

# TAGUNGSBERICHT

Áine Fellenz\*

## Resisting Multiple Pressures

– Perspectives on Academic Freedom in Europe –

“How can it be that in the 21<sup>st</sup> Century, we are still raising issues and concerns about academic freedom?”. This is the question which *Matej Avbelj*, Professor of European Law and Rector of New University, Ljubljana, Slovenia, posed at the introduction to the re:constitution<sup>1</sup> seminar “Resisting Multiple Pressures – Perspectives on Academic Freedom in Europe” which was held in Ljubljana on the 11<sup>th</sup> and 12<sup>th</sup> of November, 2021. While this was a highly valuable question, the answer which the seminar provided was rather disheartening. The 21<sup>st</sup> century, and the major technological developments it has delivered, is not enough to provide academics across the world with the same degree of academic freedom. Rather, the troublingly different pressures – academic and beyond – which scholars are subject to are the deciding factors in determining whether an academic will experience academic freedom. Even under the “best” conditions, many will remain not fully “free” academically. The two-day, hybrid seminar hosted by re:constitution, in collaboration with *Matej Avbelj*, only made clearer the blatant asymmetry in the experience of academics in different regions of Europe, and the relevance of political context in defining and understanding the meaning of the term “academic freedom”.

Academic freedom, in the words of *László Detre* (re:constitution Academic Advisor), is the practice of “researching, teaching, and distributing knowledge without any

\* Áine Fellenz is completing a master’s degree in Political Science at Heidelberg University and is working as a student research assistant at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, Germany. She is currently taking part in the graduate exchange program at Sciences Po’s Paris School of International Affairs in Paris, France.

1 The re:constitution program, which was set up in 2019 and is funded by Stiftung Mercator and co-managed by the Forum Transregionale Studien and Democracy Reporting International, deals with shifts in the role of the rule of law in protecting rights and democracy in Europe. In order to inspire comprehensive discussion between legal scholars and practitioners about and around questions of democracy, the rule of law, protection of fundamental rights in Europe, the program awards fellowships to scholars and practitioners, organizes events, and offers topical analysis. Read more on their website <https://www.reconstitution.eu/en/about-us/programme.html>, last accessed on 1 December 2021.

restrictions”. While listening to the different presentations by the various speakers over the two days of the seminar, the varieties and challenges in establishing a clear and consistent interpretation of the term “restrictions” were made abundantly clear. One particularly striking conclusion was that for some academics, the ability to even work in academia is in jeopardy, while for others, the question of being free academically is not about whether one can work as an academic, but the degrees of freedom one can experience within this role. While *Avbelj* portrayed these differences, respectively, as “classical challenges” and “new challenges”, a more fitting paradigm may be found in the idea of Abraham Maslow’s (1943) “Hierarchy of Needs”<sup>2</sup>. If one were to re-imagine Maslow’s infamous pyramid in an academic context, one could depict the bottom level of the pyramid as the ability to work as an academic with the freedom to research, teach, and distribute knowledge without basic restrictions to these activities. The higher levels, on the other hand, may exhibit the newer challenges faced by academics, such as globalization, new technology, and digitalization – all topics discussed in the seminar. While certain academics have fulfilled the criteria for overcoming the bottom level, particularly those in western European countries (at least once they have secured a non-precarious tenured position), others struggle to even make it past this basic standard and are thus stuck dealing with the accumulating problems at the bottom of the pyramid. At the same time, they are expected to simultaneously take on those challenges established in the upper levels. This is usually the case for academics living and working in certain central and eastern European countries. As the seminar made explicit, few academics, if any, make it to the top of the pyramid (for Maslow: the “self-actualization” level; in this case: full academic freedom) due to the newer challenges to academia, which are slowly eroding academic freedom. The academics stuck at the bottom of the pyramid, however, are clearly in more dire need of aid to overcome the obstacles standing in the way of their freedoms, as they live in places which do not allow them to fulfil their most basic functions.

