FAU Studien zu Menschenrechten 5

Katrin Kinzelbach (Hrsg.)

Researching Academic Freedom

Guidelines and Sample Case Studies

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Contents

Introduction to the Study of Academic Freedom

Katrin Kinzelbach

Academic freedom is a prerequisite for research and innovation. A lively debate about this concept is taking place in the academic community, yet scholars have so far paid scant attention to the systematic study of its empirical manifestations. To facilitate in-depth research on both the realization and the violation of academic freedom around the world, this book introduces case study guidelines as well as four sample studies that apply these guidelines to the country cases Brazil, Egypt, Ireland, and Russia. The book also includes an inventory of available data sources on academic freedom, providing guidance on how to draw on and contextualize these data in country-level assessments. The aim of this volume is to present and promote systematized and therefore comparable empirical research on academic freedom, while also fostering a community of scholars committed to developing this nascent field of interdisciplinary human rights research.

To date, only a few human rights scholars have chosen to study academic freedom.[1] Similarly, independent experts involved

[1] Notable exceptions include Laksiri Fernando, Nigel Hartley, Manfred Nowak, and Theresa Swinehart, eds., *Academic Freedom 1990. A Human Rights Report*, Geneva and London: World University Service and Zed Books, 1990; Joseph H. Saunders, "Academic Freedom and Human Rights: A Neglected Perspective," *International Higher Education* 13 (1998); Jogchum Vrielink, Paul Lemmens, and Stephan Parmentier, "Academic Freedom as a Fundamental Right," *Procedia – Social and Behavioral Sciences* 13 (2011): pp. 117–141; and Klaus D. Beiter, Terence Karran, and Kwadwo Appiagyei-Atua, "Yearning to Belong: Finding a 'Home'

with the United Nation's human rights system have largely overlooked academic freedom as an issue of concern – but this is changing. Most noteworthy in this regard is General Comment No. 25, which the UN Committee on Economic, Social and Cultural Rights (CESCR) issued in April 2020. It expounds on Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which covers various aspects of the right to science. Article 15.3 obligates states "to respect the freedom indispensable for scientific research." While this ICESCR provision is not well known, it is nevertheless widely ratified, resulting in a binding commitment under international law. Furthermore, the CESCR laid an important foundation for a more detailed understanding of Article 15.3 and subsequent monitoring of states' obligations by adopting the following definition at the committee's sixty-seventh session (17 February – 6 March 2020):

> This freedom includes, at least, the following dimensions: protection of researchers from undue influence on their independent judgment; their possibility to set up autonomous research institutions and to define the aims and objectives of the research and the methods to be adopted; the freedom of researchers to freely and openly question the ethical value of certain projects and the right to withdraw from those projects if their conscience so dictates; the freedom of researchers to cooperate with other researchers, both nationally and internationally; the sharing of scientific data and analysis with policymakers, and with the public, wherever possible.[2]

for the Right to Academic Freedom in the U.N. Human Rights Covenants," *Intercultural Human Rights Law Review* 11 (2016): pp. 107–190.

[2] UN Committee on Economic, Social and Cultural Rights (CESCR), "General comment No. 25 on science and economic, social and cultural rights (article 15 (1) (b), (2), (3), and (4) of the International Covenant on Economic, Social and Cultural Rights)," E/C.12/GC/25, Geneva: United Nations, 2020, §13, pp. 3-4, https://undocs.org/E/C.12/GC/25.

The research presented in this book adopts the committee's definition. In so doing, the authors opt for a universalistic approach that measures states' performance on academic freedom against a common norm.

How do states, as parties to the ICESCR, implement their commitment to academic freedom? Analyzing the CESCR's concluding observations, which include reviews of state progress reports, is a first step toward answering this question. Although states' self-reporting on human rights issues must always be critically reviewed and contextualized, such reports can provide a useful initial orientation.[3] Moreover, the independent observations of the experts on the UN committee are undoubtedly a reliable source of information, because in addition to relying on states' reports, they also compare these self-assessments with so-called shadow reports by non-governmental organizations. Unfortunately, however, the committee's observations rarely provide detailed information on academic freedom. When they cover this right at all, they typically mention legal provisions; another frequent focal point is discriminatory access to education. The committee rarely issues detailed observations on de facto enjoyment of the freedom to research and teach or on other dimensions of academic freedom, such as the freedom to set up autonomous research institutions.[4] Therefore, independent country assessments are indispensable to better understanding how states respect, protect, and promote academic freedom in practice.

[3] For more information, see the chapter by Janika Spannagel in this volume, pp. 175–221.

[4] This statement is based on a review of UN documentation from 1988 to 2019. The analysis covered 403 documents in total, including state reports and CESCR concluding observations. I gratefully acknowledge Alicja Polakiewicz's research assistance in this analysis.

The case study guidelines presented in this book are the result of an iterative, collaborative research process, which began with an expert consultation held at the Fritz Thyssen Foundation in Cologne, Germany in late 2017.[5] This initial workshop brought scholars from different disciplines (law, political science, history, higher education, and area studies) together with at-risk scholars, human rights advocates focusing on academic freedom, representatives of university associations, and a former education minister. With funding from the Higher Education Support Program,[6] we then launched a multi-year project to develop the Academic Freedom Index and guidelines for in-depth case study research. A second round of consultations took place at the 2019 Annual Convention of the International Studies Association (ISA) in Toronto, Canada and at the 2019 Science, Technology and Human Rights Conference of the American Association for the Advancement of Science. In this book, we present the finalized research guidelines, together with a first set of four case studies – on Brazil, Egypt, Ireland, and Russia – in the hope that more will follow.

Three criteria guided us in selecting cases: (1) variance in academic freedom, from low to high compliance; (2) variance in regime types; and (3) geographic diversity. Our aim with this case selection approach was not to produce generalizable findings on academic freedom or to answer causal research questions on the drivers of academic freedom violations. Instead, the goal was to test the guidelines' applicability to diverse country contexts. By offering a tested research template that can be used across very different cases, this book provides scholars with a necessary tool to collaboratively produce

[5] For more information on the Fritz Thyssen Foundation, see https://www.fritz-thyssen-stiftung.de/en/.
[6] For more information on the Higher Education Support Program, see https://www.opensocietyfoundations.org/who-we-are/programs/higher-education-support-program.

systematic, descriptive research on academic freedom around the world.

All four of the states covered in this book have ratified the ICESCR and are therefore bound by Article 15.3, which protects academic freedom.[7] Apart from this common characteristic, the case study countries differ greatly from one another. The final case selection spans different world regions and regime types. According to V-Dem's Liberal Democracy Index, which is scaled 0–1 (low to high), in 2019 Russia's regime score was 0.1, Egypt's was 0.13, Brazil's was 0.51, and Ireland's was 0.8.[8]

The Academic Freedom Index (AFi), a quantitative measure, confirms the variance in academic freedom compliance across the four country cases discussed in this book.[9] The AFi is based on expert assessments, using ordinal scales to measure five dimensions of academic freedom (freedom to research and teach, freedom of academic exchange and dissemination, freedom of academic expression, institutional autonomy, and campus integrity). To date, 1,810 experts worldwide have contributed ratings to the AFi dataset (at least three experts for each data point). These ratings are aggregated using a Bayesian

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[7] Brazil ratified the ICESCR in 1992, Egypt in 1982, Ireland in 1989, and the Russian Federation in 1973. See https://indicators.ohchr.org/.

[8] The country ratings and related confidence intervals can be found at: https://www.v-dem.net/en/analysis/VariableGraph/.

[9] The AFi is the result of a collaborative research endeavor initiated by the author. It involved Janika Spannagel and Ilyas Saliba, who also contributed to this volume, as well as Anna Lührmann from the V-Dem Institute at the University of Gothenburg and Robert Quinn from Scholars at Risk. See Janika Spannagel, Katrin Kinzelbach, and Ilyas Saliba, "The Academic Freedom Index and other new indicators relating to academic space: An introduction," V-Dem, Users' Working Paper Series, University of Gothenburg, 2020, https://www.v-dem.net/media/filer_public/0d/a3/0da3981c-86ab-4d4f-b809-5bb77f43a0c7/wp_spannagel2020.pdf; Katrin Kinzelbach, Ilyas Saliba, Janika Spannagel, and Robert Quinn, "Free universities: Putting the Academic Freedom Index into action," Berlin: GPPi, 2020, https://www.gppi.net/2020/03/26/free-universities.

measurement model – an award-winning approach developed by the V-Dem Institute in Gothenburg. While the aggregate AFi scores provide a robust measure of academic freedom, they provide neither detailed information – for example, on subnational variation – nor the contextual information required to interpret the quantitative scores and changes over time. The case studies in this book cover countries along the continuum from low to high AFi scores. Specifically, they include one low performer (Egypt, with a 2019 AFi score of 0.05), one high performer (Ireland, with a 2019 AFi score of 0.94), and two countries in the middle (Russia, with a 2019 AFi score of 0.36, and Brazil, with a 2019 AFi score of 0.47).[10]

It is interesting to note that Brazil's AFi score has deteriorated significantly over the past five years, whereas Egypt's, Ireland's, and Russia's AFi scores have remained fairly constant over the same period (2014–2019). Egypt's AFi score had already dropped abruptly in 2013, however, and has remained consistently low since then. The in-depth studies presented in this book shed light on these developments and provide a more nuanced perspective than the quantitative AFi figures can offer. As such, these case studies not only complement the Academic Freedom Index; they also serve to validate or challenge AFi scores, depending on the case – thereby furthering our understanding of the state of academic freedom in different countries.

The first chapter in this volume presents the research guidelines for conducting case studies on academic freedom, spelling out definitions as well as listing granular questions on various dimensions of academic freedom. Notably, the guidelines focus on the legal protection of academic freedom, institutional autonomy and governance, the freedom to research and teach, the freedom to exchange and disseminate academic knowledge, campus integrity, and efforts to promote academic freedom.

[10] The country ratings and related confidence intervals can be found at: https://www.v-dem.net/en/analysis/VariableGraph/.

Furthermore, they include questions on subnational and disciplinary variation. Scholars with different academic backgrounds can apply these guidelines and may expand on certain aspects which are particularly relevant to their research, given their respective disciplinary training or country of expertise. The key advantage of using a research template despite such differences is that a common framework facilitates comparison between cases.

The subsequent chapters present four case studies, each of which applies the guidelines. We begin with a study on academic freedom in Ireland, written by Kirsten Roberts Lyer and Elizaveta Potapova. The authors describe a public higher education system in which academic freedom is generally well protected. Even if direct state intervention is largely absent, the authors voice concern regarding insufficient recognition of universities' institutional autonomy in legislation, as well as both more and less subtle attempts to renegotiate the relationship between state and academia in practice. Significant reductions in public funding following the 2008 financial crisis have put further pressure on the Irish university system.

The case study by Conrado Hübner Mendes sheds light on the recent deterioration of academic freedom in Brazil, which is in conflict with the rights enshrined in Brazil's Constitution – notably the freedom to teach and learn, university autonomy, freedom of expression, and freedom of thought. An exploratory but not representative survey of academics in Brazil suggests that recent top-down measures taken by the Brazilian government, as well as verbal and other attacks, have created an increasingly hostile environment for academics: more than 30 percent of the respondents reported some form of restriction. At the same time, the author of this case study points to a vibrant academic community that organizes to resist such pressures. He also discusses relevant case law as well as cases related to

academic freedom before the Brazilian Supreme Court, which were pending at the time of writing.

Katarzyna Kaczmarska's case study on Russia describes a highly centralized academic system in which the state exercises control via accreditation, funding, and the nomination of university rectors. Vague regulations issued by state authorities as well as punitive measures adopted by university management result in widespread self-censorship. The author's interview partners were drawn from the social sciences and the humanities, but she also mentions accusations of treason raised against certain scholars in STEM (science, technology, engineering, and mathematics) fields. Such accusations likely promote self-censorship outside the social sciences and the humanities, though this phenomenon deserves further study. Kaczmarska's case study highlights the fact that researchers in small research institutions which are not associated with Russia's universities are particularly vulnerable, as are students who seek to engage in university governance.

The final case study investigates the most repressive academic environment included in this book: Egypt. Ilyas Saliba describes a university sector heavily impacted by an extended state of emergency as well as by the expansion of military jurisdiction over events on and around campus. However, Saliba also notes subnational differences. For example, professors at private universities, especially those with international ties, enjoy a higher degree of freedom to research and teach – although this freedom is not unrestricted. Researchers who study so-called sensitive political issues face severe threats, including murder – and this is also the case for international scholars who conduct research in Egypt. Under the current political circumstances, the prospects for improved academic freedom in Egypt appear extremely bleak.

The last chapter, written by Janika Spannagel, offers an inventory of available data sources on academic freedom. Spannagel discusses the perks and hazards of different data types, providing advice on how to contextualize the available information in order to generate a nuanced, academically sound understanding of academic freedom in a given country. In addition to referring to the use of data in the case studies found in this book, Spannagel also introduces a number of other currently available data sources. This chapter will be a great help to future case study authors, and it also highlights why case study research on academic freedom is so important. Virtually all the available data types – such as events data, institutional self-assessments, and de jure data – can be misleading if they are taken literally, without contextualizing the information. This is because academic freedom is a multi-dimensional concept, but also because states do not typically voluntarily disclose limitations on academic freedom. Research on academic freedom violations therefore requires the researcher to investigate hidden harms. Scholars must understand and scrutinize complex information effects in the available data on academic freedom and be wary of simple generalizations.

It is our hope that scholars from around the world will use the research guidelines and the inventory presented in this book to produce many more case studies on academic freedom, whether on the countries where they work or the countries on which they have expertise. In such cases, we recommend a peer review process in which either the author or the peer reviewer works in the academic system of the country under investigation. All the country case studies included in this volume were submitted for peer review and benefitted from constructive feedback. In this process, we learned that international scholarly exchanges on academic freedom not only lead to new insights, but also strengthen the sense of commitment to cooperatively protecting the very preconditions of academic jobs.

Academic freedom will likely remain a contested concept, and we must anticipate that states and other non-academic actors will repeatedly infringe on this right in practice. In the interests of the search for knowledge – and in the light of increasingly globalized knowledge creation – scholars must make joint efforts to better understand encroachments on academic freedom around the world. If this book supports such a development by facilitating future research on academic freedom, then it will have served its purpose well.

Research Guidelines for Country Case Studies on Academic Freedom

Katrin Kinzelbach, Ilyas Saliba, Janika Spannagel

1. Case Study Methodology

The research guidelines serve as a standardized framework to allow for comparison between different country case studies. All instructions should therefore be closely followed. You are, however, encouraged to highlight and expand on certain aspects that you deem most relevant in your specific country case.

Describe the Status Quo

The aim of the case studies is to describe the current state of academic freedom in a particular country. Of course, you may need to contextualize your description with references to past events or decisions, but please make sure that the focus of the case study remains on developments in the recent past, i.e., within the last three years of the time of writing.

Base Your Claim on Evidence

The studies should conform to academic standards of objectivity and quality by offering appropriate references and evidence for cited developments and their corresponding assessment, as well as a discussion of any contrary evidence. Where possible and pertinent, you are encouraged to make use of primary information in the form of interviews, focus groups, surveys, or official statistics. However, the sources of all data must be made transparent, and their credibility must be discussed. When

asserting that certain restrictions on academic freedom occur or have occurred, be as specific as possible by providing examples and naming particular events or practices that illustrate the validity of your claims. Provide as much detail and political context as necessary to evaluate whether a given restriction is part of a wider pattern or is an isolated occurrence. You may also want to reflect on biases originating from your own or others' experiences within the academic system. Bear in mind how your own positionality – through gender, belief, ethnicity, or age – might influence your assessment.

Pay Attention to Subnational Differences

One of the strengths of qualitative case studies is that they allow the author to assess variations in the levels of academic freedom between universities within the same country or between different disciplines. We encourage you to elaborate on such differences throughout your case study, whenever possible and appropriate. In the final subsection of the main body of your case study, we ask you to reflect in detail on subnational differences.

If it is unrealistic to provide a comprehensive analysis of all subnational variations, then please focus on the most important ones. You should then make your chosen focus explicit, elaborate on the reasons for your choice, and indicate which aspects may have been omitted from your study.

2. Key Definitions

To avoid different interpretations of key terms used across case studies, please take the following definitions into consideration when reading the instructions and drafting your case study:

Academic Freedom

Academic freedom "includes, at least, the following dimensions: protection of researchers from undue influence on their independent judgment; their possibility to set up autonomous research institutions and to define the aims and objectives of the research and the methods to be adopted; the freedom of researchers to freely and openly question the ethical value of certain projects and the right to withdraw from those projects if their conscience so dictates; the freedom of researchers to cooperate with other researchers, both nationally and internationally; the sharing of scientific data and analysis with policymakers, and with the public, wherever possible."[1]

Institutional Autonomy

"Autonomy is the institutional form of academic freedom and a necessary precondition to guarantee the proper fulfilment of the functions entrusted to higher-education teaching personnel and institutions."[2] The term refers to the ability of universities to independently govern themselves and establish or change their internal structure, governing bodies, academic profile (i.e., initiate or terminate degree programs and control student admission procedures, recruit staff, etc.), and accountability

[1] UN Committee on Economic, Social and Cultural Rights (CESCR), "General comment No. 25 on science and economic, social and cultural rights (article 15 (1) (b), (2), (3), and (4) of the International Covenant on Economic, Social and Cultural Rights)," E/C.12/GC/25, Geneva: United Nations, 2020, §13, pp. 3-4, https://undocs.org/E/C.12/GC/25. For comparison, see World University Service, "The Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education, Lima: WUS, 1988, https://www.wusgermany.de/sites/wusgermany.de/files/userfiles/WUS-Internationales/wus-lima-englisch.pdf.

[2] United Nations Educational, Scientific and Cultural Organization (UNESCO), "Recommendation concerning the Status of Higher-Education Teaching Personnel," Paris: UNESCO, 1997, http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html.

mechanisms. Furthermore, institutional autonomy means the ability of universities to act independently on financial matters (i.e., raising and allocating funds, owning property and/or land, accumulating surplus, and charging tuition fees).[3]

University or Higher Education Institution

These terms include all higher education institutions, both public and private, accredited by the responsible state agency or institution, including research universities, universities of applied sciences, undergraduate colleges, polytechnic universities, and international campuses present in the country's territory.

Scholars

Scholars are trained scientific researchers and lecturers affiliated with a university in a paid full-time or part-time professional capacity.

Non-academic actor

This term refers to individuals and groups that are not scientifically trained university affiliates. Non-academic actors include individuals and groups such as politicians, party secretaries, externally appointed university management, businesses, foundations, other private funders, religious groups, or advocacy groups.

Campus Integrity

This term refers to the absence of an externally induced climate of insecurity or intimidation on campus.

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[3] Thomas Estermann and Terhi Nokkala, "University Autonomy in Europe I. Exploratory Study," European University Association, 2009, p. 7, https://eua.eu/downloads/publications/university%20autonomy%20in%20europe%201%20-%20exploratory%20study%20.pdf.

3. Case Study Structure

Please use the following structure as a template for your study and refrain from deleting or modifying the section and subsection headings.

1. Summary
2. Methods, Sources, and Scope of the Study
3. Characteristics of the Higher Education Sector
4. Current State of Academic Freedom and Key Developments in the Recent Past
    - 4.1 Legal Protection of Academic Freedom
    - 4.2 Institutional Autonomy and Governance
    - 4.3 Freedom to Research and Teach
    - 4.4 Exchange and Dissemination of Academic Knowledge
    - 4.5 Campus Integrity
    - 4.6 Subnational and Disciplinary Variation
    - 4.7 Efforts to Promote Academic Freedom
5. Conclusion

You will find more detailed instructions below, including sample questions to guide the content of each section.

The overall length of the case study should be approximately 7,000 words.

4. Case Study Content

1. Summary (300 words)

The abstract should summarize the most important points of your analysis and give the reader an overall impression of the state of academic freedom in the country under review.

2. Methods, Sources, and Scope of the Study (300 words)

This section explains to the reader what evidence you are basing your analyses and judgements on. You should elaborate on any data collection efforts you may have undertaken to produce your case study – for example, any interviews conducted, any surveys or reviews of relevant legislation, and any media analyses. Please indicate any limitations to the scope of your study here, e.g., if you are not covering all of the country's subnational differences. This section is also where you may want to briefly reflect on your own positionality.

3. Characteristics of the Higher Education Sector (600–900 words)

This section provides key information on the countries' academic sector that should help to contextualize the subsequent analysis of academic freedom. Many of these points are very closely linked to but not in themselves part of academic freedom. You may – as you see fit – include information on:

- Governance: the structure of higher education governance (e.g., decentralized or centralized governance; participation of university representatives/unions in decision-making);
- Funding structure: the ratio of public vs. private universities in the country; the relevance of public-private partnerships within the higher education sector; the need for universities and scholars to raise third-party funding;

- Size and access: the number of higher education institutions and how accessible they are to the general population (e.g., tuition fees and tertiary education rates);
- Financial security: whether average scholars can live on their earnings as academics; scholars' financial vulnerability (e.g., due to a prevalence of fixed-term positions instead of tenure);
- Corruption: the role of corruption or research misconduct/ standards on integrity;
- Discrimination: the existence of systematic discrimination patterns in society – including based on gender, race, religion, sexual orientation, language, class, or other status – that also affect universities (for example, in student admissions, fees, or matriculation; the recruitment of faculty; or career opportunities); the condition and quality of the academic sector in international comparison;
- Politicization: the degree to which students and/or scholars are organized in unions and their politicization; the presence of protest activities at universities – including demands for academic freedom or change in higher education policies;
- History: some historical background, if deemed relevant for the subsequent sections.

4. Current State of Academic Freedom and Key Developments in the Recent Past (5,500 words)

Describe the current state of academic freedom in the country under review by assessing the following elements in successive order. For each subsection, provide descriptions of key developments, practices, and types of actors responsible (e.g., government agencies, politicians, businesses, foundations, foreign governments, religious or public pressure groups) that

either facilitated or restricted academic freedom in the recent past. Please bear in mind that the specific tools employed to restrict academic freedom can be manifold and may vary over time.

While conducting your research, please consider the guiding questions below, which are meant to serve as a point of reference and to orient your analysis. In each subsection, you are welcome to focus on those aspects which you deem most relevant – you do not need to address all the questions if they are not pertinent in the country under review. As long as the general structure remains intact, you may also add further issues or examples as you see fit.

4.1 Legal Protection of Academic Freedom[4]

Is academic freedom mentioned in national (and, for federal systems, in subnational) constitutions? If so, how?

Is academic freedom mentioned in relevant national or subnational legislation or regulations on higher education?

Have there been any significant court decisions, recently or further in the past, relating to academic freedom, and if so, regarding which aspects? Were the rulings enforced?

Are international recommendations or treatises including principles of academic freedom referenced in legislation or regulations on higher education (e.g., UNESCO's 1997 recommendations, ICESCR Article 15, the right to science, etc.)?

[4] For comparison, see Terence Karran and Lucy Mallinson, "Academic freedom in the U.K.: Legal and normative protection in a comparative context," Lincoln: University and College Union, 2017, http://eprints.lincoln.ac.uk/id/eprint/26811/.

4.2 Institutional Autonomy and Governance[5]

How autonomous are higher education institutions in deciding on their internal organization (e.g., independent selection of executive and/or academic heads; structure of internal departments)?

Do scholars and students participate in the institutional governance of universities (through self-governance or via interest groups, such as professional organizations or unions) in a meaningful way?

Can higher education institutions independently decide on the internal allocation of their resources?

Are recruiting processes at universities transparent, merit-based, and free from interference from non-academic actors? Are promotions and tenure decisions based on merit or on other criteria? If the latter, which criteria?

Are student admission policies at universities transparent, merit-based, and free from interference from non-academic actors?

4.3 Freedom to Research and Teach

How free are scholars to choose and investigate their research questions?

Who sets ethical or other limitations on research?

How free are scholars to design their teaching curricula and to teach their courses?

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[5] For comparison, see Kirsten Roberts Lyer and Aaron Suba, "Closing Academic Space," International Center for Not-for-Profit Law, 2019, http://www.icnl.org/news/2019/Higher%20Ed%20Restrictions%20Report%20vf.pdf; and Enora B. Pruvot and Thomas Estermann, "University Autonomy in Europe III: The Scorecard 2017," European University Association, 2017, https://eua.eu/downloads/publications/university%20autonomy%20in%20europe%20iii%20the%20scorecard%202017.pdf.

Who determines curriculum standards or other limitations for teaching?

Does censorship (including official censorship or unofficial self-censorship) occur? If so, which topics are censored or avoided?

Do scholars refrain from examining certain research questions or teaching specific topics, theories, or evidence out of fear of professional or other retaliation? If so, please explain how this self-censorship is incentivized. How frequently do you estimate such self-censorship occurs?

What are the funding sources for academic research? Is the monetary distribution merit-based? Is there any difference or discrimination between research topics in terms of their funding eligibility?

Have individual academics or research areas been verbally attacked – on campus or in the public sphere – in a manner that extends beyond regular disagreement according to professional academic standards, with the aim to discredit, delegitimize, or hinder their academic work? Are any of those attacks related to broader tendencies that curb academic freedom, such as a hostility toward science in general and scientists in particular, or other ideological or religious restrictions on academia?

Have speakers who have been invited to universities been targeted by campaigning, mobilization, or verbal attacks aimed at averting or hampering their lecture or presentation?

Are there "speech codes" in place on campus? If so, how do they affect academic life?

Are students or faculty required to participate in mandatory courses following a certain ideology?

4.4 Exchange and Dissemination of Academic Knowledge

Do scholars and students have uncensored access to scientific literature and other research materials?

Are scholars free to meet and collaborate with other scholars, both nationally and internationally? Are there any restrictions (including restrictive permission procedures) in place that hinder scholars or students from traveling abroad, or that affect foreign visiting scholars or students?

Are there any incentives or funding opportunities for international academic exchange? Is access to those opportunities merit-based?

Are there any restrictions regarding the publication of research findings imposed from outside the academic community (for orientation, see the definitions of "non-academic actors" above)?

Are scholars free to disseminate their research findings to audiences outside the academic community?

4.5 Campus Integrity[6]

Are intelligence or security forces, including militias or other violent groups (such as violent mobs), present on campus? If so, what is their impact on academic life?

Are surveillance tools – such as CCTV, digital surveillance, student or other informants – present in higher education institutions? If so, what is their impact on academic life?

Are there targeted violent or verbal attacks against scholars, students, or universities that aim to disrupt academic life on

[6] For comparison, see Article 14 of The Kampala Declaration on Intellectual Freedom and Social Responsibility (1990), adopted at the Symposium on Academic Freedom and Social Responsibility of Intellectuals, held in Kampala on November 29, 1990, http://hrlibrary.umn.edu/africa/KAMDOK.htm.

campus? To what extent are university authorities willing and able to protect regular academic life against such attacks?

Have any universities been (partly or fully) closed down for political reasons?

Are any other human rights violations occurring on campuses – for example (but not limited to), extra-legal detentions, disappearances, or suppression of the right to assembly? How do these violations impact academic life on campus?

4.6 Subnational and Disciplinary Variation

Please reflect and expand on important subnational, interdisciplinary, or status-based differences in the country's levels of academic freedom (some of which you may have already mentioned in previous sections), notably:

Are there regulatory requirements which are asymmetrically applied across different universities or disciplines? Are certain disciplines more affected by undue interference or self-censorship than others? Are some institutions less autonomous than others? Are some universities more tightly controlled or subject to surveillance than others?

Are such subnational differences linked to certain geographic determinants, particular events in the past, or the type of institution – including (but not limited to) the following different categories: private vs. public institutions; faith-based vs. non-denominational universities; ethnically segregated vs. inclusive universities; prestigious vs. less prestigious universities; research vs. non-research institutions; non-profit vs. for-profit institutions, etc.?

Are there differences between restrictive actors with regard to their targets as well as their motives for and means of limiting academic freedom (e.g., state actors or political groups in the social sciences, business actors in medicinal research, religious groups in philosophy or theology)?

Are scholars in tenured or senior positions more free from external interference in their research and teaching than those in fixed-term or junior positions?

4.7 Efforts to Promote Academic Freedom

Are there any initiatives to promote academic freedom? Are state agencies, science organizations, unions, or advocacy groups publicly active on the issue of academic freedom?

Are international efforts to promote or safeguard academic freedom by regional or international organizations supported by relevant state agencies or policymakers?

Are there any specific trainings or discussions for scholars or other groups, such as diplomats or administrative staff at universities or science organizations, on the issue?

Are universities hosting at-risk scholars from abroad, such as scholars who are also refugees, exiled, or otherwise displaced or dismissed from their home institutions or countries?

Is the government actively engaging with other countries to promote academic freedom elsewhere (e.g., through diplomatic interactions or sharing best practices)?

5. Conclusion (up to 500 words)

Provide some concluding remarks on the analysis to complete the study, reflecting on the overall situation and the predominant risks and opportunities. You may also try to offer an outlook on how the situation of academic freedom is likely to evolve in this country and what factors will likely impact this development in the foreseeable future.

Academic Freedom in Ireland

Kirsten Roberts Lyer,[1] Elizaveta Potapova

1. Summary

Academic freedom in Ireland is well protected in what is a predominantly public higher education (HE) sector. For academic freedom, the situation is generally characterized by an absence of direct interference by the state, or by higher education institutions (HEIs) themselves, in the freedom of academics to research and teach. Overall, this right is largely well supported in the country.

Thus, the context for academic freedom in Ireland is not one in which a repressive government seeks to limit or punish those who engage in teaching and research that goes against national policies or address politically sensitive issues. However, when it comes to institutional autonomy, the highly centralized, "top-down" nature of the regulation of Irish public HEIs places considerable strictures on financial autonomy (budget, procedures, procurement, recruitment, and salaries) and governance, with an extensive set of requirements for public HEIs.

Furthermore, as a result of major changes to the Irish HE system since the financial crash of 2008, stark reductions and restrictions have been placed on public funding for HE, while

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student numbers have soared. This period has also seen a significant shift toward HE as a means of implementing state policies centered on economic growth, and an emphasis on HEIs providing value for (public) money. The increasing level of oversight and extensive regulatory frameworks affecting HEIs raises questions regarding universities' freedom to operate with sufficient autonomy and to determine their own teaching and research priorities in line with the principles of academic freedom.

State policies suggest that rather than being an inalienable feature of HEIs, institutional autonomy is a "gift" from the state which institutions must "earn." Thus, concerns regarding academic freedom in Ireland are perhaps most accurately examined in the context of institutional autonomy. Furthermore, proposals for reforming HEI oversight – under discussion at the time of writing – suggest that "crisis-era" restrictions on staffing may be solidified into primary legislation, and the state regulatory body's ability to intervene directly in HEI governance and finances may be enhanced.

The overall impact of reduced funding, increased student-to-staff ratios, the rise of precarious employment, the reduction of tenure, and increased regulatory oversight gives the sense of a sector at risk of being undermined by the state, with a corresponding risk to academic freedom.

2. Methods, Sources, and Scope of the Study

This report focuses on the situation of academic freedom and university autonomy in Ireland at the time of writing (February 2020). It does not purport to examine the complex structure of the HEI system, nor to comprehensively analyze the HE system in Ireland.

The primary methodology for this report was desk research; we reviewed primary legislation as well as government policies, state and non-state actor reports, and academic literature. In addition, 12 semi-structured expert interviews were conducted with people working with and in the HEI sector. While it is challenging to achieve representation with a small number of interviews, the interview strategy aimed at gender and age balance, as well as disciplinary and institutional diversity. This approach of including semi-structured interviews aimed to ensure important components of the current debate on academic freedom in the country were not overlooked. This was a great help in gaining an understanding of the situation. It was unfortunately not possible to speak to representatives of the Department of Education, although they did respond positively to a request for an interview. Practical limitations prevented a larger-scale survey of the views of members of the HEI community in the country. However, it is clear to us that such a survey would greatly enhance the understanding of academic freedom in practice.

Finally, it is important to note that this research was carried out within a limited time period (November 2019 to January 2020). The rapidly changing landscape of HE both in Ireland and globally, including in the light of the COVID-19 pandemic, means that this report represents a "snapshot" of the situation of academic freedom at the time of writing.

3. Characteristics of the Higher Education Sector

The Irish HE system is advanced and detailed, characterized by a wide range of policies and significant regulation. It is managed at the executive level by the Department of Education and Skills (Department of Education).[2] The Higher Education Authority

[2] Department of Education and Skills: http://education.ie.

(HEA) is a public body responsible to the department and has a primary role in both funding and oversight of public HEIs,[3] including governance.[4] It has statutory responsibility "at central government level" for "the effective governance and regulation of higher education institutions and the higher education system."[5] Another important body for both public and private institutions is Quality and Qualifications Ireland (QQI).[6] QQI has the delegated power to validate HE programs[7] and to ensure HEIs meet the standards QQI sets.

HE in Ireland is overwhelmingly provided through public institutions. Public HEIs in Ireland can be broadly classified into universities, technological universities,[8] institutes of technology, colleges, and specific institutions.[9] The vast majority – around 85 to 90 percent – of full- and part-time students in Ireland are enrolled in public HEIs. For this reason, this case

[3] The list of HEIs under the HEA is available at: HEA, "Higher Education Institutions," https://hea.ie/higher-education-institutions/?intro=performance?v=l.
[4] HEA, "Service Level Agreement – Department of Education and Skills & Higher Education Authority," *Higher Education Division Rev*. 7 (June 2, 2017), https://hea.ie/assets/uploads/2017/04/Service-Level-Agreement_2017_Department-of-Education-and-Skills__Higher-Education-Authority.pdf .
[5] HEA, "About Us," https://hea.ie/about-us/overview/.
[6] QQI was established by the Qualifications and Quality Assurance (Education and Training) Act of 2012, available at: http://www.irishstatutebook.ie/eli/2012/act/28/enacted/en/html, and was reformed by the Qualifications and Quality Assurance (Education and Training) (Amendment) Act of 2019, available at: http://www.irishstatutebook.ie/eli/2019/act/32/enacted/en/html.
[7] QQI, "Programme Validation," https://www.qqi.ie/Articles/Pages/Programme-Validation07.aspx.
[8] The first technological university in Ireland, TU Dublin, was created on January 1, 2019, by the merger of three existing Dublin institutes of technology: Dublin Institute of Technology, Institute of Technology Blanchardstown, and Institute of Technology, Tallaght.
[9] For an overview, see Eurydice, "Types of Higher Education Institutions," December 19, 2019, https://eacea.ec.europa.eu/national-policies/eurydice/ireland/types-higher-education-institutions_en.

study discusses public HEIs, unless otherwise specified. Ireland is a small country, both in terms of population (approximately 4.7 million[10]) and geographically, and state structures are largely centralized.

Ireland ranks highly on international indices of academic freedom and institutional autonomy.[11] However, the European University Association (EUA) found that, while universities have unrestricted freedom to design curricula, select students, and elect or dismiss the executive, they have to include external members on their governing bodies, have restrictions on how they use parts of the state funding (money earmarked for access programs, for example), and must adhere to collective agreements regarding salaries and dismissals established by the government and certain trade unions.[12] These findings correspond with the findings of this case study.

An important context for any discussion of HEIs in Ireland is the impact of the financial crisis that began in 2008. This impacted government policy across Irish life – particularly public spending – and has had a significant effect on the HE sector. As a 2018 EUA report put it, since 2008, HEIs "were forced to deliver more with less."[13] The post-financial crisis period has also seen a significant

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[10] Central Statistics Office, "Press Statement – Census 2016 Summary Results – Part 1," April 6, 2017, https://www.cso.ie/en/media/csoie/newsevents/documents/pressreleases/2017/prCensussummarypart1.pdf.

[11] The Academic Freedom Index for 2019 places Ireland in the highest of five categories. See the report available at: https://www.gppi.net/media/KinzelbachEtAl_2020_Free_Universities.pdf.

[12] Enora B. Pruvot and Thomas Estermann, "University Autonomy in Europe III: The Scorecard 2017," *European University Association*, 2017, https://eua.eu/downloads/publications/university%20autonomy%20in%20europe%20iii%20the%20scorecard%202017.pdf.

[13] Thomas Estermann, Veronika Kupriyanova, and Michael Casey, "Efficiency, Effectiveness and Value for Money: Insights from Ireland and Other Countries," EUA, October 2018, p. 14, https://eua.eu/downloads/publications/efficiency%20effectiveness%20and%2

restructuring of Ireland's HE system.[14] According to the EUA, these "efficiency measures" can be categorized as "measures imposed by central government (for example, reductions in staff numbers, pay cuts, changes to working conditions)"; sector-wide initiatives from universities or the HEA, such as shared services and cost-saving initiatives; and local institutional initiatives.[15]

The key national policy document in this reform is the 2011 National Strategy for Higher Education to 2030 (also known as the "Hunt Report," hereinafter the National Strategy).[16] The HEA has referred to the strategy as "a roadmap for the most fundamental reform of Irish higher education in the history of the State."[17] Further reform proposals were underway at the time of writing and will be discussed in more detail in section d, in addition to issues relating to the financial crisis. Finally, a general election took place at the time this case study was finalized (February 2020). In late June 2020, a new government was formed, including the creation of the new post of Minister of Higher Education and Research, creating a full ministry focused solely on these areas for the first time.

Before continuing to the next section, we wish to highlight concerns that systemic discrimination in HE means that female academics are not fully enjoying academic freedom in Ireland. The concerns here center on pay inequality and reduced opportunities for promotions and appointments to more senior positions.

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ovalue%20for%20money%20insights%20from%20ireland%20and%20other%20countries.pdf.

[14] Estermann et. al., "Efficiency, Effectiveness and Value for Money," p. 9.

[15] Ibid., p. 4.

[16] Department of Education and Skills Strategy Group, "National Strategy for Higher Education to 2030."

[17] HEA, "Higher Education System Performance First Report 2014-2016: Report of The Higher Education Authority to the Minister for Education and Skills," p. 7, https://www.education.ie/en/Publications/Education-Reports/Higher-Education-System-Performance-First-report-2014-2016.pdf.

A national survey carried out for the HEA in 2016, as part of an expert group report, the *National Review of Gender Equality in Irish Higher Education Institutions*, found widespread gender inequality:

> Respondents identified "residual sexist attitudes rife throughout the system", "ongoing sexist behaviour and attitudes", a pervasive "macho misogynistic culture [...] often masked by the success of a small number of very accomplished women", an "embedded alpha-male culture", and "the old boys' network" as problematic.[18]

In January 2020, the HEA noted that the latest *Higher Education Staff Profiles by Gender* had recorded that "26% of high-level Professors are female compared to 52% at Lecturer level," which was a "1–2% increase annually of female staff at senior academic levels," meaning that at the present rate, "it could take up to 20 years to reach gender balance at professor level."[19]

A number of government initiatives have aimed at improving gender representation in Irish HE, particularly at the higher levels, including establishing a Centre of Excellence for Gender Equality under the HEA, as well as a 2017 ministerial task force that produced a Gender Action Plan 2018–2020.[20] Among other measures, the Action Plan requires HEIs to set "ambitious short, medium and long-term goals" to advance gender equality and to submit an annual gender action plan to the HEA.[21]

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[18] HEA, "National Review of Gender Equality in Irish Higher Education Institutions," 2016, p. 26.
[19] HEA, "HEA welcomes the announcement of 20 new posts targeted at addressing gender under-representation at senior academic levels," January 3, 2020, https://hea.ie/2020/01/03/hea-welcomes-the-announcement-of-20-new-posts-targeted-at-addressing-gender-under-representation-at-senior-academic-levels/.
[20] HEA, *Accelerating Gender Equality in Irish Higher Education Institutions: Gender Action Plan 2018–2020*, Report of the Gender Equality Taskforce, 2017.
[21] Ibid., p. 10.

In January 2020, in response to slow progress and continuing low numbers of senior female academics, the responsible minister announced 20 new posts under the Senior Academic Leadership Initiative, aiming to address gender underrepresentation.[22] Given its recency at the time of writing and the subsequent election, the implementation and impact of this initiative remains unclear.

