index data (Spannagel and Kinzelbach 2023) shows an overall decline in the global level of academic freedom. This decline has been ongoing since around five years ago and recently picked up momentum (see figure 1 below from Kinzelbach, Lindberg, and Lott 2024).

Figure 1: AFi means across different world regions 1900-2023



Source: Kinzelbach, Lindberg, and Lott 2024

Even more concerning is that most recent academic freedom index data shows that the proportion of the world population living in countries with completely or severely restricted academic freedoms has, in 2023 (totaling 55 percent), again reached the levels of 50 years prior in 1973 (totaling 56 percent) (see figure 2 below from Kinzelbach, Lindberg, and Lott 2024). Given that this percentage was not even 34 percent in 2006, the numbers present a significant negative development. At the same time, the number of people living in relatively free academic environments has decreased significantly.

Figure 2: Proportion of Global Population by AFi Status Group

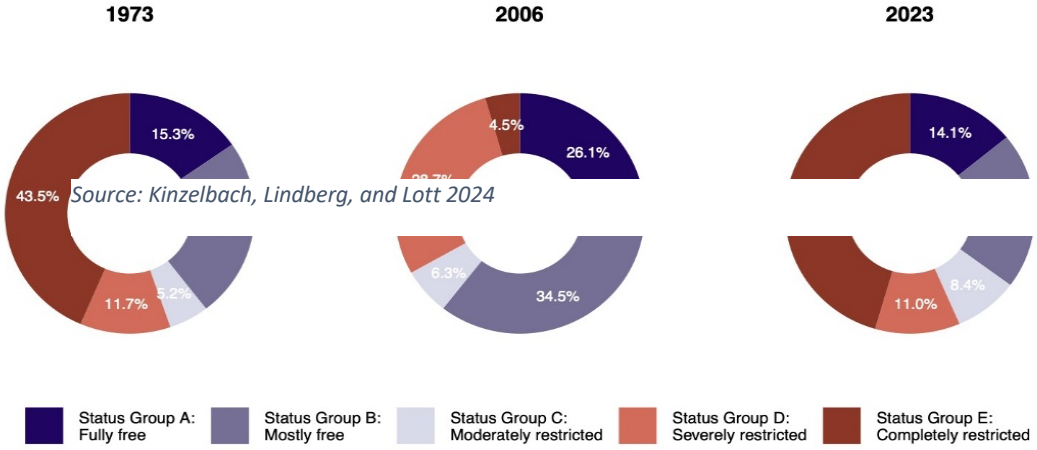


Figure 2: Proportion of Global Population by Status Group in 1973, 2006, and 2023. For this figure, we divided the AFI into five quintiles (status groups A to E). We did not consider the uncertainty intervals when assigning the countries into the status groups. Population data for the countries/territories comes from World Bank's World Development Indicators and have been rounded for presentation purposes.

Further evidence for declining academic freedom levels comes from the Scholars at Risk monitor database that collects individual cases of violations of academic freedom around the globe. The yearly monitor reports document an increasing number of attacks on higher education globally in an increasing number of countries. From 257 reported attacks in thirty-five countries in 2017, the number of documented cases has steadily increased to 409 attacks in sixty-six countries for 2022 /2023. Although the reporting of the Scholars at Risk monitor violations is not systematic (Grimm and Saliba 2017, 51f.), it does provide anecdotal evidence that indicates a negative trend in academic freedom globally by documenting an increasing number of attacks on higher education in an increasing number of countries.

