

Policy Brief

ACADEMIC FREEDOM AND INSTITUTIONAL AUTONOMY — FOR DEMOCRACY AND QUALITY

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Academic freedom and institutional autonomy are among the fundamental values of higher education. In Europe, they underpin the [European Higher Education Area \(EHEA\)](#), which was established in 1999, a decade after the launch of the profound changes in central and eastern Europe and slightly over two decades after the adoption of the [Magna Charta Universitatum](#). While there was agreement that academic freedom and institutional autonomy are essential, there was relatively little discussion of what they entail. They were taken for granted, as was democracy.

Discussions about academic freedom and institutional autonomy have resurged over the past few years, as concerns about the state of democracy have increased. The forced relocation of the [Central European University](#) from Budapest to Wien as a result of the changes to the Hungarian higher education legislation known as [Lex CEU](#) is the best-known example, but other violations are easy to identify. At system level, the 2018 [Bologna Implementation Report](#) points to Turkey, Russia, and Hungary (p. 42).

In the United States, concern about academic freedom and institutional autonomy is also on the rise. These partly coincide with concerns about the state of democracy and the rule of law under the current administration but also antedate these.

In Europe, the focus of the debate has been on institutional autonomy, while in the United States it has been on academic freedom. This difference can partly be explained by the fact that public authorities have a more important role in setting higher education policy in most European countries than they do in the United States. This can nevertheless not be the only explanation. Free speech has solid roots in both the United States and in many parts of Europe, but while there is agreement in principle that the right to free speech cannot be without limits, U.S. courts seem more reluctant to impose such limits. The focus on “political correctness” in the United States can possibly be a part of the explanation. One important reason why academic freedom is a very topical issue in the United States is the claim by “alt right” groups that they have a right to present their views on campus. Even if the extreme right seems to be on the rise also in Europe, there have been fewer cases in

which demands for “free speech” (rather than academic freedom) have been translated into demands for using campuses as platforms for expressing far-right views. Not all cases have involved the far right, however. Mainstream conservative speakers have also been targeted, and in some cases attempts to deny speakers a platform on campus have been tinged with anti-Semitism.

The different approaches on both sides of the Atlantic as well as the salience of academic

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freedom and institutional autonomy in other parts of the world were the background for a [Global Forum on Academic Freedom, Institutional Autonomy, and the Future of Democracy](#)

in Strasbourg in June 2019, co-organized by the Council of Europe; the International Consortium for Higher Education, Civic Responsibility and Democracy; the Organization of American States; the Magna Charta Observatory; and the International Association of Universities. The [Declaration](#) adopted by participants spells out many of the reasons why academic freedom and institutional autonomy are essential to the future of our societies.

There are two broad arguments in favor of academic freedom and institutional autonomy: (1) Our democracies cannot be democracies without them, and (2) the quality of our higher education and research depends on them. The Strasbourg Declaration further underlines (para. 8) that even if academic freedom and institutional autonomy are often seen as two sides of the same coin, they are not inextricably linked. In particular, a higher education institution may enjoy a considerable degree of institutional autonomy without fostering academic freedom within the institution.

The quality argument is reasonably straightforward and perhaps also more readily accepted by those who are less than enthusiastic about democracy, even if the notion that a high degree of academic freedom can be enjoyed in a non-democratic political environment is questionable. New knowledge and understanding cannot easily be developed if established dogmas cannot be questioned.

The argument is nevertheless a little more complicated than may appear at first sight. If academic freedom is understood, schematically, as the freedom of expression tempered by the standards of the discipline, how do members of the academic community advance those standards? Partly, the answer lies in advancing knowledge and understanding while adhering to the methodological standards of the discipline, but there are also cases in which even these standards may need to be challenged. More broadly, there may be questions about who defines quality and according to what standards, about who is responsible for developing and implementing policies to enhance quality and about the relative role of public authorities, institutional leadership and individual academics.

It is perhaps not unnatural that the politically controversial aspects of academic freedom and institutional autonomy dominate the discussion. Nevertheless, even in the absence of a political desire to curtail academic freedom and institutional autonomy, the cumulative effect of rules and regulations may be problematic. General rules and regulations may impact on higher education and research in unforeseen ways. Few would argue that academics have no need for labor protection, but too rigid an interpretation of regulations about maximum working hours over too short a time span could, for example, make certain experiments difficult to conduct. Adapting legislation would seem preferable to ignoring it. Likewise, few would argue that higher education institutions should be free to dispense with accounting and accountability, safety regulations, or requirements for non-discrimination in hiring staff or selecting students. A provocative question for the Council for Higher Education

Accreditation (CHEA) would perhaps be whether an institution should be free to refuse to undergo quality assurance. My answer would be that no institution can belong to a national education system without undergoing the quality assurance required by that system. If you wish to be a U.S. institution, you undergo U.S. quality assurance and/or accreditation.

From a system point of view, it seems difficult to consider academic freedom and especially

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institutional autonomy without considering the role of public authorities. Even if this role is more pronounced in Europe than in the United States, in both cases public authorities can stimulate teaching and research

in specific subject areas considered of particular strategic importance (e.g., Artificial Intelligence), provide for higher education in specific areas of the country, or ensure higher education provision in minority languages.

Most actors would consider all three examples to be within the proper competence of public authorities, but most actors would also consider it improper for public authorities to seek to unduly influence the content of study programs or stipulate desired research results. Public authorities have discretion in deciding the budget for public support for higher education, both the overall size of the budget and the distribution of it. Nevertheless, public authorities would be bound to do so according to transparent criteria and also to make the budget allocation between institutions and programs fair according to the criteria specified.

Even this short overview has hopefully shown why academic freedom and institutional autonomy are essential to both democracy and the quality of education and research. While the basic principles are clear, there are at least as many gray zones as red lines. The Declaration adopted by the Global Forum held at Council of Europe Headquarters in June 2019 does not pretend to provide all answers, but it will hopefully provide important input to a discussion that needs to continue not only on both sides of, but also across, the Atlantic – and beyond. Within the EHEA, the debate continues, as exemplified by the Task Force on fundamental values that will submit its [report](#) to Ministers in June 2020.

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