The Services Industrial Professional and Technical Union (SIPTU) has also expressed concerns that precarious working conditions are a gender issue: "Women are disproportionately impacted by the spread of precarious work practices in the education sector in Ireland from cleaners to catering staff to temporary administrative staff to lecturers."[23] The restrictions women face in HE in Ireland are reflected in other areas of public life – for example, women represented just 21 percent of parliamentarians in the lower house (*Dáil*) in January 2020.[24] While academic freedom is rarely examined through a gender lens, we feel it is important to emphasize this aspect of Irish HE here.

[22] HEA, "HEA welcomes the announcement of 20 new posts targeted at addressing gender under-representation at senior academic levels."
[23] SIPTU, "Campaign launched to fight precarious work in higher and further education sector," March 8, 2019, https://www.siptu.ie/media/pressreleases2019/fullstory_21161_en.html.
[24] As of January 1, 2020, there were just 33 women out of 158 parliamentarians (21%) in the lower house [*Dail*]. Inter Parliamentary Union, "Percentage of Women in National Parliaments," https://data.ipu.org/women-ranking?month=1&year=2020.

4. Current State of Academic Freedom and Key Developments in the Recent Past

4.1 Legal Protection of Academic Freedom

Irish legislative provisions[25] for academic freedom have been upheld by the courts. The Universities Act of 1997 contains explicit protection for academic freedom. Section 14 states that in performing its functions, a university shall have "the right and responsibility to preserve and promote the traditional principles of academic freedom" in both internal and external affairs, and is entitled to regulate its affairs in accordance with "its independent ethos and traditions" as well as with academic freedom.[26] The same section protects the freedom of academic staff to "question and test" received wisdom and put forward new, unpopular, or controversial opinions. Section 14 is generally seen as a welcome, strong legislative provision. The Institutes of Technology Act of 2006 amended two previous HE acts and explicitly provides for academic freedom in Article 5,[27] as does the Technological Universities Act of 2018 in Section 10.[28]

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[25] Ireland's universities – some of which are under the umbrella of the "federal" structure of the National Universities of Ireland (NUI) – are principally subject to the Universities Act of 1997. A ministerial order in December 2019 made the Royal College of Surgeons a university. S.I. No. 638/2019 – Universities Act 1997 (Section 54[3]) (University Authorisation) Order 2019, available at: http://www.irishstatutebook.ie/eli/2019/si/638/made/en/print?q=universities. Institutes of technology are subject to the Regional Technical Colleges Act of 1992, the Institutes of Technology Act of 2006, or the Technological Universities Act of 2018, in which they became universities.

[26] Universities Act 1997, Section 14, available at: http://www.irishstatutebook.ie/eli/1997/act/24/section/14/enacted/en/html.

[27] Institutes of Technology Act of 2006, Section 7, available at: http://www.irishstatutebook.ie/eli/2006/act/25/enacted/en/. This act amended the Regional Technical Colleges Act.

[28] Technological Universities Act of 2018, available at: http://www.irishstatutebook.ie/eli/2018/act/3/section/10/enacted/en/html?q=academic+freedom&search_type=all.

Also relevant here is Section 55(a)(IV) of the Qualifications and Quality Assurance (Education and Training) (Amendment) Act of 2019, which provides for QQI's right to operate, "subject to the right and responsibility to preserve the principles of academic freedom."[29]

Legislation does not explicitly provide protections for institutional autonomy in the same clear manner as for academic freedom. However, Section 14 of the Universities Act can be read as including autonomy insofar as it refers to traditional principles of academic freedom in the regulation of HEI affairs. Furthermore, the National Strategy describes the legal framework as one that supports autonomy "within a clear accountability framework."[30]

The 2007 *Cahill* case tested and upheld the academic freedom provisions in Section 14 of the Universities Act. Professor Cahill relied on Section 14 in support of his claim of unfair dismissal. The court found that "s. 14 requires the court, in construing any provision of the Act, to favor a construction (in case of doubt) which would have the effect of the promotion of the principles of academic freedom."[31]

4.2 Institutional Autonomy and Governance

The system for governance, funding, and oversight of public HEIs in Ireland is highly centralized and places considerable power in the hands of the state. This level of control is framed

[29] Qualifications and Quality Assurance (Education and Training) (Amendment) Act of 2019, Section 37, available at: http://www.irishstatutebook.ie/eli/2019/act/32/section/37/enacted/en/html?q=academic+freedom&search_type=all.
[30] Department of Education and Skills, "National Strategy for Higher Education 2030," p. 92.
[31] *Cahill v Dublin City University* (2007) IEHC 20, available at: https://beta.courts.ie/view/judgments/dc10ab15-987c-42d6-a5bb-5d2f21ee60d5/29b384e1-02dc-4c6d-b2fc-946cb0244279/2007_IEHC_20_1.pdf/pdf.

by the state as a necessary balancing of autonomy with accountability.[32] However, key policy documents such as the National Strategy appear to view autonomy as a gift from the state to HEIs, for which they must ensure their accountability in return.[33] Similarly, the program for a partnership government (of the government prior to February 2020) refers to "earned autonomy."[34]

The HEA is responsible for the allocation of funds provided by the *Oireachtas* (parliament) to publicly funded institutions.[35] Under the National Strategy, the HEA is responsible for monitoring HEIs' performance and "providing accountability to the Minister in respect of performance outcomes for the

[32] S. Hedley, "Managerialism in Irish Universities," *Irish Journal of Legal Studies* 1 (2010): p. 124, https://ssrn.com/abstract=1654533.

[33] It provides that a "shared sense of autonomy needs to be developed between the higher education institutions and other stakeholders, including students, private sector interests and the wider community. In return for this autonomy, institutions must become accountable in ways that are sufficiently transparent and robust to ensure the confidence of the wider society [...]. Funding and operational autonomy must, however, be matched by a corresponding level of accountability for performance against clearly articulated expectations"; Department of Education and Skills, "National Strategy for Higher Education 2030," p. 91.

[34] "We support new flexibility for appropriate higher education institutions within strict budgets, transparency and new accountability agreements, to set their own staffing needs, hire the best lecturers, automate routine processes and adapt work practices to staff and student needs. By allowing universities more flexibilities and 'earned autonomy' they can prioritise and address issues themselves for the improvement of their institution, and the creation of a new relationship with students"; Government of Ireland, "A Programme For A Partnership Government," May 2016, https://merrionstreet.ie/MerrionStreet/en/ImageLibrary/Programme_for_Partnership_Government.pdf.

[35] Higher Education Authority Act of 1971, available at: http://www.irishstatutebook.ie/eli/1971/act/22/enacted/en/html?q=higher+education+authority.

sector."[36] According to the HEA, in exercising its mandate it works to ensure "due regard to institutional autonomy and academic freedom" as well as ensuring that "institutional strategies are aligned with national strategic objectives" and "agreed objectives (detailed in compacts with institutions) are delivered through effective performance-management at institutional and system-levels."[37] The HEA also states that it "acts as a catalyst for change in the higher education system, requiring higher levels of performance while demonstrating an appropriate level of accountability, consistent with institutional autonomy and academic freedom."[38]

The legislation[39] regulating Irish public HEIs sets clear requirements for the establishment, composition, and operation of governance structures. Exacting parameters narrow HEIs' legally permissible options for internal governance. For example, in addition to a chancellor and a president, university governing authorities must include a mix of faculty, non-academic staff, and student representatives, as well as representatives of trade unions, alumni, and a limited number of representatives appointed by the Minister for Education.[40] Institutes of Technology have similar strictures on the composition of their

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[36] HEA, "Service Level Agreement – Department of Education and Skills & Higher Education Authority," *Higher Education Division Rev.* 7 (June 2, 2017), https://hea.ie/assets/uploads/2017/04/Service-Level-Agreement_2017_Department-of-Education-and-Skills__Higher-Education-Authority.pdf .

[37] HEA, "About Us," https://hea.ie/about-us/overview/.

[38] Ibid. For a diagram that illustrates the main actors in Irish HE governance, see HEA, "Overview of the Governance Framework for Higher Education," p.94, https://hea.ie/funding-governance-performance/governance/governance-framework-for-the-higher-education-system/; see also the chart of regulations and responsibilities on the same page.

39 Primarily: the Universities Act of 1997, the Regional Technical Colleges Act of 1992, and the Institutes of Technology Act of 2006 (and subsequent amendments).

[40] See the Universities Act of 1997, Section 16.

governing bodies.[41] However, within these parameters, the autonomy of Irish HEIs is not inconsiderable, and overall scholars and students freely elect their representatives to the governing authority.[42] While the government has the power to make direct appointments to university governing bodies, the government-selected representatives are a small proportion of the overall number. While the Code of Governance[43] states that practices implemented in the upper echelons of HEI governance are recommended for use by faculties, schools, and departments, neither the government nor the HEA appear to intervene in this lower level of HEI governance.

The government's reform proposals aim to reduce the size of governing boards to 10–15 members, with an external majority. One criticism of this proposal is that it would leave little to no place for elected staff or student members.[44] In addition, a smaller board could tip the balance of power toward government-appointed members.

A further point of concern is that the draft legislation (at the time of writing) contains a provision for the suspension of a university's governing body, or the dissolution of an institute of technology's or technological university's governing body,

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[41] See the Regional Technical Colleges Act of 1992, Section 16 (and subsequent amendments), and the Institutes of Technology Act of 2006.

[42] However, Clarke et al. report some worrying perceptions among faculty about their own ability to influence HEI governance; see Marie Clarke, Jonathan Drennan, David Harmon, Abbey Hyde, and Yurgos Politis, "The Academic Profession in Ireland," 2015, pp. 130–133, https://researchrepository.ucd.ie/rest/bitstreams/20470/retrieve.

[43] Irish Universities Association and Higher Education Authority, "Code of Governance for Irish Universities 2019," 2019, p. 6, https://www.iua.ie/wp-content/uploads/2019/09/Code-of-Governance-for-Irish-Universities-14.10.19-digital-1.pdf.

[44] "Submission by Trinity College Dublin Professor to The Consultation Report and Response of the Department of Education and Skills on the Legislative Reform of the Higher Education Authority Act, 1971," September 30, 2019, p. 2.

following a review by the Higher Education Commission (HEC), the body which has been proposed as a replacement for the HEA.[45] In its submission on the reform proposal, Trinity College Dublin said it "appears to give the HEC 'dawn raid' powers and the ability to conduct an audit (described as a review) of the University."[46] It also expressed concern about Section 69, which empowers the minister to "demand and be given *'any information [...] concerning the performance by a University of its functions.'*"[47]

In terms of resources, HEIs under the HEA[48] can largely decide on their internal allocation, so long as it meets statutory requirements. These institutions must submit an annual governance statement[49] within six months of the completion of the financial year. HEIs are expected to "flag all major governance issues to the HEA on an ongoing basis."[50]

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[45] Department of Education and Skills, "Outline of the Legislative Proposals for the Reform of the Higher Education Authority Act, 1971," https://www.education.ie/en/The-Education-System/Higher-Education/Legislative-Proposals-Reform-of-HEA-Act-1971.pdf.
[46] Trinity College Dublin, "Observations from Trinity College Dublin on the 'Outline of the Legislative Proposals for the Reform of the Higher Education Authority Act, 1971,'" https://www.education.ie/en/The-Education-System/Higher-Education/higher-education-authority-act-update/submissions-2019/trinity-college-dublin-submission2.pdf.
[47] Ibid., emphasis in the original.
[48] For the list of HEIs under the HEA, see HEA, "Higher Education Institutions," https://hea.ie/higher-education-institutions/?intro=performance?v=l.
[49] A sample annual governance statement for universities can be found at: HEA, "'Governance of Irish Universities' – Code of Governance for Universities," https://hea.ie/assets/uploads/2017/05/Appendix-2-Unis-Annual-Statement-of-Gov-Template.pdf; and for institutes of technology at: https://hea.ie/assets/uploads/2017/05/Appendix-3-IoTs-Annual-Statement-of-Gov-Template.pdf.
[50] HEA, "The HEA and Higher Education Institutions," https://hea.ie/funding-governance-performance/governance/governance-framework-for-the-higher-education-system/the-hea-and-higher-education-institutions/.

The HEA has detailed policies in place to oversee HEI finances. It is beyond the reach of this case study to detail these in full. However, their scope is considerable. HEIs under the HEA sign an annual financial memorandum, which includes agreements on budget and financial plans, as well as compliance with public sector pay and procurement rules, among other matters. HEIs must also present a balanced budget or risk intervention.[51]

Here, the HEA's approach to universities and institutes of technology differs. As the HEA puts it, "a formal HEA policy is in place with regard to the interventions required when an Institute of Technology acquires this vulnerable status." An HEI deemed "vulnerable" must submit a detailed financial plan showing how it will achieve a budget surplus and ensure ongoing sustainability within three years. Failure to do so "will result in further direct intervention from the HEA."[52]

Universities are also required to provide an annual borrowing report to the HEA under the Framework for Borrowing and Loan Guarantees. Institutes of technology must obtain approval from the HEA to buy additional land or property.[53]

It is important to mention here another area relating to HEI funding – the reduction in public funding of HE. State expenditure on HE more than halved between 2009 and 2012, from approximately €202 million to €87 million.[54] A 2018 EUA

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[51] Ibid.
[52] Ibid.
[53] Ibid.
[54] Expert Group on Future Funding of Higher Education, "Investing In National Ambition: A Strategy for Funding Higher Education," 2016, p. 68 (also known as the "Cassells Report"), https://www.education.ie/en/publications/policy-reports/investing-in-national-ambition-a-strategy-for-funding-higher-education.pdf . OECD figures show that public spending on tertiary education was 1.1% of GDP in 2008 and had fallen to 0.6% by 2015 (the latest data available at the time of writing). This compares to 1.63% for Austria and 1.67% for Norway, and puts

report warned that the Irish HE system was "in danger" because of its funding situation and student numbers.[55] In a September 2019 submission on HEA reform, the Irish Federation of University Teachers (IFUT) described the funding situation as a "chronic crisis."[56] In the context of the February 2020 general election in Ireland, it further described HE as "grossly underfunded."[57]

In parallel to cuts in state funding, there has been a shift toward HEIs obtaining more funding from student fees,[58] with the proportion of state funding shrinking relative to student contributions and other fees.[59] Several policy reports[60] and research papers[61] recommend carrying this development forward by implementing an income-contingent loan scheme. In

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Ireland sixth-lowest out of the 35 OECD countries. See OECD, "Public spending on education (indicator), 2020," doi.org/10.1787/f99b45d0-en.

[55] Estermann et. al., "Efficiency, Effectiveness and Value for Money," p. 3.

[56] Irish Federation of University Teachers, "Submission to the Consultation on the proposed updating of the Higher Education Authority Act 1971," p. 3, https://www.education.ie/en/The-Education-System/Higher-Education/higher-education-authority-act-update/submissions-2019/irish-federation-of-university-teachers-submission.pdf. See also a campaign launched by the IUA in 2018 – "Save Our Spark" – which called for action on the funding crisis, available at: https://www.iua.ie/press-releases/seven-universities-launch-save-our-spark-campaign-urging-public-to-sign-petition-to-protect-irelands-third-level-education-system-15th-oct/ and https://saveourspark.ie.

[57] IFUT, "General Election 2020 – Five Steps to Revive Higher Education," January 20, 2020, https://www.ifut.ie/content/general-election-2020-five-steps-revive-higher-education.

[58] See Expert Group on Future Funding of Higher Education, "Investing in National Ambition: A Strategy for Funding Higher Education," March 2016.

[59] Ibid.

[60] See, for example, Department of Education and Skills Strategy Group, "National Strategy for Higher Education to 2030," p. 113; Expert Group on Future Funding of Higher Education, "Investing in National Ambition," pp. 7–8.

[61] See, for example, Bruce Chapman and Aedin Doris, "Modelling higher education financing reform for Ireland," *Economics of Education Review* 71 (2019): pp. 109–119, doi.org/10.1016/j.econedurev.2018.06.002.

2008, the student "registration fee" was around €900. This has steadily increased in the intervening years to €3,000 in 2020.[62] This has been coupled with considerable pressure – seemingly both top-down (from the government) and bottom-up (from students) – to enhance the "customer experience" at HEIs.[63]

While state funding has reduced, student numbers have steadily increased. Ireland has one of the highest rates of 25-to-34-year-olds with third-level education (56.2 percent in 2018, the fourth highest in the OECD region).[64] In 2005, Ireland's average student-to-academic-staff ratios were slightly above the OECD average at 18:1; a decade later, this ratio had risen to 20.6:1, far above the OECD average of 16:1.[65] The overall number of students in 2017/2018 was 231,710,[66] up from 166,223 in 2005/2006.[67]

A 2017 review for the HEA commented that "Ireland cannot continue to increase student numbers without a commensurate increase in investment."[68] Despite calls for renewed investment

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[62] Citizens Information, "Third-level student fees and charges," https://www.citizensinformation.ie/en/education/third_level_education/fees_and_supports_for_third_level_education/fees.html.
[63] For example, Estermann et al. single out University College Dublin's "AGILE" approach to increasing efficiency: Estermann et al., "Efficiency, Effectiveness and Value for Money," p. 23. See also Expert Group on Future Funding of Higher Education, "Investing in National Ambition," pp. 17, 114.
[64] OECD, "Population with tertiary education (indicator), 2020," doi.org/10.1787/0b8f90e9-en.
[65] OECD, "Students per teaching Staff: Tertiary, Ratio," https://data.oecd.org/teachers/students-per-teaching-staff.htm
[66] HEA, "Key Facts and Figures," 2019, https://hea.ie/assets/uploads/2019/01/Higher-Education-Authority-Key-Facts-Figures-2017-18.pdf.
[67] Committee on Economic, Social and Cultural Rights, "Third Periodic Reports of States Parties due in 2007, Ireland," E/C.12/IRL/3.
[68] HEA, "Review of the Allocation Model for Funding Higher Education Institutions: Final Report by the Independent Expert Panel for the HEA," December 2017, p. 7, https://hea.ie/assets/uploads/2018/01/HEA-RFAM-Final-Report-for-Publication.pdf.

in HE, including in the National Strategy, funding remains well below the 2008 level, even as the government enjoins HEIs to internationalize,[69] garner more research grants,[70] expand engagement with the business sector,[71] and improve teaching (among other components).[72] Yet even as HEIs are required to obtain more non-state funding, regulatory requirements are increasing.

State policy has also shifted toward an increasingly performance-based approach, whereby funding allocation is connected to national policy objectives. The System Performance Framework 2018–2020 connects funding with national priorities,[73] focusing on the delivery of national policy objectives through institutional performance compacts agreed with the HEA. Notably, "[t]he HEA can adjust institutional funding based on the annual assessment of performance."[74] This raises concerns about the predictability and stability of funding to HEIs, which is a requirement for institutional autonomy.[75]

The Irish government holds considerable power over public HEIs' resources and thereby the broad strokes of their academic profiles. The increasing demand for econometrics in HEA

[69] For example, see Higher Education Authority, "Higher Education System Performance Framework 2018–2020," p. 12; "National Strategy for Higher Education to 2030," pp. 80–85.
[70] Higher Education Authority, "2018–2022 Strategic Plan."
[71] Ibid., pp. 28–29.
[72] Ibid., pp. 24–26. On the diversified demands on HEIs, see also Higher Education Authority, "Higher Education System Performance Framework 2018–2020," p. 10.
[73] Eurydice, "National Reforms in Higher Education," September 11, 2019, https://eacea.ec.europa.eu/national-policies/eurydice/content/national-reforms-higher-education-31_mt.
[74] Estermann et. al., "Efficiency, Effectiveness and Value for Money," p. 5, emphasis added.
[75] Kirsten Roberts Lyer and Aron Suba, "Closing Academic Space: Repressive State Practices in Legislative, Regulatory and Other Restrictions on Higher Education Institutions," International Centre for Not-For-Profit Law, 2019, p. 15.

reporting[76] may facilitate government oversight to ensure that academic profiles maximize the strategic "economic and social return." To date, the government and the HEA have applied these powers in dialogue with HEIs. Nevertheless, the basis for state intervention in how HEIs allocate their resources has expanded since the economic crisis.

According to an EUA review, out of the 29 countries and regions in Europe, Ireland ranks second-lowest in terms of staffing autonomy.[77] Some important aspects of the regular management of HEI faculty and staff were suspended in the aftermath of the financial crisis. The Employment Control Framework (ECF) instituted a moratorium on certain hiring, firing, promotion, and pay decisions in the public sector;[78] this limitation on HEIs' capacity to decide personnel matters remains in force[79] through the ECF for the Higher Education Sector 2011–2014.[80] HEIs must submit quarterly reports to the HEA "on core and non-core staffing in line with the principles set out in the [ECF]."[81] HEIs are also required to obtain approval to re-engage retired staff, on a case-by-case basis. Furthermore, governmental sanction is required for "[a]ny other requests relating to staffing outside the terms of the ECF (e.g. rebalancing of grading structure,

[76] See, Estermann et. al., "Efficiency, Effectiveness and Value for Money," p. 25.
[77] EUA, "University Autonomy: Dimensions – Staffing," https://www.university-autonomy.eu/dimensions/staffing/.
[78] These decisions are also constrained by several legislative provisions, such as Section 25 of the Universities Act of 1997 and Section 13 of the Institutes of Technology Act of 2006, which provide for government oversight of these matters, particularly salary decisions.
[79] See Estermann et. al., "Efficiency, Effectiveness and Value for Money," pp. 6–7.
[80] HEA, "Employment Control Framework for the Higher Education Sector 2011–2014," https://hea.ie/assets/uploads/2017/05/Appendix-3-IoTs-Annual-Statement-of-Gov-Template.pdf.
[81] HEA, "The HEA and Higher Education Institutions," https://hea.ie/funding-governance-performance/governance/governance-framework-for-the-higher-education-system/the-hea-and-higher-education-institutions/.

regrading of positions)."[82] Reductions in staffing levels have engendered some difficulties in maintaining courses in some departments.[83]

In its reform proposals, the government presented an amendment to require HEIs to comply with the new HEC's staff and pay requirements.[84] Concerns have been raised that this would mean the ECF would be "copper-fastened" into primary legislation.[85] Commenting on these reform proposals, the HEA proposed that HEIs be given more flexibility in how they manage human resources, including "greater institutional discretion with regard to the management of performance; the ability to offer voluntary redundancy in accordance with an agreed framework; more flexibility in relation to contracts of employment, including recruitment, promotion, staff transfers/exchanges and redundancy options."[86]

HEI vacancies are generally advertised both internally and externally. Virtually all of these conform to internal equal opportunities policy (as per the Code of Governance[87]).[88] HEIs'

[82] Ibid.
[83] See Clarke et al., "The Academic Profession in Ireland."
[84] University College Cork, "Submission, Re: Outline of Legislative Proposal for the Reform of the Higher Education Act, 1971," September 27, 2019.
[85] Irish Universities Association, "Outline of the Legislative Proposals for the Reform of the Higher Education Act, 1971 Response by the Irish Universities Association (IUA)," https://www.education.ie/en/The-Education-System/Higher-Education/higher-education-authority-act-update/submissions-2019/irish-universities-association-submission.pdf.
[86] HEA, "Submission in response to the invitation by the Minister of State for higher education for views on legislative poses to reform the HEA Act, 1971," October 2019, p. 6, https://www.education.ie/en/The-Education-System/Higher-Education/higher-education-authority-act-update/submissions-2019/higher-education-authority-submission.pdf.
[87] Irish Universities Association and Higher Education Authority, "Code of Governance for Irish Universities 2019."
[88] On the appointment of new faculty by institution type, see Clarke et al., "The Academic Profession in Ireland," p. 137, fig. 71.

promotion and tenure processes are largely transparent and based on merit.[89] However, the low level of female representation in the higher echelons of academia does raise questions regarding gender bias in promotions.

Scholars and staff at Irish public HEIs are overwhelmingly public servants/public sector workers.[90] Klaus Beiter, Terence Karran, and Kwadwo Appiagyei-Atua describe the level of academic staff job security as being "above average, and among the highest in the EU."[91]

Salaries for public university lecturers compare favorably to other public sector workers. However, the situation can be different for HE workers on casual contracts. Concerns have been raised about the casualization of contracts in the HE sector, precarious employment, and these academics' opportunity to earn a living wage.[92] In the context of global reduction in the number of academics with tenure, Mariya Ivancheva and Michael O'Flynn argue that Ireland is trending toward

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[89] For a clear overview of the tenure process at one HEI, see University College of Dublin, "Tenure," 2019, https://www.ucd.ie/hr/promotions/tenure/. On who makes decisions, see Clarke et al., "The Academic Profession in Ireland," p. 140, fig. 74.

[90] For comparison, see Terence Karran and Lucy Mallinson, "Academic freedom in the U.K.: Legal and normative protection in a comparative context," Project Report, Lincoln: University and College Union, 2017.

[91] Klaus D. Beiter, Terence Karran, and Kwadwo Appiagyei-Atua, "Academic freedom and its protection in the law of European states: Measuring an international human right," E*uropean Journal of Comparative Law and Governance* 3, no. 3 (2016): pp. 254–345, esp. 326.

[92] For example, see SIPTU, "Tackling Precarious Employment in Higher Education," August 8, 2017, https://www.siptu.ie/divisions/publicadministrationcommunity/education/fullstory_20519_en.html; SIPTU, "Campaign launched to fight precarious work in higher and further education sector," March 8, 2019, https://www.siptu.ie/media/pressreleases2019/fullstory_21161_en.html. See also TUI, "Third Level Unions Outline Threats to Higher Education as a Public Good," April 27, 2015, https://www.tui.ie/press-releases/third-level-unions-outline-threats-to-higher-education-as-a-public-good.7019.html.

"causalization" and away from contracts of indefinite duration (CID), with these contracts seen as a "kind of privilege" in recent years, when the default position has been offering fixed-term or low-hours contracts and "prevent[ing] employees from entitlement to a CID." To support their point, they note, "[a]s Andrew Loxley has shown, in 2011 only 20% of all the 5202 researchers in Irish third-level institutions were on permanent contracts."[93]

In conjunction with the rise of precarious employment, there is also concern about academic working conditions overall. According to a study by Marie Clarke,

> almost three quarters of academics (72%) in this study believed that their working conditions had deteriorated [since they started their career[94]]. They were under pressure to teach more students and they worked longer hours. They did not feel that they had enough time to devote to their research.[95]

SIPTU has highlighted similar concerns:

> Years of underinvestment and reduced staffing has taken its toll on the entire third level sector. The entire sector is rife with precarious employment and this has made it virtually impossible for workers to aspire to a decent career.[96]

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93 Mariya Ivancheva and Michael O'Flynn, "Between Career Progression and Career Stagnation: Casualisation, Tenure, and the Contract of Indefinite Duration in Ireland," in *Academic Labour, Unemployment and Global Higher Education: Neoliberal Policies of Funding and Management*, eds. Suman Gupta, Jernej Habjan, and Hrvoje Tutek, London: Palgrave Macmillan, 2016, pp. 167–84.

94 The survey question has a variable point of comparison: "Since you started your career, please indicate the extent to which you believe working conditions in higher education have improved or declined," meaning that it is difficult to contextualize this result to apply to recent years; see Clarke et al. "The Academic Profession in Ireland," p. 75.

95 Clarke et al. "The Academic Profession in Ireland," p. 13.

96 SIPTU, "SIPTU calls for urgent action to end funding crisis for universities," June 7, 2018, https://www.siptu.ie/media/pressreleases2018/fullstory_20905_en.html.

With regard to HEI admissions, undergraduates are primarily admitted on the basis of their results in the final end-of-school exam (the Leaving Certificate).[97] Each undergraduate course of study is assigned a number of points required for entry, largely based on the demand for the qualification. Based on their academic achievement in the Leaving Certificate, students who have enough points are accepted to their first-preference course. Otherwise they may be admitted to their second preference, and so on. This system allows for little to no external interference and is arguably merit-based.[98]

The new proposals for HEA reform suggest that the minister may be able to cap student numbers for particular courses. The HEA itself recommended removing a reference to the HEC's ability – as the HEA's proposed replacement – to "develop policy and guidelines around an admissions process for every HEI to ensure equality of access."[99]

The proposed reform of the HEA act will likely result in significant changes to HE in Ireland. While it is beyond the scope of this case study to analyze the developing legislative situation in detail, concerns have been expressed by a range of actors about potential impacts on academic freedom and institutional autonomy, and it is important to mention some of those concerns here. The reform proposals specifically mention both academic freedom and HEI autonomy under the responsibilities of the proposed HEC:

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[97] See, generally, the Central Applications Office website: www.cao.ie.
[98] However, the system is not without its critics. See, for example, Joanna Siewierska, "Time to change our unfair CAO points system," *Irish Times*, September 3, 2019, https://www.irishtimes.com/news/education/time-to-change-our-unfair-cao-points-system-1.3998773.
[99] HEA, "Submission in response to the invitation by the Minister of State for higher education for views on legislative poses to reform the HEA Act, 1971," October 2019, p. 1, https://www.education.ie/en/The-Education-System/Higher-Education/higher-education-authority-act-update/submissions-2019/higher-education-authority-submission.pdf.

> (e) to respect institutional autonomy while holding institutions to account for high performance […];
> (j) to respect the Academic Freedom of higher education institutions and the academic staff of higher education institutions.[100]

The Department of Education commented that "the Minister's proposals have 'no implications for the vital principle of academic freedom which is fully protected by the existing legislative framework for higher education.'"[101] However, the Teachers' Union of Ireland (TUI) has stated that the above reference to the HEC's respect for academic freedom is insufficient; rather, "there should be a role for the HEC in protecting academic freedom listed both among the objects and the general functions, particularly with regard to threats arising from precarious, casualized employment and prioritization of funding towards disciplines and research topics on purely economic grounds."[102] The TUI also expressed general concerns regarding several of the proposed provisions, which "may not be representative of the correct balance between institutional autonomy and proper oversight."[103] Furthermore, it recommended HEI as well as student representation in the HEC governing body.[104]

A range of leading national bodies – including the IFUT, the Irish Universities Association (IUA), and the HEA itself – have expressed concern that the proposals do not address academic

[100] Department of Education and Skills, "Outline of the Legislative Proposals for the Reform of the Higher Education Authority Act, 1971," https://www.education.ie/en/The-Education-System/Higher-Education/Legislative-Proposals-Reform-of-HEA-Act-1971.pdf.
[101] *The Irish Times*, "Third level reforms will have 'no implications' for academic freedom," July 25, 2019.
[102] Teachers' Union of Ireland, "Response from the Teachers' Union of Ireland in relation to the proposed legislative reform of the Higher Education Authority Act, 1971," 2019, p. 2.
[103] Ibid., p. 3.
[104] Ibid., p. 4.

freedom[105] and may run counter to "core principles on autonomy,"[106] and they also point out that additional HEC powers should only be used in cases of "demonstrated breaches of good governance or inadequate performance in meeting national objectives."[107] The IFUT in particular expressed concern that the lack of reference to academic freedom and funding in the consultation process "exacerbates fears that funding, course development, and academic freedom will be subject to increasingly great direct government controls"[108] and that the proposals may result in "increased micromanagement by the Department of Education and interference at university level."[109] The IUA identified proposals to give the HEC veto powers on individual HEI strategic plans as "grounded on a principle of 'central control' rather than autonomy."[110] UCC expressed concern about the proposed powers allowing the HEC to require HEIs to submit data and to notify the HEC of "significant

[105] Irish Federation of University Teachers, "Submission to the Consultation on the proposed updating of the Higher Education Authority Act 1971," https://www.education.ie/en/The-Education-System/Higher-Education/higher-education-authority-act-update/submissions-2019/irish-federation-of-university-teachers-submission.pdf.
[106] Irish Universities Association, "Outline of the Legislative Proposals for the Reform of the Higher Education Act, 1971 Response by the Irish Universities Association (IUA)," https://www.education.ie/en/The-Education-System/Higher-Education/higher-education-authority-act-update/submissions-2019/irish-universities-association-submission.pdf.
[107] HEA, "Submission in Response to the Invitation by the Minister of State for Higher Education for Views on Legislative Proposals to Reform the HEA Act, 1971," p. 1.
[108] Irish Federation of University Teachers, "Submission to the Consultation on the proposed updating of the Higher Education Authority Act 1971," p. 3.
[109] Ibid.
[110] Irish Universities Association, "Outline of the Legislative Proposals for the Reform of the Higher Education Act, 1971 Response by the Irish Universities Association (IUA)."

material changes," and also to intervene and sanction individual HEIs.[111]

In its response as part of the consultation process, the Department of Education listed the following powers of intervention for the future HEC. This illustrates the extent of those powers:

- Review power for the HEC;
- Provision of assistance to HEIs and their governing body including the appointment of advisors;
- Appointment of an observer to the governing body;
- Non-financial penalties;
- Withholding or refund of grant;
- Advise QQI of any issue related to a provision under the QQI legislation; and
- Recommendation to the Minister to replace the governing body.[112]

Furthermore, the department stated: "It is important to note that these powers will be implemented on an incremental basis and only as necessary in a balanced and proportionate manner. Appropriate appeals provision will be included in the legislation."[113] At the time of writing, the department's responses did not appear to have allayed institutional or academic staff concerns about the potential erosion of academic freedom.

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[111] University College Cork, "Submission, Re: Outline of Legislative Proposal for the Reform of the Higher Education Act, 1971," September 27, 2019.
[112] Department of Education and Skills, "Legislative Reform: Higher Education Authority Act, 1971 – Consultation Report and Response of the Department of Education and Skills," p. 35, https://www.education.ie/en/The-Education-System/Higher-Education/Legislative-Reform-HEA-Act-1971-Consultation-Report-DES.pdf.
[113] Department of Education and Skills, "Legislative Reform: Higher Education Authority Act, 1971 – Consultation Report and Response of the Department of Education and Skills," p. 35, https://www.education.ie/en/The-Education-System/Higher-Education/Legislative-Reform-HEA-Act-1971-Consultation-Report-DES.pdf.

4.3 Freedom to Research and Teach

Overall, from an academic freedom perspective, the current research and teaching environment in Ireland is positive. We did not identify limitations on scholars choosing and investigating their research questions. Freedom to research – including the process of investigation, choice of methodology, and venues for publication – does not appear to be restricted in a manner that would violate the principles of academic freedom.

Ethical and other limitations are set primarily at the institutional level by ethics committees comprising academic staff,[114] which have the capacity to introduce limitations on certain research, especially research dealing with human subjects. Guidelines are also introduced at the institutional level.[115] No procedures indicating undue interference with academic freedom were identified.

Irish scholars can design their teaching curricula and teach their courses without state interference in terms of topics, materials, and methods. Courses must fit the composition of the relevant HEI program, as per standard academic processes. For the overall academic program, each stage requires approval at the levels of departmental/school, university, and the state

[114] For example, Trinity College Dublin, "Good Research Practice Guide," June 25, 2002, p. 8, https://ahss.tcd.ie/assets/pdfs/TCD_GoodResearchPracticeGuide.pdf .

[115] For example, ibid.; National University of Ireland, Galway, "Code of Good Practice in Research," July 30, 2012, https://www.nuigalway.ie/media/staffsub-sites/researchoffice/files/CODE-OF-GOOD-PRACTICE-IN-RESEARCH.pdf; Waterford Institute of Technology, "Code of Conduct for the Responsible Practice of Research," February 1, 2019, https://www.wit.ie/images/uploads/Policies_PDF/WIT_Code_of_Conduct_for_the_Responsible_Practice_of_Research.pdf. The private, for-profit Griffith College also has a similar code: Griffith College, "Best practice guidelines for researchers: Managing research data and primary materials," April 18, 2019, https://www.griffith.edu.au/__data/assets/pdf_file/0018/186021/2016-rdm-best-practice-v.1.8.docx.pdf.

accreditation agency (or professional bodies, for certain disciplines[116]). No evidence was found of any particular academic freedom difficulties in the process of developing curricula or teaching courses.

In order to provide graduates with a recognized national qualification – that is, degrees from programs accredited in Ireland – universities need to apply for validation (approval) from QQI. One of QQI's central tasks is maintaining the National Framework of Qualifications (NFQ).[117] During the adoption of the QQI Amendment Act, some concerns were expressed about QQI's power to issue different quality-assurance guidelines for different providers, classes of programs, and types of provision. In a debate before a committee of the *Oireachtas*, the IUA commented on "the potential creeping erosion of university autonomy if additional layers of statutory compliance requirements are imposed."[118]

No evidence was found of official state censorship of Irish academics. Some interviewees indicated that while academics have their specific research interests, universities might favor certain agendas – for example, research in science, technology, engineering, and mathematics (STEM) fields. The government

[116] For example, Teaching Council of Ireland, "Professional accreditation," https://www.teachingcouncil.ie/en/Teacher-Education/Initial-Teacher-Education/Review-and-Professional-Accreditation-of-Existing-Programmes-of-ITE/; Engineers Ireland, "Accredited Engineering Programs," https://engineersireland.ie/Services/Accredited-Courses.aspx.
[117] The National Framework of Qualifications is available at: https://www.qqi.ie/Articles/Pages/National-Framework-of-Qualifications-(NFQ).aspx. See also QQI, "About Us," https://www.qqi.ie/Articles/Pages/About-Us.aspx.
[118] IUA, "Opening Statement to Oireachtas Joint Committee on Education and Training Qualifications and Quality Assurance (Education and Training) (Amendment) Bill 2018," June 18, 2019, https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_education_and_skills/submissions/2019/2019-06-18_opening-statement-lewis-purser-director-of-learning-irish-universities-association-iua_en.pdf.

also pushes its own priorities by providing funding for certain subject areas, as will be discussed further in section d. However, there was no evidence that this amounted to a form of censorship.

Self-censorship – defined as "refraining from examining certain questions, topics, theories because of fear of professional or other retaliation"[119] – is not visible in the Irish context. However, some interviewees identified instances that fall outside this definition but could nonetheless be framed as mild forms of self-censorship. Such cases include academics being unwilling to deal with public reactions and consequently limiting their public outreach; "political correctness" in the classroom and not wishing to "offend" any student, particularly as regards their country of origin; and downplaying certain parts of their research to avoid potential controversy.

As regards sources and distribution of state funding, tight control has caused some concern within Irish HE, as discussed above. Government documents consistently emphasize market-based considerations, insisting on attention to students' employability, for example. These norms, which were expanded after the 2008 financial crisis, have led some to contend that Irish HE has been "neoliberalized."[120] John Walsh argues that the National Strategy viewed HE as "a key determinant of national economic salvation," valued for its ability to upskill the workforce and promote contributions to the labor market.[121]

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[119] Adapted from James R. Detert and Amy C. Edmondson, "Implicit Voice Theories: Taken-for-granted Rules of Self-censorship at Work," *Academy of Management Journal* 54, no. 3 (2011): pp. 461–88.

[120] For example, Marnie Holborow, "Neoliberalism, human capital and the skills agenda in higher education-the Irish case," *Journal for Critical Education Policy Studies (JCEPS)* 10, no. 1 (2012): pp. 93–111.

[121] John Walsh, *Higher Education in Ireland, 1922–2016: Politics, Policy and Power – A History of Higher Education in the Irish State*, London: Springer, 2018, p. 490.

The government and the HEA have also used the allocation of funding to stress particular areas of education and research.[122] Typically, the government has prioritized STEM fields for increased research funding,[123] while other research areas are left to seek alternative forms of support.