Academic Freedom and Violations in the WANA Region

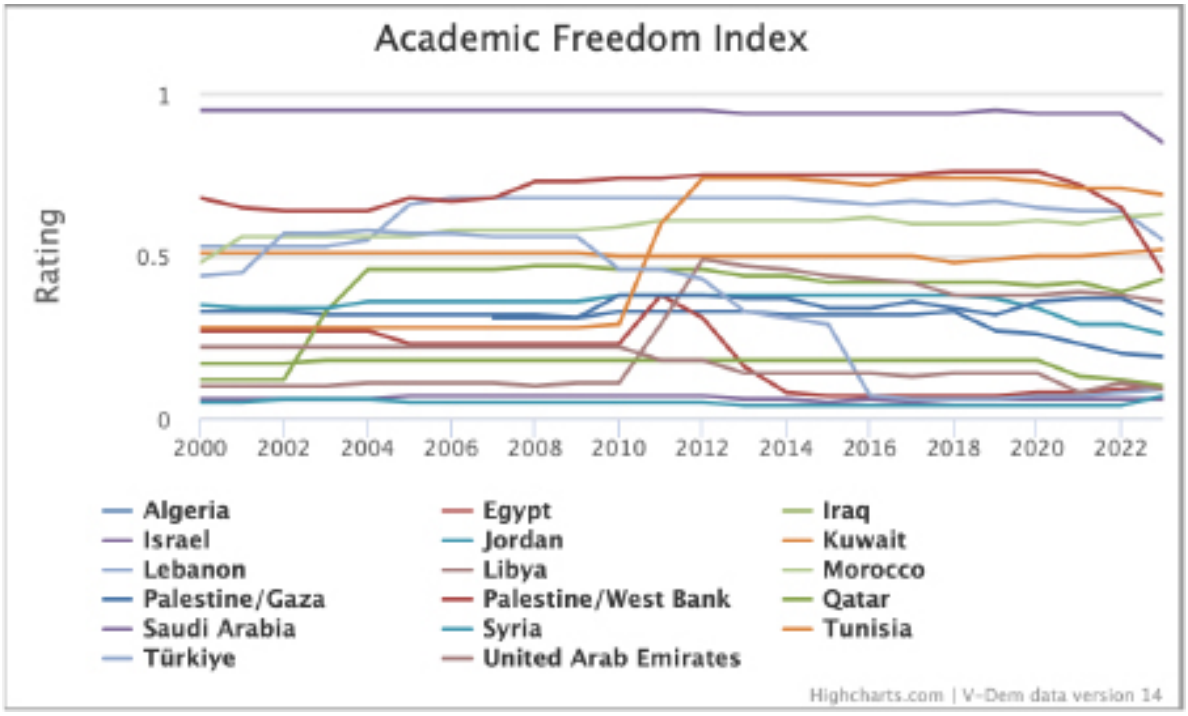
Broader political developments in the WANA region have impacted higher education institutions, students, and faculty. Since the uprisings in 2011, which destabilized many countries in North Africa and Western Asia, an increasing number of violent conflicts, state collapses as well as the resurgence and continuation of overtly repressive autocracies have defined the political context in which academics work, and students learn (Saliba 2018, 313).

Given the strong correlation between academic freedom and democracy (Kinzelbach, Saliba, and Spannagel 2022) and the negative impact of conflicts on academic freedom, this is hardly surprising, as the region remains the most authoritarian in the world. Looking at datasets that measure the character of governance over time, one can conclude that overall, the WANA region has become even more autocratic over the past decade (V-Dem Report 2024, Freedom House 2024).

Moreover, we know from research on cases of declining academic freedom that autocratizing regimes are especially likely to restrict scholarship and learning. These regimes tend to silence critical inquiry and discussion at universities, or even remove or detain unwanted scholars from their posts (Lyer, Saliba, and Spannagel 2022, 179–82). On the flip side, studies have shown that high levels of academic freedom reduce the risk of autocratization by imprinting a pro-democracy bias on students and researchers (Pelke 2023).

While some countries like Tunisia, Egypt, and Libya experienced a short period of stark improvements in academic freedom levels after 2011, the AFi finds a decreasing trend in academic freedom levels for the entire West Asia and North Africa region beginning in 2012 (see figure 3 below and Kinzelbach et al 2024, 6 for the most recent data for 2023). In terms of global distribution of the AFi status levels, the WANA countries all fall under the bottom half of the ranking. Tunisia is the exception as the only country in the AFi making it to the top half (although just barely).