The speakers from the first panel were a clear example of this. The seminar began with the panel titled “Academic Freedom under Pressure: Case Studies from Hungary, Slovenia, and Turkey”. First to take to the makeshift stage at the New University in Ljubljana was *Tímea Drinóczi* (Faculty of Law, Federal University of Minas Gerais, Brazil). As a Hungarian national, *Drinóczi* shed light on the threats to academic freedom in Hungary that emerged in 2010 and continue to this day, highlighting the particular challenges faced by academics in illiberal states by drawing on her vivid personal perspective. One should note that the list of threats *Drinóczi* had faced were so long that she did not have time to detail each and every one of them in depth in her twenty-minute presentation. From threats in the form of the centralization of funding and diminished access to data, to the privatization of universities and their inclusion within government foundations, as well as the ministry approval requirements for starting new university programs, the list of threats seemed never ending. To those in

2 Maslow, *Psychological Review* 1943, 370, <https://doi.org/10.1037/h0054346>, last accessed on 1 December 2021.

the audience used to hearing a select set of warnings about the threats to academia in Hungary, such as the incident involving the Central European University<sup>3</sup>, this presentation must have been a shock to the system, as the deep-seated and multifaceted attempts by the state to limit the freedom of academics in the country were put on display for all to hear. The dire consequences of such threats were also illustrated by *Drinóczi*, as she pointed to the knock-on effects of such government interventions. One of the outcomes was the overall politicization of academic life and teaching, which included the firing of academics for political conduct that did not follow state guidelines, the political influence on PhD candidate selection procedures, the loss of funding for expressing solidarity with the CEU, and the dissemination of research results through censorship. Beyond this, the media has targeted certain groups of intellectuals. According to *Drinóczi*, the value of internationalization has diminished and a focus on the national and the local has increased. This has also made it more difficult for academics in Hungary to collaborate with universities beyond their borders, as international universities are cautious when it comes to choosing their partners and collaborators. While these kinds of threats may seem unimaginable to those working in robust democratic states, for academics living and working in Hungary they are a “daily practice”.

*Noémi Lévy-Aksu*'s (Hakikat Adalet Hafıza Merkezi, Truth Justice Memory Center, Istanbul, Turkey) presentation showed that the situation in Hungary is not an isolated issue, and that it is mirrored in the Turkish academic world. Having once worked as an academic in Turkey before she was removed from her university position, the human experience aspect of what could previously just have been viewed as statistics came to the fore. As *Lévy-Aksu* pointed out, Turkey's academic freedom has always faced challenges, but the situation has only worsened in recent years. From 2016 onwards, after approximately 2000 academics signed a petition denouncing attacks on Kurds in Turkey, as well as a failed coup attempt in the same year, the government ruled to form an emergency decree, resulting in the dismissal of over 6000 academics and the closing of 15 universities. While many of the threats seen in the Hungarian case are present in Turkey, the overall picture is even bleaker here. The criminalization of academics stands out: academics are imprisoned for criticizing the government, and government officials verbally abuse academics and even compared them to “terrorists”. In her thought-provoking presentation, and in contrast to western European academic culture, *Lévy-Aksu* further linked the lack of academic freedom to the broader lack of freedom of speech. *Lévy-Aksu* sought to broaden the scope of academic freedom beyond academics themselves, in order to foster the involvement of other actors in the academic sphere, such as students. In Turkey, students have experienced particularly appalling infringements on their academic freedoms, such as violent policy interventions at peaceful protests and, in certain cases, even intimidation and imprisonment.

3 Read more on the Central European University's move from Hungary to Austria here: <https://www.nytimes.com/2018/12/03/world/europe/soros-hungary-central-european-university.html>, last accessed on 1 December 2021.

In this context, *Lévy-Aksu* indicated the need for creating and taking seriously new spaces for creating knowledge beyond universities. In places where academia is under serious threat, alternative civil society organizations and local initiatives can expand the reach and the accessibility of knowledge. Above all, *Lévy-Aksu*'s plea for a clearer definition of academic freedom, and the threats to it, rang loud and clear through the conference room and the zoom stream. How can we possibly tackle a problem so vast when the understandings of what the problem entails differ so greatly across national cultures?