Julien Mercille and Edna Murphy argue that the financial crisis has resulted in the increased commercialization and privatization of HE as well as increasingly precarious working conditions for HE staff, who are subject to increased monitoring and management control, with an output-driven focus.[124] As Walsh notes, Irish HE has been transformed since the late 1980s, with "more systematic intervention by the state in higher education at institutional and programme levels: greater monitoring of institutional activity and sustained official pressure [...] to pursue explicitly economic functions."[125] However, as Mercille and Murphy argue, this approach is in keeping with the European Commission's strategy.[126] Thus it may not be solely the result of Irish government policy. Some of the Irish government's approach to reforming the HE system

[122] The Institutes of Technology Act of 2006, Section 8(7)(6), is a notable codification of this power: "In performing its functions a governing body, or, where appropriate, a committee shall – (a) comply with such policy directions as may be issued by the Minister from time to time, including directions relating to the levels and range of programmes offered by the college."
[123] For example, Department of Education and Skills Strategy Group, "National Strategy for Higher Education to 2030," p. 20.
[124] Julien Mercille and Enda Murphy, "The Neoliberalization of Irish Higher Education under Austerity," *Critical Sociology* 43, no. 3 (2017): pp. 371–87, esp. 373–74, doi.org/10.1177/0896920515607074.
[125] John Walsh, "A Contemporary History of Irish Higher Education, 1980–2011," in *Higher Education in Ireland,* eds. Andrew Loxley, Aidan Seery, and John Walsh, London: Palgrave Macmillan, 2014, pp. 33–54, esp. 33. See also John Walsh and Andrew Loxley, "The Hunt Report and Higher Education Policy in the Republic of Ireland: An International Solution to an Irish Problem?" *Studies in Higher Education* 40, no. 6 (2015): pp. 1128–45, esp. 1132.
[126] Mercille and Murphy, "The Neoliberalization of Irish Higher Education under Austerity," p. 375.

appears in OECD recommendations. In addition, other factors may also influence HEIs. As Seamus O'Shea and Joe O'Hara argue, "reputation and a desire to respond to regional and national needs along with global expectations appear to be driving performance far more so than the threat of a funding penalty."[127]

The extent of state control over funding and the allocation of funding for national priorities is clearly a cause of some concern, particularly as regards the connections between funding and state priorities. For example, the 2010 Trinity College Policy on Academic Freedom identifies state control over funding mechanisms as a potential threat to academic freedom. While recognizing that "[i]n a democratic society the State usually encourages or (by extension) discourages certain activities indirectly using funding mechanisms," it warns that "any view that universities are adjuncts to the State potentially threatens academic freedom by external prioritisation of some lines of learning and enquiry over others."[128] Similarly, the University College Dublin (UCD) Statement of Academic Freedom warns that "[t]here is a significant danger that, if unchecked, resource allocation rather than free and well-founded academic enquiry will drive the direction and intensity of university research and teaching."[129]

Limited research has been done on the impact of either new or previous strategic performance frameworks. However, one study indicated concern over the impact of these frameworks on institutional autonomy.[130] The TUI, in the context of HE reform

[127] Seamus O'Shea and Joe O'Hara, "The impact of Ireland's new higher education system performance framework on institutional planning towards the related policy objectives," *Higher Education* (2019): p. 12, doi:10.1007/s10734-019-00482-5.
[128] Trinity College Dublin, "Policy on Academic Freedom," 2010, pp. 3–4.
[129] UCD, "Statement on Academic Freedom," p. 6.
[130] "Two out of every three respondents considered the HESPF a useful concept with a slight majority (51%) indicating that it improves accountability

proposals, noted that "recent evidence suggests to TUI that economic priorities and impacts are heavily favoured" as policy objectives for research investment.[131] Similarly, in its submission, the Irish Research Council noted that "national research policy currently directs the majority of research funding towards a number of areas where the economic and enterprise potential is seen to be greatest […]."[132]

Finally, as regards "platforming," there is not enough evidence to say whether universities currently provide platforms for controversial views or simply do not invite speakers whose views might be controversial.

4.4 Exchange and Dissemination of Academic Knowledge

Overall, the exchange and dissemination of academic knowledge in the context of academic freedom was found to be positive. Scholars and students in Ireland currently have unrestricted access to scientific literature and other research materials necessary for successful performance in academia at each level. Irish scholars are free to meet and collaborate, both on a national and an international level, without state restrictions. International scholars can come to Ireland, for example, through the standard European mobility grants/funds. Currently, Irish

for public funds with lower levels of agreement (41%) that the substantive autonomy of the HEI was respected in the process"; Seamus O'Shea, *An Examination of the Implementation of Ireland's New Higher Education System Performance Framework in a Sample of Higher Education Institutions*, PhD diss., Dublin: Dublin City University, 2018, p. 141.

[131] Teachers' Union of Ireland, "Response from the Teachers' Union of Ireland in relation to the proposed legislative reform of the Higher Education Authority Act, 1971," 2019, p. 2.

[132] Irish Research Council, [untitled submission], September 2019, p. 4, https://www.education.ie/en/The-Education-System/Higher-Education/higher-education-authority-act-update/submissions-2019/irish-research-council-submission.pdf.

academics are not only free to disseminate their research findings outside academia, but their home institutions actively encourage them to do so, as this creates an impact, which is an HEI priority for research.

4.5 Campus Integrity

Currently, state security forces have no permanent presence on campuses. Nor is there current evidence to suggest any form of state surveillance of HEIs. No instances of violence on campuses in Ireland were recorded. While HEI mergers and restructuring have occurred in recent years, there is no indication these were conducted with a view to restricting academic freedom.

4.6 Subnational and Disciplinary Variation

While it was not possible within the scope of this case study to examine the question of status-based differences between disciplines in detail, the interviewees we spoke to for this study shared the belief that senior academic positions allow academics to experience academic freedom to the fullest. Scholars on temporary contracts are much more vulnerable in terms of their academic freedom, simply because precarious workers change positions so often in the early stages of their careers.

The HE system in Ireland is generally centralized. In 2011–2012, the HEA and the Department of Education introduced a policy establishing regional clusters to strengthen regional capacity and competitiveness through academic planning and to reduce "duplication."[133]

There are some differences in the state's approach to public HEIs, particularly universities and institutes of technology, as

[133] On clusters both regionally and in relation to the reform of teacher-training HEIs, see John Walsh, *Higher Education in Ireland 1922–2016*, pp. 449–59.

noted above.[134] However, there was no indication that this is intended to restrict academic freedom.

There are significant differences in how the state treats public and private institutions, and also in how it treats for-profit and not-for-profit private institutions. While it is beyond the scope of this case study to examine these differences in detail, they manifest in restrictions in areas such as official designation, student-support funding, and access to state research funding.

Some of the institutions that receive public funding outside the HEA, such as Mary Immaculate College (MIC), also expressed concern regarding their place within the HEC framework. In its submission to the Department of Education on the HEA reform, MIC notes that it is excluded from "information flows (concerning strategic and governance developments), as well as funding and governance modelling appropriate to the scale and substance of its mission and operations."[135]

Students attending many private, independent, and not-for-profit institutions are not eligible for means-tested student grants,[136] despite a number of high-profile recommendations calling for this to change. For example, the 2016 *Investing in National Ambition: A Strategy for Funding Higher Education* report (also known as the "Cassells Report") recommended giving grants to students attending private colleges.[137] Griffith

[134] See also *Technological Universities: Connectedness & Collaboration Through Connectivity: Report of the Technological Universities Research Network to the Department of Education and Skills*, October 2019, https://www.education.ie/en/Publications/Education-Reports/connectedness-collaboration-through-connectivity.pdf.
[135] Mary Immaculate College, "MIC Response to Consultation in respect of Legislative Proposals for the Reform of the Higher Education Authority Act, 1971," p. 1.
[136] Carlow College is a not-for-profit HEI that receives funding from the Department of Education.
[137] Expert Group on Future Funding of Higher Education, "Investing in National Ambition: A Strategy for Funding Higher Education," 2016, p. 46.

College – a private institution – noted that the *Oireachtas* Committee on Education and Skills had also recommended extending grants to all students on QQI accredited courses.[138]

Private and independent colleges also receive a "very low" level of public funding through the HEA, despite representing "approximately 10%" of current student places in HE programs.[139] As the Higher Education Colleges Association noted, "private HEIs are excluded from funding or the opportunity to lead educational projects of excellence in teaching and learning, even if it is a private HEI's initiatives/ work."[140] The proposed HEA reforms appear to allow funding for a broader range of HEIs by redefining what is a "designated institution."

However, the HEA reform proposals appear to need greater clarity around their application to private, independent, and not-for-profit educational providers, since greater regulation of such institutions is one of the minister's stated priorities.[141] As Griffith College noted, "urgent clarification is required for the private colleges who [...] need to be informed if many of the provisions in the draft proposals which are clearly designed for public sector institutions will also apply to them."[142] While it is beyond the scope of this case study to review each private,

[138] Griffith College, "Submission re draft legislative proposals for the Reform of the HEA Act 1971," September 30, 2019, p. 2.
[139] Higher Education Colleges Association, "Submission on behalf of the Higher Education Colleges Association (HECA) in relation to legislative proposals to reform the HEA Act, 1971," September 2019, part V, https://www.education.ie/en/The-Education-System/Higher-Education/higher-education-authority-act-update/submissions-2019/higher-education-colleges-association-submission.pdf.
[140] Ibid.
[141] Ibid., part II.
[142] Griffith College, "Submission re: draft legislative proposals for the Reform of the HEA Act 1971," September 30, 2019, p. 1, https://www.education.ie/en/The-Education-System/Higher-Education/higher-education-authority-act-update/submissions-2019/griffith-college-submission.pdf.

independent, or not-for-profit HEI in Ireland and its relationship to the state, it is critical to include these HEIs in any provisions for the protection of academic freedom and institutional autonomy.

4.7 Efforts to Promote Academic Freedom

A number of organizations are active on issues of academic freedom and autonomy, such as IFUT, IUA, TUI, and SIPTU. These trade unions and associations work to promote the rights of academics, including in relation to workplace relations. The TUI particularly focuses on institutes of technology and the emerging technological university sector.[143] There was no evidence of significant current efforts to actively promote academic freedom by state agencies such as the HEA.

5. Conclusion

Overall, academic freedom in Ireland is well protected, both legally and in practice, and is enjoyed by individual academics, particularly those with established positions in HEIs. However, in addition to academic freedom at the individual level, academics require the structures and hallmarks of a well-functioning, autonomous institution in order to teach and research freely. This study has found that institutional autonomy for HEIs in Ireland requires increased recognition in law and policy, and in the context of regulatory frameworks.

The current situation of Irish HEI autonomy and governance bears the marks of the 2008 financial crisis, which introduced a new era for Irish HEIs, one which has seen significant reductions in public funding and the increasing subjugation of institutional

[143] Teachers' Union of Ireland, "Response from the Teachers' Union of Ireland in relation to the proposed legislative reform of the Higher Education Authority Act, 1971," 2019.

autonomy to government authority. While there is no question that publicly funded institutions should be accountable for the use of public money, there is an important balance to be struck between accountability and autonomy. In recent years, the Irish government appears to have asserted increasing control over HEIs by demanding greater accountability for outlays of public spending. These are relatively recent changes, and the sector is still shifting toward new operational models – ones that feature closer state monitoring.

To date, government powers appear to have been exercised with restraint and in consultation with HEIs, particularly with regard to universities. This coordinative mode of operation is founded on mutual goodwill and the government's restrained exercise of its authority over HEIs – neither of which can be guaranteed long-term, irrespective of future systemic shocks. The balance between government regulation and HEI autonomy is precarious, and in some areas seems to be faltering. Furthermore, reform proposals suggest a trend toward increasingly tight state control.

A change in the Irish government's attitude is required so that institutional autonomy is not viewed as a "gift from the state" to be earned or lost on the basis of compliance with regulations or policy. Institutional autonomy – defined in line with international good practice – should be provided for in legislation, and reforms of the sector should be viewed through the lens of preserving and enhancing HEI autonomy, rather than increasing state control.

The overall impact on Irish HEIs of reduced funding, increased student-to-staff ratios, the rise of precarious employment, the reduction of tenure, and increased regulatory oversight gives the sense of a sector at risk of being undermined by the state, apparently through neglect in terms of resourcing as much as out of deliberate intent, with a corresponding risk to academic freedom in Ireland.

Academic Freedom in Brazil

Conrado Hübner Mendes[1]

1. Summary

Freedom of expression, freedom of thought, freedom to teach and to learn, and university autonomy are all rights protected by the Constitution in Brazil. Yet a closer look at the state of academic freedom in the country reveals that these constitutional rights are under increasing threat. In recent years, the political climate has strained ideas and ideologies, and Brazil's deeply polarized politics have aggravated pre-existing problems in the regulation and governance of higher education.

Top-down measures from the Brazilian government, administered through legal and institutional channels and combined with constant discursive attacks, have created an increasingly hostile environment for academics, who constitute a significant opposition group to the federal government. Threats to academic freedom include: significant budget cuts and freezes; judicial orders censoring political debates on

[1]Email: chm@usp.br. This chapter is an updated and revised version of a policy paper available at: https://www.gppi.net/media/GPPi_LAUT_2020_Academic_Freedom_in_Brazil.pdf, which was co-authored with Adriane Sanctis de Brito, Bruna Angotti, Fernando Romani Sales, Luciana Silva Reis, and Natalia Pires de Vasconcelos. The author wishes to thank them for their indispensable help in all aspects of this research. He is grateful to the anonymous reviewers who offered invaluable comments on the first version of this study, and he also wishes to thank Leonardo Rosa for important conversations on federal university regulation and on ways to improve academic freedom in Brazil.

campuses; reporting channels for political and ideological complaints; new laws and interpretations affecting institutional governance; and false statements about the academic community and scholarship as a whole. Resonating with and amplifying some of these threats, certain groups made up of both academics and non-academics have accused universities of promoting leftist "indoctrination" and are pushing for restrictions on certain content in curricula and classes.

Thus far, scholars have successfully resisted certain key measures through publications, networking, and advocacy. Yet graver threats to academia seem to be underway in recently inaugurated government measures to increase institutional control over universities. Today, the efficacy of constitutional protections of academic freedom depends in large part on judicial decisions – and consequently suffers from the weariness of the courts – as well as on constant civil society mobilization.

2. Methods, Sources, and Scope of the Study

Brazil has a very large number of higher education institutions.[2] Only longer-term, more detailed studies could fully depict the state of academic freedom in all of its complexity. As a first step toward that endeavor, this study intends to present a broad picture of the dynamics involving academics, non-academics, and state bodies in the country. By focusing on academic freedom in Brazil today, we chose to refer to four periods in recent history whenever necessary for a better understanding of current events: the period of the military regime, 1964–1985; the period from re-democratization until Dilma Rousseff's

[2] Brazil had a total of 2,537 higher education institutions in 2018. See Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira (INEP), *Sinopse Estatística da Educação Superior 2018*, http://portal.inep.gov.br/web/guest/sinopses-estatisticas-da-educacao-superior.

impeachment, 1988–2016; the period of anti-leftist uproar, 2016–2018; and the period after the election of Jair Bolsonaro, from 2019 until the present.

Due to the lack of centralized, combined data on recent events, this study aggregates information reported by the press and various research initiatives.[3] The main limitation of these sources is their lack of detailed examination of the day-to-day effects of structural pressures on academic freedom. To address this problem, we undertook a preliminary survey with academics at different public and private universities throughout the country.

This preliminary survey was made available online on the SurveyMonkey platform and sent privately via e-mail to 58 academics from January 16 to 30, 2020. These 58 academics are well-known university professors in law, the humanities, and the social sciences who were chosen by the research team on the basis of their areas of research and their availability to help us test and improve our questionnaire. Through a combination of multiple-choice and open-ended questions, we were able to access some of their personal experiences while asking for important feedback on the phrasing of most of the survey questions (e.g., identifying biases or missing information) as well as for suggestions on additional topics that could potentially be covered in a future survey. The survey data presented in this report is not statistically representative of Brazilian academia, yet it points to important areas for a broader understanding of the conditions of academic freedom in Brazil.

[3] This study reflects events up to June 30, 2020.

3. Characteristics of the Higher Education Sector

The higher education sector in Brazil is made up of both public and private institutions. Public institutions are funded by federal, state, and municipal governments. Except for municipally funded courses, public courses are generally free of charge. Private higher education includes both for-profit and not-for-profit institutions, and some of the latter are philanthropic institutions linked to religious organizations.

The majority of undergraduate students are enrolled in courses offered by private institutions,[4] while most graduate students attend public universities.[5] In contrast, all of the 17 most prominent universities in Brazil – in terms of research, teaching innovation, perception in the job market, and internationalization – are public institutions. Out of the 50 best higher education institutions in the country, only 7 are private.[6] Public universities are responsible for the vast majority of academic research, according to both national and international studies.[7]

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[4] The majority of undergraduate students in Brazil (70%) attended private institutions in 2018. See Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira, *Sinopse Estatística da Educação Superior 2018*, http://portal.inep.gov.br/web/guest/sinopses-estatisticas-da-educacao-superior.

[5] In 2018, approximately 85% of graduate students attended public institutions, and 15% attended private institutions. See Capes, "Dados abertos," *Discentes 2018–2019,* https://dadosabertos.capes.gov.br/dataset?groups=avaliacao-da-pos-graduacao.

[6] Folha de S. Paulo, "Ranking Universitário Folha 2019," https://ruf.folha.uol.com.br/2019/ranking-de-universidades/principal/.

[7] See Mariluce Moura, "Universidades públicas respondem por mais de 95% da produção científica do Brasil," http://www.abc.org.br/2019/04/15/universidades-publicas-respondem-por-mais-de-95-da-producao-cientifica-do-brasil/; Rodrigo Menegat, "Universidades brasileiras sob o microscópio," *Estadão*, December 23, 2019,

In addition to considerable discrepancy in their regional distribution,[8] higher education admissions reflect historical patterns of discrimination. Affirmative actions have been implemented since 2000.[9] Since then, quotas and programs for financial support have improved diversity in higher education, but a significant discrepancy remains between access to higher education and the composition of Brazilian society.[10] Data on the profiles of higher education professors is scarce, but the available figures point to a majority of white male professors.[11]

The precarity of academic labor is usually more severe in private universities, where scholars are often more vulnerable to institutional restrictions and self-censorship. Such self-

https://www.estadao.com.br/infograficos/educacao,universidades-brasileiras-sob-o-microscopio,1061261.

[8] The majority of higher education programs offered in Brazil – 46% of all graduate programs and more than 44% of undergraduate courses – are located in the southeast region. See INEP, *Sinopse Estatística da Educação Superior 2018*; Capes, "Dados abertos," *Cursos 2018,* https://dadosabertos.capes.gov.br/dataset?groups=cursos-da-pos-graduacao.

[9] João Feres Júnior and Verônica T. Daflon, "Políticas de igualdade racial no ensino superior," *Cadernos de Desenvolvimento Fluminense* 5 (2014): pp. 31–43.

[10] On accessibility in higher education, see Boletim Lua Nova, "Estudantes e docentes negras/os nas instituições de ensino superior: em busca da diversidade étnico-racial nos espaços de formação acadêmica no Brasil," https://boletimluanova.org/2019/11/15/estudantes-e-docentes-negras-os-nas-instituicoes-de-ensino-superior-em-busca-da-diversidade-etnico-racial-nos-espacos-de-formacao-academica-no-brasil/; Dhiego Maia, "Ao menos 12 universidades federais do país têm cotas para alunos trans," https://www1.folha.uol.com.br/educacao/2019/05/ao-menos-12-universidades-federais-do-pais-tem-cotas-para-alunos-trans.html.

[11] Policies such as the one established by law in 2014 which guarantees a minimum of 20% of federal civil servant positions to black people have been warmly welcomed by diversity experts. See Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira, *Sinopse Estatística da Educação Superior 2018*, http://portal.inep.gov.br/web/guest/sinopses-estatisticas-da-educacao-superior; Domingos N. Nonato, Raimundo W. G. Raiol, and Daniella M. S. Dias, "O recorte etnicorracial como critério à promoção da igualdade: possibilidade jurídica e adequação sociopolítica sob a perspectiva da Lei 12.990/14," *Revista da AGU* 17, no. 4 (2018): pp. 87–122.

censorship cannot be directly attributed to government actions, but rather to the economic interests and ideological inclinations of each private institution. In a historical moment when classrooms are heavily targeted and politicized, the silencing effect within private institutions is more immediate.

Professors at public institutions usually have more stable jobs due to civil service regulations.[12] Research usually depends on external funding. Federal government agencies are responsible for most of the research funding opportunities in Brazil, alongside state-level agencies.[13]

Brazil has a very recent history of attacks on academic freedom – the period of the military regime, from 1964 to 1985, saw the persecution of scholars and students at public universities. At that time, a veneer of formal legality justified even the most arbitrary actions taken against academics. This was blatantly the case for scholars who were arrested, dismissed from their positions, or forced to retire; in some cases, they were victims of torture, arbitrary execution, or were disappeared. The National Union of Students and other student movements were targeted

[12] Among public university professors teaching undergraduate courses, 86% had full-time contracts, 11% part-time, and 7% were paid per hour. Inversely, the majority of professionals teaching at private institutions had been hired on part-time (42%) or per-hour contracts (30%), and less than one-third had a full-time contract (27%). See INEP, *Sinopse Estatística da Educação Superior 2018*.
[13] A recent study – based on the acknowledgments sections of Brazilian research publications – indicates that the federal agencies National Council for Scientific and Technological Development (CNPq) and Coordination for the Improvement of Higher Education Personnel (CAPES), together with the state-level São Paulo Research Foundation (FAPESP), Minas Gerais State Research Support Foundation (FAPEMIG), and Carlos Chagas Filho Foundation for Supporting Research in the State of Rio de Janeiro (FAPERJ), are the most mentioned sources of funding. See USP, "Quem financia a pesquisa brasileira? Um estudo InCites sobre o Brasil e a USP," https://www.sibi.usp.br/noticias/quem-financia-a-pesquisa-brasileira-um-estudo-incites-sobre-o-brasil-e-a-usp/.

by the general policy against the freedom of expression and the freedom of assembly and association.[14]

Almost 20 years later, universities created commissions to investigate past human rights violations in the academic sector. They documented and reported abuses. In the final report of the University of São Paulo's Truth Commission in 2018, Professor Boris Fausto – a widely respected historian at the University of São Paulo – described the reality of the persecution of scholars: "With regard to scholars, the central concern revolved around their ideas [...] around the possibility that they were contributing to 'perverting' the minds of students with leftist preaching."[15]

While Brazil is currently governed by democratically elected leaders and under a constitution which provides for democratic institutions and guarantees, recent events still resonate with some of these authoritarian ideas from the era of the military dictatorship. As we will explore in the next sections, measures taken under the veneer of legality put academic freedom at risk. In many cases, they are informed by an anti-leftist or anti-scientific ideology, which targets scholars as enemies of a certain right-wing project aimed at the realization of an anti-pluralist meaning of the common good.

4. Current State of Academic Freedom and Key Developments in the Recent Past

4.1 Legal Protection of Academic Freedom

In 1992, Brazil ratified the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social

[14] See Comissão Nacional da Verdade, "Relatório final. Violações de direitos humanos na universidade", vol. 2, Brasília: Comissão Nacional da Verdade, 2014, text 6.
[15] Ibid.

and Cultural Rights; and the American Convention on Human Rights. However, these core human rights documents have arguably not been relevant sources for rights reasoning and judicial decision-making in the country. In actual practice, rights claims and advocacy are basically grounded in the 1988 Brazilian Constitution.

In addition to freedom of thought and expression (Article 5 [IV] IX), two provisions in the Brazilian Constitution directly relate to academic freedom. Article 206 establishes the protection of freedom of research and teaching: "teaching shall be provided on the basis of [...] II. the freedom to learn, teach, research, and express thoughts, art, and knowledge." The same article establishes the principle of "the pluralism of ideas and pedagogical concepts" (III). Addressing the specific characteristics of higher education, Article 207 proclaims that universities in Brazil "shall enjoy autonomy with respect to didactic, scientific, and administrative matters, as well as autonomy in financial and patrimonial management [...]."

The constitutional provision that safeguards autonomy for universities is usually interpreted as comprising various aspects of administrative and bureaucratic activities. Case law has established that: (1) universities shall decide on personnel matters; (2) autonomy does not equal freedom from general supervision by federal and state-level agencies; (3) higher education institutions may enact supplementary norms to elaborate on primary legislation; and (4) autonomy hinders judicial interference in university matters, except in cases of illegality or abuse.[16]

[16] We considered all the case law of the Brazilian Supreme Court (STF), the Brazilian Superior Court of Justice (STJ), and all the cases decided in 2019 by the Federal Court of Appeal – 3rd Region (TRF-3) and the State Court of Appeal in Sao Paulo (TJ-SP), following a search for uses of the expression "university autonomy."

A central case in the ongoing disputes over the legitimacy of rectors appointed by the federal government (see section 4.2 "Institutional Autonomy and Governance") is a 1999 decision by the Brazilian Supreme Court. The Court concluded that direct elections and appointments of heads of faculty and rectors by federal universities violated the president's constitutional prerogative to nominate (Article 84 [III] XXV, Article 37 [II]).[17]

There are also other significant cases related to academic freedom pending at the Brazilian Supreme Court at the time of writing. Some refer to the constitutionality of the 2019 cuts to the federal universities budget.[18] Another case relates to dozens of official measures taken between 2015 and 2019 to censor teachers based on general prohibitions of so-called "indoctrination," "gender ideology" (see section 4.6 "Subnational and Disciplinary Variation"), and "education with religion"[19] – similar to other suits pending before the Supreme Court.[20] Although most of these references relate to primary education, they could directly impact the interpretation of the legal protection of academic freedom at universities. Recently, three decisions[21] indicated that the Supreme Court tends to see official measures against the so-called "gender ideology" as unconstitutional.

Under the freedom of expression, freedom to teach and to learn, and university autonomy provisions, a Supreme Court decision in 2018 deemed unconstitutional any act such as the search and seizure of leaflets or other materials; any interruption of classes,

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[17] Brazilian Supreme Court, ADI no. 578.
[18] See Brazilian Supreme Court, ADI no. 6127 and ADPF nos. 582 and 583 (currently pending), on the constitutionality of Decree 9.741/2019, which froze 30% of the public budget destined for federal universities and institutes, on the grounds that this decree violated university autonomy.
[19] Brazilian Supreme Court, ADPF no. 624.
[20] Brazilian Supreme Court, ADI nos. 5.537, 5.580, and 6.038; see also ADPF nos. 460, 461, 462, 465, 466, 479, and 522.
[21] Brazilian Supreme Court, ADPF nos. 457, 467, and 526.

lectures, or debates; and any investigations of teachers, students, and other citizens at public or private universities. The case arose as a result of a series of campus raids conducted under judicial orders (see section 4.5 "Campus Integrity") in 2018.[22] As stated above, however, one can still contend that academics in private universities remain more vulnerable due to the precarious employment conditions and the lack of anything like a tenure mechanism.

4.2 Institutional Autonomy and Governance

The concept of "university autonomy" – established in Article 207 of the Brazilian Constitution – has been shaped into different regulatory experiences over the decades since its implementation.[23] The administration of private universities enabled legal and financial self-governance. Public institutions in general have some autonomy, within the limits of severe administrative regulation and accountability. In particular, federal institutions – which account for 32 percent of Brazilian universities[24] – are more vulnerable to federal governmental control due to their greater dependence on state bureaucracy and funding.[25]

Under the Brazilian Constitution, the leader of the executive has the power to appoint rectors for federal universities. The system of appointment is significant because rectors aligned with certain political views might enact long-term changes in internal

[22] Brazilian Supreme Court, ADPF no. 548.
[23] Nina Ranieri, "Trinta anos de autonomia universitária: resultados diversos, efeitos contraditórios," *Educ. Soc.* (2018), https://www.scielo.br/scielo.php?script=sci_abstract&pid=S0101-73302018000400946&lng=pt&nrm=iso.
[24] Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira, *Sinopse Estatística da Educação Superior 2018*, http://portal.inep.gov.br/web/guest/sinopses-estatisticas-da-educacao-superior.
[25] Ranieri, "Trinta anos de autonomia universitária: resultados diversos, efeitos contraditórios."

university governance. The customary practice since 2003 has been to appoint the first name on the list of names chosen by the respective university committees. However, Bolsonaro decided to innovate: out of the 14 rectors nominated in 2019, only 8 had been presented by the respective universities as the first name on the list.[26] In an emergency decree,[27] Bolsonaro also created the option to appoint a pro tempore rector, who would have the power to choose deans without holding any elections or consultations in certain cases. Scholars saw these measures as threats to their institutions' autonomy.[28] After actually nominating pro tempore rectors under his previous decree,[29] Bolsonaro has recently enacted a new emergency decree amid the COVID-19 pandemic, excluding the academic community from the nomination process and allowing for pro tempore rectors to be chosen by the federal government.[30] This emergency decree received such strong opposition from academics, civil society organizations, and political parties that

[26] Estêvão Bertoni, "O que mudou na escolha de reitores das universidades federais," *Nexo*, December 26, 2019, https://www.nexojornal.com.br/expresso/2019/12/26/O-que-mudou-na-escolha-de-reitores-das-universidades-federais.

[27] Presidência da República, "Medida Provisória nº 914, de 24 de dezembro de 2019," December 24, 2019, http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/Mpv/mpv914.htm.

[28] O Estado de S. Paulo, "Entidades científicas e acadêmicas criticam medida provisória do governo Bolsonaro," January 9, 2020, https://educacao.estadao.com.br/noticias/geral,entidades-cientificas-e-academicas-criticam-medida-provisoria-do-governo-bolsonaro,70003149943.

[29] Ministério da Educação, "Portaria nº 384, de 9 de abril de 2020," April 9, 2020, http://www.in.gov.br/en/web/dou/-/portaria-n-384-de-9-de-abril-de-2020-252094144; Ministério da Educação, "Portaria nº 405, de 17 de abril de 2020," April 17, 2020, http://www.in.gov.br/en/web/dou/-/portaria-n-405-de-17-de-abril-de-2020-253147071; Ministério da Educação, "Portaria nº 406, de 17 de abril de 2020," April 17, 2020, http://www.in.gov.br/en/web/dou/-/portaria-n-406-de-17-de-abril-de-2020-253147228.

[30] Presidência da República, "Medida Provisória nº 979, de 9 de junho de 2020," June 9, 2020, http://www.in.gov.br/en/web/dou/-/medida-provisoria-n-979-de-9-de-junho-de-2020-261041611.

the head of Congress resorted to a rarely invoked rule and refused the emergency decree for deliberation in Congress.[31] Bolsonaro revoked the emergency decree on the third day after its enactment.[32]

Despite the legal limitations barring Bolsonaro's policy from expanding beyond federal universities, initiatives on the part of municipal or state executives and legislatures could reproduce these changes in higher education institutions under their jurisdiction. A significant move in this direction occurred last year, when the governor of the state of Rio de Janeiro, Wilson Witzel, presented a bill to change the state's procedure for appointing rectors to reflect the federal one. Scholars perceived the bill as a threatening, illegal attempt to expand the governor's powers to interfere in state-level higher education.[33]

In addition to the appointment of rectors, other actions taken by the federal government have been perceived as illegitimate

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[31] See Pacto Pela Democracia, "Democracia é a comunidade acadêmica escolher seus reitores," June 10, 2020, https://www.pactopelademocracia.org.br/blog/democracia-e-a-comunidade-academica-escolher-seus-reitores; Andifes, "Intervenção na Democracia," June 11, 2020, http://www.andifes.org.br/intervencao-na-democracia/; Apufsc, "Universidades questionam constitucionalidade de medida provisória que suspende eleições para reitor," June 10, 2020, https://www.apufsc.org.br/2020/06/10/universidades-questionam-constitucionalidade-de-medida-provisoria-que-suspende-eleicoes-para-reitor/; Rodrigo Baptista, "Oposição pede devolução de MP sobre escolha de reitores," *Senado* Notícias, June 10, 2020, https://www12.senado.leg.br/noticias/materias/2020/06/10/oposicao-pede-devolucao-de-mp-sobre-escolha-de-reitores.

[32] Senado Notícias, "Governo revoga MP que autorizava Weintraub a nomear reitores durante a pandemia," June 12, 2020, https://www12.senado.leg.br/noticias/materias/2020/06/12/governo-revoga-mp-que-autorizava-weintraub-a-nomear-reitores-durante-a-pandemia.

[33] Paula Ferreira, "Witzel tenta manobra para nomear reitores de universidades estaduais," *O Globo*, May 5, 2019, https://oglobo.globo.com/sociedade/educacao/witzel-tenta-manobra-para-nomear-reitores-de-universidades-estaduais-23682478.

interferences. Striking at the heart of the institutional vulnerability of federal universities – their dependence on the National Treasury and supplementary federal funding – at the beginning of 2019, the then-minister of education announced budget cuts. At first, these budget cuts targeted specific universities for promoting "turmoil,"[34] but then they were expanded to all federal universities. The legality of these cuts was questioned in a lawsuit filed with the Supreme Court, which is currently awaiting judgment (at the time of writing).[35]

Recently, academics have perceived another measure as an abuse of the federal government's authority and a threat to university autonomy. It was an order by the Ministry of Education that universities should freeze hiring costs, which some universities have decided to ignore.[36] Additionally, to address the crucial issue of federal universities' dependence on government funding, the Ministry of Education launched the "Future-se" ("Join the Future") program in July 2019. This program aims to implement a system of incentives for federal universities to raise private funds. The program was heavily criticized from the start.[37] After a period of consultations, scholars still perceive it as a risky attempt to institute a market

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[34] Renata Agostini, "MEC cortará verba de universidade por 'balbúrdia' e já enquadra UnB, UFF e UFBA," *O Estado de S. Paulo,* April 30, 2019, https://educacao.estadao.com.br/noticias/geral,mec-cortara-verba-de-universidade-por-balburdia-e-ja-mira-unb-uff-e-ufba,70002809579.

[35] See section 4.1 "Legal Protection of Academic Freedom."

[36] Ana C. Bermúdez, "MEC segura quase 20 mil contratações, e federais temem falta de professores," *Uol,* February 6, 2020, https://educacao.uol.com.br/noticias/2020/02/06/mec-segura-quase-20-mil-contratacoes-e-federais-temem-falta-de-docentes.htm.

[37] The "Future-se" project was one of the main government initiatives opposed by protesters in major marches throughout the country. See Folha de S. Paulo, "Atos contra Bolsonaro levam milhares às ruas pelo Brasil," *Folha,* August 13, 2019, https://www1.folha.uol.com.br/educacao/2019/08/atos-contra-bolsonaro-levam-milhares-as-ruas-no-rio-e-em-sp.shtml.

rationale in place of public support. Despite being presented as a viable alternative, the rules of the program may leave federal universities with no other choice in practice.[38] Another point mentioned by the rector of the University of Campinas (Unicamp) might also play a role: the federal government's rhetoric against universities might jeopardize their ability to attract private investments.[39]

Another event that affected the state universities of São Paulo happened in 2019. The São Paulo Legislative Assembly voted to create a Parliamentary Investigative Committee to investigate the University of São Paulo, the State University of Campinas, and the State University Paulista Júlio de Mesquita Filho. Proposed by right-wing members of the state parliament, the formal task of this committee was to investigate overspending and the transfer of state resources to these universities. Notwithstanding, members of the committee stressed that issues such as the "ideological bias" of the faculty could also be analyzed. Left-wing parliamentarians as well as university students, teachers, and staff mobilized against this investigative committee, pointing out that it demonstrated a clear persecutory bias, which is contrary to the principles of university

[38] See Janes Rocha, "Novo texto do Future-se mantém problemas apontados em versões anteriores, dizem especialistas," *Sociedade Brasileira para o Progresso da Ciência – SBPC*, January 28, 2020, http://portal.sbpcnet.org.br/noticias/novo-texto-do-future-se-mantem-problemas-apontados-em-versoes-anteriores-dizem-especialistas/; Universidade Federal de Minas Gerais, "Consagrada há três décadas, autonomia enfrenta cenário de incertezas," February 7, 2020, https://ufmg.br/comunicacao/noticias/consagrada-ha-tres-decadas-autonomia-enfrenta-cenario-de-incerteza.

[39] Angela Pinho, "'Quem vai investir nas universidades após tanto ataque?' questiona reitor da Unicamp," *Folha,* August 13, 2019, https://www1.folha.uol.com.br/educacao/2019/08/quem-vai-investir-nas-universidades-apos-tanto-ataque-questiona-reitor-da-unicamp.shtml.

autonomy and freedom of thought.[40] An article written by the rectors of the three universities under investigation commented on the process of the investigations amidst a hostile context of budget cuts for federal universities and fake news about universities disseminated by (among others) the then-minister of education. They mentioned that the universities had to create taskforces to address "the exorbitant amount of data" requested by the parliamentarians. In the end, the rectors evaluated the result of the investigations as a victory for transparency and dialogue between the political class and society, and a defeat for obscurantism.[41]

4.3 Freedom to Research and Teach

A Scholars at Risk report published in November 2019 collected cases of targeted attacks on scholars and students, which indicated the increasing fragility of the academic environment in Brazil.

At least 18 higher education institutions received threats of attacks that would take place in 2019 – some expressing hatred of women, black people, or the LGBTQ+ community.[42] For example, around the time of the Brazilian presidential elections in 2018, anonymous letters were sent to students and faculty members at the University of Pernambuco who work with

[40] See O Estado de S. Paulo, "A CPI das Universidades," April 23, 2019, https://opiniao.estadao.com.br/noticias/notas-e-informacoes,a-cpi-das-universidades,70002800317; Adriana Cruz, "Nota sobre a conclusão dos trabalhos da CPI das Universidades," *Jornal da USP,* November 6, 2019, https://jornal.usp.br/institucional/nota-da-reitoria-sobre-a-conclusao-dos-trabalhos-da-cpi-das-universidades/.

[41] Jornal da USP, "CPI das Universidades: resultados e lições," February 11, 2020, https://jornal.usp.br/institucional/cpi-das-universidades-resultados-e-licoes/.

[42] Vinicius Kinchinski, "Ameaças de ataques em ao menos 18 universidades geram investigações da PF," May 7, 2019, https://noticias.uol.com.br/cotidiano/ultimas-noticias/2019/05/07/ameacas-de-ataques-em-ao-menos-17-universidades-gera-investigacoes-na-pf.htm.

LGBTQ+ communities, on gender issues, or on drug legalization, with the message that they would be banned after Bolsonaro was elected and that the university would be "purged of all communists."[43] Such cases are interpreted as attacks on the freedom to research and teach, rather than general homophobic or racist attacks, because they particularly target the academic environment and seek to intimidate scholars and students who address gender and other sorts of critical studies.

Other instances of threats to individual scholars have become widely known among academics. The most recent case covered by the press involved threats to a Brazilian professor at the University of Virginia who has conducted research on Bolsonaro supporters' WhatsApp groups. While he was in Brazil for a conference, previously vague threats escalated to messages with photographs, proving that he was being watched in São Paulo.[44]

Before 2017, the organization Scholars at Risk had only received one request for academic assistance in Brazil. From 2018 to the beginning of 2019, the organization registered a total of 18 requests for academic assistance, most of them for indefinite exile. Madochée Bozier, an assistant in the protection program for university professors, attributes the growth of requests "to the significant change that occurred in the socio-political atmosphere in Brazil that led to the election of Bolsonaro."[45]

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[43] Academic Freedom Monitoring Project, "Free to Think 2019," Scholars at Risk, November 19, 2019, pp. 1–72, esp. 56, https://www.scholarsatrisk.org/resources/free-to-think-2019/#ExecSummary.
[44] Marlen Couto, "Pesquisador relata ameaças virtuais após divulgar análises sobre grupos bolsonaristas no WhatsApp," *O Globo*, December 16, 2019, https://oglobo.globo.com/brasil/pesquisador-relata-ameacas-virtuais-apos-divulgar-analises-sobre-grupos-bolsonaristas-no-whatsapp-24142129.
[45] Natalia Viana, "Atmosfera em universidades brasileiras preocupa organização internacional que protege acadêmicos ameaçados," *Pública*, March 18, 2019, https://apublica.org/2019/03/atmosfera-em-universidades-brasileiras-preocupa-organizacao-internacional-que-protege-academicos-ameacados/.