Figure 3: Academic Freedom Index data for selected WANA States 2000-2023



Source: V-Dem 2024

Different patterns in how universities have been affected by decreases in academic freedom have emerged across the WANA region. The political mobilization and contestation since 2011—also at universities—has led to a systematic crackdown on critical students and researchers (Saliba 2018). In all WANA countries, students and academics have been increasingly targeted for their involvement in political protests or for raising opinions that didn't align with their governments' policies. Autocrats have attacked political mobilization and organization in universities through persecution, arrests, retaliatory discharges, expulsions, and disciplinary measures. In addition, autocrats have exercised more political control over the higher education sector through new regulations and political interference in appointments at higher education institutions.

The Scholars at Risk Network's Academic Freedom Monitor project has verified 48 incidents of violations of academic freedom for North Africa and 183 for Western Asia (Turkey and the Middle East) between 2011 and 2018. Those numbers represent the vast majority of cases verified by the Academic Freedom Monitor during this period. Incidents documented by the Scholars at Risk monitor range from travel bans for scholars and losses of positions to arrests, enforced disappearances, and killings of students and scholars. Despite the problems with data on such incidents, this does point to the dire state of academic freedom in the MENA region since 2011. It also indicates the

increasing violations of academic freedom in recent years. As stated above, however, this general trend does not necessarily mean that the situation in all universities in the MENA region has deteriorated.

Egypt

After a small period of improvement between 2011 and mid-2013, academic freedom in Egypt has deteriorated since the military coup in June 2013 (Saliba 2020). Most of the gravest violations of academic freedom—such as violent crackdowns on students protesting against the coup and arrests of scholars critical of the military regime—occurred between mid-2013 and mid-2014. Although student protests have died down and the scale of violent repression has consequently abated since 2014, the situation in recent years has not improved with regard to any other facet of academic freedom. The martial law in place since 2017 has expanded military jurisdiction to events on and around campuses. Furthermore, reinstated presidential prerogatives and regular intrusions into universities by the security services have debilitated the freedom to research and teach, institutional autonomy, campus integrity, and the opportunity for international academic exchange. The Egyptian Association for Freedom of Thought and Expression (AFTE) documented 2,138 violations of students' rights between 2013 and 2016, including 21 extrajudicial killings and 1,181 student arrests (ADD). According to AFTE, at least 65 students have been referred to military trials since the coup.

Türkiye

In Türkiye, the restriction of academic freedom through mass expulsions of researchers and students amounts to an attempt to 'cleanse' the public sector of unwanted individuals (Özkirimli 2017). Professors and lecturers from nearly all universities have been targets of prosecution due to alleged ties to the Gülen movement, which the government blames for the 15 July 2016 military coup. The cases of hundreds of Turkish academics who lost their positions at public institutions represent just one example of this trend of political backlash against academics who dare to speak out and challenge the positions of the government. As a result, many scholars left Turkey to pursue their academic careers abroad. This situation provoked a true exodus of researchers, and, moreover, this 'brain drain' puts independent and free research and teaching at Turkish universities at risk. The UK-based Council for At Risk Academics (CARA) and the German Alexander von Humboldt Foundation, for instance, report skyrocketing numbers of applications by Turkish academics for support schemes for scholars at risk since 2016. In March 2018, students at Bogaziçi University in Turkey who peacefully protested against the Turkish army's

offensive in Syria were publicly accused of being terrorists by President Erdoğan; eleven of them were detained.

Tunisia

In Tunisia, academic freedom has declined as a result of the authoritarian turn in the wake of the constitutional coup in 2021 (Guellali 2021). Politicians, critical journalists, and CSOs opposing Saied's power grab are feeling the brunt of the crackdown on dissent. That said, politically motivated arrests, and smear campaigns have also targeted Tunisian scholars and students who dared to criticize Saied's rollback of some of the democratic and human rights achievements of the 2011 revolution and the 2014 constitution.

Morocco

In Morocco, state persecutors and security services have targeted particularly outspoken academics who crossed one of the red lines for the Moroccan monarchy. This includes criticizing the monarchy itself or the rampant corruption in the kingdom, expressing solidarity for protesters in the Rif region, or demanding autonomy for Western Sahara. Already in 2015, Shana Cohen, a sociologist working on Morocco, argued that "without the freedom to think differently, research cannot address real issues: poverty, unemployment, and public health. Those who want to do such research or use their education to find practical solutions may try to leave. Those who want to stay in Morocco often leave academia" (Cohen 2015).