To round off the first panel, *Peter Jambreč* (New University, Ljubljana, Slovenia) drew attention to the threats to academic freedom in Slovenia. Based on his experience working for many years under a communist regime, *Jambreč* brought a structural argument to the fore, and made it clear that for many countries, even in Europe, and even 32 years after the fall of the Berlin Wall, democracy is something quite new. Yet, even in certain supposedly democratic states, academia is being threatened systematically. The metaphor of the “cartel” which *Jambreč* drew on to explain the power of the four formally autonomous state universities in Slovenia highlighted the state monopoly over higher education in his country. According to *Jambreč*, this same “cartel” regularly seeks to undermine the newer, private universities by bringing lawsuits against them, as they did with the New University, and by changing laws to make it more difficult for these institutions to retain their accreditation. At the end of the first panel, the overall message was clear: Europe is home to a patchwork quilt of different academic rules and practices, and being a country on the European continent, or even being a member of the European Union, is not sufficient to ensure basic academic freedoms.

A palpable shift in atmosphere was present for the second panel of the seminar. While the previous presentations highlighted what could be construed as more existential threats to the wellbeing of academics and their ability to work in their fields due to the physical and legal nature of these threats, the second panel took on the task of approaching different kinds of threats to academia which included more material, social, and cultural aspects. Although these threats may seem less imminent, they may, in the long run, be existential to academic freedom. The second panel, under the title: “Academic Freedom in a Broader Context: Funding, Digitalization, Globalization Dynamics and Shifting Socio-Political Roles of Academics in Europe”, began with *Anna Lisa Ahlers* (Max Planck Institute for the History of Science). This panel consisted solely of academics working in Germany, and their experiences could not have been more different from their peers who presented beforehand. *Ahlers* was well aware of the vast differences between the topic of her presentation and those prior to hers and did not shy away from commenting on the problematic nature of these differences. While retaining that academic freedom is not at all “trivial” in western Europe, she pointed to the necessity of acknowledging these differences in threats and the need for contextualization and conceptualization of the term academic freedom. The “softer” threats to academia which were the subject of her presentation included working conditions, temporary employment structures, teaching overload, underfunding, and

the “Americanization” of academia (i.e. the monopoly of American journals and the perceived necessity to publish in English)<sup>4</sup>. By making a clear-cut distinction between “hard challenges vs. soft challenges” to academic freedom, *Ablers* built on *Lévy-Aksu*’s call for an improved understanding of the term academic freedom. She further drew on the idea that academic freedom, while connected to democracy and human rights, becomes blurrier once one moves away from the letter of the law. In order to visualize these blurred lines, *Ablers* used the imagery of a chameleon which changes color: understanding the concept is based on the context the term adapts to. Finally, she highlighted the challenge in developing these more nuanced categories in order to examine the entire set of threats to academic freedom, as it is not always easy to decipher between structural and systematic challenges to these freedoms and more sporadic, marginal, and individual phenomena. However, asking oneself the question of which types of breaches to academic freedom one is dealing with may be a good place to start in order to tackle these challenges.

*Raffaella Kunz* (Max Planck Institute for Comparative Public Law and International Law) continued the discussion of “soft-challenges” with her presentation on the opportunities and dangers to research in the digital age, making the argument that the private sector has taken on a more active role in academia through digitalization. While the use of the internet has allowed for unprecedented collaborations and innovation in the academic world, especially throughout the COVID-19 pandemic, it has also allowed for the private sector to gain a great deal of power. *Kunz* argues that the market logic is taking hold of the science community and that while open science certainly has its upsides, it also feeds into this logic, as commercial publishers are becoming even more central. At the same time, open access is shifting the costs from reading to publishing, thereby merely shifting the problem of access rather than fixing it. However, it is not only the private sector that is a threat to academia in the digital age, according to *Kunz*. States that fund academic institutions are also playing a part. By facilitating the universities’ capacity to make contracts with commercial publishers, the legislative reforms of the past few years in Germany are fostering the growth of the “neoliberal university”.