In the cases reported by Scholars at Risk, acts of violence against women, discrimination against people of color or against the LGBTQ+ community, and vocal opposition to drug legalization became acts of support for Jair Bolsonaro. One important aspect of the political discourse at that time was a general uproar against the left, which intensified with Dilma Rousseff's impeachment in 2016. During his campaign, Bolsonaro used incendiary language about minorities – usually linked to a loathing for the "leftist agenda" – which added to a complex cocktail of stimuli for violence.[46]

After Jair Bolsonaro's election, the ideological conditions of academic freedom became even more complex. The president has attacked freedom of expression and thought in general – sometimes by institutional means, but mostly by amplifying depreciative discourse. In addition to his praise of the dictatorial regime of 1964–1985,[47] Bolsonaro's government often undermines the press and academics.[48]

To quote an example, in an interview about student protests in Brazil, Bolsonaro stated that most of the protesters were "activists" who did not even know the "[chemical] formula for water"; that they were "useful idiots […] being used as a

[46] Antony Faiola and Marina Lopes, "How Jair Bolsonaro Entranced Brazil's Minorities — While Also Insulting Them," *Washington Post*, October 23, 2018, https://www.washingtonpost.com/world/the_americas/how-jair-bolsonaro-entranced-brazils-minorities--while-also-insulting-them/2018/10/23/a44485a4-d3b6-11e8-a4db-184311d27129_story.html.
[47] See Dom Phillips, "Brazil: Tortured Dissidents Appalled by Bolsonaro's Praise for Dictatorship," *The Guardian*, March 30, 2019, https://www.theguardian.com/world/2019/mar/30/brazil-bolsonaro-regime-military-dictatorship; Daniel Carvalho, "Bolsonaro Changes Dictatorship Commission to Support His Political Views," *Folha de S. Paulo*, August 2, 2019, https://www1.folha.uol.com.br/internacional/en/brazil/2019/08/bolsonaro-changes-dictatorship-commission-to-support-his-political-views.shtml.
[48] "Bolsonaro Says He Will No Longer Speak to the Press," *Folha de São Paulo*, March 6, 2020, https://www1.folha.uol.com.br/internacional/en/brazil/2020/03/bolsonaro-says-he-will-no-longer-speak-to-the-press.shtml.

maneuver by a smart minority that makes up the core of federal universities in Brazil."[49] Delegitimizing teachers and academic work goes hand in hand with anti-intellectualism and a general hostility toward science.[50] The minister of education, without any hint of evidence to justify his view, stated that "[u]niversities are expensive and create a lot of waste with things that have nothing to do with scientific production and education," such as "politicization, ideologization, and upheaval (*balbúrdia*)," and that their campuses are "crackoland (*cracolândia)*" – referring to a widely known drug use area in the city of São Paulo. He concluded: "We are in a difficult fiscal situation, and wherever turmoil (*balbúrdia*) arises, we will face it."[51]

Another instance was the announcement that the former minister of education would order cuts in funds earmarked for universities that were causing "turmoil": "Universities that, instead of seeking to improve academic performance, make a mess, will have their funding reduced." The minister also

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[49] Henrique G. Batista and Paola De Orte, "Nos EUA, Bolsonaro chama manifestantes da educação de 'idiotas úteis,'" *O Globo,* May 15, 2019, https://oglobo.globo.com/sociedade/nos-eua-bolsonaro-chama-manifestantes-da-educacao-de-idiotas-uteis-23667150.

[50] See Claudio Ferraz, "O populismo e o ataque às universidades," *Nexo*, May 2, 2019, https://www.nexojornal.com.br/colunistas/2019/O-populismo-e-o-ataque-%C3%Aos-universidades; Guilherme Mazui and Fabiano Costa, "Governo contesta dados de desmatamento, mas diz que não iria alardear se julgasse corretos," *G1*, August 1, 2019, https://g1.globo.com/natureza/noticia/2019/08/01/governo-contesta-dados-de-desmatamento-mas-diz-que-nao-iria-alardear-se-julgasse-corretos.ghtml; Roda Viva, "Sidarta Ribeiro," *TV Cultura,* January 6, 2020, https://tvcultura.com.br/videos/72552_roda-viva-sidarta-ribeiro-06-01-2020.html; Audrey Furlaneto, "Carlos Bolsonaro usa frio para questionar aquecimento global, e cientistas explicam o erro," *O Globo*, July 10, 2019, https://oglobo.globo.com/sociedade/carlos-bolsonaro-usa-frio-para-questionar-aquecimento-global-cientistas-explicam-erro-23794854.

[51] Ana Carla Bermúdez, "Sem provas, Weintraub diz que federais têm plantações extensivas de maconha," November 22, 2019, https://educacao.uol.com.br/noticias/2019/11/22/weintraub-ha-plantacoes-extensivas-de-maconha-em-universidades-federais.htm.

complained that universities were using public money to "make a mess and [organize] ridiculous events" instead of fulfilling their role: "The homework needs to be done: scientific publications, evaluations [must be] up to date, [they must do] well in the rankings."[52] These unfounded accusations were directed against three public universities: the University of Brasília (UnB), Fluminense Federal University (UFF), and the University of Bahia (UFBA), where students and scholars had been promoting events related to political debates and protests. These universities had also recently received a better evaluation in the Times Higher Education World University Rankings than in previous years.[53]

In addition to deprecating scholars and their work with false statements, Bolsonaro and his ministers accuse teachers of exposing students to "leftist indoctrination." They commonly rely on a broader theory, shared by other right-wing opinion makers, that "Marxist ideology" plays a central role in an alleged "leftist cultural monopoly." This theory is sharply critical of the work of Paulo Freire – the Brazilian educator and philosopher who wrote the celebrated book *Pedagogy of the Oppressed* and influenced national and international education through his critical approach to pedagogy.[54]

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[52] Juliana Sayuri, "O perfil das 3 universidades atingidas por cortes do MEC," Nexo, April 30, 2019, https://nexojornal.com.br/expresso/2019/04/30/O-perfil-das-3-universidades-atingidas-por-cortes-do-MEC.

[53] See Renata Agostini, "MEC cortará verba de universidade por 'balbúrdia' e já enquadra UnB, UFF e UFBA," *O Estado de S. Paulo*, April 30, 2019, https://educacao.estadao.com.br/noticias/geral,mec-cortara-verba-de-universidade-por-balburdia-e-ja-mira-unb-uff-e-ufba,70002809579; Isabela Palhares, "Universidades acusadas de 'balbúrdia' tiveram melhora de avaliação em ranking internacional," *O Estado de S. Paulo*, April 30, 2019, https://educacao.estadao.com.br/noticias/geral,universidades-acusadas-de-balburdia-tiveram-melhora-de-avaliacao-em-ranking-internacional,70002810148.

[54] Sérgio Haddad, "Por que o Brasil de Olavo e Bolsonaro vê em Paulo Freire um inimigo," *Folha de S. Paulo*, April 14, 2019,

In line with the broad effort against this "leftist indoctrination," the movement Schools Without Party, founded in 2004, focuses on primary education and raises concerns about professors' political influence over their students.[55] Jair Bolsonaro has endorsed the movement's agenda by encouraging students to record and denounce teachers who are "ideological predators."[56] Other politicians have also campaigned for this idea and opened channels for complaints.[57] In November 2019, the Minister of Human Rights, Damares Alves, announced that an official reporting channel was in development.[58]

Before Bolsonaro's election, this political conflict gained ground in academia with the creation of an optional module at the University of Brasília (UnB) on the topic of former President Dilma Rousseff's impeachment, called "The 2016 Coup and the Future of Democracy in Brazil." The then-minister of education in the Temer government, which was in office after Rousseff's impeachment, declared that the course constituted proselytism in favor of the Workers' Party (PT) and mentioned that he had requested an administrative misconduct investigation into those responsible for the course. In solidarity, a few dozen similar

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https://www1.folha.uol.com.br/ilustrissima/2019/04/por-que-o-brasil-de-olavo-e-bolsonaro-ve-em-paulo-freire-um-inimigo.shtml.

[55] Escola Sem Partido, "Quem somos," http://escolasempartido.org/quem-somos/.

[56] Anna Jean Kaiser, "Call for Students to Film 'Biased' Teachers Brings Brazil's Culture Wars to Classroom," *The Guardian*, May 3, 2019, https://www.theguardian.com/world/2019/may/03/brazil-schools-teachers-indoctrination-jair-bolsonaro.

[57] See, for example, G1, "Deputada estadual do PSL eleita por SC incita alunos a filmar e denunciar professores," October 29, 2018, https://g1.globo.com/sc/santa-catarina/eleicoes/2018/noticia/2018/10/29/deputada-estadual-do-psl-eleita-por-sc-incita-alunos-a-filmar-e-denunciar-professores.ghtml.

[58] Fernanda Canofre, "Damares anuncia canal de denúncias para questões contra moral, religião e ética nas escolas," *Folha S. Paulo*, November 19, 2019, https://www1.folha.uol.com.br/cotidiano/2019/11/damares-anuncia-canal-de-denuncias-para-questoes-contra-moral-religiao-e-etica-nas-escolas.shtml.

courses were later created at other federal universities all over the country. Some scholars demonstrated their support for these courses; others disagreed with what they understood as a misappropriation of university autonomy.[59] A similar case was broadly discussed more recently, when a rally in opposition to Minister of Justice Sérgio Moro, organized by the law faculty at Fluminense Federal University, was prohibited by the rector of the institution on the grounds of a complaint made to the Ministry of Education.[60] A couple of days later, a judicial injunction suspended the prohibition.[61]

Currently, anti-leftist movements are promoting events, publications, complaint reporting channels, advocacy, and also legal suits against universities and scholars. For instance, the group Teachers for Freedom acts both inside and outside academia, aiming to "recover the quality of education in Brazil, break with the hegemony of the left, and fight ideological persecution."[62]

These bottom-up movements, which led to individual-level instances of repression,[63] must be understood in combination

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[59] Murilo Roncolato, "O curso sobre o 'golpe de 2016' e o debate sobre a autonomia universitária," *Nexo,* March 6, 2019, https://www.nexojornal.com.br/expresso/2018/03/06/O-curso-sobre-o-%E2%80%98golpe-de-2016%E2%80%99-e-o-debate-sobre-a-autonomia-universit%C3%A1ria.

[60] Flávio Costa, "Reitoria da UFF suspende evento crítico a Moro em faculdade de direito," *Uol*, September 21, 2019, https://educacao.uol.com.br/noticias/2019/09/21/reitoria-da-uff-suspende-evento-critico-a-moro-em-faculdade-de-direito.htm.

[61] Mônica Bergamo, "Justiça derruba veto de reitor da UFF e libera ato anti-Moro," *Jornal do Brasil*, September 23, 2019, https://www.jb.com.br/pais/2019/09/1017045-justica-derruba-veto-de-reitor-da-uff-e-libera-ato-anti-moro.html.

[62] See the text available at: Docentes Pela Liberdade, "Seja um associado," 2019, http://dpl.org.br/quemsomos/.

[63] Felix Hoffmann and Katrin Kinzelbach, "Forbidden Knowledge: Academic Freedom and Political Repression in the University Sector Can Be Measured.

with both the top-down image of academia, created through the governmental discourse mentioned above, and also other manifestations of repression (see sections 4.2, "Institutional Autonomy"; 4.4, "Exchange and Dissemination"; and f, "Subnational and Disciplinary Variation"). Together, they point to a scenario in which authoritarian legalism acts under the veil of moralizing and of economic crisis management.

In the preliminary survey we conducted among academics from ten different Brazilian states, we asked whether they have ever suffered some form of threat or retaliation based on the content of their research or classes. More than 30 percent of the respondents list some form of restriction. As we mentioned above (see section 2. "Methods, Sources, and Scope"), the results are not statistically representative of scholars in Brazil. With that in mind, we present here some of their narratives as a way to illustrate the effects of the changes in the Brazilian academic atmosphere. We have omitted any details that could be used to identify these scholars.

Self-censorship appears to be an important form of the restriction of academic freedom among respondents: 17 percent of the respondents said they had restricted the content of their research for fear of retaliation, especially on the part of funding agencies and actors or organs of the public administration. One of the respondents affirmed that they suffered "no retaliation or intimidation," but that "diffuse pressures from both academic and external (institutional and social media) sources are frequent, frustrating the independence of research." In addition to research, 20 percent of the respondents mentioned restricting the content of their classes for fear of retaliation – in this case, particularly from the student body, members of the judicial system, and social media posts. One respondent said that they

This Is How," Map of Political Repression in the University Sector, April 2018, www.gppi.net/fileadmin/user_upload/media/pub/2018/Kinzelbach_Hoffmann_2018_Forbidden_Knowledge.pdf.

change the vocabulary of their classes so as not to trigger any connections between the content and any party or political view.

When asked whether they had suffered some form of retaliation or threat based on the content of their research or classes, the respondents also mentioned some significant events. One respondent described how they were filmed during class and broadcasted live to an extreme right-wing group on Facebook. Another scholar indicated having received threats from students linked to a right-wing political party. Another mentioned complaints from student evaluations for "political positions in class," and added: "[s]ince I teach political science classes, it would be impossible not to address political issues." One respondent said they had "currently [been placed] on unpaid leave by the university [...] due to an intimidating wave of emails and social media messages containing threats of death, defamation, and injury directed at me on the basis of my work." For teaching a particular course, one scholar and their colleagues were "exposed on social media, on websites, [and] suffered racist, homophobic comments linked to extreme right[-wing] ideology."

4.4 Exchange and Dissemination of Academic Knowledge

A measure instituted by the Ministry of Education had the potential to severely impact academic freedom at the individual level. The regulation, issued on the last day of 2019, applied to all federal institutions and limited participation in national scientific events to two scholars from the same institution, or to one scholar per institution at international events.[64] A letter

[64] See Ministério da Educação, "Portaria nº 2.227, de 31 de dezembro de 2019," December 31, 2019; Gabriel Alves, "Ministério da Educação limita viagens de servidores, e cientistas protestam," *Folha de S. Paulo,* January 24, 2020, https://www1.folha.uol.com.br/educacao/2020/01/ministerio-da-educacao-limita-viagens-de-servidores-e-cientistas-protestam.shtml.

opposing the regulation, signed by representatives of the Brazilian Science Academy and the Brazilian Society for the Progress of Science, has been endorsed by 60 other scientific associations. This letter pointed to the clear ways in which such restrictions would impair both the quality of research on the national level and its international dissemination: it would harm inter-institutional partnerships, both in ongoing studies and in establishing new initiatives; it would impair the exchange of intra- or inter-disciplinary ideas; it would limit, to a greater degree than before, the opportunities for young scientists to learn from the experience of attending academic gatherings; it would hinder scientific societies in their interaction and assembly; and finally, it would jeopardize the impact of knowledge production and information on society, since this dissemination is essential to teaching, research, extramural activities, technological development, and innovation.[65] Following sustained protests from the academic community, the measure was revoked at the beginning of February 2020.[66]

Another widely publicized case limiting the exchange and dissemination of academic knowledge occurred within the Brazilian funding system. Among the various grants offered by public agencies, funding for academic events plays an important role in the circulation of ideas and in ensuring academic freedom. Higher education institutions rarely offer alternative

[65] See Jornal da Ciência, "Mais de 60 entidades científicas endossam nota que solicita revisão de portaria do MEC sobre deslocamento de pesquisadores," *Sociedade Brasileira para o Progresso da Ciência – SBPC*, January 27, 2020, http://portal.sbpcnet.org.br/noticias/mais-de-50-entidades-cientificas-endossam-nota-que-solicita-revisao-de-portaria-do-mec-sobre-deslocamento-de-pesquisadores; Suzana H. Houzel, "Restrição de viagens de cientistas do Brasil não teve repercussão à altura," *Folha de S. Paulo*, January 28, 2020, https://www1.folha.uol.com.br/colunas/suzanaherculanohouzel/2020/01/restricao-de-viagens-de-cientistas-do-brasil-nao-teve-repercussao-a-altura.shtml.

[66] Ministério da Educação, "Portaria nº 204, de 6 de fevereiro de 2020," February 6, 2020.

funding options for scholars to take part in meetings in Brazil and abroad. A recent case covered by the press addressed a funding proposal by the Network for Latin American Democratic Constitutionalism. The Coordination for the Improvement of Higher Education Personnel (CAPES) rejected an appeal for more funding – only a quarter of the original amount had been approved – on the grounds that "organizers and speakers [were] highly relevant to the community of political activists in that legal area." The report added that "the negative aspect [of the proposal] is the need to use public funds to hold a congress that is not founded on a solely scientific basis, but also on political criticism." According to the report, "CAPES cannot allocate public funds for events, publications, or training of a political or partisan nature."[67]

4.5 Campus Integrity

University campuses were at the center of a significant wave of interference in 2018, amid strong anti-leftist uproar during Jair Bolsonaro's election campaign against the left-wing candidate Fernando Haddad. A series of campus raids occurred on the basis of judicial orders allowing the government to take measures against events organized and materials produced by students and scholars expressing political views. The Electoral Court issued search-and-seizure warrants and ordered inspections at 17 universities across nine states, based on the electoral law prohibiting electoral propaganda in public

[67] See Rede Internacional para o Constitucionalismo Democrático Latino-Americano, "Nota de repúdio: a censura atinge as agências de fomento," https://constitucionalismodemocratico.direito.ufg.br/n/119053-nota-de-repudio-a-censura-atinge-as-agencias-de-fomento; Isabela Palhares, "Por 'militância política', Capes nega verba de apoio a realização de congresso em Santa Catarina," *O Estado de S.Paulo*, August 13, 2019, https://educacao.estadao.com.br/noticias/geral,por-militancia-politica-capes-nega-verba-de-apoio-a-realizacao-de-congresso-em-santa-catarina,70002965253.

spaces.[68] Police officers entered university campuses and seized materials allegedly containing illegal political content, removed banners with political statements, interrupted events and classes, interrogated teachers and students, and demanded the removal of public political statements from websites, among other actions.[69]

These events triggered different social actors to manifest their opposition in various ways. The federal prosecutor for citizens' rights released a statement on the constitutional protection of freedom of thought and the circulation of ideas on university campuses, indicating that, even if supported by certain interpretations of misuse of public space for political campaigning, acts obstructing free debate and expression on the part of students and teachers were unreasonable and unconstitutional.[70] The Public Defender's Office in Rio de Janeiro recommended that rectors defend the rights of their students, teachers, and employees to free expression during the electoral process and affirmed that demonstrations should respect the constitutional pillars of democracy, freedom, justice,

[68] These campus raids were mentioned in the Scholars at Risk report as significant events which flag the situation of academic freedom in Brazil. See Academic Freedom Monitoring Project, "Free to Think 2019," Scholars at Risk, November 19, 2019, https://www.scholarsatrisk.org/resources/free-to-think-2019/#ExecSummary.

[69] See Mateus Coutinho, Helena Borges, and Lucas Altino, "Justiça Eleitoral apreende materiais e faz fiscalização em 17 universidades de nove estados," *O Globo,* October 25, 2015, https://oglobo.globo.com/brasil/justica-eleitoral-apreende-materiais-faz-fiscalizacao-em-17-universidades-de-nove-estados-23185086; STF, "Arguição de Descumprimento de Preceito Fundamental nº 548," petição inicial, October 26, 2018, pp. 1–10, esp. 2–4.

[70] Ministério Público Federal, "Nota pública sobre direitos constitucionais assegurados à comunidade discente e docente de universidades brasileiras," http://pfdc.pgr.mpf.mp.br/atuacao-e-conteudos-de-apoio/temas-de-atuacao/direitos-humanos/atuacao-do-mpf/nota-publica-sobre-direitos-constitucionais-assegurados-a-comunidade-discente-e-docente-de-universidades-brasileiras/view.

solidarity, diversity, and other fundamental rights.[71] The Brazilian Bar Association condemned "all forms of censorship and political violence" and argued that "universities should be respected as autonomous spaces for promoting debates and discussions, and that the right of all members of the academic community – both from the right and the left – should be guaranteed, allowing them to express their positions, always within the limits of the law."[72] The Brazilian Lawyers Institute (IAB) also issued a statement affirming that professors and students at public universities were "victims of unjustified and illegal arbitrariness," and the institute repudiated the "repressive acts by police officers who, without formal warrants, verbally claim to comply with orders from certain electoral courts."[73]

Students organized demonstrations in the cities of Rio de Janeiro, São Paulo, and Brasília.[74] Scholars used the press and their social networks to protest the decisions of the Electoral Court and the censorship practiced by state agents on university campuses.

The last chapter in this series of reactions began when the general prosecutor filed a suit challenging the prior judicial orders and applied for a preliminary injunction before the

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[71] Defensoria Pública da União, "DPU faz recomendação para garantir livre expressão nas universidades do RJ," October 25, 2019, https://www.dpu.def.br/noticias-rio-de-janeiro/46910-dpu-faz-recomendacao-para-garantir-livre-expressao-nas-universidades-do-rj.
[72] Ordem dos Advogados do Brasil – Rio de Janeiro, "Nota da OAB/RJ sobre tentativa de censura nas universidades," October 26, 2019, https://www.oabrj.org.br/noticias/nota-oabrj-sobre-tentativa-censura-nas-universidades.
[73] O Globo, "Entidades criticam fiscalização eleitoral em universidades," October 26, 2018, https://oglobo.globo.com/brasil/entidades-criticam-fiscalizacao-eleitoral-em-universidades-23188035.
[74] Folha de S. Paulo, "Estudantes protestam no Rio, SP e Brasília contra ações da Justiça Eleitoral em universidades," October 26, 2018, https://www1.folha.uol.com.br/cotidiano/2018/10/estudantes-protestam-no-rio-contra-acoes-da-justica-eleitoral-em-universidades.shtml.

Supreme Court. In a decision in November 2018, Justice Carmen Lucia granted the preliminary injunction to suspend the acts emanating from public authorities under the constitutional protection of freedom of thought, teaching, learning, and university autonomy, in addition to the limits which the constitution places on electoral law. In the same month, the injunction was fully endorsed by the Supreme Court.[75] Several months later, in February 2020, certain media outlets reported that an undercover Brazilian intelligence agent was stationed at the University of Brasilia as a security guard.[76]

4.6 Subnational and Disciplinary Variation

The different vulnerabilities experienced by public and private universities may condition the freedom scholars enjoy in research and teaching. Federal universities are more dependent on federal policies and have therefore been most affected by budget cuts and bureaucratic constraints (see section 4.2 "Institutional Autonomy and Governance"). Federal universities are spread throughout the country, and there is no evidence of a difference in impact among them, apart from a potentially greater capacity for mobilization against top-down measures in the more consolidated, older institutions.[77] Municipal and state universities are distributed throughout the entire country as well, but their governance is very particular to each institution. As we have seen in the example of the investigative committee in the state of São Paulo (see section 4.2 "Institutional Autonomy and Governance"), these universities may have to resist local

[75] STF, "Arguição de Descumprimento de Preceito Fundamental nº 548," medida cautelar, October 27, 2018, pp. 1–15, esp. 15.
[76] André Barrocal, "Agente secreto do governo trabalha disfarçado de vigilante na UnB," *Carta Capital*, February 13, 2020, https://www.cartacapital.com.br/sociedade/agente-secreto-do-governo-trabalha-disfarcado-de-vigilante-na-unb/.
[77] Ministério da Educação, "Instituições da Rede Federal," http://portal.mec.gov.br/rede-federal-inicial/instituicoes.

political changes. At the same time, private universities are both the most autonomous in their governance and the most insecure environment for scholars: weaker labor protections make room for self-censorship and institutional control (see section 3. "Characteristics of the Higher Education Sector"). Additionally, conditions at private universities tend not to be highlighted in the press. Due to the significance of public agencies in research funding in Brazil, the substantial federal budget cuts affect all universities.[78] Yet, depending of the context in which different institutions operate, these cuts might have a greater or lesser impact – for example, the 2019 graduate scholarship cuts were reported to be more significant for the northeast region.[79]

Identifying specific disciplines which are commonly the targets of threats to academic freedom is particularly difficult. Based on our sources (see section 2. "Methods, Sources, and Scope"), we were able to identify the most vulnerable fields due to their links to certain targeted ideas which cross disciplinary boundaries.

Some of these include women's and LGBTQ+ rights, sex and gender, or even reproductive rights – the so-called "gender ideology."[80] The claim that "gender ideology" should be excluded from curricula has been a topic of dispute, especially regarding primary education.[81] Nevertheless, cases of self-censorship and

[78] See Egberto G. Moura and Kenneth R. de Camargo Junior, "The Crisis in Funding for Research and Graduate Studies in Brazil," *Cad. Saúde Pública* 4, no. 33 (2017): pp. 1–3; USP, "Quem financia a pesquisa brasileira? Um estudo InCites sobre o Brasil e a USP," https://www.sibi.usp.br/noticias/quem-financia-a-pesquisa-brasileira-um-estudo-incites-sobre-o-brasil-e-a-usp/.
[79] Paulo Saldaña, "Impacto de cortes de bolsas da Capes foi maior no Nordeste," https://www1.folha.uol.com.br/educacao/2020/02/impacto-de-cortes-de-bolsas-da-capes-foi-maior-no-nordeste.shtml.
[80] O Globo, "MEC vai fazer projeto de lei contra 'ideologia de gênero,'" September 3, 2019, https://oglobo.globo.com/sociedade/educacao/mec-vai-fazer-projeto-de-lei-contra-ideologia-de-genero-23924172.
[81] See section 4.1 "Legal Protection of Academic Freedom" for the principle cases brought before the Supreme Court regarding local regulations excluding these topics from primary education curricula.

self-exile may be connected to the overall level of public attention on this topic – including particular attention on the part of conservatives willing to take undemocratic, illegal action. This hypothesis is supported by some of the answers to our survey questions (see section 4.3 "Freedom to Research and Teach") as well as by reported attacks on and threats to students from the LGBTQ+ community and scholars in gender studies, or scholars whose work is more generally dedicated to research questions that might be perceived as "gender ideology."

Another idea that might help identify vulnerable disciplines is the perception – shared by the president and his ministers (see section 4.3 "Freedom to Research and Teach") – that there is a kind of "leftist preaching" going on in academia. For this reason, any disciplines addressing political events and political analysis – such as the social sciences, anthropology, history, and geography – might be exposed to interpretations that could ignite threats to academic freedom. In addition, another related conception expressed by the federal government is that education should be profession-oriented.[82] This perception legitimizes measures such as "decentralizing" the funding earmarked for philosophy and sociology courses so as to "better spend public resources," as announced by the president and the then-minister of education.[83] In line with this announcement, the federal government has recently extinguished undergraduate research grants for most of the humanities and social sciences by restricting grants to a list of "priority technological areas."[84]

[82] G1, "Bolsonaro diz que MEC estuda 'descentralizar' investimento em cursos de filosofia e sociologia," April 26, 2019, https://g1.globo.com/educacao/noticia/2019/04/26/bolsonaro-diz-que-mec-estuda-descentralizar-investimento-em-cursos-de-filosofia-e-sociologia.ghtml.
[83] Ibid.
[84] See Folha. "Bolsonaro exclui humanas de edital de bolsas de iniciação científica," April 30, 2020, https://www1.folha.uol.com.br/amp/educacao/2020/04/governo-bolsonaro-

One episode that reinforced the threat to the humanities was the appointment of a new head for Casa Rui Barbosa, a research institution in Rio de Janeiro focused on history, law, philology, and literature.[85] Breaking with the tradition of well-established academics leading this federal public institution, Bolsonaro selected Letícia Dornelles – a journalist, actress, and soap opera screenwriter.[86] Academics heavily criticized this appointment.[87] At the beginning of January 2020, researchers on the board of the foundation were dismissed,[88] which again led to protests from scholars.[89] On January 13, protesters found the gates of Casa

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exclui-humanas-de-edital-de-bolsas-de-iniciacao-cientifica.shtml?utm_source=twitter&utm_medium=social&utm_campaign=twfolha&__twitter_impression=true1; Nexo "Como a academia reagre à investida contra as ciências humanas," May 7, 2020, https://www.nexojornal.com.br/expresso/2019/05/07/Como-a-academia-reage-à-investida-contra-as-ciências-humanas.

[85] João Paulo Charleaux, "Qual a importância de Rui Barbosa para o liberalismo brasileiro," *Nexo*, January 23, 2020, https://www.nexojornal.com.br/entrevista/2020/01/23/Qual-a-import%C3%A2ncia-de-Rui-Barbosa-para-o-liberalismo-brasileiro.

[86] Nelson Gobbi, "Nova presidente da Casa de Rui Barbosa: 'Como levar para um cargo de confiança quem compara na internet Bolsonaro a Hitler?'" *O Globo,* October 26, 2019, https://oglobo.globo.com/cultura/nova-presidente-da-casa-de-rui-barbosa-como-levar-para-um-cargo-de-confianca-quem-compara-na-internet-bolsonaro-hitler-24044558.

[87] See AdUFRJ, "Nota da diretoria contra nomeação política para Casa de Rui Barbosa," October 27, 2019, http://www.adufrj.org.br/index.php/pt-br/noticias/arquivo/21-destaques/2651-nota-da-diretoria-contra-nomeacao-politica-para-casa-de-rui-barbosa; Associação Nacional de História – ANPUH, "Nota da ANPUH sobre a direção da Fundação Casa de Rui Barbosa," https://anpuh.org.br/index.php/2015-01-20-00-01-55/noticias2/noticias-destaque/item/5514-nota-da-anpuh-brasil-sobre-a-direcao-da-fundacao-casa-de-rui-barbosa.

[88] Maria F. Rodrigues, "Fundação Casa de Rui Barbosa exonera diretor e chefes do Centro de Pesquisa," *O Estado de S. Paulo*, January 8, 2020, https://cultura.estadao.com.br/noticias/literatura,fundacao-casa-de-rui-barbosa-exonera-diretor-e-chefes-do-centro-de-pesquisa,70003148808.

[89] Associação Brasileira de Ciência Política – ABCP, "Nota de repúdio - exoneração de pesquisadores da Fundação Casa de Rui Barbosa," January 13,

Rui Barbosa closed.[90] The political scientist Christian Lynch, who had been selected to coordinate one of its research departments, had his appointment reversed by then-Special Secretary of Culture Roberto Alvim, for critical comments Lynch had made about the government.[91] More recently, a Brazilian newspaper revealed a confidential proceeding to turn the research institution into a museum.[92]

Scholars also perceived another event as a threat to academic freedom, in the context of other signs of a rejection of scientific knowledge:[93] the appointment of the new head of the Coordination for the Improvement of Higher Education Personnel (CAPES). This agency is linked to the Ministry of Education and is in charge of evaluating graduate programs at higher education institutions, funding research, and establishing cooperation agreements with foreign universities. The appointee, Aguiar Neto, is the former rector of Mackenzie Presbyterian University and argues in favor of teaching and studying intelligent design, a line of research that is influenced

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2020, https://cienciapolitica.org.br/noticias/2020/01/nota-repudio-exoneracao-pesquisadores-fundacao-casa-rui.

[90] Bolívar Torres, "Manifestantes ocupam rua ao encontrar Casa de Rui Barbosa fechada," *O Globo*, January 13, 2020, https://oglobo.globo.com/cultura/2274-manifestantes-ocupam-rua-ao-encontrar-casa-de-rui-barbosa-fechada-rv1-24187421.

[91] Mônica Bergamo, "Alvim reverte indicação para Casa de Rui Barbosa de servidor que criticou Bolsonaro," *Folha de S. Paulo*, January 15, 2020, https://www1.folha.uol.com.br/colunas/monicabergamo/2020/01/alvim-reverte-indicacao-para-casa-de-rui-barbosa-de-servidor-que-criticou-bolsonaro.shtml.

[92] Jan Niklas, "Estudo para extinguir Casa Rui Barbosa corre em sigilo no Governo Federal," *O Globo,* May 18, 2020, https://oglobo.globo.com/cultura/estudo-para-extinguir-fundacao-casa-de-rui-barbosa-corre-em-sigilo-no-governo-federal-24432701.

[93] Jornal Nacional, "Em vídeo, Damares Alves diz que igreja evangélica perdeu espaço nas escolas para a ciência," *G1*, January 9, 2019, https://g1.globo.com/politica/noticia/2019/01/09/em-video-ministra-dos-direitos-humanos-critica-adocao-da-teoria-da-evolucao-nas-escolas.ghtml.

by creationism and denies Darwinian evolution as a suitable hypothesis for the origins of life. His appointment left scientists concerned "about the encroachment of religion on science and education policy."[94] At the beginning of March 2020, the Ministry of Education and CAPES signed a letter of intent to expand their cooperation with Florida Christian University, which offers courses on coaching and Christian counseling. The Brazilian Prosecutor's Office has sued this university for previous irregularities in courses it offered in cooperation with a Brazilian private university.[95]

4.7 Efforts to Promote Academic Freedom

These recent attacks on academic freedom have galvanized a series of initiatives on the part of -scientific entities, unions, associations, collectives, politicians, congressional representatives, lawyers, teachers, and students. These groups have mobilized in at least six different ways.

First, they have created communication channels and defense platforms around the common objectives of protecting liberties as well as the quality of education, science, and research, university autonomy, and freedom of teaching and of expression. Significant examples include the Knowledge

[94] Herton Escobar, "Brazil's pick of a creationist to lead its higher education agency rattles scientists," *Science*, January 26, 2020, https://www.sciencemag.org/news/2020/01/brazil-s-pick-creationist-lead-its-higher-education-agency-rattles-scientists?fbclid=IwARocAiUeHGU71xR_amtq63TpZ-bKlAqtAdI8MHnIg9tB4NPzdODnan70jIw.

[95] Ricardo Della Coletta and Paulo Saldaña, "MEC faz acordo com faculdade de coaching religioso dos EUA," March 7, 2020, https://www1.folha.uol.com.br/educacao/2020/03/mec-faz-acordo-com-faculdade-de-coaching-religioso-dos-eua.shtml.

Observatory[96] and the National Commission to Combat the Criminalization and Political Persecution of Teachers.[97]

Second, they have published public statements and manifestos, either repudiating government actions and policies or supporting the affected academic community. Events such as the president's announcement that his staff was looking into the possibility of "decentralizing" federal investments in philosophy and sociology faculties,[98] enacting provisional measures to change the appointment procedures for university rectors,[99] or

[96] "Observatório do Conhecimento" is a network of university teachers' associations and labor unions which "aims at increasing social control over policies that might undermine academic freedom through two connected strategies of communication and advocacy"; Observatório do Conhecimento, "Quem somos," 2019, https://observatoriodoconhecimento.org.br/sobre/.
[97] Created in 2018 by the National Union of Teachers at Higher Education Institutions, this commission aims at "documenting, monitoring, and reporting cases of murders, persecutions, investigations, judicializations, and criminalizations of a political nature promoted by the state repressive apparatus or by reactionary groups organized inside and outside higher education institutions"; ANDES–SN, https://www.andes.org.br/.
[98] See, for example, Sociedade Brasileira para o Progresso da Ciência – SBPC, *"SBPC se manifesta em defesa das Ciências Humanas e Sociais,"* April 26, 2019, http://portal.sbpcnet.org.br/noticias/sbpc-se-manifesta-em-defesa-das-ciencias-humanas-e-sociais/; Associação Nacional de Pós-Graduação em Filosofia – ANPOF, "*Nota de repúdio às declarações do Ministro da Educação e do Presidente da república sobre as Faculdades de Humanidades, nomeadamente Filosofia e Sociologia*," http://www.*anpof*.org/portal/index php/pt-BR/artigos-em-destaque/2075-nota-de-repudio-a-declaracoes-do-ministro-da-educacao-e-do-presidente-da-republica-sobre-as-faculdades-de-humanidades-nomeadamente-filosofia-e-sociologia.
[99] See, for example, Jornal da Ciência, "Entidades científicas endossam nota contra MP 914," *Sociedade Brasileira para o Progresso da Ciência*, January 9, 2020, http://portal.sbpcnet.org.br/noticias/entidades-cientificas-endossam-nota-contra-mp-914/; Diretoria Nacional do ANDES–SN, "Nota da diretoria do ANDES-SN sobre a Medida Provisória nº 914/2019, que trata da escolha de dirigentes de universidades, institutos federais e do Colégio Pedro II," *ANDES–SN*, January 3, 2020, https://www.andes.org.br/conteudos/nota/nOTA-dA-dIRETORIA-dO-

even initiating budget cuts and suspending research scholarships[100] led to reactions in the form of public statements and manifestos, alongside pronouncements reaffirming the importance of research, public universities, science, and education.[101]

Third, both academic and non-academic actors have produced guides and informational materials to raise awareness about the various means – including legal ones – by which to defend university autonomy and academic freedom. This is the case for initiatives such as the Digital Marathon in Defense of Education,[102] the "Guidelines for Teachers: Freedom of Professorship, Teaching, and Thought,"[103] and the booklet *The*

aNDES-sN-sOBRE-a-mEDIDA-pROVISORIA-no-914-2019-qUE-tRATA-dA-eSCOLHA-dE-dIRIGENT.

[100] See, for example, Observatório do Conhecimento, "5 demandas urgentes para o MEC," https://observatoriodoconhecimento.org.br/5-demandas-urgentes-para-o-mec-2/; Associação Nacional de Pós-Graduandos – ANPG, "Nota da ANPG sobre suspensão de bolsas da CAPES," May 8, 2019, http://www.aba.abant.org.br/files/20190509_5cd44f395c369.pdf.

[101] See, for example, Luiz Davidovich, "Nota pública em defesa da universidade pública, da ciência e da educação," *Associaçao Brasileira de Ciências – ABC*, November 23, 2019, http://www.abc.org.br/2019/11/23/nota-publica-da-academia-brasileira-de-ciencias-em-defesa-da-universidade-publica-da-ciencia-e-da-educacao/.

[102] The Digital Marathon in Defense of Education was organized by the faculty to gather initiatives producing digital content to strengthen public awareness regarding budget cuts in education. See Observatório do Conhecimento, "Maratona digital em defesa da educação na UFRJ," July 7, 2019, https://observatoriodoconhecimento.org.br/maratonadigital/.

[103] The National Collective of Lawyers for Civil Servants published a guide on freedom of teaching and thought, explaining the constitutional and legal provisions for teaching. See Grupo de Trabalho da Educação do Coletivo Nacional de Advogados de Servidores Públicos, "Orientações aos docentes: liberdade de cátedra, de ensino e de pensamento," https://ww2.icb.usp.br/icb/wp-content/uploads/2018/11/Cartilha_Liberdade_Catedra_Ensino_Pensamento.pdf?x89681.

Brazilian Policy of STI and the Manifestations of the Scientific Community.[104]

Fourth, they have promoted public debate and engaged in strategic litigation and advocacy against measures such as the dismantling of the public funding system for research as well as political-ideological attempts to control teachers and curricula. To establish an open dialogue with congressional representatives and policymakers, they have made efforts such as instituting the Initiative for Science and Technology in Parliament (ICTP.br),[105] relaunching the Parliamentary Front for the Valorization of Federal Universities,[106] and organizing a seminar entitled "The Role of the Public University in the Development of Science and Technology, Education, and Knowledge," which took place at the Education and Science and Technology Commissions of the House of Representatives, with members of the scientific community attending.[107]

Fifth, scholars have also mobilized regular means of communication – such as the press and social media – to

[104] The Brazilian Society for the Progress of Science (SBPC) published an analysis of the government measures regarding science, technology, and innovation in 2019. See Jornal da Ciência, "A Política Brasileira de CTandI e as manifestações da SBPC," *Sociedade Brasileira para o Progressos da Ciência – SBPC*, December 19, 2019, http://portal.sbpcnet.org.br/noticias/sbpc-lanca-caderno-balanco-politica-cientifica-brasileira-2019/.
[105] Jornal da Ciência, "O futuro existe se estivermos juntos no presente," *Sociedade Brasileira para o Progresso da Ciência – SBPC*, January 6, 2020, http://portal.sbpcnet.org.br/noticias/o-futuro-existe-se-estivermos-juntos-no-presente/.
[106] UFJF Notícias, "Frente Parlamentar pela Valorização das Universidades Federais é relançada," April 24, 2019, https://www2.ufjf.br/noticias/2019/04/24/frente-parlamentar-pela-valorizacao-das-universidades-federais-e-relancada.
[107] Observatório do Conhecimento, "Seminário na Câmara dos Deputados discute papel da universidade no desenvolvimento," October 29, 2019, https://observatoriodoconhecimento.org.br/seminario-na-camara-dos-deputados-discute-o-papel-da-universidade-no-desenvolvimento/.

individually express their opinions and to make the difficulties faced in academia more visible to a broader public.[108] Some of these initiatives have culminated in or been derived from networks of support and safety nets composed of academics from Brazil and abroad.[109]

Finally, in line with the historical role academic mobilization has played in Brazil, students and scholars have protested in support of education, science, and public higher education. Thousands of people expressed their disagreement with cuts in education funding, with CAPES and CNPq suspending scholarships, and with statements such as those made by the then-minister of education (threatening budget cuts for universities with "poor academic performance" and a record of promoting "turmoil") and the president (who referred to student protesters as "useful idiots").[110]

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[108] See, for example, Lilia Schwarcz, "O governo federal, o desleixo e o desmanche da cultura," *Nexo*, November 18, 2019, https://www.nexojornal.com.br/colunistas/2019/O-governo-federal-o-desleixo-e-o-desmanche-da-cultura; Boris Fausto, "Boris Fausto sobre o golpe de 64: 'É impossível negar os fatos,'" *Pública*, March 29, 2019, https://apublica.org/2019/03/boris-fausto-sobre-o-golpe-de-64-e-impossivel-negar-os-fatos/.