Libya

The fragmentation of the state in Libya has negatively affected higher education institutions in the country. Only twelve out of around twenty Libyan universities were still operating in 2019 (Derbesh 2019, 4). As a result, Libyan scholars have lost their jobs or have left the country. The conflict and fragmentation have also left many Libyan high school graduates with fewer study options than before. The Eastern Libyan territory controlled by General Haftar in particular has suffered a decline in academic freedom due to increasing political control of university governance, research agendas, and teaching curricula. While universities remain free of charge, the consequences of the civil war have undermined many young Libyans' right to and access to education. Furthermore, the deteriorating human rights situation (OHCHR 2023) has instilled a climate of fear amongst academics that they could be targeted by violent state or non-state actors for commenting on the ongoing situation or criticizing some of the groups effectively in control.

How Academic Freedom is Restricted in the WANA Region

University autonomy

At the legal and institutional levels, the autonomy of universities is being eroded through politically appointed university rectors and public funding structures that undermine universities' autonomy and democratic self-governance (Roberts, Lyer, and Suba 2019). For example, governments of the Maghreb countries exert political control over university governance, including crucial appointments to administrative positions.

Surveillance and campus integrity

The securitization of higher education and universities as a space for political socialization and organization has increased, particularly after the 2010/11 and 2018/19 uprisings. This has led to more police presence on campuses throughout the Maghreb and has made repression against students and scholars more common (Kohstall 2015). In some Maghreb countries, officials from the internal security services work in administrative roles in university management in order to collect information on critical students and faculty and report any suspicious behavior on campus to the security agencies. Security services also recruit students and scholars as informants to report on the behavior and activities of their peers. As a result of the switch to online teaching during the COVID pandemic, digital surveillance tools have limited the freedom to teach and exchange ideas.

Self-censorship

According to a joint online survey by Al-Fanar Media and Scholars at Risk from 2020 (Faek 2021), about seventy-five percent of lecturers at universities in the WANA region practice self-censorship in their professional lives. Most of them censor themselves to avoid getting into trouble with state or religious authorities. Given widespread legal and regulatory restrictions on what professors can say or do, the real levels of academic self-censorship may be much higher.

Repression and persecution

The conflicts in Libya, Syria, Yemen, and Palestine, have rendered universities into targets of militant groups, leading to looting and enforced disappearances of staff. Not only are universities and academics in the region curtailed by encroaching political control over university governance and

curricula, but also by the domestic persecution of critical scholars and students. Transnational repression by Arab regimes targeting scholars and students abroad is an increasingly common practice (Sparks 2024).

In connection with racist remarks made by Tunisia's president in 2023, Black African asylum seekers as well as Black African exchange students in Tunisia have been the targets of arbitrary arrests, physical attacks, and slurs, including on social media. Moreover, transnational repression against academics is also becoming more common. In 2016, the Academic Freedom Committee of MESA addressed the Egyptian government in a letter regarding the detention and interrogation of Tunisian Professor Amel Grami, who had been invited to participate in an international conference in Egypt (MESA CAF 2016).

In Morocco, historian Maati Monjib, was jailed in 2015 and again between 2020 and 2021. Since then, Professor Monjib has been denied the right to travel and has been suspended from his duties as a history professor at Mohammed V University. Furthermore, the Scholars at Risk monitoring project documented at least two wrongful imprisonments of academics at the University of Tripoli in 2023. On November 16, 2023, Libya's Internal Security Agency (ISA) detained Professor Abdel Fattah Al-Sayeh, the head of the General Syndicate of University Teaching Staff Members (GSUTSM) (SAR 2023). Al-Sayeh's arrest occurred against the backdrop of a protest by university teaching staff led by the union he headed. In a second arrest only twelve days later, members of an armed group claiming to be affiliated with the Internal Security Apparatus of the Libyan Government of National Unity arrested Dr. Abdulkader Al-Lamoushi. The arbitrary arrests of two prominent striking scholars had a chilling effect on other scholars in Libya who are standing up for better working conditions.