As the final speaker of the second panel, *Georges Khalil* (Academic Director of Forum Transregionale Studien) focused his talk on the topic of funding. He argued that there is a clear over-determination by funding agencies as to the general topics which researchers may pursue. As *Khalil* pointed out, the freedom of the pursuit of knowledge is constrained by the resources provided by different associations and institutions. This is problematic, according to *Khalil*, as it implies that the state and private foundations are increasingly setting the agenda for research. *Khalil* raised the important concern of finding the right balance between government regulation and

4 In her presentation, *Ablers* pointed to the current debate on these topics happening in Germany by referencing the #IchbinHanna movement. Read more about this here: <https://www.dw.com/en/scientists-german-universities-protest-short-term-contracts-working-for-free/a-58088295>, last accessed on 1 December 2021.

the free enquiry of scholarly institutions. In his presentation, *Khalil* also suggested that the academic freedom of some states is connected and even intertwined with the academic freedom of the academics migrating from different countries which they are cooperating with. This was also the topic of *Eva Seiwert's* (Institute of Political Science FAU Erlangen-Nürnberg) presentation, which began the third panel carrying the title: “Developing Solutions and Creating Opportunities to Protect Academic Freedom in Europe”. *Seiwert* tackled the question of how academics in Europe are affected by academic collaboration with Chinese academics in particular and how the scientific community in Europe can resist pressures from China in academia. As *Seiwert* stated, Chinese research institutions are fundamentally different from universities in liberal democracies, as they operate within a repressive party-state that provides no safeguards for academic freedom. Therefore, collaboration with institutions, while welcomed, requires specific caution. The idea of academic freedom travelling across borders was at the core of her presentation. *Seiwert* proclaimed that working with academics in countries that are less free, while challenging and problematic, provides vital cultural and intellectual links for those working in said countries.

The final two presentations of the seminar, provided by *Balazs Trencsenyi* (Central European University, Vienna, Austria) and *Joel Hanisek* (Scholars at Risk), addressed the topics of what can be done and what is being done to combat threats to academic freedom respectively. In his presentation, *Trencsenyi* stressed four main areas for action: the extrapolation from one case to another, the role of scholars, the role of the EU, and the clarification of ambiguities of the term academic freedom. *Hanisek* in turn gave an overview of the work being done by one particular organization, Scholars at Risk, to help academics who have lost their academic freedoms. The organization's work focusses on three main areas: protection, advocacy, and learning. In this way, it protects suffering academics by arranging temporary research and teaching positions, and by providing advisory and referral systems. The Inspire Europe Project and the Academic Freedom Monitoring Project<sup>5</sup> allow for knowledge transfer about the topics of academic freedom across states. While these presentations both asked necessary questions and pointed to concrete initiatives that are in place, it was clear that many practical challenges were not addressed, as evidenced by the questions made by the audience in the subsequent discussion. From questions such as “How we can increase our solidarity as scholars?”, to questions on the topic of “How can we help countries that do not want to be helped?”, the sense of helplessness of those present as to finding a way to solve the threats to academic freedom was palpable. Both the cries *for* help and the cries *to* help seemed to be left unanswered.

Ultimately, one must address the question of why it is so important to ensure that academics experience academic freedom. This question became particularly crucial to the discussion when one audience member raised the concern as to whether the question of academic freedom is an elitist debate. As *Kunz* responded, although it

5 Read more about the work of Scholars at Risk and the various projects at: <https://www.scholarsatrisk.org>, last accessed on 1 December 2021.