[109] See, for example, Harvard University, "Open Letter from 17,000 U.S. and Global Sociologists in Support of Brazilian Sociology Departments," *In Solidarity with Brazilian Sociologists*, April 26, 2019, https://sites.google.com/g.harvard.edu/brazil-solidarity; Academic Freedom in Brazil, "Rapid Response Network," https://academicfreedombra.wixsite.com/liberdadeacademica/rapid-response-network; Asociación Latinoamericana de Antropología, "ABA, CEAS, Colegio de Antropólogos de Chile y AUAS se solidarizan con la comunidad académica de Brasil," May 8, 2019, http://asociacionlatinoamericanadeantropologia.net/index.php/zoo/102-aba-ceas-colegio-de-antropologos-de-chile-y-auas-se-solidarizan-con-la-comunidad-academica-de-brasil; "We Deplore This Attack on Freedom of Expression in Brazil's Universities," *The Guardian*, November 1, 2018, https://www.theguardian.com/world/2018/nov/01/we-deplore-this-attack-on-freedom-of-expression-in-brazils-universities.

[110] See Helena Borges, "Manifestação em defesa da educação: entenda os motivos que levam as pessoas às ruas," *O Globo,* May 15, 2019,

5. Conclusion

Brazil ranks high on the list of countries that have become more autocratic in the last 10 years. The suppression of dissent, the curtailment of civic space, political vigilantism, toxic polarization, and pro-autocracy protests have been on the rise. This has been described, quantified, and analyzed in a series of comparative research reports.[111]

In tune with this general state of affairs, academic freedom cannot but be one of the main targets in such a political atmosphere.[112] Despite the well-structured constitutional provisions that guarantee a whole set of general and specific individual freedoms in addition to university autonomy and its corollaries, and despite a well-established edifice of higher education institutions, a whole package of formal and informal acts has been gradually eroding this edifice.

The ways in which this situation will evolve are of course very much contingent upon how the overall autocratization process develops. At this more comprehensive level, the capacities of political systems and democratic forces to regain authority and curb the course of de-institutionalization will directly correlate with the protection of academic freedom.

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https://oglobo.globo.com/sociedade/manifestacao-em-defesa-da-educacao-entenda-os-motivos-que-levam-as-pessoas-as-ruas-23668180; Correio Braziliense, "Protestos em defesa da educação são realizados em 126 cidades," May 31, 2019, https://www.correiobraziliense.com.br/app/noticia/brasil/2019/05/31/interna-brasil,758942/protestos-em-defesa-da-educacao-desta-quinta.shtml.

[111] See, for example, "Autocratization Surges - Resistance Grows: Democracy Report 2020," The Varieties of Democracy Institute, Gothenburg: V-Dem, March 2020, https://www.v-dem.net/media/filer_public/fo/5d/fo5d46d8-626f-4b20-8e4e-53d4b134bfcb/democracy_report_2020_low.pdf.

[112] Janika Spannagel, Katrin Kinzelbach, and Ilyas Saliba "The Academic Freedom Index and Other New Indicators Relating to Academic Space: An Introduction," The Varieties of Democracy Institute Users Working Paper Series, Gothenburg: V-Dem, 2020, p. 26.

At a more specific level, there may be windows of opportunity to add new layers of institutional protections to the university system. Such opportunities are scarce but can still emerge out of day-to-day congressional bargaining and electoral competition.

President Jair Bolsonaro uniquely personifies this autocratizing era, but he does not exhaust it. The cultural background of "bolsonarism" – a more extreme, eclectic version of Brazilian conservative and authoritarian traditions – is doomed to persist for some time, irrespective of whether Bolsonaro manages to get reelected in 2024.

The challenges facing Brazil's democracy and its constitutional project are directly correlated to the future of academic freedom.

Academic Freedom in Russia

Katarzyna Kaczmarska

1. Introduction

The higher education sector in Russia is highly centralized. Universities depend on the state for funding, teaching licenses, and accreditation. State institutions also play a significant role in nominating university rectors (vice chancellors). At the same time, the Russian government does not appear to have a coherent policy with regard to academia, emphasizing the aim of internationalization and excellence while indirectly infringing on academic freedom. The authoritarian-conservative turn in domestic politics, coupled with a growing number of regulations directed against non-state actors and restricting the freedom of speech and information, have created a climate that is not conducive to the unrestrained pursuit of research and teaching. Some recent changes to legislation have no apparent links to academia but end up indirectly restricting academic freedom. While some trends in limiting academic freedom have become clearly discernible, most repression is "soft" and tends to be exercised unsystematically. This approach is detrimental in the sense that it is hard to read the rules of the game. It is also perversely efficient because one repressive act sends a signal across the entire sector and community. Scholars work in a climate of uncertainty and share the perception that they can be reprimanded at any time. Simultaneously, the façade of formal protection of academic freedom has been maintained.

Two types of actors are primarily responsible for creating indirect limitations on research and teaching: state authorities (on both central and regional levels) and university management. The deliberate vagueness of legal regulations tends to be abused by governmental officials, while senior university management may be overzealous in applying the rules and taking punitive measures against staff and students. Confrontation with scholars is usually related to their critical analysis of government policies or to the concerns they voice about university affairs. On rare occasions, scholars face accusations of divulging state secrets. While there is no official censorship, scholars report that the phenomenon of self-censorship is widespread, particularly in the social sciences and the humanities. The narrowing contours of public debate contribute to the emergence of "red lines" – that is, topics and issues that should not be discussed or challenged. The result is a vague, variable list of "undesirable" research topics.

2. Methods, Sources, and Scope of the Study

This paper was written on the basis of the guidelines included in this volume. The information provided has been collected by means of interviews with Russia-based scholars, conducted over the years 2016–2018, a review of media and social media sources over the years 2016–2020, and a secondary literature review.[1] The study was conducted with the aim of providing a comprehensive analysis of the academic freedom status quo in Russia – a task

[1] The main part of this text was written in January 2020. A more thorough discussion of the context of knowledge production in Russia and a comprehensive description of the methodological challenges related to researching this topic are provided in a book by the author; see Katarzyna Kaczmarska, *Making Global Knowledge in Local Contexts: The Politics of International Relations and Policy Advice in Russia*, London/New York: Routledge, 2020.

not without its challenges, especially given the recent changes to the legislative landscape. The implications of these changes for academia are not yet clear.[2]

3. Characteristics of the Higher Education Sector

The higher education (HE) and research sector is highly centralized in terms of quality assurance, degree programs, and funding.[3] Under a prolonged reform process over the last three decades, the management and supervision of the sector has been in flux. Currently, two institutions share responsibility for the HE sector: the Ministry of Science and Higher Education (MSHE) and the Federal Service of Supervision in Education and Science (Rosobrnadzor).[4] According to official statistics, in

[2] At the time of writing, Memorial, a historical and civil rights group, reported 63 political prisoners in Russia. Data as of March 3, 2020; see https://memohrc.org/ru/aktualnyy-spisok-presleduemyh-v-svyazi-s-realizaciey-prava-na-svobodu-veroispovedaniya?mc_cid=971671db47&mc_eid=74c4132861. In March 2020, OVD-Info, a specialist NGO, published a report detailing how regional authorities use the law to obstruct public gatherings, on top of the already strict federal regulations; see Nataliia Smirnova and Denis Shedov, "The Art of the Ban-2: How local legislators restrict rallies and other protests in Russia," OVID-Info, 2020, https://ovdinfo.org/reports/art-ban_2.

[3] Russia inherited its centralized, state-controlled HE system from the Soviet Union. This legacy has had a significant impact on the Russian HE sector in the decades since 1991; see Maria Yudkevich, "The Russian University: Recovery and Rehabilitation," *Studies in Higher Education* 39, no. 8 (2014): pp. 1463–1474. In the era of President Boris Yeltsin (1991–1999), no serious steps were taken to create the institution of academic tenure or to develop independent HE trade unions. The academic community failed to secure legal protection from state interference. See Dmitry Dubrovskiy, "Escape from Freedom. The Russian Academic Community and the Problem of Academic Rights and Freedoms," *Interdisciplinary Political Studies* 3, no. 1 (2017): pp. 171–199, esp. 184–185.

[4] The Ministry of Education and Science was established in 2004, and in 2018 it was replaced by the Ministry of Science and Higher Education (MSHE). Rosobrnadzor, also established in 2004, is a federal-level agency that is

2018/2019 there were 741 higher education institutions (HEIs) in Russia.[5]

Most universities are funded from the state budget. State universities can be divided into those that are founded (*uchrezhden*) by the federal government, by the MSHE, by other ministries,[6] or by local authorities. The MSHE has a separate line of funding for Moscow State University (MGU) and St. Petersburg State University (SPbGU), which were singled out in a 2009 law as Russia's "leading classic universities."[7] They are categorized as federal state budgetary institutions (*federalnyye gosudarstvennyye byudzhetnyye uchrezhdeniya*). The 2009 law describes the Russian government as the founder of both universities (*uchreditelem yavliyayetsiya Pravitel'stvo Rossiiskoi Federatsii*) and gives the government the right to approve their charters (*ustav*).

In terms of significant additional funding schemes, following a presidential decree in 2012,[8] the government launched the Russian Academic Excellence Project, known as "5–100,"[9] with

neither subordinated to nor overseen by MSHE. Rather, Rosbrnadzor reports directly to the government of the Russian Federation.

[5] See N. V. Bondarenko, L. M. Gokhberg, and N. V. Kovaleva, *Obrazovaniye v tsifrakh: 2019: kratkiy statisticheskiy sbornik* [Education in Numbers 2019: A Brief Statistical Digest], Moscow: NIU VSHE, 2019, p. 39. As a result of a major restructuring of the HE system over the last decade, hundreds of so-called "inefficient" institutions were merged or dissolved, reducing the number of HEIs from more than 1,100 in 2010/2011.

[6] For instance, the Ministry of Internal Affairs (e.g., the Moscow University of the Ministry of Internal Affairs), the Ministry of Culture (the Maxim Gorky Literature Institute), and the Ministry of Agriculture.

[7] This legislation is available at: https://www.msu.ru/upload/pdf/docs/msu-spbgu.pdf.

[8] Presidential decree *O merakh po realizatsii gosudarstvennoi politiki v oblasti obrazovaniya i nauki* [On the Measures to Implement State Policy in the Area of Education and Science], May 7, 2012, http://pravo.gov.ru/proxy/ips/?docbody=&nd=102156333.

[9] Ibid.

the aim of maximizing selected Russian universities' positions in the international research and education market.[10] The expected result is that at least 5 universities out of the 21 project participants will be listed among the top 100 in the internationally recognized rankings. The National Project Science (*Natsionalnyi Proyekt Nauka*) is another government-sponsored program that aims to secure Russia's place among the leading countries in science and technology. Its objective is to make Russia an attractive workplace for leading Russian and foreign scholars.

According to the 2018 government decree, MSHE is responsible for implementing policy and normative-legal regulations in the areas of higher education and science.[11] The decree defines academic specialties and qualifications, sets educational standards for particular qualifications (4.2.38–39), defines HE quality indicators (4.2.71), coordinates basic/fundamental research financed by the federal budget (4.3.1), supervises doctoral councils (4.3.8), and defines the requirements for awarding professorial titles (4.3.9). Rosobrnadzor issues teaching licenses, undertakes accreditation, and is authorized to inspect HEIs.[12]

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[10] More information on the project is available at: http://5top100.com/about/more-about/. The project is overseen by the Council for Enhancing the Competitiveness of Leading Russian Universities Among Global Research and Education Centers. The universities that benefit from the 5–100 project have created an association to coordinate and consolidate their efforts in improving HE and scientific activities.

[11] This legislation is available at: http://static.government.ru/media/files/NAJApvyVq9JtI9WNnnFoHj4KMlZqR9q3.pdf.

[12] See Sergei Golunov, *The Elephant in the Room: Corruption and Cheating in Russian Universities*, New York: Columbia University Press, 2014, loc. 173; Evgeny Roshchin, "Academic freedoms and regulation of higher education in Russia," International Studies Association Venture Research Workshop – Academic Freedom, IR Knowledge and Policy Advice in the 'Post-Truth' Era, Toronto, Canada, 2019.

The Accounts Chamber (*Schetnaya palata*) is also authorized to monitor universities.[13]

The Russian Academy of Sciences (RAS) is specifically placed within the Russian HE and research sector.[14] In the Soviet Union, the sector was clearly divided between teaching-oriented activities (which took place at universities) and research (which was located in the Academy of Sciences). In 2013, RAS was subordinated to the then-newly created Federal Agency of Scientific Organizations (*Federal'noye Agenstvo Nauchnykh Organizatsii*, or FANO). In 2018, the administrative structure changed again. FANO became part of the new Ministry of Science and Higher Education. This change meant that research and teaching were united under one ministerial structure. The RAS charter presents the MSHE as a state academy of sciences (*gosudarstvennaya akademia nauk*) that carries out scientific management of research in the Russian Federation and also conducts its own research (*provodyashchaya nauchnyye issledovaniya*). According to the charter, RAS is a not-for-profit organization established as a federal state budgetary institution (*federal'noe gosudarstvennoe byudzhetnoe uchrezhdeniye*).

The majority of university trade unions have limited autonomy; in practice, they act as administrative structures, dependent on their university's leadership, and are unwilling to lend genuine

[13] The chamber analyzes universities' spending patterns, among other things; see https://www.kommersant.ru/doc/4218722.

[14] RAS is a complex institution comprising over 500 different research units, including research centers, libraries, archives, and museums. The public debate concerning RAS focuses on its funding rather than on questions of academic freedom (see Yurii Godin, "Shtab ili klub po interesam? Gorkiye plody reform" ["A Headquarters or a Club? The Dire Outcomes of Reforms"], *Literaturnaya Gazeta* [2017]: p. 4), with the exception of the Federal Security Service's (FSB) intrusion into the office of Nikolai Kolachevskiy, the head of the Physics Institute at RAS. See the report in *Svoboda*, November 4, 2019, https://www.svoboda.org/a/30250962.html.

support to university employees.[15] The weakness of trade unions in HE and research is one factor that limits solidarity among scholars and makes it more difficult for them to act collectively as a significant player in negotiations with the state. Against this backdrop, the trade union of university employees, University Solidarity (*profsoyuz 'Universitetskaya solidarnost'*), established in 2013, stands out as an example of bottom-up organization and activism. University Solidarity's activities range from defending individual scholars in disputes with university leadership to publicizing cases of state interference and campaigning for better policies in the HE sector.

Research Integrity and Misconduct

Numerous scholars in Russia share the perception that academic standards are declining. The reasons for this come down to several processes, including post-Soviet underfunding, frequent and at times contradictory attempts at reform, and neoliberal managerialism that pushes scholars to focus on the quantity rather than the quality of published work.

Academic misconduct is widespread.[16] In January 2020, the Commission for Countering the Falsification of Scientific Research (*komissiya po protivodeistviyu falsifikatsii nauchnykh issledovanii*), established by RAS, recalled over 800 articles published in 263 scientific journals. Some of the cases discovered through this process included individuals attempting to use their position of power to further influence the publishing process. For instance, an editorial team refrained from retracting a plagiarized article because its author worked at Rosobrnadzor

[15] See Golunov, *The Elephant in the Room*, loc. 444.

[16] For an analysis of academic misconduct among students, see, for example, Elena Denisova-Schmidt, Martin Huber, Elvira Leontyeva, and Anna Solovyeva, "Combining experimental evidence with machine learning to assess anti-corruption educational campaigns among Russian university students," *Empirical Economics* (2020), https://doi.org/10.1007/s00181-020-01827-1.

and threatened to revoke the accreditation of a university linked with the journal.[17]

The broadly debated case of a doctoral dissertation written by Vladimir Medinsky, who was the minister of culture between 2012 and 2020, shows how the criteria for scholarly validity may be influenced by powerful figures within the state apparatus. In 2016, three historians – two based in Russia, one based in Italy – pleaded with the Ministry of Education and Science to revoke Medinsky's academic degree, arguing that his dissertation did not conform to the academic requirements for that degree, that it contained plagiarism, and that non-existent monographs had been used to fulfill the formal criteria for obtaining the degree. In October 2017, the Expert Council on History of the High Attestation Commission (VAK) called for Medinsky's academic title to be revoked, but a body higher up in the hierarchy – the Presidium of the Higher Attestation Commission – decided to uphold the degree, and the Ministry of Education and Science confirmed this decision.[18]

4. Current State of Academic Freedom and Key Developments in the Recent Past

4.1 Legal Protection of Academic Freedom

Russia has ratified the International Covenant on Economic, Social and Cultural Rights (Article 15.3 stipulates that the parties

[17] Interview with Anna Kuleshova in the *Indicator*, October 15, 2019, https://indicator.ru/humanitarian-science/net-zhelaniya-poimat-za-ruku-i-nakazat-o-falsifikacii-i-otzyve-nauchnykh-statei.htm.
[18] See the reports in *Kommersant*, July 7, 2017, https://www.kommersant.ru/doc/3347564; *BBC News,* October 2, 2017, https://www.bbc.com/russian/news-41472388; *BBC News*, October 20, 2017, https://www.bbc.com/russian/features-41689537; and *RIA Novosti*, October 27, 2017, https://ria.ru/20171027/1507728865.html.

to the covenant respect the freedom indispensable for scientific research). Academic freedom is also formally protected by the constitution of the Russian Federation. Article 29 guarantees the freedom of ideas and speech, and Article 44 guarantees the freedom of research and teaching (formulated as "the freedom of literary, artistic, scientific, technical, and other types of creative activity, and teaching").[19] Article 29 also explicitly bans censorship. Both articles belong to Chapter 2, the provisions of which cannot be amended by parliament alone; any amendment requires the convening of the Constitutional Assembly.[20]

Constitutional guarantees of academic freedom are confirmed in the federal law "On Science and State Scientific and Technology Policy."[21] State authorities guarantee freedom of research to scholars and scientific institutions as well as freedom of access to scientific information (Article 3). The management of scientific activities should not infringe upon academic freedom (Article 7). At the same time, this law envisions the possibility that the government could "establish a procedure for conducting scientific research and using scientific and (or) scientific and technical results that may pose a threat to the security of the Russian Federation, public health, and the environment" (Article 10). It also allows the government to limit the dissemination of research results by designating them as

[19] The English-language text of the 1993 Constitution is available on the Russian Parliament's website: http://archive.government.ru/eng/gov/base/54.html. The provisions of articles 29 and 44 remained unchanged following constitutional amendments made in 2020.

[20] The head of the Russian Academy of Sciences proposed several amendments to the Russian Constitution aimed at elevating the status of science in Russia and securing better financing; none of the proposed amendments referred to academic freedom. See the news report available at: https://www.kommersant.ru/doc/4242692.

[21] The Russian-language version of the law is available at: http://pravo.gov.ru/proxy/ips/?docbody=&nd=102043112&intelsearch=127-%F4%E7.

classified.[22] Government decrees defining the tasks and responsibilities of the MSHE and Rosobrnadzor do not mention academic freedom.

4.2 Institutional Autonomy and Governance[23]

State universities do not enjoy much autonomy in budgetary matters. The overall amount allotted by the government is granted with strict guidelines on how to use the funds.[24] Moreover, the process of appointing rectors significantly limits the autonomy of state universities.[25] The rectors of MGU and SPbGU are appointed directly by the Russian president. Rectors of federal universities are appointed by the federal government. Regional universities are constantly adjusting to the fast-changing legal regulations, and the procedure is still best described as in flux. At some universities, rectors are elected by academic councils with the approval of the university's founder

[22] Ibid.

[23] For comparison, see Enora B. Pruvot and Thomas Estermann, "University Autonomy in Europe III: The Scorecard 2017," *European University Association*, 2017, https://eua.eu/downloads/publications/university%20autonomy%20in%20europe%20iii%20the%20scorecard%202017.pdf.

[24] Andrei Volkov and Dara Melnyk, "University Autonomy and Accountability in Russian Higher Education," *International Higher Education* 94 (2018): pp. 31–33, esp. 32.

[25] See Natalia Forrat, "The Political Economy of Russian Higher Education: Why Does Putin Support Research Universities?" *Post-Soviet Affairs* 32, no. 4 (2016): pp. 299–337. By 2015, most of the universities supervised by the Ministry of Education had abolished the election of rectors. Election procedures were maintained in HEIs supervised by the Ministry of Culture and the Ministry of Agriculture; see Mikhail Sokolov, Sofia Lopatina, and Gennady Yakovlev, "From Partnerships to Bureaucracies: The Constitutional Evolution of Russian Universities," *Вопросы образования* 3 (2018). However, according to the Maxim Gorky Literature Institute's statute, dating back to 2014 and still in force in 2020, the rector is elected from a list of candidates agreed with the Ministry of Culture. The institute's statute is available at: https://litinstitut.ru/sites/default/files/ustav_litinstitut_28_08_2014.pdf.

– that is, the federal government, or the regional or municipal authorities.[26] These arrangements may prompt rectors (or candidates) to build ties with state structures, such as the United Russia ruling party. The current minister of higher education and science (appointed in January 2020), Valery Falkov, was previously the rector of Tyumen State University (2013–2020); he is a member of United Russia (and has been since at least 2013).

Some rectors are criticized for the excessive centralization of power within their universities. In May 2016, at a rally protesting developments at the SPbGU, faculty members and students accused the rector, Nikolai Kropachev, of establishing a so-called power vertical (*vertikal vlasti*) and limiting academic freedom (*ogranicheniye akademicheskikh svobod*). In June 2016, over 600 people signed a petition addressed to President Vladimir Putin calling for the rector's dismissal.[27]

Scholar and student involvement in the institutional governance of universities remains limited. Given that universities in Russia are supervised by different bodies, including by different ministries, the scope of autonomy varies. The role of faculty in university self-governance has been evolving since rectors have become increasingly subordinated to state structures.[28] However, even at universities that are considered liberal and are organized according to the best international practices, self-governance and autonomy have become at best a contested issue. The reorganization underway at the Higher School of Economics (HSE) over the summer of 2020 shows that faculty were not consulted and indeed were barely informed about the

[26] See Anna Gryaznova, "Supervisory boards in Russian universities: A development instrument or another tool of state control?" *Higher Education* 76 , no. 1 (2018): pp. 35–50, esp. 45.
[27] See Sergei Dobrynin, "Vertikal Dvenadtsati kollegii" ["The Vertical of Twelve Colleges"], *Radio Svoboda*, 2016, http://www.svoboda.org/a/28080680.html.
[28] Sokolov, Lopatina, and Yakovlev, "From Partnerships to Bureaucracies."

changes planned and implemented by the university's executive bodies. Senior management may also limit scholars' and students' public engagement. The arrest of Yegor Zhukov, an undergraduate at HSE and a prominent blogger, following an unsanctioned opposition rally in the summer of 2019, led many of his fellow students, staff, and HSE alumni to express solidarity and support. In response, the HSE management began promoting the concept of a "university beyond politics" with the aim of preventing students and scholars from using their HSE affiliation while engaging in political activities or public disputes. In January 2020, the university discussed new internal regulations underpinned by this idea of a "university beyond politics," which, among other things, were intended to ban student organizations from conducting human rights-related activities and to prevent them from using their HSE affiliation in the course of their political activities.[29]

In December 2019, HSE stripped the *Doxa* student journal of its status as a student organization, which in practice meant that *Doxa* was barred from holding activities at the school and receiving any financial support from HSE.[30] *Doxa* contributed to support campaigns for students arrested during the summer 2019 election protests.[31] The university grew suspicious of *Doxa* after the rector of another university, Nataliya Pochinok at RGGU, complained about an article in *Doxa* that was critical of

[29] See "Call for International Solidarity with HSE Community," *Doxa*, https://doxajournal.ru/uni/intersolidarity_letter.
[30] See the reports in *Doxa*, https://doxajournal.ru/hse_doxa; *Novaya Gazeta*, December 3, 2019, https://novayagazeta.ru/news/2019/12/03/157394-vysshaya-shkola-ekonomiki-lishila-studencheskiy-zhurnal-doxa-statusa-studorganizatsii; and *MBK*, December 3, 2019, https://mbk-news.appspot.com/news/rukovodstvo-vshe/.
[31] See "Moscow's Higher School of Economics Shuts Down Student Journal for Critical Article on Academic Who Ran for Office with Government Support," *MBK*, December 3, 2019, https://meduza.io/en/news/2019/12/03/moscow-s-higher-school-of-economics-shuts-down-student-journal-for-critical-article-on-academic-who-ran-for-office-with-government-support.

her. Some HSE faculty members who expressed their opinions on social media interpreted this as an instance of the violation of academic freedom. According to Oleg Sologukhin, an advisor to the university rector and the head of the HSE support fund for student initiatives, *Doxa* violated the rules by causing reputational damage to HSE.[32]

In January 2020, HSE's governing body proposed amending the university's internal regulations – a move described by the reputable *Novaya Gazeta* newspaper as an effort to impose censorship.[33] The proposed amendments bar students from "speaking out on behalf of a group of undefined people" (this sounds no less awkward in Russian: *vyskazyvat'sya ot litsa neopredelennogo kruga lyudey*) about politics, while student organizations are prohibited from engaging in political activity and human rights advocacy. These regulations also place restrictions on the registration of student organizations. As a response, HSE students created the HSE Against Censorship initiative and organized a protest attended by 300 people. The HSE leadership found itself the target of criticism yet again in July 2020, when it failed to provide details to or consult with HSE staff about a planned reorganization and layoffs. While the management has presented the reorganization in terms of improving the use of resources, some scholars suspect that the layoffs are linked to opposition-minded staff members publicly expressing their political views and/or criticizing the university.[34] HSE lecturers and students, supported by the

[32] *Doxa* published an article about Natalya Pochinok, rector of the Russian State Social University, which described Pochinok's 2019 campaign for a Moscow City Duma seat; see *MBK*, December 3, 2019, https://mbk-news.appspot.com/news/rukovodstvo-vshe/.
[33] See the report in *Novaya Gazeta*, January 17, 2020, https://novayagazeta.ru/articles/2020/01/17/83501-est-negosudarstvennye-vuzy-a-mir-otkryt.
[34] Konstantin Eggert, "Uvol'neniye neugodnykh professorov pogubit reputatsiyu VSHE" ["The Dismissal of Professors Will Damage HSE's

University Solidarity trade union, issued a letter to the HSE supervisory board asking for their help in resolving the tensions between the university's governing body and HSE lecturers and students.[35]

4.3 Freedom to Research and Teach

Despite the clearly defined principle of academic freedom encapsulated in the constitution, specific laws indirectly undermine academic freedom. Increasingly restrictive legislation, though seemingly detached from the academic setting, structures public debate as well as cultural and not-for-profit activity. Among the most impactful legislative solutions are: the so-called foreign agent law (adopted in 2012),[36] penalization for the rehabilitation of Nazism (Article 354.1 of the Criminal Code, introduced in 2014),[37] laws on extremism (a federal law adopted in 2002 and Article 282 of the Criminal Code),[38] laws on "disrespect" for the state and its authorities (adopted in 2019),[39] laws on so-called "unwanted organizations"

Reputation"], 2020, shorturl.at/dkPTZ. See also the news reports available at: https://novayagazeta.ru/news/2020/07/06/162822-dotsenta-vshe-uvolili-iz-za-posta-v-feysbuke-o-sokrascheniyah-v-vuze; and https://www.znak.com/2020-07-02/doxa_rukovodstvo_vshe_planiruet_uvolit_oppozicionnyh_prepodavateley.

[35] The text of the letter is available at: shorturl.at/hrIKU.

[36] This legislation is available at: https://rg.ru/2012/07/23/nko-dok.html. See also Dmitry Dubrovskiy, "Academic Freedom in Russia: Between the Scylla of conservatism and the Charybdis of neoliberalism," *Baltic Worlds* XI, no. 4 (2018): pp. 4–11.

[37] This particular legislation has been used with the aim of preventing pronouncements that undermine the officially sanctioned narrative of the Soviet Union's role in the Second World War, e.g., critical comments concerning the Ribbentrop-Molotov Pact. The text of the legislation is available at: http://www.consultant.ru/document/cons_doc_LAW_10699/be763c1b6a1402144cabfe17a0e2d602d4bb7598/.

[38] This legislation is available at: http://kremlin.ru/acts/bank/18939.

[39] This legislation is available at: http://en.kremlin.ru/acts/news/60085.

(adopted in 2015),[40] and the 2019 amendments to existing laws that broadened the "foreign agent" category to include individuals.[41]

Some of this legislation directly impacts the activities of research-focused not-for-profit organizations. These can be deemed foreign agents if they receive funding from abroad and engage in "political activity." For instance, the Levada Center (a polling research organization) was classified as a foreign agent in 2016.[42] Lev Gudkov, the head of the center, saw this as an indication of the narrowing space for independent research on electoral ratings, attitudes toward democracy, and corruption.[43] In 2015, the Dynasty Foundation, Russia's major private funder of scientific research since 2002, was shut down after being declared a foreign agent.[44] This law affected a number of other

[40] This legislation is available at: https://rg.ru/2015/05/26/fz129-dok.html.
[41] This legislation is available at: https://rg.ru/2019/12/04/smi-dok.html. According to researchers, scholars who publish their articles both on- and offline are subject to this extended interpretation and must register as foreign agents by the end of February 2020; see Daria Skibo, "Rossiya: inostrannykh agentov stanet bolshe" ["There Will Be More Foreign Agents in Russia"], *Eurasianet*, February 25, 2020, https://tinyurl.com/y6dak4z9.
[42] The Yuri Levada Analytical Center has been internationally recognized as one of Russia's most important public opinion pollsters and non-governmental sociological research organizations; see Larissa Titarenko and Elena Zdravomyslova, *Sociology in Russia: A brief history*, London: Palgrave Macmillan, 2017, loc. 2431. The center was not successful in challenging its "foreign agent" status in court; see Lev Gudkov, "In Russia, sociology isn't just about figures," *Open Democracy Russia*, 2017; Oksana Bocharova, "Why Russia needs the Levada Center," *Open Democracy*, September 14, 2016, https://www.opendemocracy.net/od-russia/oksana-bocharova/why-russia-needs-levada-center. Some have suggested that this label may have been attached to the pollster as a result of its research and dissemination practices, specifically publishing the United Russia Party's declining electoral ratings prior to the Duma elections in 2016; see Yelena Mukhametshina, "Ne tak oprashivali," *Vedomosti*, September 6, 2016.
[43] Mukhametshina, "Ne tak oprashivali."
[44] See "Russian Science Foundation Shuts Down After Being Branded 'Foreign Agent,'" *The Guardian*, July 8, 2015,

non-governmental research institutions, such as the Russian branch of Transparency International, which conducted research on corruption in Russia;[45] Memorial, a historical and civil rights group;[46] the Center for Independent Social Research in St. Petersburg; and the Saratov Center for Gender Studies.[47] In addition to placing specific obligations on an organization, the "foreign agent" label vilifies and isolates the organization and may incentivize other institutions and businesses to sever their ties with an NGO labelled as such.

In addition to stigmatization as a foreign agent, a number of organizations, including George Soros's Open Society Foundation, have been banned from Russia as a consequence of the so-called undesirable organizations law. Among its many activities, the Soros Foundation was also involved in funding the translation of scholarly works from English into Russian and had been considered an important advocate of Russian science.[48]

On the surface, this increasingly restrictive legislation does not have a bearing on academic freedom. In practice, however, it can

https://www.theguardian.com/world/2015/jul/08/russian-science-dynasty-foundation-branded-foreign-agent-kremlin.

[45] See "Transparency International Classed as 'Foreign Agent' in Russia," *Deutsche Welle*, April 8, 2015, https://www.dw.com/en/transparency-international-classed-as-foreign-agent-in-russia/a-18366923-0.

[46] Memorial, while not an academic institution, researches the history of political repression in the Soviet Union and conducts analyses of present-day repressive practices.

[47] Since the publication of this law in 2012, over 150 Russian NGOs have been classified as foreign agents; see Daria Skibo, "Five Years of Russia's Foreign Agent Law," *Open Democracy*, August 14, 2017, https://www.opendemocracy.net/od-russia/daria-skibo/five-years-of-russia-s-foreign-agent-law.

[48] Mark S. Johnson, "Western models and Russian realities in postcommunist education," *Tertium Comparationis* 2, no. 2 (1996): pp. 119–132, esp. 126.

be harmful.[49] The vagueness of legal formulations makes these laws open to multiple interpretations. They can easily become tools in the hands of bureaucrats and/or the security services. Moreover, while these laws do not refer to academia directly, they determine the scope of public debate and implicitly draw "red lines," indicating topics and issues that should not be discussed or challenged. The result is a vague, variable list of "undesirable" research topics. Rather than being compiled explicitly by the authorities, which would be a case of direct censorship, this list continues to be co-constructed by the state, university management, and researchers themselves, who attempt to read top-down signals and track the blurred red lines. The list is also drawn up based on analyses of specific cases of researchers and journalists who were (sometimes indirectly) punished for undertaking particular research or expressing specific views. Since different universities read the signs in different ways, it may be possible to research topics such as the sanctions regime between Russia and the West at some universities, while this may be impossible at others.[50] Some topics may gain notoriety over time – for instance, researching Russian private military companies is now considered a no-go area, following the deaths of Russian journalists who were investigating the subject in the Central African Republic.[51] Among other topics are those related to aspects of foreign and domestic politics as well as identity – for example, critical analyses of the annexation of Crimea,[52] critical linguistic

[49] Russian lawyers have pointed to the fact that the extended "law on foreign agents" can now be applied to almost anyone; see the report in *Kommersant*, November 25, 2019, https://www.kommersant.ru/doc/4171502.

[50] Interviewees indicated difficulties in pursuing this subject at one of the Moscow-based universities.

[51] See "Three Russian Journalists Killed in Central African Republic," *Al Jazeera*, August 1, 2018, https://www.aljazeera.com/news/2018/07/russian-journalists-killed-central-african-republic-180731203838288.html.

[52] 2013 and 2014 amendments to the Penal Code impose sanctions for "public calls for actions aimed at violating the territorial integrity of the Russian

analyses of the Russian language,[53] critical analyses of the role played by the Soviet Union in the Second World War,[54] and sociological research on Alexey Navalny's supporters.[55]

One interviewee commented that at state universities, in addition to institutional and budgetary pressures, certain teaching curricula and textbooks have been changed, and some modules have been closed down. Certain new-but-old instruments of control have also emerged – for instance, requiring universities to provide education on aspects of students' private lives, such as hygiene. In addition, in July 2020 the Duma adopted presidential amendments to the law "On Education in the Russian Federation" (*Ob obrazovanii v Rossiyskoi Federatsii*). These amendments define the concept of *vospitaniye* (moral education) and prescribe that education at schools and universities should include not only knowledge and

Federation"; see the report in *Rossiiskaya Gazeta*, July 22, 2014, https://rg.ru/2014/07/22/separatizm-site-anons.html. Following the annexation of Crimea in 2014, these were used to punish individuals who challenged the idea that Crimea belonged to the Russian Federation, even if this took the form of reposting information on social media, as was the case with Suleyman Kadyrov. See the report in *Zone Media*, May 3, 2018, https://zona.media/news/2018/05/03/kadyrov.

53 See the report in *Novaya Gazeta*, November 8, 2019, https://www.novayagazeta.ru/news/2019/11/08/156751-komissiya-po-etike-vshe-rekomendovala--izvinitsya-professoru-za-vyskazyvanie-o-russkom-yazyke.

54 See Nick Holdsworth, "Calls for prosecution over PhD thesis on Soviet traitor," *University World News*, March 11, 2016, https://www.universityworldnews.com/post.php?story=20160307214059 48; Ivan Kurilla, "The Implications of Russia's Law against the 'Rehabilitation of Nazism,'" *PONARS Policy Memo* 331 (2014), http://www.ponarseurasia.org/memo/201408_Kurilla.

55 A researcher at a Moscow-based university was explicitly asked not to take part in a research project dedicated to the subject. Alexey Navalny is the major opposition figure in Russia. See the report in *Novaya Gazeta*, June 14, 2019, https://novayagazeta.ru/news/2019/06/14/152506-issledovavshaya-aktivistov-navalnogo-sotrudnitsa-vshe-rasskazala-ob-uvolnenii-iz-za-davleniya-prorektora-kasamara-eto-otritsaet.

skills, but also spiritual and moral values, including fostering in students a sense of patriotism and respect for the memory of the defenders of the fatherland (*uvazheniye k pamiyati zashchitnikov Otechestva i podvigam Geroyev Otechestva*).[56]

Self-Censorship

While there is no official censorship, in certain disciplines – such as the social sciences and the humanities – scholars have reported resorting to self-censorship in both research and teaching.[57] Whereas the state does not ban specific research, scholars self-impose limitations on the scope and directions of their research and their engagement with the media, mostly for fear of losing their employment, and also based on their perceptions of what is expected of them, given that most research and universities are state-funded.

There is no unanimity among scholars in their assessment of academic freedom. They also tend to have varying understandings of the concept and its practical application. Some deny the existence of any obstacles to academic research and teaching, while others consider academic freedom to be severely undermined. These assessments depend on each scholar's position in the academic hierarchy, the types of institutions at which they work, and their readiness to share their opinions with outsiders, especially given that disclosing violations may harm individual or institutional reputations.

Self-censorship is mostly topic-driven; scholars self-censor with regard to topics they identify as politically sensitive and/or those

[56] The text of these amendments is available at: https://rg.ru/2020/08/07/ob-obrazovanii-dok.html. A relevant news report is available at: https://rg.ru/2020/07/22/gosduma-priniala-zakon-o-vospitanii-obuchaiushchihsia.html.

[57] In this research project, I have focused on the social sciences. I have not researched self-censorship practices among scholars in the life sciences or in STEM fields.

that challenge the narratives or interpretations propagated by the government. Political repression has increased over the last decade, leading to a surge in the number of such topics. University management may also ask scholars to refrain from taking part in specific research topics. Certain research directions are intentionally made less publicly visible – for instance, by changing the titles of publications or conferences so that they do not include the words "authoritarianism" or "protest." Some scholars consider self-censorship to be location-specific rather than a general phenomenon. As one interviewee put it: "In [my academic institution], we have to respect the position of the Ministry of Foreign Affairs and not criticize. We can voice critique, but we need to be politically correct; it needs to be framed in a specific language."

Practices of self-censorship may be reinforced by social relations within a scholarly community – one interviewee reported that they stopped making presentations about global governance at conferences in Russia because their fellow academics perceived the concept negatively.

In the realm of teaching, some of the scholars interviewed reported being concerned that certain ideas they introduce to students may provoke them to take part in protests and "get" them arrested; others are uncertain how to talk to students about topics such as the sanctions regime.

Research Funding

The majority of academic research is state-sponsored, and research funding is highly centralized. The state funding system comprises budgetary resources, which the MSHE transfers to universities, as well as a grant-funding system. With regard to the latter, in 2016 the state-sponsored funding system was centralized when the Russian Humanist Scientific Fund (*Rossiiskii Gumanitarnyi Nauchnyi Fond*) was merged with the Russian Foundation for Basic Research (*Rossiiskii Fond*

Fundamental'nykh Issledovanii, or RFFI).[58] In addition to RFFI, since 2010 the Russian government has been awarding so-called "mega grants" (*Megagranty*) for research projects, lasting up to three years and with a budget of up to 90 million rubles (US$1.5 million).[59] In 2013, the Russian government established the Russian Science Foundation (*Rossiiskii Nauchnyi Fond*, or RNF).[60]

Non-state funding plays a marginal role, and new challenges have recently emerged with regard to international funding.[61] While scholars consider the grant-awarding process to be based on academic merit, grants distributed via the main state grant-funding body are not considered generous. Scholars also see the excessive centralization of research funding, particularly the lack of private foundations, as limiting their research potential. Interviews and instances of cooperation with Russia-based scholars suggest that there are no clear-cut rules regarding the distribution of conference funding among faculty.