Conflict and state fragmentation

Several WANA states have effectively disintegrated and devolved into violent conflict in the last decade. As a consequence of political violence and state failure, universities can barely manage to keep functioning in a regular manner (OHCHR 2023).

Even at universities where teaching and research activities continued, scholars and students perceived as critical to the groups controlling the territory where universities are located face intimidation, violence, disappearances, imprisonment, and even torture and killings. The security services or militias perpetrating such repression largely act with impunity. Moreover, the conflicts in Libya, Syria, Yemen, Palestine, and Lebanon have displaced thousands of students and scholars.

Academic Freedom and Violations: Europe and the U.S.

While the AFi levels of most European and North American countries have remained relatively stable and have consistently scored amongst the top percentile, the rise of right-wing populism and repressive policies towards critical scholarly engagement with the war in Gaza, West Bank, and Lebanon have led to an increasing number of violations that have yet to manifest in the AFi scores for next year.

Particularly in Germany and the U.S., an increasing number of violations of academic freedom have occurred against scholars who expressed solidarity with the Palestinian cause or have done research on the matter. They have become the target of defamation campaigns, lost their research positions, or were censored and deplatformed. The consequences of these violations in the form of self-censorship have been highlighted for the U.S. context in a recent survey by the University of Maryland. According to the survey, more than 95 percent of non- permanent academics working on the WANA region stated that they censor themselves when speaking and writing about the Israeli-Arab conflict to avoid hate speech and hate experiences. Among established lecturers with permanent positions, the figure is still more than 80 percent (Lynch and Shibley 2023). Although there are currently no representative studies of this type, the numbers for German academics working on the region will likely be similar.

In Germany, "The repression of protest on campus paired with the unprecedented intervention by state politicians into higher education autonomy became a critical juncture for the protest cycle, opening up the topic of academic freedom as a new additional field of contestation" (Grimm and Mauthofer 2024, 68). Because of the "moral panic" (Della Porta 2024) spreading amongst German society as a result of the aftermath of October 7th, higher education institutions overwhelmingly met protests on campus in solidarity with Palestine with repressive responses.

A recent PEN Study in the United States revealed the extent to which laws, regulations, and court cases have limited the freedom to teach and pursue scholarly inquiry at U.S. higher education institutions (PEN America 2024).

How International Cooperation Can Foster Academic Freedom

International research collaborations and scholarly exchange across borders are fundamental to knowledge production and to fostering academic freedom. Restrictions on cooperation and exchanges should therefore be minimal. When cooperating with higher education institutions in authoritarian contexts, however, it is important to acknowledge that institutional cooperation agreements may also pose risks to academic freedom. Therefore, governments, university administrators, and scholars cooperating with universities in Western Asia and North Africa must be aware of potential risks in order to mitigate them effectively.

Higher education institutions in partnerships with universities in the WANA Region should thus acknowledge that the authoritarian regimes in these countries have used international partnerships to put pressure on academic inquiry and teaching practices, thereby restricting academic freedom at home and abroad. Autocrats further use international higher education exchange to whitewash their regimes through the reputation gained from cooperation with universities abroad. Respondents from universities in the region have assessed the importance of internationalization for universities from the WANA Region as very high at seventy-two percent, according to a recent study (Marinoni and Cardona 2024, 48). This presents possibilities for actions to protect academic freedom both within cooperation agreements and in practice. To that end, it is essential that university leadership and researchers involved in such cooperations define clear parameters that would prompt a halt or—as a last resort—result in withdrawal from scientific or teaching cooperation agreements (Baykal and Benner 2020, 101).

Second, if defamation campaigns or law enforcement authorities target scholars or students participating in such exchanges, institutions must stand up for their partners who face attacks or restrictions.

Third, universities and governments should not enter partnerships with organizations that maintain close ties to the ruling regimes. Both individuals and institutions should remain transparent about their sources of funding, include clear commitments to academic freedom. They must not unduly restrict scientific inquiry in international funding, cooperation, and exchange agreements.

Lastly, widespread instability and political violence across the WANA region call for more funding to be allocated for programs supporting at-risk scholars and students. This funding could accommodate displaced researchers and students and provide them with the opportunity to continue their research or studies abroad (Saliba 2022, 59)

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