may be coming from elites, it is certainly also part of a broader popular right to science. Building on this argument, *Avbelj* pointed out that academic freedom bolsters the overall democratic dimensions of life and social structures in modern societies. The ability to think critically and objectively about ideas, and the right to learn and to be taught, are some of the fundamental pillars of democracy. Academic freedom and educational freedom go hand in hand, a point reiterated by *Jan Zobel* (Former justice of the Constitutional Court of the Republic of Slovenia and current judge of the Supreme Court) in his keynote speech on the topic of “Freedom of Education in Constitutional Democracy”. The “holy trinity”, as he called it, of “pluralism, tolerance, and open-mindedness” is what allows democracies to function, and is therefore vital in upholding modern societies. The argument can therefore be made that without academic freedom one does not have a fully functioning democracy. The brevity of this discussion, while clear to all present at the seminar – online and in person – made it challenging to come up with or agree upon clear solutions to the problems and pressures at hand, and many questions remained unanswered. How could one come up with answers to such a vast and important set of questions in such a short period of time and without clear cut definitions of the problems at hand? While it remains unclear whether and how academic freedom can ever be achieved in illiberal states, what the academic community can do to fix these problems, what the potential role of the European Union in addressing these problems may be, and what is truly meant by the term “academic freedom”, the conference showed that wide-ranging ideas, initiatives, and practices will be required to tackle the different problems that academics in Europe and beyond face. The conference also showed that the desire and motivation to fix these problems is present and felt every day within the academic community. While more conferences and discussions of this sort will be needed to address the problems at hand, the conference’s call for clearer conceptualization and understanding is a strong if challenging starting point.

**Zusammenfassung:** Wissenschaftsfreiheit ist gefährdet. Vielfältige Herausforderungen führen zu einer zunehmenden Einschränkung der Freiheiten von Wissenschaftler:innen. Am 11. und 12. November 2021 veranstaltete re:constitution in Zusammenarbeit mit Matej Avbelj von der New University, Ljubljana, das Hybrid-Seminar: "Resisting Multiple Pressures – Perspectives on Academic Freedom in Europe". Ziel des Seminars war es, Herausforderungen für die akademische Freiheit in einer Vielzahl von Themenbereichen zu erörtern, darunter politischen, kulturellen und gesellschaftlichen Druck sowie Druck, der durch neue Technologien, Digitalisierung und Globalisierung entsteht. Die Präsentationen zeigten, dass Europa Heimat vieler unterschiedlicher akademischer Regeln, Standards und Praktiken ist. Dabei wurde ersichtlich, dass die Wissenschaftsfreiheit in den verschiedenen Kontexten leidet und dringend der Aufmerksamkeit bedarf. Während die akademische Freiheit einiger Wissenschaftler:innen durch physische und rechtliche Bedrohungen gefährdet ist, stehen andere vor Herausforderungen, die eher materielle, soziale und kulturelle Aspekte betreffen. Dieser Bericht reflektiert die Präsentationen und Diskussionen des Seminars und betont die Notwendigkeit einer klareren Konzeptualisierung des Begriffs der Wissenschaftsfreiheit, um den vielfältigen Druck, mit dem die akademische Gemeinschaft in Europa derzeit konfrontiert ist, bewältigen zu können.

**Summary:** Academic freedom is under threat. Many challenges, old and new, are currently leading to an increasing erosion of the freedoms of scholars. On the 11<sup>th</sup> and 12<sup>th</sup> of November, 2021, re:constitution, in collaboration with Matej Avbelj of New University, Ljubljana, hosted the hybrid seminar: "Resisting Multiple Pressures – Perspectives on Academic Freedom in Europe". The seminar aimed to address these different challenges to academic freedom across a variety of topic areas, including political, cultural, and societal pressures, as well as those stemming from new technologies, digitalization, and globalization. The wide-ranging themes of the presentations demonstrated that Europe is home to many different academic rules and practices. It signaled that across contexts, cultures, and nations, academic freedom is suffering and is in dire need of attention. While the academic freedom of certain scholars is under threat due to the physical and legal nature of these threats, others are facing challenges which encompass more material, social, and cultural aspects. This report reflects on the presentations and discussions from the seminar and reiterates the need for a clearer conceptualization of the term academic freedom in order to be able to tackle the many pressures that the academic community in Europe is currently confronted with.



© Áine Fellenz