[58] The government decree is available at: http://government.ru/docs/22006/. See also RFFI's official website: https://www.rfbr.ru/rffi/ru/.

[59] These grants are open to both Russian and foreign scholars. In the sixth *Megagranty* competition in 2017, out of 35 grants, only 2 were awarded in the social sciences and the humanities; see http://p220.ru/home/news/item/1367-plus1. There was a slight increase in 2018 – out of 36 mega grants, 7 were awarded in the social sciences and the humanities; see http://p220.ru/home/news/item/1693-itogikonkurs2019.

[60] See RNF's official website: https://www.rscf.ru/en.

[61] International grants entail receiving funds from abroad, which, according to recent legislation, makes scholars prone to being labelled foreign agents; Katarzyna Kaczmarska, "Russian 'foreign agent' rules are chilling academic freedom," *Times Higher Education*, January 8, 2020, https://www.timeshighereducation.com/opinion/russian-foreign-agent-rules-are-chilling-academic-freedom; see also Margarita Zavadskaya, "Academic Unfreedom," *Riddle*, July 11, 2019, https://www.ridl.io/en/academic-unfreedom/.

Attacks Against Scholars, Institutions, and Fields of Study

Overt attacks on scholars have not been very common. While some cases attract publicity – for instance, Sergei Guriev's emigration in 2013 and Andrei Zubov's dismissal in 2014[62] – the majority are discussed by niche Russian media outlets and on social media. The reasons behind these attacks vary, but they include scholars' criticism of government policies or university-related affairs. One of the earliest examples of the latter is the case of Igor Groshev in 2009.[63] Often the reasons for attacks on scholars are unclear. Politically motivated attacks may be veiled by accusations of corruption, ethical misconduct, or even

[62] Sergei Guriev served as rector of the Moscow New Economic School. He left Russia in 2013, following interrogations about a report criticizing the prosecution of Mikhail Khodorkovsky, a Russian oligarch turned political activist; see Masha Lipman, "Losing Sergei Guriev," *The New Yorker*, June 3, 2013, https://www.newyorker.com/news/news-desk/losing-sergei-guriev. Andrei Zubov, a philosophy professor at the Moscow State Institute of International Relations University (MGIMO), was dismissed after comparing Russia's annexation of Crimea to Nazi Germany's Anschluss of Austria in 1938. Zubov expressed his views in an article published by the *Vedomosti* daily. MGIMO's justification for dismissing Zubov was that his comments on the developments in Ukraine and on Russia's foreign policy caused indignation; see Alissa de Carbonnel, "Russian Professor Sacked Over Criticism of Actions in Ukraine," *Reuters*, March 24, 2014, http://www.reuters.com/article/us-ukraine-crisis-professor/russian-professor-sacked-over-criticism-of-actions-in-ukraine-idUSBREA2N1BM20140324; see also the report in *Vedomosti*, March 24, 2014, https://www.vedomosti.ru/politics/articles/2014/03/24/professor-zubov-uvolen-iz-mgimo.

[63] Igor Groshev, who worked at the Law Institute at MVD in Tyumen, conducted a sociological survey among his students. The results, published in 2006 in a conference proceedings volume, pointed to widespread corruption at the university. In 2008, after another journal republished the results without Groshev's knowledge, the Law Institute filed a civil suit alleging reputational damage. The court ordered Groshev to retract his findings. The Russian Society of Sociologists has made a detailed description of the case available at: https://www.ssa-rss.ru/index.php?page_id=61. While this case was reported in *Rossiiskaya Gazeta*, the government's official newspaper, future cases would not be discussed in the pages of a state media outlet.

treason. Several categories of actors are usually involved in such attacks: governmental institutions, university bureaucracy and management, and societal groups, especially conservative and far-right groups.[64]

Cases of attacks against scholars over the course of the last three years include: Alexei Petrov (2016, Irkutsk State University), Vera Afanas'eva (2017, Saratov State University), Lyudmila Kolesnikova (2017, Russian Presidential Academy of National Economy and Public Administration, or RANEPA), Dmitry Bogatov (2017, Moscow University of Finance and Law), Anna Alimpeva (2017, Baltic State University), Gleb Yarovoi (2018, Petrozavodsk State University), Viktor Kudryavtsev (2018, Central Research Institute for Machine Building), Alexandr Kynev (2019, HSE), Valery Solovei (2019, Moscow State Institute of International Relations, or MGIMO), Elena Sirotkina (2019, HSE), and Gasan Guseynov (2019, HSE). In addition to scholars, both undergraduate and PhD researchers have been targeted for their political views. One of the most widely discussed cases is that of Azat Miftakhov.[65]

In 2016, Alexei Petrov, deputy dean of the Faculty of History at Irkutsk State University, was dismissed because his public engagement was allegedly detrimental to his educational activities. Petrov was anonymously accused of expressing unpatriotic views and neglecting his university obligations, and

[64] The Russian Orthodox Church is generally considered to be influential in shaping programs of study; see Dubrovskiy, "Escape from Freedom," 186; Alexander Kondakov, "Teaching Queer Theory in Russia," *QED: A Journal in GLBTQ Worldmaking* 3, no. 2 (2016): pp. 107–118.

[65] See "Freedom for Azat Miftakhov!," http://miftakhov.org/; see also "American Mathematical Society Policy Statement about the Case of Azat Miftakhov," *American Mathematical Society*, January 2020, http://www.ams.org/about-us/governance/policy-statements/miftakhov.

the regional prosecutor subsequently inspected the case.[66] In 2017, Vera Afanasyeva, a professor at Saratov State University, was accused of corruption two months after she published a critical article titled "Five Reasons Not To Become a Professor," in which she condemned the widespread practice of civil servants and local and federal assembly deputies acquiring forged academic degrees.[67] In the same year, Lyudmila Kolesnikova, a university lecturer at RANEPA, is reported to have been dismissed from the Academy after she discussed the persecution of gay people in Chechnya and protests organized by Alexey Navalny in one of her lectures.[68]

In 2017, Anna Alimpeva, a sociologist at Immanuel Kant Baltic State University in Kaliningrad, was accused on the state television channel Russia 24 of criticizing the Russian government, "propagating homosexual orientation," and suggesting that the Kaliningrad region should leave the Russian Federation.[69] These accusations were made on the basis of an anonymous note delivered by a person who identified themself as a student at Baltic University. The material aired by Russia 24 included selective quotations from Alimpeva's published work and out-of-context clips of her video-recorded conference

[66] See "How to Get Fired from Your Job in Russia," *The Russian Reader*, November 16, 2016, https://therussianreader.com/2016/11/17/alexei-petrov-irkutsk-university-denunciation/.
[67] Nikolay Podosokorsky, "Police interrogate SGU Professor Vera Afanas'eva for her comments on the Russian science," *Philologist*, March 15, 2017, http://philologist.livejournal.com/9168582.html.
[68] See the reports in *Republic*, April 21, 2017, https://republic.ru/posts/82155; and *Open Russia*, April 21, 2017, https://openrussia.org/notes/708671/.
[69] The Rossiya 24 material is available at: https://www.youtube.com/watch?v=9N_qLBcdNYc&feature=youtu.be&t=2538. The case was reported by Tatyana Ziberova, "'Na obychnykh listakh v kletku': podrobnosti skandala vokrug BFU im. I. Kanta" ["'On Ordinary Paper': Details of the Scandal Surrounding the IKBFU I. Kant"], *Novyi Kaliningrad*, September 29, 2017, https://www.newkaliningrad.ru/news/community/15110393-na-obychnykh-listakh-v-kletku-podrobnosti-skandala-vokrug-bfu-im-i-kanta.html.

presentations. In 2018, the university decided not to prolong Alimpeva's contract.[70]

Dmitry Bogatov, a lecturer at the Moscow University of Finance and Law, was falsely accused of encouraging rioting and terrorist acts (the court acquitted him in 2018).[71]

In 2018, Gleb Yarovoi, a political scientist at Petrozavodsk State University, migrated to Finland for fear of being arrested.[72]

In 2019, Alexandr Kynev, a political scientist at HSE who was voted the most popular lecturer multiple times, was not allowed to renew his contract at the university. Describing his own case, Kynev emphasized: "I am sure that in my case there was no order from any official. In my case, this is an internal story, when, using the general trend, they [Kynev did not clarify who or which institution] are trying to clear a place for the 'right' friends and take control of an important segment of the university."[73]

Elena Sirotkina, a researcher at the Laboratory of Comparative Social Research at HSE, resigned after university management pressured her to withdraw from a research project on activists and supporters of Alexei Navalny.[74]

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[70] See the report in *Novaya Gazeta*, October 4, 2018, https://novayagazeta.ru/articles/2018/10/04/78062-derevya-rubyat-donosy-letyat.
[71] See the report in *Novaya Gazeta*, May 20, 2018, https://novayagazeta.ru/articles/2018/05/20/76538-otbili.
[72] See the report in *Karelia*, August 8, 2019, https://www.karelia.news/news/2121290/a-ponimal-cto-mena-mogut-posadit-prepodavatel-petrgu-i-zurnalist-gleb-arovoj-rasskazal-pocemu-emigriroval-v-finlandiu.
[73] See Alexandr Kynev, "V takikh usloviyakh ni odna nauka normal'no sushchestvovat' ne mozhet" ["No Science Can Exist Under Such Conditions"], *Znak*, June 25, 2019, https://www.znak.com/2019-06-25/izvestnyy_politolog_rasskazal_chto_segodnya_ugrozhaet_gumanitarnymi_naukami_v_rossii; see also https://www.hse.ru/news/life/334355146.html; and the report published in *Rambler*, July 19, 2019 https://news.rambler.ru/education/42524033-politologa-kyneva-uvolili-iz-vshe/.
[74] See Zavadskaya, "Academic Unfreedom"; see also the reports in *Novaya Gazeta*, June 14, 2019, https://novayagazeta.ru/news/2019/06/14/152506-

In 2019, Gasan Guseynov, a professor at HSE, faced attacks after he used social media to criticize the current state of the Russian language and the government's misguided policies in this area. The Ethics Commission at HSE invited Guseynov to apologize for speaking critically of the Russian language. The commission considered Guseynov's case at the request of HSE management, who asked the commission to check Guseynov's social media post for "violations of academic ethics in public speaking" (*narusheniye norm akademicheskoi etiki pri publichnykh vyskazyvaniyakh*).[75] Guseynov argued that his pronouncement was directly linked to the discipline he had been studying for decades – namely, political language and rhetoric. The commission ultimately withdrew its request for an apology. This case, together with other problematic issues at HSE, is of particular importance because of HSE's special position in the Russian HE sector and the role it plays in Russia. HSE holds a leading position in the social sciences and, until recently, has been considered one of the most liberal HEIs in the country. These cases suggest that the "model" for liberal education in Russia, as represented by HSE, is increasingly under threat.[76]

In 2019, Valery Solovei, a political scientist and until recently a professor at MGIMO, quit his job under pressure from the university. As he explained, the institutional leadership

issledovavshaya-aktivistov-navalnogo-sotrudnitsa-vshe-rasskazala-ob-uvolnenii-iz-za-davleniya-prorektora-kasamara-eto-otritsaet; and *Echo Moskvy*, June 14, 2019, https://echo.msk.ru/news/2445263-echo.html.

[75] See the reports in *The Insider*, December 31, 2019, https://theins.ru/opinions/195145; *Novaya Gazeta*, November 8, 2019, https://www.novayagazeta.ru/news/2019/11/08/156751-komissiya-po-etike-vshe-rekomendovala--izvinitsya-professoru-za-vyskazyvanie-o-russkom-yazyke; and on the HSE website, https://www.hse.ru/our/news/316393628.html.

[76] In addition, in 2019 HSE closed its renowned political science program and merged it with "administration studies," making it less political and more orientated toward public administration; see the report in *MBK*, June 5, 2019, https://mbk-news.appspot.com/suzhet/unichtozhenie-politicheskoj-nauki/.

considered his continued employment highly undesirable. He was accused of conducting subversive activities, including promoting anti-state propaganda and undermining political stability.[77] The MGIMO authorities argued that the Ethics Commission considered his behavior unacceptable, and the university declined to prolong his contract.

In 2018, 75-year-old Viktor Kudryavtsev was arrested and charged with handing over "secrets" to the Brussels-based von Karman Institute for Fluid Dynamics back in 2013. According to those close to Kudryavtsev, the authorities used this accusation as a means of intimidation in order to force him to testify against one of his colleagues.[78] Little is publicly known about the accusation against Kudryavtsev.[79] Investigators refer to two emails in which the researcher allegedly shared secret information with foreigners. According to *Kamanda29*, a human rights NGO specializing in treason and spying charges, Kudryavtsev coordinated an international research project and collaborated with scientists from India, Brazil, China, France, the Netherlands, and Belgium. The project was completed in 2013, and the results were published in Russia and abroad. As part of his contract, Kudryavtsev sent two reports to project partners in which he described the research results. Prior to doing so, Kudryavtsev obtained permission from two commissions: the internal commission at the institute and the government commission for export control. Kudryavtsev was

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[77] See the report in *BBC News*, June 19, 2019, https://www.bbc.com/russian/news-48696366; see also "The Emperor Has No Clothes," *Meduza*, June 25, 2019, https://meduza.io/en/feature/2019/06/25/the-emperor-has-no-clothes.
[78] See the report in *Interfax*, December 14, 2018, https://www.interfax.ru/russia/642293.
[79] Natalia Demina, "Delo Kudryavtseva: Zakryt' glaza i zazhmurit' sovest'" ["Kudryavtsev's Case: Close Your Eyes and Close Your Conscience"], *Troitskiy variant–nauka* 275, March 26, 2019, https://trv-science.ru/2019/03/26/delo-kudryavceva-zakryt-glaza-i-zazhmurit-sovest.

released from prison in September 2019, but the case is still ongoing.[80]

In early 2020, the Rostov regional court convicted Alexei Temirev, who has a PhD in technical sciences, of high treason for sending information about submarine power supply equipment to Vietnam. Temirev's lawyer maintained that the information sent to Vietnam was not classified and was the result of a cooperation between Temirev and a graduate student of Vietnamese origin.[81]

In addition to individual scholars, entire institutions have also suffered attacks. The European University at St. Petersburg (EUSP), apart from having lost its teaching license in 2016 (see below), faced defamatory claims from certain media outlets. The digital outlet *PolitEkspert* claimed it had interviewed a former EUSP lecturer and quoted him as saying that EUSP had "practically declared the ideology of LGBT and radical feminism and actively imposes Western political trends on its employees and students."[82] Statements such as this are in line with the determinedly conservative and anti-democratic sociocultural direction that Russian authorities have embraced over the past several years. This intellectual climate has also made some disciplines and fields of research more vulnerable to attacks from beyond academia. The effects of what some scholars term "a conservative patriarchal revival" have been noted in gender studies and in research employing feminist approaches.

[80] See Kamanda29's webpage describing the case: https://team29.org/court/delokudryavtseva/; see also the report on the Memorial Human Rights Center website: https://memohrc.org/ru/defendants/kudryavcev-viktor-viktorovich.
[81] The news report is available at: https://www.themoscowtimes.com/2020/02/13/russian-scientist-sentenced-to-75-years-for-treason-a69277.
[82] See the report in *Politexpert*, September 3, 2017, https://politexpert.net/62312-ekspert-prokommentiroval-vozvrat-evropeiskomu-universitetu-paketa-dokumentov-na-licenziyu.

Academic feminist research is said to be developing in a "drastically unfavorable ideological climate."[83]

4.4 Exchange and Dissemination of Academic Knowledge

Access to scientific literature and information is not censored, but it may be restricted due to paywalls and the limited budgetary resources available to university libraries.

International Collaboration

Data on international collaboration shows that cross-border authorship involving Russian scholars has fallen in recent years.[84] International collaboration between Russian scholars and their counterparts abroad is hindered in several ways. On the one hand, decreasing budgetary resources and visa-related challenges make it more difficult for Russian scholars to attend international conferences. Participating in conferences outside Russia seems to be a privilege rather than a normal part of academic life – one that is reserved for senior scholars and/or those higher up in a particular institutional hierarchy.

The government has also been attempting to impose limitations on contacts with foreign scholars. In early 2019, arguing that it needs to protect industrial secrets, MSHE moved to restrict scientists' interactions with foreigners[85] but backed down in February 2020, following stark criticism from scholars both within and outside Russia.[86] Nonetheless, over the last couple of

[83] Titarenko and Zdravomyslova, *Sociology in Russia*, loc. 2623.
[84] See Simon Baker "Russian Tension with West 'Further Weakening' Research Links," *Times Higher Education*, September 18, 2018, https://www.timeshighereducation.com/news/russian-tension-west-further-weakening-research-links.
[85] Kaczmarska, "Russian 'foreign agent' rules are chilling academic freedom."
[86] See the report in *RIA Novosti*, February 10, 2020, https://ria.ru/20200210/1564480744.html.

years, the pressure on Russian scholars presenting their research results abroad has increased. One interviewee said their own university would not allow them to give lectures at the Free University in Berlin; another mentioned a case in which their colleague had not received permission from the university administration to attend a conference in Ukraine.[87] Russian scholars presenting at international events need to take into consideration the potential presence of Russian diplomats in the audience and the possibility of these representatives questioning why a scholar – who works at a state-funded university or research institution – should criticize the current government.

Foreign scholars and students in Russia also face challenges arising from the vague articulation and inconsistent application of the visa regime, political tit-for-tat, and specific research directions. In November 2019, Carine Clément, a French sociologist who arrived in Moscow to give a lecture on the "yellow vests" movement, was detained at the airport and banned from entering Russia for the next 10 years. Clément, who had lived and worked in Russia for most of the past 20 years, was deemed a national security threat.[88] In 2018, Henryk Głębocki, a historian at the Institute for National Remembrance, was asked to leave Russia following Poland's extradition of Dmitry Karnaukhov.[89] Eleanor Knott, a lecturer at the London School of Economics, had her research on Crimea made the subject of a

[87] Academic collaboration between Russia and Ukraine has been dealt a significant blow following the annexation of Crimea in 2014; see, for example, Dmitry Dubrovskiy, "Krymskiye raskopki rossiyskogo masshtaba" ["Crimean Excavations on a Russian Scale"], 2020, https://tinyurl.com/yxl5d99f.
[88] See "French Sociologist Banned from Russia for 10 Years Ahead of Yellow Vest Lecture," *The Moscow Times*, November 28, 2019, https://www.themoscowtimes.com/2019/11/28/french-sociologist-banned-from-russia-for-10-years-ahead-of-yellow-vest-lecture-a68359.
[89] Academic Freedom Monitoring Project, "Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project," Scholars at Risk, October 23, 2018, p. 35, https://www.scholarsatrisk.org/resources/free-to-think-2018/.

60-minute documentary, with Russian commentators and politicians discussing and critiquing it as well as sharing details about Knott's educational background and professional life.[90] Such treatment is not limited to established scholars. In June 2019, Lukas Latz, a German exchange student from the Free University in Berlin, was expelled from SPbGU and deported following the online publication of his article about an ecological movement in Chelyabinsk. According to the Russian authorities, he should not have worked as a journalist on a student visa.[91] In July 2019, a Cambridge University student was penalized for abusing their tourist visa to deliver a presentation.[92]

Research Communication

The publication of research findings in scientific journals is not obstructed. However, the process of communicating research to the broader public is often mediated by institutions loyal to the state. Both print and television media may interfere with what is being said and how. As political scientist Ekaterina Schulmann explains, on the basis of her personal experience with First Channel (*Pervyi kanal*) state television, scholars may find themselves participating in portions of a program in which they are asked not to comment, but to sit silently. Their very presence, however, lends credibility to what is being discussed. Even when actively participating, their voice may be muted while the host has the upper hand in setting the course of the discussion.[93] These observations were confirmed by a history

[90] See Eleanor Knott, "Beyond the field: Ethics after fieldwork in politically dynamic contexts," *Perspectives on Politics* (2018).
[91] See the report in *Deutsche Welle*, June 26, 2019, https://tinyurl.com/vunqszz.
[92] This post was shared publicly on Facebook in July 2019.
[93] Ekaterina Schulmann's description of her experience is available at: https://www.youtube.com/watch?v=7DhwLJ2dnoA.

scholar at a public talk hosted by EUSP[94] as well as by my interviewees, who described similar experiences and added that these prompted them to refuse to participate in programs run by state media.

4.5 Campus Integrity

Over the course of the past three years, two internationally recognized non-state universities have been partly closed down. EUSP[95] lost its teaching license and accreditation in 2016.[96] The Moscow School of Social and Economic Sciences – usually referred to as "Shaninka" after its founder, Teodor Shanin – lost its accreditation in 2018.[97]

The reasons behind EUSP's loss of its teaching license and accreditation are unclear.[98] The initial complaint to the prosecutor's office was made by Vitaly Milonov, who was then

94 "Is a Scientific History of the Great Patriotic War Possible?," lecture delivered on March 12, 2018.

95 The European University at St. Petersburg, which focuses on the humanities and was established on the basis of a 1994 decree issued by St. Petersburg's then-mayor, Anatoly Sobchak, is a non-profit, autonomous HE organization. While it is small in terms of student numbers, it is internationally recognized; for instance, EUSP was ranked 151st worldwide and 2nd in Russia in the QS subject rating in sociology. See the report in *RIA Novosti*, February 28, 2018, https://ria.ru/abitura_world/20180228/1515427856.html.

96 See the report in *TASS*, December 12, 2016, https://tass.ru/obschestvo/3864062.

97 Without accreditation, a university can still conduct teaching activities, but this implies that the institution does not meet the standards set by the government and cannot issue state-approved diplomas. The lack of accreditation also makes it impossible for students to defer military service while attending the university.

98 This is in contrast to the situation in 2008, when EUSP lost its teaching license for the first time. Back then, the official reason was the lack of compliance with fire-safety regulations, but it was widely believed that the real reason was a research project on election monitoring, implemented by EUSP and financed by the EU.

the pro-Kremlin United Russia Party's deputy to the St. Petersburg Legislative Assembly. Milonov expressed dissatisfaction with the university allegedly "forcing" students to study the rights of sexual minorities, which he likened to the formation of a fifth column in Russia.[99] After this complaint was made, the university underwent inspections by a number of state agencies. Rosobrnadzor found 120 violations of norms and rules, including concerns over the lack of visual information about the dangers of alcohol consumption on university premises.[100] One of the violations concerned enrolment for BA programs,[101] even though the university offered no such programs.

The EUSP affair has been attributed to a few different developments: the tendency among state officials to apply rules without any degree of flexibility, the activities of the Federal Security Service (FSB) and infighting within the ruling regime,[102] research undertaken at the university, and the alleged propagation of "Western values."[103] Another interpretation of EUSP's problems points to funding which the university allegedly received from abroad;[104] however, the university had

[99] See the report in *Lenta*, October 4, 2017, https://lenta.ru/articles/2017/10/04/eu_spb/.
[100] Ibid.
[101] This information came from a Rosobrnadzor representative, Sergei Rukavishnikov, in an interview with the TASS information agency; see *TASS*, December 13, 2016, https://tass.ru/obschestvo/3866531.
[102] See Andrei Kolesnikov and Yegeniya Albats, "EU: Rosobrnadzor i Poltavchenko protiv Putina" ["European University: Rosobrnadzor and Poltavchenko Against Putin"], *New Times*, 2017, https://newtimes.ru/articles/detail/119423. This interpretation suggested that EUSP, generally considered Alexey Kudrin's pet project, was used as a tool in the political struggle between him and his political opponents prior to the 2018 presidential elections.
[103] See the report in *Lenta*, October 4, 2017, https://lenta.ru/articles/2017/10/04/eu_spb/.
[104] See Aronson, "European University at St Petersburg: A survival guide," *Open Democracy*, December 14, 2016, https://opendemocracy.net/od-russia/polina-aronson/european-university-in-st-petersburg-survival-guide.

already stopped accepting foreign funds at the time the complaint was made. EUSP's teaching license was restored in August 2018,[105] and in January 2020 it regained Rosobrnadzor's accreditation for PhD programs in sociology, political sciences, and history.[106]

In the case of Shaninka, Rosobrnadzor assessed the institution and found that some of its teaching programs did not meet federal HE standards, particularly with reference to faculty credentials and lecture hall space.[107] In August 2019, Shaninka applied to Rosobrnadzor for a new accreditation, which was granted in March 2020.[108]

4.6 Subnational and Disciplinary Variation

In terms of disciplinary variation, the social sciences and the humanities are generally more vulnerable to pressure from either the state or senior university management. Self-censorship is also more common in such disciplines as history, international relations, and political science. In the case of non-state universities, especially those with liberal leanings (such as EUSP or Shaninka), oversight seems to have increased. It is also plausible that their conflicts with the authorities are simply more visible, as they are more likely to oppose the government publicly. Importantly, however, the accusations of treason

[105] The Rosobrnadzor decision is available at: http://www.obrnadzor.gov.ru/common/upload/doc_list/1140.pdf.
[106] See the report available on the EUSP website, January 18, 2020, https://eusp.org/news/aspirantskie-programmy-euspb-uspeshno-proshli-gosudarstvennuyu-akkreditaciyu.
[107] See the report in *Vedomosti*, June 21, 2018, https://www.vedomosti.ru/politics/news/2018/06/21/773434-moskovskuyu-visshuyu-shkolu-lishili-akkreditatsii.
[108] See the reports in *MEL*, September 3, 2019, https://mel.fm/novosti/1936854-shaninka; and *TV Rain*, March 20, 2019, https://tvrain.ru/news/shaninke_vernuli_gosudarstvennuju_akkreditatsiju-504165.

discussed above were raised against scholars in STEM (science, technology, engineering, and mathematics) fields.

4.7 Efforts to Promote Academic Freedom

Russian academia tends to focus on initiatives aimed at improving the quality of scientific research and publication as well as on fighting pseudo-science and corrupt practices rather than on academic freedom advocacy. There are two well-known bottom-up initiatives to counter the falsification of research and plagiarism: the volunteer community network Dissernet (founded in 2013) and the Council on the Ethics of Scientific Publications, which is affiliated with the Association of Scientific Editors and Publishers (founded in 2016). Dissernet aims to raise awareness of and expose fraud in the awarding of academic titles.[109] It also monitors plagiarism and the standards of scientific journals published in Russia, drawing attention to cases of incorrect editorial policy – for instance, when a journal accepts ready-made reviews along with an article submission.[110] The council offers support to editors, publishers, and authors with regard to issues related to scientific publishing.[111]

Additionally, in December 2018, RAS created two new bodies tasked with improving standards in Russian science and limiting various types of academic malpractice: the Commission for Countering the Falsification of Scientific Research (*komissiya po protivodeistviyu falsifikatsii nauchnykh issledovanii*) and the Commission to Combat Pseudoscience (*komissiya po bor'be s lzhenaukoi*). The aim was to reinvigorate the efforts of the

[109] A description of Dissernet's aims and policies is available at: https://www.dissernet.org/about/.
[110] The details of Dissernet's approach to journals are available at: http://biblio.dissernet.org/aboutb.
[111] The council's aims can be found on its website: https://rasep.ru/sovet-po-etike/polozhenie-o-sovete-po-etike.

Commission Against Pseudoscience and the Falsification of Scientific Research, which had existed since 1998.

Infringements on academic freedom are usually discussed on social media. In contrast to the issue of research integrity, there are no bottom-up initiatives specifically dedicated to academic freedom. However, organizations such as the University Solidarity trade union, the Society of Scientific Workers (*Obshchestvo Nauchnykh Sotrudnikov*), the Free Historical Society (*Volnoye Istoricheskoye Obshchestvo*), the Center for Independent Social Research (*Tsentr nezavisimykh sotsiologicheskikh issledovaniy*), and the Troitskiy Variant–Nauka media outlet devote some of their activities to academic freedom. Among its aims, the Free Historical Society lists "the countering of any attempts to restrict the freedom of scientific research and academic freedom."[112] In 2015, the Society of Scientific Workers organized a demonstration titled "For the Right to Learn and the Opportunity to Teach."[113] In 2019, Troitskiy Variant published an opinion piece titled "The Freedom to Teach and Learn."[114] In 2020, the Center for Independent Social Research enquired into the understandings of academic freedom in Russia.[115]

[112] The details of the Free Historical Society's manifesto can be found on its website: https://volistob.ru/static/manifest-vio.
[113] Further details are available at: https://tinyurl.com/tzc482l.
[114] See Dmitry Dubrovskiy, "Svoboda uchit i uchitsiya" ["The Freedom to Teach and Learn"], *Troitskiy variant–nauka* 273, February 26, 2019, https://trv-science.ru/2019/02/26/svoboda-uchit-i-uchitsya/.
[115] Dmitry Dubrovskiy, "Akademicheskaya svoboda v Rossii: kak yeye ponimat" ["Academic Freedom in Russia: How to Understand It"], shorturl.at/cxNQS.

5. Conclusion

Over the past several years, the Russian government – while continuing to extoll the importance of higher education and research, and while pushing for HE internationalization – has resorted to legislative and political means that have restricted academic freedom. University autonomy has decreased, and a few universities have faced the threat of closure. Self-censorship in research and teaching is probably the most widespread as well as the most difficult to account for consequence of this increasingly restrictive legal and political climate. Another is the divided academic community, which has faced difficulties not just in unionizing, but also in conjuring one strong, united voice in support of academic freedom.

There are a number of steps that could be undertaken to improve the execution of the constitutional protection of academic freedom. The most important are increasing employment security and raising awareness about the concept of academic freedom, its defining characteristics, and the rights stemming from it. Academic communities in Russia stand to benefit from a more open discussion about the challenges to academic freedom – a discussion that should be conducted without the fear of individual or institutional reputational damage.

Also important is pressure on the legislative body to introduce greater precision in formulating legislative acts and extending their consultation to include institutions and communities that may be indirectly affected, as well as monitoring the impact of specific laws (or amendments) on academic freedom. Greater decentralization of research funding is as important as broadening the space for dialogue between HE practitioners and government bodies regulating the HE sector. Building trust between scholars and university management is also necessary.

Scholars in Russia certainly cannot be considered completely devoid of agency. Their criticism and protest have brought about positive change and have been instrumental in reversing some unfortunate decisions, such as those restricting contact with foreign scholars. However, further budgetary cuts may introduce greater material constraints and insecurity into the HE sector, which, together with the narrowing scope for open public debate, may have detrimental effects on academic freedom. For this reason, it is important to cultivate international ties with scholars and academic institutions in Russia and to use such ties to share and discuss best practices in the realm of academic freedom advocacy and protection.

Academic Freedom in Egypt

Ilyas Saliba

1. Summary

After a small period of improvement between 2011 and mid-2013, academic freedom in Egypt has deteriorated since the military coup in June 2013. 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. These events are also reflected in Egypt's Academic Freedom Index (AFi) scores, as compiled by the V-Dem Institute.[1] After rising from 0.26 in 2011 to 0.31 in 2012[2] (indicating an improvement in academic freedom due to tendencies toward liberalization after President Mubarak was ousted), Egypt's AFi score fell dramatically – from 0.31 in 2012 to 0.09 in 2013 – due to the violent crackdowns on student protests as well as to increasing political control of the academic sector.

Although student protests have died down and the scale of violent repression has consequently also 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 entailed the expansion of military jurisdiction to events on and around campuses. Furthermore, reinstated presidential prerogatives and regular intrusions into universities by the security services have crippled the freedom to research and

[1] The data analysis tool is available at: https://www.v-dem.net/en/analysis/.
[2] 0.00 is the worst possible score, and 1.00 is the best possible score.

teach, institutional autonomy, campus integrity, and the opportunity for international academic exchange. In line with this situation, Egypt's 2016 AFi score reached its lowest point since World War II: 0.05. It has remained at a similarly low level since then. For comparison, the global average AFi score for the same period is between 0.62 and 0.63. As the following case study shows, the AFi rightly categorizes Egypt as one of the world's lowest-scoring countries with respect to academic freedom.

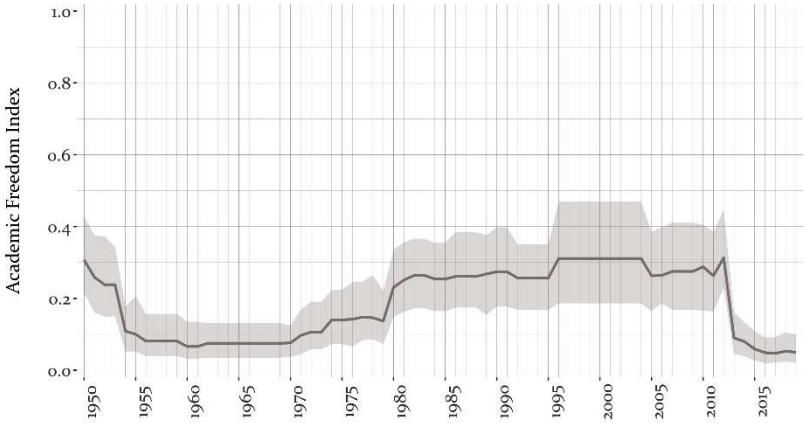

Figure 1: Academic Freedom Index Scores, Egypt 1950–2019[3]

After the initial, overtly repressive response to student mobilization and political activity on campus – especially in Cairo – in the first two years after the 2013 military coup, the Al-Sisi regime has adopted a subtler way of setting the boundaries of academic freedom in Egypt since 2015, relying mostly on legal and bureaucratic measures as means of control.

[3] Source: V-Dem": V-Dem Institute, "V-Dem dataset - Version 10," 2020, dataset available at: https://www.v-dem.net/en/data/data-version-10/.

2. Methods, Sources, and Scope of the Study

There is little secondary literature on the subject of academic freedom in Egypt, particularly when it comes to the last five years. Hence, I had to rely primarily on grey literature in the form of reports by human rights organizations, press reports, and interviews with experts on the matter.

For the purpose of this case study, I reviewed relevant changes to the Egyptian Constitution as well as legislation and regulations affecting the higher education sector, academic freedom, and life on campus over the last seven years. Furthermore, I also took into account security services practices and relevant court case rulings. My analysis of these is mainly based on secondary sources, such as reports by Egyptian and international human rights groups and unions, as well as research papers that provide significant insights into the current or recent status of academic freedom in Egypt.

Moreover, I also conducted five semi-structured expert interviews with Egyptian social scientists as well as country experts from outside Egypt who work on issues related to higher education policy, academic freedom, or human rights issues. For safety reasons, I consciously refrain from using their names or any descriptions that could disclose their identity. The interview transcripts are anonymized and safely stored offline. The audio recordings were deleted in order to avoid any identification of the respondents should these recordings fall in the wrong hands. The experts were purposefully selected from various disciplinary and professional backgrounds. They include social scientists and higher education researchers as well as legal scholars and human rights researchers who investigate different aspects of academic freedom at Egyptian universities and could draw on their own experiences as well as those of their colleagues. Additionally, I conducted less formalized background conversations with practitioners in administrative roles involving international higher education cooperation who could draw on their

experiences of working with Egyptian universities and the Egyptian Ministry for Higher Education and Research. What is missing in this sample is a first-hand account by a natural scientist conducting research and teaching in Egypt. However, the many individual incidents and cases described in the main analyses of this study reflect a number of examples of violations against natural scientists.

Unfortunately, conducting a large-n survey among academics would pose a risk to respondents under the current political circumstances and was thus beyond the scope of this case study.

INTERVIEW	PROFESSION & EXPERTISE	CONDUCTED
1	Professor of social sciences at a renowned Egyptian public university	April 2020
2	Professor of sociology at a renowned Egyptian private university	April 2020
3	Researcher specializing in European–Egyptian research & higher education cooperation	June 2020
4	Researcher at Amnesty International specializing in Egypt	May 2020
5	Researcher specializing in the Egyptian higher education system	June 2020

Table 1: List of Interviews

Last but not least, this case study is informed by my own experiences as a political scientist conducting fieldwork in Cairo for around 16 months between 2013 and 2016, which involved repeated, longer fieldwork trips. Throughout this period, I personally experienced indirect institutional censorship regimes at work. The killing of the Italian researcher Giulio Regeni, who was in Cairo conducting fieldwork for his PhD research at the same time, heavily impacted my personal sense of safety as well

as that of many other researchers in Egypt.[4] In the light of Regeni's murder, I considered leaving Egypt, but I decided to stay and to employ a set of risk mitigation strategies in order to avoid trouble with the security services during my trip.

However, my own experience very much centered around conducting research and intellectual exchanges in Cairo. In the same vein, most of the expert interviewees have been working and living primarily in the capital and in Alexandria, Egypt's second-largest city. The scope of the following analyses is thus biased toward insights from these two large metropolises, and the experiences of scholars and students at peripheral universities or higher education institutions in more rural areas are likely underrepresented.

3. Characteristics of the Higher Education Sector

Governance

The governance of the higher education sector in Egypt is highly centralized: the Ministry of Higher Education, the Higher University Council, and the Higher Research Council are the central institutions at the top.[5] The Higher University Council consists of all the university presidents in the country and is headed by the minister of higher education. Student or researcher unions are not represented in the Higher University Council, nor are these groups invited to participate in national-level policymaking on higher education and research in any meaningful way. The minister of higher education usually suggests candidates for appointment as university presidents,

[4] Jannis J. Grimm, Kevin Köhler, Ellen M. Lust, Ilyas Saliba, and Isabell Schierenbeck, *Safer Field Research in the Social Sciences. A Guide to Human and Digital Security in Hostile Environments*, London: SAGE, 2020, pp. xv–xviii.
[5] Information taken from interviews 3, 4, and 5.

and these are referred to the presidential palace and officially appointed by presidential decree. Since the coup in 2013, competitive elections for the posts of university presidents, which were briefly introduced, have eroded and have been replaced by this nomination procedure, which was also prevalent during Mubarak's reign. Governance within universities is similarly centralized, with the university president at the top.

Funding Structure

Egypt has a sizeable number of private and international universities. Private universities raise funds with tuition fees, whereas public universities are funded by the state. The pressure to gain third-party funding in public universities is mainly based on the financial benefits for the successful applicant, who can increase their income up to tenfold by receiving grants.[6] Increasing government pressure on public universities to raise student numbers has led to rising admissions with no increased investment in resources or staff. As a result, the quality of higher education at public universities has deteriorated.[7] The ratio of students to teachers is over 200:1 in some colleges.[8]

The first international universities were set up based on partnership agreements with the US and Japanese embassies.[9] Since a relevant law was passed in 1992, other private universities

[6] Mohsen E. Said, "Cairo University: The Flagship University of Egypt," in *Flagship Universities in Africa*, ed. D. Teferra, London: Palgrave Macmillan, 2017, pp. 57–90.
[7] According to the CIA Factbook, over 53% of Egypt's population is below the age of 25. See https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html.
[8] Said, "Cairo University: The Flagship University of Egypt," p. 58.
[9] Mohsen E. Said, "Differentiated postsecondary systems and the role of the university: The case of Egypt," in *Responding to Massification. Differentiation in Postsecondary Education Worldwide*, eds. Philip G. Altbach, Liz Reisberg, and Hans de Wit, Rotterdam: Sense Publishers, 2017, pp. 29–38.

(both non-profit and for-profit) have been legal in Egypt (Act 101, 1992). However, the private and international education sector is not large in terms of student numbers, as high tuition fees mean that access is effectively restricted to the upper classes. In 2016, 4.4 percent of all students were enrolled in private universities.[10] Despite this, such universities remain important due to their reputation and the high quality of the education they provide.

Size and Access

The higher education sector in Egypt today is made up of more than 50 universities and around 3 million students in higher education institutions, accounting for around 2 percent of the population.[11] In 1993, 471,000 students began their studies at public universities in Egypt. In 2013, that number had already more than doubled.[12]

Admission to study programs at public universities is centralized at the national level by means of admission exams and is mainly merit-based, but the system nevertheless reinforces structural societal inequalities. Tuition fees at public universities are uncommon; high tuition fees are very common at private universities, however, which leads to class-based selectivity.

Financial Security

Egyptian public university professors' salaries were fixed in a 1972 Sadat-era law and never adapted to inflation or rising costs of living.[13] Despite a major salary increase for academics

[10] Said, "Differentiated postsecondary systems and the role of the university," p. 37.
[11] See https://eacea.ec.europa.eu/sites/eacea-site/files/countryfiches_egypt_2017.pdf.
[12] Said, "Cairo University: The Flagship University of Egypt," p. 65.
[13] See https://www.al-fanarmedia.org/2014/01/the-economic-struggle-of-public-university-professors/.

employed at public universities,[14] introduced in a bill in April 2013,[15] the salary of an average researcher employed at a public university in Egypt rarely suffices to finance a decent standard of living.[16] In November 2015, the ministry of higher education and research revoked the tax exemptions on professors' salaries, reducing faculty income by around one-quarter.[17] At the beginning of the 2019 academic year, thousands of faculty members at Egyptian public universities started a campaign to change the law specifying the salaries of university employees and demanded pay increases.[18]

Many researchers or professors at public universities work in the private sector in addition to their university jobs.[19] Some also take on additional teaching jobs at private universities.

Discrimination and Misconduct

According to the interviews conducted for this study, corruption does not seem to be a major issue, although nepotism does play a role in the academic system and undermines recruitment processes, particularly at public universities.

Universities are primarily concentrated in larger urban centers. In the southern regions, only a few tertiary education institutions exist. Among the student body, gender distribution is relatively equal. Among academic staff, woman remain underrepresented. This gender disparity increases with the level of seniority.

[14] Said, "Cairo University: The Flagship University of Egypt," pp. 72–73.
[15] See https://www.ft.com/content/16ab0414-a830-11e2-8e5d-00144feabdc0.
[16] Said, "Cairo University: The Flagship University of Egypt," p. 69.
[17] See https://www.al-fanarmedia.org/2015/11/egyptian-finance-ministry-gives-professors-a-pay-cut/.
[18] See https://themedialine.org/by-region/egyptian-educators-protest-over-wage-stagnation-lack-of-benefits/.
[19] Benjamin Geer, "Autonomy and Symbolic Capital in an Academic Social Movement: The March 9 Group in Egypt," *European Journal of Turkish Studies* 17 (2013): p. 13.

Politicization

Compared to the era of Nasser's and Sadat's rule, student mobilization, both on campus and beyond, took place only sporadically during Mubarak's reign.[20] Under Mubarak, students' rights to organize politically and to protest were severely restricted. According to Mohamed Nagy, a researcher at the Egyptian NGO AFTE,[21] "[n]o collective action or organization of any kind was accepted, nor was there any real opportunity for student representation."[22]

In recent years, the politics of higher education governance has been critically impacted by contentious and at times violent political and societal conflicts in Egypt. Students were one of the main societal groups participating in the 2011 Arab Spring protests, which eventually removed the autocrat Mubarak from office, and universities often served as starting points for protest marches. After mass protests against President Mohamed Morsi in the summer of 2013, the military staged a coup and removed Morsi from office. Subsequently, students who support Morsi have been at the forefront of protests against the military takeover.[23]

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[20] Hatem Zayed, Nadine Sika, and Ibrahim Elnur, "Activism and Contentious Politics in Egypt: The Case of the Student Movement," unpublished manuscript on file with the authors.

[21] AFTE stands for the Organization for Freedom of Thought and Expression; see the information available at: https://afteegypt.org/en/.

[22] AFTE and SAR, "Joint submission to 34th Universal Periodical Review of the Human Rights Council on Egypt," 2017, p. 10, www.scholarsatrisk.org/wp-content/uploads/2019/04/Scholars-at-Risk-AFTE-Egypt-UPR-Submission-1.pdf.

[23] Florian Kohstall "From Reform to Resistance: Universities and Student Mobilisation in Egypt and Morocco before and after the Arab Uprisings," *British Journal of Middle Eastern Studies* 42, no. 1 (2014): pp. 59–73.

4. Current State of Academic Freedom and Key Developments in the Recent Past

4.1 Legal Protection of Academic Freedom

Egypt ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1984 without raising any reservations or commenting on articles 13, 14, or 15 of the covenant, which include a number of references to academic freedom and access to education.[24]

Under the monarchy, the Egyptian Constitution included a reference to academic freedom until 1956. Nasser and his followers then removed this reference from Egypt's 1956 Republican Constitution. In 2014, the guarantee of academic freedom was reintroduced. Article 21 of Egypt's current constitution guarantees institutional autonomy, and Article 23 asserts: "The state grants the freedom of scientific research." Accordingly, de jure constitutional protection of academic freedom is rather strong. However, the state of emergency – continuously in place since April 2017 – and additional counter-terrorism legislation have been extensively used to target university students and staff in the past, thus undermining these constitutionally guaranteed rights of academic freedom and institutional autonomy.[25] With regard to the higher education sector, the president has used his emergency law prerogatives to appoint heads of universities by presidential decree and to criminalize certain student unions. Moreover, the security services have used their extended powers to arrest and persecute researchers and students, often on trumped-up charges or

[24] See https://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/Pakte_Konventionen/ICESCR/icescr_en.pdf.
[25] Sherif. M. Eldeen, "Egypt Back Under Emergency Law," 2017, https://carnegieendowment.org/sada/69886.

allegations of having committed acts criminalized under the new counter-terrorism legislation.[26]

The rights of students and researchers were further eroded as a result of the vast increase in military court jurisdiction to include the vicinity of all public buildings. Consequently, many students and some academics have been sentenced by military courts. AFTE has documented at least 65 military trials of students between mid-2013 and mid-2016.[27] Furthermore, a 2015 presidential decree broadened the basis on which tenured faculty could be fired to include any political activism on campus as well as vague ethics violations.[28]

As mentioned above, the Ministry of Higher Education and Research develops and oversees higher education policy. On the national level, in addition to the General Supreme Council of Universities, there are four specialized executive bodies regulating tertiary education in Egypt and overseeing the implementation of the ministry's policies in private universities, the Islamic Al-Azhar University, and technical education institutions.[29] The councils consist of the respective university presidents and representatives from the ministry. Each supreme council is responsible for overseeing the implementation of the ministry's higher education policies. In addition, the General Supreme Council of Universities – on which all university presidents and some additional public figures are represented –

[26] Amy A. Holmes and Sahar Aziz, "Egypt's Lost Academic Freedom," *SADA*, https://carnegieendowment.org/sada/78210.
[27] AFTE and SAR, "Joint submission to 34th Universal Periodical Review of the Human Rights Council on Egypt," p. 5.
[28] See https://www.almasryalyoum.com/news/details/631252.
[29] For public universities, this is the Supreme Council of Public Universities. For private institutions, this is the Supreme Council of Private Universities. For technical higher education institutions, this is the Supreme Council of Technical Institutes. For religious higher education, this is the Supreme Council of Al-Azhar University.

headed by the minister of higher education, oversees the general implementation of higher education policies.

All in all, despite constitutional guarantees, the legal protection of academic freedom and the institutional autonomy of higher education institutions in Egypt have been eroded in recent years by various legislative and regulatory changes, as well as by the ongoing state of emergency.

4.2 Institutional Autonomy and Governance

During a brief period between 2011 and 2013, public university presidents in Egypt were elected by the respective university faculty in an open, competitive process. The Morsi government "allowed faculty to elect their own deans and presidents. [...] In 2014, Al-Sisi issued a decree reversing course."[30] After grabbing power, President Al-Sisi reinstated the presidential prerogative to appoint university presidents. They are usually nominated by the Ministry for Higher Education and Research and subsequently appointed upon confirmation from the presidential palace. The president has also made regular use of his authority to fire undesirable university presidents in recent years.[31] One of the experts interviewed for this study concluded that the main achievements of the 2011 uprisings with respect to university autonomy and self-governance "have been fully reversed by the regime sine the 2013 military coup."[32]

Public university administrations cannot make changes to departmental structures or study programs on their own authority; such changes need to be accredited and approved by the National Authority for Quality Assurance and Accreditation for Education (NAQAAE).[33] NAQAAE has to confirm all new

[30] Holmes and Aziz, "Egypt's Lost Academic Freedom."
[31] Ibid.
[32] Information taken from Interview 1.
[33] Founded in 2006 under the auspices of the Ministry of Higher Education, NAQAAE is responsible for accrediting higher education institutions and their

departmental structures and new study programs.[34] Given its limited resources and the growing number of higher education institutions and study programs in Egypt, the accreditation of new programs has slowed down in recent years.

Despite this centralized executive system of higher education governance, universities enjoy a certain level of autonomy in terms of their internal regulations and community service, and to some extent in their financing and fundraising. Public funding for universities is usually earmarked for specific budget lines, whereas funds raised by the university itself can be freely managed by the institution in accordance with its own standards and strategic goals. Thus public institutions that raise more funds, independent of the public funding they receive, have more room to maneuver when it comes to their own financial governance.[35]

Universities themselves are centrally organized; the office of the university president sits atop this hierarchical structure and makes most of the executive decisions without consulting faculty or students. Consequently, departments do not have much latitude for self-governance. One of the experts interviewed for this study argued that universities "do not enjoy any financial, administrative, or pedagogical autonomy."

During and after the 2011 January Revolution, many new and independent student unions emerged, and their members were elected as university- and national-level student union representatives. However, just two years later, most of the newly

programs according to national standards. On this point, see Said, "Differentiated postsecondary systems and the role of the university," pp. 40–41.

[34] Tariq H. Ismael, "Does Egyptian universities' disclosure on social responsibility enhance sustainable development?," *Journal of Humanities and Applied Social Sciences* 2, no. 2 (2020): pp. 82–84.

[35] European Commission, "Egypt: Overview of the Higher Education System," Brussels: 2017, p. 8, https://eacea.ec.europa.eu/sites/eacea-site/files/countryfiches_armenia_2017.pdf.

established independent student unions were disbanded and banned from participating in subsequent elections for the national student union. Since 2013, elections for student and researcher unions have been fully controlled by the state, although elections are still formally held at most universities. Some private universities (including private universities with international ties, such as the British University in Egypt and the German University in Egypt) have reportedly banned student unions altogether. In 2015, "Sisi issued a decree authorizing the intelligence services to regulate public universities and their faculty's intellectual life."[36]

During recent elections for student union representatives, interference took place in the form of excluding several student groups from the ballot. Such measures particularly targeted student groups that seemed to be close to the banned Muslim Brotherhood or the April 6 Movement.[37] At least one student union representative was charged with terrorism for his political work and received a prison sentence.[38] At public universities in Egypt today, students are not consulted and do not play a role in the governance of either their university or the Ministry of Higher Education. In fact, since the brutal crackdown on student protests in 2013/2014, students' extra-curricular involvement at universities is usually limited to volunteer activities with no significant influence on university governance.[39]

All the experts interviewed for this study agreed that while most promotions within the Egyptian academic system are largely based on merit and fulfill certain formal requirements (such

[36] Holmes and Aziz, "Egypt's Lost Academic Freedom."
[37] This movement spearheaded the 2011 January Revolution. On this point, see AFTE and SAR, "Joint submission to 34th Universal Periodical Review of the Human Rights Council on Egypt."
[38] See https://afteegypt.org/en/academic_freedom/2018/07/11/14007-afteegypt.html.
[39] Information taken from interviews 1 and 2.

as years of academic experience and a target number of publications), appointments to prestigious positions also reflect political considerations, and loyalty to the regime plays a major role. One of the experts interviewed went even further, claiming that "universities have direct channels to the security services when prolonging contracts or approving research projects, although often these processes remain absolutely obscure for faculty members."[40] Such practices increase the instability of academic jobs at Egyptian public universities.

In 2020, the Egyptian Parliament took action against the growing influence of the country's most important religious higher education institution, Al-Azhar University. A new bill aims to end Al-Azhar's control of Dar al-Ifta, the institution which regulates the lives of Egypt's Muslims, giving the Egyptian president instead of the university the right to appoint Dar al-Ifta's mufti, Egypt's top Islamic jurist. Lawmakers have rejected strong condemnations of this move as well as claims that such a change would undermine Al-Azhar's institutional autonomy.[41]

4.3 Freedom to Research and Teach

In the years since 2013, many topics can no longer be researched or discussed at universities for fear of repercussions for students or researchers. The red lines have shifted and are less clear than they were before. Researchers in Egypt suffer from restrictions on and sometimes the criminalization of their research. Research on the role of the Egyptian army in the state and in society, on political Islam in Egypt (especially on the Muslim Brotherhood organization, which has been criminalized), or on any other topic which the government deems inappropriate or unpatriotic is off limits and may entail serious consequences for the researcher. In several cases, researchers have been arrested

[40] Information taken from Interview 5.
[41] See https://www.middleeasteye.net/news/egypt-azhar-stripped-power-parliament-reforms.

and prosecuted on terrorism charges or for supporting terrorism due to their research on the Muslim Brotherhood or on the fight against ISIS in Sinai. A few researchers who are working on the protests, the Muslim Brotherhood, or issues related to national security – such as the military – have left Egypt due to the risks associated with conducting such research there.[42]

Like no other case before or since, the brutal killing of the Italian Cambridge University researcher Giulio Regeni – likely perpetrated by the Egyptian security services – highlighted the fact that research on politically contentious issues can end in death for researchers in Egypt, no matter their nationality. Regeni was investigating the role of independent unions after the 2011 revolution in Egypt, and one of his most trusted interlocutors tipped off the security services.[43] The ways in which the Egyptian judiciary and security services have been obstructing the ongoing Italian investigations into Regeni's death in recent years indicates that neither the security services nor the state prosecutor have any interest in holding the responsible people to account.

Although Giulio Regeni's murder is the best-known case internationally, it is not the only case of a scholar being persecuted or harmed by the Egyptian security services. After speaking on current developments in Sinai at a public conference organized by a think tank in Berlin, Ismail Alexandrani – a prominent Egyptian researcher with the Woodrow Wilson Center[44] and an independent journalist – was arrested upon his return to Egypt. Alexandrani spent more than

[42] Information taken from Interview 1. See also AFTE, "Universities Without Academic Freedoms. A Report on Freedom of Teaching and Research at Egyptian Universities," 2020, p. 11, https://afteegypt.org/en/academic_freedoms/2020/07/27/19745-afteegypt.html

[43] See https://www.theguardian.com/world/2016/oct/04/egypt-murder-giulio-regeni.

[44] See https://www.wilsoncenter.org/person/ismail-alexandrani.

two and a half years in pre-trial detention and was charged in 2018 with belonging to the Muslim Brotherhood and spreading information that could harm national security; he received a ten-year prison sentence. Paradoxically, in previous interviews and in his own writings, Alexandrani had been very critical of the Muslim Brotherhood.[45]

There are also many less-visible instances of Egyptian students and researchers being persecuted and jailed for issues related to their scholarly work. In less drastic cases, several students or researchers have been disciplined by their universities[46] or have been denied an academic qualification or a promotion.[47]

Turning from cases of individual scholars to more structural forms of restrictions on the freedom to research, it is important to point out that larger research projects conducted at public universities require security clearance before being approved. This security clearance is usually granted by a security services

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[45] See https://www.middleeasteye.net/news/egypt-military-court-sentences-sinai-journalist-10-years.

[46] AFTE documented one case involving an arts student who was suspended by her university for participating in demonstrations against ceding the Egyptian islands of Tiran and Sanafir to Saudi Arabia in 2016; see https://afteegypt.org/en/breaking_news-2/2018/10/30/16213-afteegypt.html. In another case, Al-Azhar changed the titles of several MA and PhD theses, stating that the previous titles were not consistent with its moderate ideas and constituted a threat to national unity. The faculty member supervising these theses was later suspended from teaching both undergraduate and graduate classes, and from supervising graduate students in the future.

[47] In 2014, Al-Azhar University in Cairo refused to grant a PhD candidate the doctoral degree he had earned due to the fact that in his thesis, he described the events of June 30, 2013 as a military coup; see https://www.masrawy.com/news/news_egypt/details/2015/10/29/684721/إلغاء-مناقشة-رسالة-دكتوراه-بالأزهر-و. In another case at Suez Canal University, both a PhD and an MA thesis investigating issues surrounding the Muslim Brotherhood were dismissed because they allegedly disturbed public order and challenged Egyptian court rulings designating the Muslim Brotherhood as a terrorist group; see https://alwafd.news/أخبار-وتقارير/1001485-جامعة-القناة-تُلغي-رسالتين-علميتين-حول-الإخوان.

representative who is placed in the university administration. All the experts interviewed for this case study agreed that the level of scrutiny involved in security clearances for research projects differs greatly between disciplines – that it most heavily impacts the social sciences and the humanities, less so the natural sciences.[48] Although no sophisticated system of state control over research topics exists, university-level security personnel or university administrations usually interfere if they fear sanctions or negative consequences as a result of certain research projects.

Some of the experts interviewed pointed out that the security services are increasingly scrutinizing the topics of bachelors, masters, and doctoral theses as part of research approval processes, and censorship of students and faculty has expanded as a result.[49] However, the most frequent form of censorship is self-censorship. According to the interviews conducted for this study as well as AFTE reports based on interviews with faculty members at Egyptian public universities, many faculty members and students practice forms of self-censorship in order to avoid getting into trouble with their university administration or the security services.

The freedom to teach has also come under pressure. Teaching is increasingly limited due to heightened surveillance on campus, mainly via informants recruited from the student body. Together with highly publicized persecutions of academics based on their teaching,[50] this situation has likely increased individual and departmental self-censorship at Egyptian universities. Many researchers have shifted to researching other issues which they deem less controversial and are censoring themselves in class for fear of being reported. Furthermore, two

[48] Information taken from interviews 1–5.
[49] Information taken from interviews 1, 3, 5, and AFTE, "Universities Without Academic Freedoms," p. 7.
[50] See, for example, the coverage of the above-mentioned Ismail Alexandrani incident: https://www.dailynewssegypt.com/2017/01/01/607705/.

of the interviewees indicated that their superiors at their institutions had asked them to implement changes to the content of their teaching curricula or readings lists in order to avoid trouble with the authorities. Such instances were reported by interviewees at public and private universities alike.

According to a recent AFTE study, several faculty members at Egyptian universities have received directives from the Ministry for Higher Education and Research instructing them not to discuss any issues related to territorial integrity or the so-called Tiran and Sanafir crises[51] in their classes.[52]

In one concrete example, a European professor teaching social sciences at an Egyptian public university told me that she never discusses Egyptian examples (not even historical examples) and avoids comparing developments in other countries to those in Egypt for fear of reprisals against her or her students.[53] Two of the researchers interviewed for this study said they did not dare to speak about the Egyptian army, political Islam, or any religious affairs in their seminars.[54] Nevertheless, according to the interviews conducted for this study, the level of self-censorship and surveillance in teaching differs between faculties and universities.[55] As with the restrictions on research funding, censorship in teaching likely occurs more regularly in the humanities and the social sciences due to the potentially more sensitive issues addressed in these disciplines. Self-censorship is not only common at public universities; in private conversations on the topic, three lecturers at private universities in Egypt also

[51] Jannis J. Grimm, "Egypt is not for sale! Harnessing nationalism for alliance building in Egypt's Tiran and Sanafir island protests," *Mediterranean Politics* 24, no. 4 (2019): pp. 443–466.
[52] AFTE, "Universities Without Academic Freedoms. A Report on Freedom of Teaching and Research at Egyptian Universities," p. 12.
[53] Information taken from Interview 1.
[54] Information taken from interviews 1 and 2.
[55] Information taken from interviews 1, 2, and 5.

reported adjusting their wording and the topics they addressed in lectures or seminars.

A survey-based study of 800 university students, which investigated perceptions of academic freedom among students enrolled at public and private universities in Egypt in 2014, found that "security-oriented administrations often interfere in student academic life in areas such as student admissions, student research, student conduct and choice of curricular materials."[56] The survey also indicated that students evaluated their freedom of expression on campus and in seminars as limited.[57]

However, it seems that faculty at private universities usually enjoy considerably more freedom in teaching and research compared to their colleagues at public universities. This is because private and international universities in Egypt enjoy financial independence and a different legal status, which means they are less likely to experience direct governmental interference or pressure, security services' access to campus is limited, and they are less vulnerable to the governmental prerogatives or pressure which are often used to limit freedom of research and teaching.[58]

In sum, both the freedom to research and the freedom to teach have increasingly come under attack in Egypt since the military coup in 2013. Whereas a more open and at times vivid debate among students and academics evolved after the 2011 January

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[56] Mouhammd M. Zain-Al-Dien, "Student Academic Freedom in Egypt: Perceptions of University Education Students," *Universal Journal of Educational Research* 4, no. 2 (2016): p. 435.
[57] Zain-Al-Dien, "Student Academic Freedom in Egypt: Perceptions of University Education Students," p. 436. Despite the fact that the sample was not randomized, the results of this survey provide a rare perspective on the perceptions of students studying in Egypt after the coup.
[58] See https://www.aaup.org/article/neoliberal-coup-american-university-cairo#.XzpKsC2w124.

Revolution that ousted Mubarak, persecutions of unwelcome researchers and self-censorship among faculty and students for fear of reprisals have once again taken hold at universities throughout the country under President Al-Sisi.

4.4 Exchange and Dissemination of Academic Knowledge

The publication and dissemination of research results is not usually systematically or pre-emptively restricted, beyond the general restrictions on research topics outlined above. The prominent case of the renowned economist Abdel Khalik Farouk – who was arrested shortly after publishing his latest book, *Is Egypt Really a Poor Country?* – is one example of how targeted restrictions on publications occur after the work is made public.[59] Mr. Farouk was released after spending ten days in custody, but the Egyptian authorities banned his book. One of the experts interviewed for this study pointed out that publications in Arabic are more likely to be censored by the Egyptian authorities than publications in English.

Although physical libraries often lack copies of contemporary scientific literature and journals, online access to most scientific journals for students and staff is provided through an online platform by a network of universities under government auspices. It is thus more difficult to find Arab-language publications, which often appear only in printed series and are less likely to be found online. However, one issue mentioned by the experts interviewed was access to national public databases. As one interviewee pointed out: "Many Egyptian professors don't get access to national data" because public authorities do not cooperate. In addition, according to Emad Abo Ghazy, a professor at Cairo University, restrictions on conducting

[59] See https://www.euromesco.net/news/egyptian-economist-abdel-khalik-farouk-arrested-over-critical-book.

surveys, collecting data, and accessing archives have increased in recent years.[60]

As a policy, Egyptian universities aim to increase their faculty members' participation at international conferences where they can present their research.[61] In practice, however, support for international travel is often limited by the university's lack of resources. Well-funded public universities such as Cairo University provide travel funds for their faculty. At other public institutions, financial support for travel is less available, or at least less generous. Private universities in Egypt usually have separate budget lines for faculty travel funds.

The presence of security services personnel in administrative roles at Egyptian higher education institutions – both universities and ministries alike – since the 2013 coup has enabled the security services to keep an eye on the international trips researchers make. According to two of the experts interviewed, the university security officer – who is officially assigned a role in university management but is allegedly placed in that role by the intelligence services – screens all international conference travel applications and decides whether to approve them. Even the fact that researchers have to obtain permission from their university administration as well as from the Egyptian Foreign Office before undertaking any international travel in relation to their work can be seen as an unnecessary administrative burden and an instrument of political control.

Similarly, foreign researchers who want to teach or conduct research in Egypt need to apply for permission from the Foreign Office. Public university employees who want to participate in academic exchange abroad have to explain their reasons for travelling and describe the content of their presentations; this measure is intended to prevent researchers from "doing harm to

[60] AFTE, "Universities Without Academic Freedoms," p. 8.
[61] Said, "Cairo University: The Flagship University of Egypt," p. 79.

Egypt's image" – so said one of the interviewees, quoting a security official who had interviewed them about their application for a travel permit.[62]

Two Egyptian scholars mentioned being surveilled by the Egyptian authorities abroad – for instance, by embassy staff who attended their public talks. Moreover, individual travel bans imposed by the security services target faculty members who have spoken about politically sensitive issues while abroad in the past. A recent report by AFTE, which investigated three cases of Egyptian academics who were prevented from leaving Egypt due to pending security clearances, substantiated the fact that these newly established security clearance obligations lead to restrictions on academic mobility and international exchange.[63] The study highlights only three recent cases, but the real number of such or similar cases is likely much higher, as only a few researchers would publicly or even anonymously talk about such incidents for fear of reprisals from the security services.

The need for security clearance is not limited to Egyptian faculty at public universities who want to travel abroad; it also applies to incoming faculty members from outside Egypt who take up permanent or visiting positions in Egyptian higher education institutions – a situation which further restricts international staff exchange. The interviews conducted for this case study confirmed that such restrictions have become more common in recent years. One of the interviewees mentioned having to postpone several workshops at universities in Cairo because the security clearance for these events was repeatedly delayed. In sum, the security services control most aspects of academic life through their presence on campus and their veto powers in administrative procedures.

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[62] Information taken from Interview 1.

[63] AFTE, "Pending Security Clearance. Travel Restrictions on Faculty Members," 2019, https://afteegypt.org/wp-content/uploads/2019/06/Pending-Security-Clearence.pdf.

One extremely contentious and subsequently publicized example of revoked travel permission for an Egyptian researcher took place during the most recent Universal Periodical Review (UPR) at the UN Human Rights Council (UNHRC) in Geneva. The Egyptian authorities prohibited at least one Egyptian scholar who was scheduled to testify at the UNHRC hearing from leaving the country in an attempt to prevent critical Egyptian voices from participating in the review as experts.[64] However, this case was clearly driven by the overtly political nature of the topic as well as the high-profile venue – the political stakes for the Egyptian government were extremely high.

Egyptian academics regularly voice their opinions in newspapers as well as on television and radio programs. Some of the more prominent academics even have their own editorials or columns in national newspapers. As one interviewee pointed out: "The professor as a public figure is something which is very present in Egypt."[65] Many use social media, such as Twitter and Facebook, to disseminate their research findings to a wider audience. If the statements researchers make on social media contradict the current government narrative or touch on the sensitive issues mentioned above, this may lead to persecution by the authorities on charges of defaming Egypt or spreading fake news. Without a doubt, there are limits to what academics can say publicly in print media due to widespread censorship at most Egyptians newspapers. Anything that is overly critical of the current regime or contradicts the regime's position on a certain issue is likely to be censored in print media. Consequently, in recent years, academics such as the economist Hassan Nafsa

[64] Press Release by the Office of the UN High Commissioner for Human Rights, November 2016, https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20924&LangID=E.
[65] Information taken from Interview 3.

have stopped writing their columns for large Egyptian newspapers as a protest against this censorship.

Some online outlets regularly host interviews with or invite contributions by Egyptian academics without censoring them, but their reach is limited in comparison to print media, and many of these independent media websites are blocked in Egypt.[66] If academics in Egypt criticize current policies in the media, repercussions are likely to follow. An example of this is the case of Prof. Nader Nour El-Dain, an expert in the field of irrigation and water management at Cairo University, who was accused of defamation by the minister responsible for irrigation and investigated by the public prosecutor because he criticized water irrigation policies in a newspaper article.[67] This case demonstrates that while most of the restrictions on and repercussions for the exchange and dissemination of research are concentrated on social scientists, even natural scientists' statements can become political, and disciplinary measures will be taken if a researcher publicly criticizes government policy.

To sum up, the freedom to exchange and disseminate one's research findings has been curtailed in part by newly established regulatory regimes which institutionalize the role of the security services in approving Egyptian researchers' travel applications and giving permission to scholars who wish to participate in academic exchanges in Egypt. Beyond academic peer-to-peer exchange, Egypt's altered media landscape has also resulted in increased censorship for academics who engage with print or online media.

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[66] AFTE, "Decision from an Unknown Body: On blocking websites in Egypt," 2017, https://afteegypt.org/en/right_to_know-2/publicationsright_to_know-right_to_know-2/2017/06/04/13069-afteegypt.html.

[67] Mohammed Mostafa and Ahmed Shaban, "Academic freedom and scientific research freedom in Egypt," 2018, http://www.ec-rf.net/?p=1284.

4.5 Campus Integrity

Overall, political rights and freedoms in Egypt have decreased significantly since 2012, and the repression of critical voices and oppositional organizations has risen enormously since the military takeover in 2013. In this context, the negative developments with regard to campus integrity in recent years, as outlined in detail below, must be understood as one among many societal areas which have experienced an increasing security presence and suffered violence at the hands of the security forces.[68] Physical violence and repressive actions against students and faculty peaked between 2013 and 2014, and declined thereafter. This trend coincides with the widespread student protests that took place after the coup in 2013.[69]

Access to public university campuses for visitors or foreign researchers requires security clearance from the respective university's security officers and is thus impossible without a prior announcement and an application. In Cairo and Alexandria, but also elsewhere in Egypt, the presence of riot police and other security services around and on campuses has increased significantly in the years since the coup.[70] At Cairo University, for example, policemen in uniform and plainclothes officers stationed at every gate conduct thorough security and ID checks on anyone who wishes to enter the campus, while riot police in full protest gear have been permanently stationed outside all university gates since the 2013/2014 student protests.

[68] Other spheres include civil society (see https://www.hrw.org/tag/egypt-crackdown-civil-society), but similar tendencies can also be observed in the political arena around elections.
[69] Global Coalition to Protect Education from Attack, "Education under Attack 2020," New York, 2020, p. 136, https://protectingeducation.org/publication/education-under-attack-2020/.
[70] See https://timep.org/timeline/police-presence-reinstated-university-campuses-egyptian-court-declares-muslim-brotherhood-terrorist-organization.

Some faculty members at Cairo University have complained that covert security personnel are increasingly present in classrooms and at faculty meetings, heightening student and faculty fears of being reported, and consequently leading to more self-censorship.[71] In a 2017 report for AFTE, Mohammed Nagy notes that the increasing

> presence of security forces on campus and the use of military trials to repress students and faculty, instead of protecting them [...] not only undermines the principle of university autonomy and harms individuals, by putting students' lives at risk, but also creates a climate of fear and repression and causes a setback in the progress and quality of research and education.[72]

According to this report, between mid-2013 and mid-2016, more than 1,180 students were arrested at Egyptian universities.[73] Most of these arrests happened during protest activities in or around campuses between 2013 and 2014. Other arrests seem to have targeted students for their political activity on campus. Most horrifically, during the same period, AFTE documented 21 extrajudicial killings of students on or around campuses at the hands of the security services. Most of these harsh repressive tactics were observed between mid-2013 and 2014, when many pro-Morsi and Muslim Brotherhood students were protesting the military coup.[74] Despite the security services' heavy-handed response to the student protests in 2013 and 2014, no universities were officially closed for political reasons.[75] However, since then, the right to assemble has been severely restricted, both on and off campus.[76] Consequently, students and researchers were also

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[71] Holmes and Aziz, "Egypt's Lost Academic Freedom."
[72] AFTE and SAR, "Joint submission to 34th Universal Periodical Review of the Human Rights Council on Egypt," pp. 16–17.
[73] Ibid., p. 5.
[74] Ibid., p. 25.
[75] Information taken from Interview 5.
[76] See Human rights Watch, "All According to Plan. The Rab'a Massacre and Mass Killings of Protesters in Egypt," 2014,

targeted as part of the post-coup repression of Muslim Brotherhood supporters.[77] More recently, the crackdown has widened, and the security services have expanded their repressive tactics to include nearly all the critical voices speaking out against or criticizing the military regime.[78]

These repressive tactics around campuses in Egypt appear to have focused primarily on the main public universities in Cairo and Alexandria. AFTE has documented that more than half of the 1,180 students mentioned above were arrested in or around the theological Al-Azhar University in Cairo. Another 117 arrests were reported at Cairo University, and 83 at Alexandria University. In total, universities in Cairo and Alexandria account for more than 830 of the 1,180 documented student arrests. Between 2013 and 2016, more than 1,000 students were reportedly expelled or subjected to disciplinary action, and at least 65 were tried by military courts.[79]

Similarly, the 21 reported extrajudicial killings all occurred at campuses in Cairo and Alexandria. Documented cases of disciplinary measures (expulsions, suspensions, loss of position)

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https://www.hrw.org/report/2014/08/12/all-according-plan/raba-massacre-and-mass-killings-protesters-egypt; and Amnesty International "Egypt: 'People were dying all around me'. Testimonies from Cairo violence on 14 August 2013," London, 2013, https://www.amnesty.org/download/Documents/16000/mde120462013en.pdf.

[77] See https://www.theguardian.com/world/2018/sep/08/egypt-sentences-75-to-death-in-rabaa-massacre-mass-trial.

[78] Jannis J. Grimm and Cilja Harders, "Unpacking the effects of repression: The evolution of Islamist repertoires of contention in Egypt after the fall of President Morsi," *Social Movement Studies* 17, no. 1 (2017): pp. 1–18. See also Amnesty International, "Egypt: NGOs face unprecedented crackdown," London, 2016, https://www.amnesty.org/en/documents/mde12/3799/2016/en/; and Human Rights Watch, "Egypt: New NGO Law Renews Draconian Restrictions," Washington, 2019, https://www.hrw.org/news/2019/07/24/egypt-new-ngo-law-renews-draconian-restrictions.

[79] AFTE and SAR, "Joint submission to 34th Universal Periodical Review of the Human Rights Council on Egypt."

also peaked in 2013 and 2014, with around 800 out of 1,051 reported incidents targeting students and faculty in Cairo and Alexandria. This regional and institutional focus on a few of the most prominent academic institutions in the country supports the suspicion that certain universities were seen as hotbeds of political deliberation, contestation, and mobilization, and were accordingly targeted by the security forces and law enforcement agencies. Holmes and Aziz conclude that "unprecedented levels of censorship, surveillance, and repression of academic freedom" took hold in Egypt after the military takeover.[80] Comparing these violations to events in the aftermath of the Free Officers' coup between 1952 and 1956, which paved the way for Nasser's 14-year socialist rule, one might challenge the idea that such events are unprecedented. However, in direct comparison to the thirty years under Mubarak (1981–2011) and the previous period under President Sadat (1970–1981), censorship, surveillance, and repression have continued unabated and have only intensified since the 2013 coup.

As for researchers, Scholars at Risk (SAR) confirmed the wrongful imprisonment of at least 14 faculty members between 2013 and 2019, mainly in Cairo. SAR further verified at least nine killings of researchers in Egypt during the same period.[81] Due to SAR's methods of data collection, the report most likely underestimates the actual number of incidents.[82]

The increased presence of military personnel at civilian universities constitutes further grounds for concern. Due to official agreements with the Egyptian Armed Forces, soldiers

[80] Holmes and Aziz, "Egypt's Lost Academic Freedom."
[81] See https://www.scholarsatrisk.org/actions/academic-freedom-monitoring-project/.
[82] Jannis J. Grimm and Ilyas Saliba: "Free Research in Fearful Times: Conceptualizing an Index to Monitor Academic Freedom," *Interdisciplinary Political Studies* 3, no. 1 (2017): pp. 51–52. See also https://www.scholarsatrisk.org/methodology-of-the-academic-freedom-monitoring-project/.

increasingly study in standard university programs,[83] which creates a feeling of being surveilled among the civilian students. It is likely that internal security agents are also monitoring classes, especially in the capital, although their exact numbers and range of activities have not been documented.

Moreover, class participants or university staff sometimes film university lectures without giving the lecturer the opportunity to prohibit this – a phenomenon which limits freedom of speech in lecture halls. CCTV exists on university campuses, as it increasingly does everywhere in Egypt – especially at private universities – but usually not inside buildings or classrooms.

4.6 Subnational and Disciplinary Variation

Differences with respect to the above-mentioned violations of academic freedom do exist, especially between the more prestigious, well-known universities in Cairo and other smaller, less prominent universities in Egypt. The latter likely experience a less overt security presence at their gates. Beyond the geography, size, and prestige of a university, political activities on the part of students or faculty may attract the attention of the state security forces and the Ministry of Higher Education and Research alike.

Disciplinary variances are pertinent, but everyone is a potential target. Disciplines such as political science and sociology are more prone to restrictions, including surveillance, censorship, and disciplinary measures, or even hard repression. However, the above-mentioned cases of the professor of water management and the economist show that restrictions on academic exchange and debate are not exclusive to certain disciplines – if the statement or publication is deemed too critical of the current regime's policies or ideology, this will have consequences.

[83] Information taken from Interview 4.

The pressure on universities, faculty, and students to refrain from engaging in critical political debate originates with different actors, but by far the most significant restrictive actor violating the principles of academic freedom in Egypt in recent years has been the state apparatus – particularly the Ministry of Higher Education and Research, the various internal security services, and the prosecution authorities. However, religious or media actors may also threaten faculty and/or students for indecency or for violating religious rules and customs. Various actors – including conservative religious institutions or pro-regime media outlets – occasionally publicly criticize outspoken, progressive researchers, often in vile language, which contributes to creating a climate of fear among researchers.

Despite the overall negative trend in academic freedom in Egypt in recent years, private universities still function as a kind of safe haven in which the freedom to teach and research is largely guaranteed and neither faculty nor students are directly surveilled by the security services on campus. Nevertheless, state security services informants likely exist among students and faculty at private universities as well, although they are not as visibly present as they are on public university campuses and in public lecture halls.

4.7 Efforts to Promote Academic Freedom

Internationally and multilaterally, rather than promoting academic freedom, the current Egyptian regime is actively seeking to undermine the international standards for safeguarding academic freedom which its predecessors signed up to (at least formally). It does so through rhetoric and within international fora – for example, by watering down definitions of terrorism in the UNHCR counter-terrorism working group.[84] Moreover, in the context of international institutions that serve

[84] Ibid.

to protect human rights in general – and academic freedom as one aspect of these rights – the Egyptian regime has shown no interest in advocating for academic freedom, rejecting any criticism of its recent crackdowns.[85]

A number of organizations and networks in Egypt are working to promote the values of academic freedom by supporting scholars at risk in court or by documenting cases and raising awareness. Chief among these is the AFTE organization, registered as a law firm, which publishes reports and data on infringements on academic freedom in Egypt. AFTE also publishes press releases detailing cases of academics at risk. The network of the March 9 Movement, which consists of Egyptian academics who stand up for institutional autonomy and academic freedom in Egypt,[86] is another relevant organization. However, since the crackdown on students and faculty following the coup in 2013, this group has been marginalized, and its activities and statements have stalled.[87]

Currently, there are a number of Egyptian scholars enrolled in protection programs for at-risk scholars with organizations such as SAR, the Council for Academics at Risk (CARA), and local support and protection programs in the US, Canada, and Europe. Following the crackdown on universities and scholars, the number of applicants from Egypt has risen significantly in most of these programs, according to the organizations themselves.[88] There are currently no dedicated programs to support or host at-risk scholars from other countries in Egypt.

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[85] See https://www.hrw.org/news/2017/11/20/we-need-talk-about-al-sisis-twisted-take-human-rights; see also https://www.trtworld.com/middle-east/sisi-tells-macron-that-egypt-is-not-europe-23713.
[86] Geer, "Autonomy and Symbolic Capital in an Academic Social Movement: The March 9 Group in Egypt."
[87] Information taken from Interview 4.
[88] See the CARA website: https://www.cara.ngo/what-we-do/supporting-higher-education-in-crisis/.

5. Conclusion

After a small window of opportunity between 2011 and 2013, academic freedom in Egypt has deteriorated since the military coup in 2013.[89] Although the most violent repression of student movements and faculty who were critical of the military takeover has declined since 2017, legalized and regulatory violations of academic freedom have increased. Nationally, this has been implemented via the state of emergency and new presidential decrees which impact university regulation and governance; on the university level, this has been accomplished via a surge in disciplinary hearings and the expulsions of a number of faculty and students, as well as changes to the content of teaching curricula or research projects. These political control measures, which aim to increase the central government's control over universities and to pressure researchers and students into political apathy, are likely to continue under the current regime.

These constant restrictions on political rights and freedoms have left deep scars on campuses across Egypt. Free and open academic debate on societally or politically relevant issues in classrooms or lecture halls has become increasingly difficult since 2013. The resurgence of security services on university campuses and the institutionalization of their role in approving grants, travel applications, or promotions at universities across Egypt has significantly impacted institutional autonomy, freedom to research and teach, and opportunities for international exchange for both academics and students.

With regard to campus integrity, in view of the closed, restrictive political space, combined with ongoing economic crises and widespread poverty, political protests in Egypt are likely to continue. Future protests will probably mobilize the younger 50 percent of the Egyptian population, among which are many

[89] Zayed, Sika, and Elnur, "Activism and Contentious Politics in Egypt."

students or recent graduates. If student organizations or students at certain universities become involved in such protests, the regime is likely to repeat the violent crackdown of 2013–2014, with many more victims among students in particular.

On the other hand, increasing the internationalization of higher education and research is one of the Egyptian government's higher education goals. The government is actively trying to attract European and US universities to open spin-off campuses in the new capital city, which is currently being built in the desert outside Cairo.[90] This gives European and US policymakers and universities some leverage with which to push for concessions in the realms of university institutional autonomy or even the freedom to research and teach – especially if the current regime realizes that foreign universities are hesitant to open satellite campuses or outposts in the country under the current restrictive conditions, and that international students and researchers are avoiding Egypt. The need to improve local conditions for faculty in Egypt could also be reinforced by the growing number of Egyptian researchers who are leaving Egypt to work and teach abroad, leading to shortages of qualified researchers in Egypt, particularly in the social sciences.[91]

[90] See https://www.timeshighereducation.com/news/egypt-seeks-attract-international-branch-campuses.
[91] See https://www.al-fanarmedia.org/2019/12/most-arab-world-researchers-want-to-leave-a-new-survey-finds/.

The Perks and Hazards of Data Sources on Academic Freedom: An Inventory

Janika Spannagel[1]

This chapter reviews the most important data types and sources on academic freedom available today, highlights their respective advantages and limitations, and discusses how they can best be put to use as a resource for country case studies. Whether authors choose to collect their own data or resort to secondary data sources, a firm grasp of the strengths and weaknesses of the different underlying data types is key to adequately interpreting and mapping a given country situation. Therefore, the main goal of this chapter is to equip case study authors with the necessary tools to navigate the available data, to critically engage with empirical analyses in which such data are used, and to find the most pertinent sources to enrich their own academic freedom analyses. We can distinguish five main data types available for academic freedom analyses: (1) expert assessments, (2) opinions and lived experiences, (3) events data, (4) institutional self-assessments, and (5) de jure assessments. Figure 1 provides a schematic overview of the primary sources that can be used to obtain these different data types on the one hand, and various secondary sources and examples at the global, regional, or

[1] This article draws on the author's own experience in the collection and use of the data types discussed, as well as on discussions at an expert workshop on academic freedom assessment methods held in 2017, in which the author participated. The results of that workshop are reported in Felix Hoffmann and Katrin Kinzelbach, "Forbidden knowledge: Academic freedom and political repression in the university sector can be measured. This is how," Global Public Policy Institute, 2018, https://www.gppi.net/media/Kinzelbach_Hoffmann_2018_Forbidden_Knowledge.pdf.

country level that collect or work with each data type on the other. Many of the secondary data sources presented and discussed in this chapter are quantitative in nature and seek to offer a comparative view of countries or higher education institutions. More qualitatively trained case study authors may hesitate to make use of such sources, but their integration in academic freedom case studies is very pertinent for two reasons.

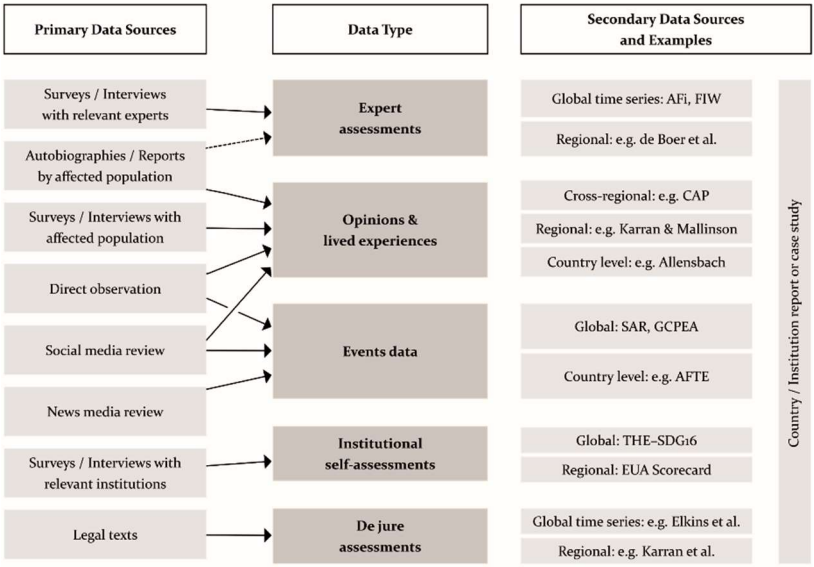

Figure 1: Schematic Overview of Data Sources and Types

First, they offer a very useful empirical basis for further qualitative analysis, particularly where they appear counterintuitive or reveal notable patterns. Second, a critical review and contextualization of existing data on a given country also crucially contributes to correct interpretation and improvement of the data, thereby creating important synergies

between in-depth case studies and necessarily less detailed comparative approaches.

In what follows, I will successively examine each of the five data types in the order given above. For each type, I will first provide a general description and set out its main advantages and unique features when it comes to observing and mapping academic freedom levels. A longer part of each section is dedicated to a detailed discussion of the drawbacks, highlighting difficulties and pitfalls both in data production and in the process of interpreting the data. Each section then presents and examines pertinent secondary data sources and examples of studies in the area of academic freedom that make use of the respective data type. Each reflection ends with a brief summary of the data type's recommended uses in case studies and the key questions users should be prepared to ask.

1. Expert Assessments

Researchers commonly use expert interviews in preparing academic freedom country case studies, as the studies collected in this book demonstrate. Experts are persons who have accumulated a high level of knowledge in a certain area of interest and who are able to provide informed assessments of a given situation based on this expertise. On the particular topic of academic freedom, there is a noteworthy overlap between "experts" and the "affected population" when local scholars directly affected by academic freedom issues also hold significant expertise on the topic.[2] Autobiographies or similar

[2] To a certain extent, similar arguments can also be made with regard to any other topic. Members of affected populations may have the highest level of expertise on their own situation, whether or not they have studied it academically. This question refers to a broader, unresolved discussion of what makes someone an "expert" on a given topic. In the case of academic freedom

"field" reports from members of the affected population, which in other cases would typically be classified as opinions and lived experiences, may therefore also contain information akin to expert assessments. However, not all affected scholars are experts on academic freedom, nor are all academic freedom experts necessarily scholars directly affected by the situation in the country to which their expertise applies. Nonetheless, this potentially blurry line should be kept in mind when working with expert assessments in this context.

Beyond the use of qualitative interview techniques or field reports written by academics, case study authors can also rely on expert-coded datasets, either by consulting existing databases or – if resources allow – by setting up their own survey with the aim of classifying and comparing expert assessments on different areas in the country (e.g., subnational or subject areas). Over the last two decades, the expert-coding technique has increasingly taken hold in political science assessments of concepts such as democracy and political freedoms, especially in comparative research using cross-national time-series datasets. The basic idea behind this approach is that select country experts are asked to rate, on a predefined scale, the degree of de facto presence or absence of a certain phenomenon in a given country in a given year. The method of aggregation and comparison differs between measurement projects, but typically one obtains a single score per indicator and country–year. In the context of country case studies, it may prove useful to review experts' assessments of the different indicators which are part of or connected to academic freedom.

studies, however, the overlap is particularly pronounced, as experts are often necessarily recruited from the pool of affected people.

1.1 Perks of Expert Assessments

Consulting experts is often a valuable tool in obtaining a comprehensive, informed assessment of a given issue: where other sources cover only certain angles, expert assessments can paint a relatively complete picture. Expert interviews allow the researcher to gain detailed information and contextualized knowledge, enriching their own expertise, and to exchange and compare assessments on a one-on-one basis. Expert-coded datasets, on the other hand, provide concise data points that can serve as excellent starting points for further analysis. Such assessments are typically the result of multiple experts' in-depth expertise and analysis. Unlike datasets that make use of other data types, expert-coded datasets can overcome information gaps by relying on a variety of information and sources. These characteristics make expert-coded data particularly convenient for systematic comparisons between indicators, over time, and/or with other countries.

1.2 Hazards of Expert Assessments

A general issue with expert assessments is the question of whether experts can legitimately provide judgments on a given topic of social relevance, especially considering their often privileged status in society. The above-mentioned overlap between experts and affected populations in the specific case of academic freedom studies may mitigate some of these concerns, although the perspective of students in higher education, for instance, may not be adequately taken into consideration.

A second issue relates to the quality of experts' assessments. It is not a trivial task in every country context to find experts on specific topics such as academic freedom who are available and willing to contribute their expertise; furthermore, one needs to ensure that such experts have not been coopted by a third party and do not distort their assessments for fear of retaliation. This concern is more easily felt out and addressed in personal

interviews than in the context of larger datasets. In the latter case, several independent experts – both within and outside the respective country – should ideally contribute to the same data point in order to cross-validate their individual assessments and balance out disagreements. However, even where qualitative expert interviews are conducted, it should be acknowledged that different experts may provide divergent assessments. It is therefore good practice to speak with several experts and to compare their viewpoints and conclusions, if possible.

An additional drawback of expert-coded datasets is that they require a meticulous calibration process to establish comparability between countries (or other units) rated by different experts, as the interpretation of measurement standards can diverge.[3] The satisfactory implementation of these quality-assurance criteria can be exceedingly complex, and this complexity increases as the geographic scope widens. Therefore, the methodology applied to global datasets in particular demands that users who are not well versed in statistics place a high level of trust in the methodological quality.

A general disadvantage of expert-coded data is that the flipside of information density is a highly aggregated dataset that does not provide fine-grained information on individual countries,[4] let alone subnational differences between higher education institutions. However, since such in-depth analyses are among the strengths of country case studies, the review of expert-coded

[3] Cf. Daniel Pemstein et al., "The V-Dem measurement model: Latent variable analysis for cross-national and cross-temporal expert-coded data," V-Dem Institute, 2019.

[4] A notable exception is the data provided in the Bertelsmann Transformation Index (BTI), which in addition to aggregated country-year scores, also offers detailed qualitative descriptions drafted by the experts who also code the quantitative scores. However, BTI does not include any assessments of academic freedom, which is why I will not go into further detail on its methodology.

data in this context can be a valuable addition both to the case study and to the interpretation of the dataset as a whole.

1.3 Sources and Examples of Expert Assessments

With regard to the use of qualitative expert interviews on academic freedom, several of the case studies in this book (those by Roberts Lyer and Potapova on Ireland, Kaczmarska on Russia, and Saliba on Egypt)[5] provide examples. The above-mentioned expert/affected person overlap emerges quite clearly in these studies, as interviewees' responses speak both to their own lived experiences as scholars and to their assessment of the broader situation in the higher education system.

In terms of global time-series datasets, the most pertinent source is the newly established Academic Freedom Index (AFi) and its composite indicators, designed by Katrin Kinzelbach, Ilyas Saliba, and myself and implemented by the V-Dem Institute. This dataset includes four new indicators of the de facto realization of academic freedom – namely, the freedom to research and teach, the freedom of academic exchange and dissemination, the institutional autonomy of universities, and campus integrity – in addition to a pre-existing indicator on academic freedom and the freedom of cultural expression related to political issues.[6] A country case-study author can make use of these data by comparing the five indicators, by reviewing a country's development over time, or by situating it within the regional or global context.[7] The AFi dataset currently

[5] See pp. 25–61, 103–139, and 141–174.
[6] Janika Spannagel, Katrin Kinzelbach, and Ilyas Saliba, "The Academic Freedom Index and other new indicators relating to academic space: An introduction," V-Dem Institute, Users' Working Paper Series, 2020, //www.v-dem.net/media/filer_public/0d/a3/0da3981c-86ab-4d4f-b809-5bb77f43a0c7/wp_spannagel2020.pdf.
[7] Cf. Saliba, pp. 141–174 in this book. Most of the case studies collected in this book were researched and written before the first edition of the Academic Freedom Index was released, which is why none of the other authors discuss

covers more than 180 countries and territories from 1900 to 2019 and will be updated annually. Data points are only published where three or more coders have contributed assessments; a total of 1,810 external experts have participated thus far. Individual coders' ratings are aggregated into country-year scores for each indicator as well as (in a second step) for the index, using a Bayesian measurement model.[8] The aggregation procedures are fully transparent, and all data – including the raw data submitted by individual coders – are publicly available for download.[9]

A second expert-coded data source is Freedom House's Freedom in the World (FIW) indicator D3 ("Is there academic freedom, and is the educational system free from extensive political indoctrination?"), which covers some 210 countries and territories, is available for 2013[10] through 2019, and is also updated annually. This dataset is produced by a team of in-house and external experts. The most recent edition involved more than 125 analysts, whose proposed scores are discussed at review meetings with Freedom House staff and a panel of expert advisors.[11] The shortcomings of Freedom House's indicator are that it focuses mainly on political expression; that it relates not only to higher, but also to primary and secondary education; and that it only addresses the freedom of teaching, not that of research (see the D3 sub-questions). Nonetheless, considering

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the data in much detail. We encourage future case study authors to make use of this empirical material and to critically engage with the data.

[8] Katrin Kinzelbach, Ilyas Saliba, Janika Spannagel, and Rob Quinn, "Free universities: Putting the Academic Freedom Index into action," Global Public Policy Institute, 2020, https://www.gppi.net/2020/03/26/free-universities.

[9] V-Dem Institute, "V-Dem dataset – Version 10," 2020, dataset available at: https://www.v-dem.net/en/data/data-version-10/.

[10] The FIW data go back to 1973, but only aggregated data is available prior to 2013, so D3 cannot be considered separately.

[11] Freedom House, "Freedom in the World research methodology," 2020, https://freedomhouse.org/reports/freedom-world/freedom-world-research-methodology.

this indicator – including comparing it to the AFi data – could offer valuable insights or starting points for more in-depth analyses. The FIW data are freely available on the Freedom House website.[12]

However, the comparative use of expert assessments is not limited to global time-series datasets or broad assessments of academic freedom. In the past, various studies have made use of this data collection method as part of more narrow research projects, including a study on four dimensions of institutional autonomy in 33 European countries' higher education systems between 1995 and 2008[13] and a study on university autonomy in 20 countries in different parts of the world in the mid-1990s.[14] For both studies, experts[15] were surveyed via a questionnaire and asked to describe the main features of higher education governance and to provide a general assessment of a list of items. In the former study, only one expert was consulted per country (some in-house, some external); in the latter case, disagreements between respondents were resolved in follow-up discussions or

[12] Freedom House, "Freedom in the World 2020: A leaderless struggle for democracy," 2020, https://freedomhouse.org/report/freedom-world/2020/leaderless-struggle-democracy.

[13] Harry De Boer et al., "Progress in higher education reform across Europe. Governance reform. Volume 1: Executive summary main report," Center for Higher Education Policy Studies, International Centre for Higher Education Research Kassel and Nordic Institute for Studies in Innovation, Research and Education, 2010, https://ris.utwente.nl/ws/portalfiles/portal/5146370/GOV+vol+1+Executive+Summary+main+report.pdf, p. 34f.

[14] Don Anderson and Richard Johnson, "University autonomy in twenty countries," Centre for Continuing Education at The Australian National University, 1998, http://www.magna-charta.org/resources/files/University_autonomy_in_20_countries.pdf.

[15] Note that in the latter study, "experts" also include government officials in the target countries, whose assessments I would rather classify as institutional self-assessments (see the section on institutional assessments below).

by averaging several responses.[16] The ordinal-scaled results are reported in the respective papers and used for a cross-country comparison of the features and degrees of university autonomy. Although both examples are cross-national studies, in principle a similar approach could be used within a single country – by comparing different states within a federal system, different institutions, or different subject areas, for example. However, the challenges involved in identifying a sufficient number of specialized experts and establishing a well-calibrated set of responses make such a data collection endeavor ill-suited to most smaller-scale case studies.

1.4 Recommended Uses of Expert Assessments

Expert assessments can be collected in qualitative form via interviews or obtained as quantified scores from comparative datasets that rely on expert surveys. Both types of expert data can be very valuable for country case studies, as they provide comprehensive, contextualized assessments. Expert interviews can help authors to deepen their understanding and to exchange expertise on a particular topic, whereas expert-coded datasets can present a convenient starting point for a case study's in-depth analysis by comparing different indicators, reviewing changes over time, or making comparisons with other countries. Neither qualitative nor quantitative expert data are infallible or exhaustive, however, so country case studies can also provide a valuable forum in which to review expert assessments and put them into perspective by comparing them with other types of evidence.

Case study authors who rely on expert assessments should consider the following important questions:

[16] Anderson and Johnson, "University autonomy," p. 13f.

- Expertise: On what topic is a given expert really an expert, and based on what expertise? When interviewing or surveying scholars in the country in question, on which issues are they speaking as experts, on which are they speaking as members of the affected population, and on which are they speaking as both?
- Authenticity: Are the experts involved providing their expertise independently of external interests?
- Legitimacy and bias: Can a given expert legitimately speak on behalf of the entire academic sector in a given country, including groups to which s/he does not belong? Among a pool of experts, are certain perspectives missing? If experts are part of the affected population, how may this affect their judgment as experts?
- Reliability (when using expert-coded data): How many experts contributed to a given data point? How were the different ratings aggregated? Which calibration procedures were applied to establish data comparability?
- Interpretation (when using expert-coded data): How can the in-depth character of the case study contribute to contextualizing, nuancing, and guiding the interpretation of existing country-specific data points?

2. Opinions and Lived Experiences

Through direct observation, social media reviews, field reports and autobiographies, qualitative interviews, or surveys with academics and students, researchers can collect information on the opinions and lived experiences of the population directly concerned with academic freedom issues. Surveys and interviews are particularly popular methods of social science data collection when it comes to sociological research questions interested in the perceptions and experiences of a given

population. Whereas qualitative interviews are best suited to collecting in-depth information in small-n studies, surveys typically aim to capture quantifiable data from a larger share of the population of interest. Survey data are typically collected via questionnaires distributed offline or online, in which respondents may be asked to rate their own experiences and perceptions on an ordinal scale or to report incidents they experienced or observed. As noted above, there can be a significant overlap between collecting expert assessments and collecting data on perceptions and lived experiences with regard to academic freedom when working with academic surveys, interviews, and autobiographies.

2.1 Perks of Data on Opinions and Lived Experiences

The most outstanding feature of this type of academic freedom data is its ability to capture the lived experiences of academics and students. Affected populations' involvement in the data collection process enhances their ownership of the data as well as the data's legitimacy. Surveys, interviews, and field reports further provide unique access to information on softer forms of repression – particularly the prevalence of self-censorship – which are difficult or even impossible to capture with other methods. In addition, they enable data collection at the institutional or even the faculty level. Similarly to events-based data (see below), incident information collected directly from affected scholars and students can also provide illustrative material on the consequences of certain higher education policies and highlight the toll such policies take on individuals. Involving scholars and students in an academic freedom study may also serve a didactic objective by exposing them to questions and information on the topic.

2.2 Hazards of Data on Opinions and Lived Experiences

A general concern with relying on an affected population's opinions and experiences is that the information may be dismissed as purely subjective and prejudiced. While this should not discourage the collection and use of scholars' and students' legitimate perspectives, one should nonetheless consider the extent to which different viewpoints are reflected in the material when identifying interviewees or evaluating written reports. An important interrogation in this regard should involve considering the ways in which a researcher's own network may lead to pre-selection and to distortion of the perspectives represented in the interviews.

The often large-n nature of surveys tends to mask a similar problem in such quantified data: representativeness. First, representativeness presupposes a randomized survey sample, meaning that each individual in the total population from which generalizations should be drawn has the same statistical chance of being surveyed. Where complete or random sampling is impossible or impractical, the survey data gathered should never be considered representative and generalizable, but rather exploratory and indicative. Such results can still offer valuable insights akin to those taken from qualitative interviews, but they cannot speak to attitudes or experiences in the overall population of academics. Another issue that survey-based studies often grapple with is the difficulty of achieving a sufficiently high response rate among the surveyed sample to draw any relevant conclusions.

Second, even where a critical mass of responses in a randomized sample is obtained, survey response samples typically suffer from a distortion that follows from self-selection – that is, the issue of who chooses to participate in the survey. In a relatively politically free setting, it is often those with the most grievances who are the most likely to fill out a questionnaire on a given

issue, leading to a problematic overemphasis of discontent in the survey results, and thus compromising their credibility. Such mechanisms should therefore be kept in mind and openly discussed when interpreting the results.

A small and/or non-representative sample of interviewed or surveyed scholars or students can also lead to the omission of important experiences – for example, in countries where discriminatory practices mean that some academics experience restrictions while others do not. The same practices might also exclude them from participating in a survey in the first place; this is an important aspect that should be taken into consideration in the research design. In addition to participant (self-)selection, survey and interview designs and interpretations also need to consider participants' incentives to give a certain type of response – such as social desirability mechanisms or suggestively formulated questions. Different levels of prior knowledge or divergent conceptions of the topic among respondents may also negatively affect the validity of the results, especially in surveys that involve no direct interaction between the researcher and the participants.

A second set of problems relates to the collection of perception data in repressive or fragile contexts. On the one hand, conducting interviews or surveys can put potential participants at risk, especially if communication channels are surveilled. This may also lead to self-selection in the opposite direction, meaning that those with politically unproblematic views are more likely to participate in a survey or an interview. On the other hand, such environments also expose a study to a higher danger of manipulation – either because state agents directly falsify survey responses, or because study participants are pressured or incentivized to self-censor or to shape their responses in a certain way. A general concern – which is particularly salient in repressive contexts, but also relevant elsewhere – is that surveys and interviews tend to collect sensitive personal information,

requiring an enhanced level of data security and imposing limitations on data accessibility and verifiability.

2.3 Sources and Examples of Data on Opinions and Lived Experiences

All four of the case studies in this book work with data on scholars' opinions and lived experiences; some of these scholars were interviewed partly in an expert capacity and partly as members of the affected population. For the Brazil study, the authors set up a small-n exploratory online survey to collect some non-representative impressions of scholars' experiences with self-censorship in lieu of conducting interviews.

Examples of broader country studies on perceptions of academic freedom include an online survey conducted by the Allensbach German polling institute among German scholars in the winter of 2019/2020, which received around 1,100 responses. The authors emphasize that the randomization of the original survey sample established a good baseline representativeness,[17] but they acknowledge the inevitable issue of self-selection, which "probably [leads to] a slight tendency towards resolute, polarizing answers."[18] In addition to questions about respondents' general perceptions of academic freedom in their respective universities and in Germany generally, they also asked respondents to assess academic freedom in a list of other countries, as well as asking about their experiences in research cooperation with those countries, about specific factors hindering their research, and about their experiences working

[17] They assert this with regard to the sample of tenured and assistant professors ("Professoren" and "Juniorprofessoren") but not the sample of academic staff ("wissenschaftliche Mitarbeiter"), due to the differences in how the total population was established.

[18] Institut für Demoskopie Allensbach, "Forschungsfreiheit an deutschen Universitäten. Ergebnisse einer Onlineumfrage unter Professoren und wissenschaftlichen Mitarbeitern," 2020, confidential report (on file with the author), p. 2.

with companies as research funders, in addition to several questions relating to the topic of "political correctness" on campus. Allensbach previously conducted surveys of German scholars in 1976/1977 and in 2016, which allows for an interesting comparison over time with regard to some of the questions. The data is not publicly accessible, but a comprehensive report in German, including all the data tables, can be obtained from the institute upon inquiry, and a summary is available in a presentation by Thomas Petersen.[19]

An earlier example is a 1998 study on the governance of Kenyan public universities. Out of a total of around 3,000 academic staff, 300 were randomly sampled and asked to fill out a paper-based questionnaire, and 126 responses were received.[20] The author notes that "some [academics] were quite reluctant to participate in the project while many were not easily available in their offices during working hours," highlighting some of the issues of survey methodology discussed above, including self-selection and self-censorship in authoritarian contexts.[21] Beyond this frustration with limited responsiveness, the author does not further address questions of sample representativeness. For example, the questionnaire asked respondents how appointments for various academic positions were determined and to agree or disagree with a list of possible ways "to improve relations between government and university."

An international online survey of China-focused social scientists based at universities in North America, Western Europe,

[19] Thomas Petersen, "Forschungsfreiheit an deutschen Universitäten. Ergebnisse einer Umfrage unter Hochschullehrern," presentation at Akademie der Konrad-Adenauer-Stiftung, Berlin, February 12, 2020, https://www.hochschulverband.de/fileadmin/redaktion/download/pdf/presse/Allensbach-Praesentation.pdf.
[20] Daniel N. Sifuna, "The governance of Kenyan public universities," *Research in Post-Compulsory Education* 3, no. 2 (1998): pp. 175–212.
[21] Ibid. p. 180.

Australia, New Zealand, and Hong Kong[22] set a different framework. This survey achieved 562 responses out of 1,967 relevant scholars identified and surveyed via e-mail in the spring and summer of 2018. The authors address the limitations of their sample, but they do not directly discuss potential self-selection issues. The survey asked participants about their experiences with various restrictions on their research when travelling to and in China, their perceptions of self-censorship, and their strategies for managing sensitive subjects. This survey is particularly noteworthy because its strategy of surveying foreign-based China scholars enabled the researchers to bypass some of the problems of conducting surveys in authoritarian settings, as discussed above – although it remains necessarily limited to an outsider perspective.

In terms of broader secondary-data sources which case study authors could consult, there are two notable cross-national endeavors that have surveyed academics about their perceptions of academic freedom. The biggest such project to date is called Changing Academic Profession (CAP) and was conducted in 2007/2008 by country teams in 19 countries around the world (and expanded in 2010 to include six additional European countries).[23] Its predecessor was the Carnegie Foundation Survey of the Academic Profession in 1992/1993, and its successor – Academic Profession in the Knowledge-Based Society (APIKS) – is currently underway. The Carnegie survey

[22] Sheena C. Greitens and Rory Truex, "Repressive experiences among China scholars: New evidence from survey data," *The China Quarterly* 242 (2019): pp. 349–375.

[23] The coordinator of the German CAP study also initiated the EUROAC add-on survey, which included many of the same questions as CAP, with the aim of establishing high comparability between the results of the two surveys; see International Centre for Higher Education Research Kassel (INCHER), "The academic profession in Europe: Reponses to societal challenges (EUROAC)," n.d., https://www.uni-kassel.de/einrichtungen/incher/forschung/abgeschlossene-projekte/euroac-academic-profession-in-europe-abgeschlossen-2013.html.

already included questions directly relevant to academic freedom issues,[24] as did the later CAP survey (though interestingly, not the same questions);[25] one CAP question even specifically inquired whether the respondent agreed with the statement: "The administration supports academic freedom." Placing these questions within a larger survey on the academic profession could be particularly promising in terms of reducing (self-)censorship issues – however, it is unclear whether all of these questions were included in every country edition.

Most of the published volumes and papers that emerged from this study focus on other issues and do not discuss the results on these questions in sufficient detail to merit further analysis. The main CAP publication on comparative findings across all the participating countries goes into the issue of academic freedom only with respect to the explicitly formulated question and rightly notes that the "phrasing of the question is unfortunate in the framework of an international survey," since respondents in different countries may have very different notions of what "the administration" refers to.[26] One should add that conceptions of precisely what the guarantee of "academic freedom" entails in

[24] One question asked respondents how strongly they thought academic freedom was protected in their country; another asked whether there were political or ideological restrictions on what a scholar may publish; see Philip Altbach, *Comparative higher education: Knowledge, the university, and development*, Westport: Ablex Publishing, 1998, p. 85.
[25] See the questionnaire in Ulrich Teichler, Akira Arimoto, and William. K. Cummings, *The changing academic profession. Major findings of a comparative survey*, Dordrecht: Springer, 2013, pp. 213–229. As an example, one question asked which actor has the primary influence on a given list of decisions, and one possible answer was "government or external stakeholder," alongside various intra-academic options. Other questions asked respondents to rate their agreement with various statements, such as: "Restrictions on the publication of results from my publicly (/privately) funded research have increased since my first appointment"; "External sponsors or clients have no influence over my research activities"; "At my institution there is [...] a top-down management style."
[26] Ibid. p. 185.

practice also likely vary substantially between and within countries. These problems touch upon the above-mentioned issue of participants' differing prior knowledge or divergent conceptions, which may severely distort results, especially in such cross-national settings. Nevertheless, two papers on the survey results written by CAP consortium members do consider the topic of academic freedom in more detail and provide interesting insights.[27] However, both are restricted to the same five European countries (Finland, Germany, Italy, Norway, and the UK). The data itself is not accessible to researchers outside the CAP consortium, due to concerns over participants' informed consent. I was told that some of the data from the current APIKS project could become publicly available in the future, but the questionnaire is not yet public.

Another cross-national survey of academics, which focused on the topic of academic freedom in the European Union, was conducted over a period of several years starting around 2013. By 2017, over 5,300 responses had been received.[28] The authors claim that, given the response sample size, the survey "represents an accurate snap-shot of the state of academic freedom in the majority of EU states"[29] – an assertion that appears problematic, given the exploratory nature of the sampling method[30] and possible issues of self-selection. Following on from the European survey, a more targeted survey was conducted in the UK in late 2016. The authors surveyed

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[27] Timo Aarrevaara, "Academic freedom in a changing academic world," *European Review* 18, no. S1 (2010): pp. S55–S69; and Michele Rostan, "Challenges to academic freedom: Some empirical evidence," *European Review* 18, no. S1 (2010): pp. S71–S88.

[28] Terence Karran and Lucy Mallinson, "Academic freedom in the U.K.: Legal and normative protection in a comparative context," University and College Union, 2017, http://eprints.lincoln.ac.uk/id/eprint/26811/, p. 29.

[29] Ibid.

[30] Sampling relied on a mix of outreach to university rectors, teachers' unions across Europe, and the staff lists of major European universities.

members of the University and College Union teaching in universities in the UK, producing more than 2,300 responses.[31] The authors evaluate the sample as statistically representative but do not discuss issues of self-selection and potential bias. The same survey results, reduced to the 1,500 respondents affiliated with public universities, are again analyzed in a later paper and compared with universities' respective rank in the Times Higher Education (THE) ranking.[32] In this survey, one set of questions asked respondents about the level of protection for academic freedom in their institution and how this has changed or will likely change, particularly in response to research/ teaching excellence frameworks.

Finally, a new survey that focuses entirely on the issue of self-censorship – which, as noted above, can only really be researched by collecting data from the affected population – is currently being developed by the organization Scholars at Risk (SAR). The online tool is designed to allow respondents to anonymously answer a questionnaire about their experiences of self-censorship, perceptions of self-censorship among their colleagues, the primary source of the feared consequences of open expression, and recent developments. A pilot survey will be run within yet-to-be-defined areas or populations in the near future. In such an endeavor, issues of randomization and self-selection are likely to abound, but exploratory results nevertheless seem very worthwhile, given the general obscurity of the subject. According to the current plans, disaggregated data will be made available to partner organizations and researchers, and could therefore be consulted for relevant country case studies.

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[31] All 104,285 members of the University and College Union were surveyed, but only 78,058 of these are employed as academics, lecturers, and tutors, thus comprising the target audience for the survey. The extent to which non-academic staff participated in the survey is unclear; see ibid., p. 31.
[32] Terence Karran and Lucy Mallinson, "Academic freedom and world-class universities: A virtuous circle?" *Higher Education Policy* 32 (2018): pp. 397–417.

2.4 Recommended Uses of Data on Opinions and Lived Experiences

Surveys, interviews, and scholars' or students' personal reports capture their introspection on their own freedom to research, teach, study, and take part in the governance of their university. Unlike other data types, such data also allows researchers to evaluate the otherwise opaque issue of self-censorship. Therefore, such data can constitute a very valuable contribution to any country case study on academic freedom – although opportunities to collect such data in repressive contexts are severely limited. In such cases, case study authors could attempt to reach out to scholars and students who recently went into exile – keeping in mind, however, that their views and experiences will not necessarily be representative of academia in that country generally.

Case study authors who rely on perception data from interviews, surveys, and affected people's self-reporting should consider the following important questions:

- Sampling: What sampling method is used? On which basis are survey/interview participants selected? When using surveys: How large is the base sample? What is the response rate?
- Representativeness: To what extent is the pool of respondents representative of the academic sector as a whole? What is the risk of self-selection or potential biases on the basis of the author's network? Are those with particular grievances overrepresented in the sample? Are important perspectives missing?
- Authenticity: To what extent might social desirability mechanisms and suggestively formulated questions be shaping and distorting responses?

- Comparability: To what extent might differing levels of prior knowledge or divergent understandings affect the interpretation and comparability of responses?
- Manipulation: In producing the data, is there any risk of manipulation – for example, via fake responses or monitored respondents?
- Risk: Does the study involve any risks to participants? Is the data securely stored?

3. Events Data

Another intuitive starting point when looking at the academic freedom situation in a given county – especially a repressive one – is to review media or NGO reports and compile instances of academic freedom violations. Recent case studies on Turkey, for example, inevitably call attention to the scores of academics dismissed, arrested, and tried because they signed the Academics for Peace declaration in 2016.[33] Other "events" of interest in the higher education context could include threats against scholars and students, individual travel bans, or attacks against and closures of higher education facilities. Information on emblematic events can be used simply as an illustration of academic freedom violations, but often the number of such events is added up to provide an overview of the extent of a given problem or to compare counts across countries or areas, over time, or between types of violations. Most of the following discussion focuses on the use of events information in such quantified forms.

In addition to a case study author's direct observation or the consultation of primary sources such as news or social media,

[33] İnan. Ö. Taştan and Aydın Ördek, "A report on academic freedoms in Turkey in the period of the state of emergency," İnsan Haklari Okulu – The School of Human Rights, 2020, http://insanhaklariokulu.org/wp-content/uploads/2020/04/A-Report-on-Academic-Freedoms-in-Turkey.pdf, p. 12.

event counts and descriptions can also be obtained from secondary datasets dedicated to systematically recording such data on a global or national level. Such datasets typically also source event information from media, observation, or local NGO reports, and it is not unusual for NGOs themselves to maintain such incident databases. The structure, level of detail, and verification thresholds can differ substantially between datasets, and one should keep in mind that such data are compiled for advocacy and protection rather than for scientific purposes. The most prominent example of an events dataset in the area of academic freedom is the Scholars at Risk Academic Freedom Monitoring Project, which I will describe in more detail below.

3.1 Perks of Events-Based Data

The first key advantage of events data is their highly illustrative character and persuasiveness: if made transparent, it is *in principle* very easy to comprehend how event counts are obtained and what they represent. A second key benefit is event data's unique timeliness, as incidents are usually reported almost in real time and can therefore indicate sudden changes in repression levels. Furthermore, compiling events data is relatively easy and cost efficient; they can *in principle* be easily quantified and compared; and they can be collected at a subnational or institutional level.

3.2 Hazards of Events-Based Data

Unfortunately, events-based data – especially in their quantified form – have many weak points that thwart some of these anticipated benefits. In a way, this type of data is almost too easy to understand, which obscures the statistical complexities emerging from incident data as descriptors of reality. There is a crucial fallacy in assuming that events data represent an objective truth merely because the data points are individually verifiable.

Some of the problems relate to the data collection itself. Especially when several coders are involved, it is very important to establish procedures that ensure inter-coder reliability (i.e., confronted with the same case, each coder would enter it into the database in the same way). In many cases, this is simply a question of clear definitions and guidelines, but the nature of repression itself often presents a further challenge. For example, a scholar's dismissal could be politically motivated, or it could be the legitimate result of inadmissible conduct. Repressive actors deliberately capitalize on such subtleties, and the decision on whether to include or exclude a given case can therefore require in-depth contextual knowledge and substantial interpretation.

In addition, the database structure determines how "events" are defined: Do they refer to overall incidents, which can include violations against several individuals and/or several violations against one individual? Or does each violation or each victim count as a separate event? Scholars at Risk, for example, records for each "incident" (e.g., repressive policing of a protest on campus) the number of different violation *types* (e.g., imprisonment, killing) that occurred, which are equated with the number of "attacks" (in this case two) – regardless of the number of victims affected by the incident. Typically each observer organization applies its own logic to counting events, and even subtle differences can have a substantial impact on the total numbers reported, often rendering them incomparable to one another. Furthermore, total event counts are often problematic, as incidents or violations which differ widely in their seriousness – say, one scholar's paper being censored and another scholar being killed – are given the same weight. Using a weighted count could improve on this issue but would also introduce arbitrariness and confusion into the measure.

Further pitfalls in the use and interpretation of events data can be subsumed under three broader issues: construct validity, an

immense dark figure, and selection bias. Construct validity requires that a measurement instrument – in this case, event counts – is really measuring what it is supposed to indicate. Events data have important conceptual limitations that challenge construct validity when such data are used to assess academic freedom levels: First, their exclusive focus on *incidents* of repression or violence means that existing institutional restrictions and systematic intimidation remain unreported. This can lead to the paradoxical effect that the most repressive environments may appear comparatively benign due to high levels of pre-emptive obedience and self-censorship. Second, events data provide almost no information on academic freedom levels outside the realm of hard repression, which blurs variations at the lower end of the spectrum of possible restrictions.

The dark figure issue, as in crime statistics, refers to the fact that one can almost never achieve a full count of all the repressive events that occur within a given timeframe. In global events databases, this problem is further exacerbated by the sheer number of potential events of interest and the fact that the monitoring group is usually geographically very far removed from these events. This means that such events are likely massively undercounted, which makes descriptions of trends or patterns exceedingly complex. As perpetrators seek to hide their actions, the number of known and recorded events are fundamentally dependent on the overall availability of information, but also on observer organizations' capacities. Both are likely to fluctuate over time, which means that event counts might wrongfully suggest a change in repression levels, when in

reality they depict changes in informational levels[34] and/or data collection capacity.[35]

Closely associated with the general underreporting of events is the problem of selection bias, as recorded events are almost never a statistically random sample of the population of interest. This may seem like a pedantic observation, but in reality it means that events data cannot be used to describe patterns or trends in academic freedom repression, as some events are much more likely to be recorded than others. From other studies of events data, we know that recorded events tend to overemphasize instances of egregious repression – such as arrest, physical harm, and perhaps, in the case of scholars, also loss of position – because these draw wider attention, are more likely to be self-reported, and are in many cases easier to verify.[36] As a result, events data are unlikely to capture softer forms of repression adequately. Although it is often better to list different violations in separate counts due to weighting issues, this imbalance in reporting means that numbers cannot be meaningfully compared across all violation categories.

Other major parameters of selection bias include an event's geographic location and time of occurrence, owing to discrepancies in an area's geostrategic importance, to language barriers, to low connectivity in rural areas, to media fatigue with long-term crises, to information overload in news cycles, and to the varying presence of local NGO networks.[37] All of these issues

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[34] Ann Marie Clark and Kathryn Sikkink, "Information effects and human rights data: Is the good news about increased human rights information news for human rights measures?," *Human Rights Quarterly* 35, no. 3 (2013): pp. 539–568.

[35] Janika Spannagel, "Ereignisdaten: Irrlichter in der Erfassung menschenrechtlicher Trends," *Zeitschrift für Menschenrechte* 13, no. 1 (2019): pp. 7–26.

[36] Ibid.

[37] Cf. Kenneth A. Bollen, "Political rights and political liberties in nations: An evaluation of human rights measures, 1950 to 1984," in *Human rights and statistics: Getting the record straight*, eds. Thomas B. Jabine and Richard P.

mean that event counts can rarely be compared to one another – neither between countries, nor between institutions within a country.

One possible exception is nationally compiled datasets, which often record a significantly higher event count than global datasets, as national monitoring groups tend to have a more reliable network of sources and better access to information than international groups. While deriving trends and patterns from a global dataset is almost always problematic, more substantial conclusions may be drawn from such national datasets – under the demanding condition that the relevant collection method is likely to capture events of interest (almost) exhaustively.

A direct comparison of countries' Academic Freedom Index (AFi) scores for 2019 and events data collected by Scholars at Risk (cf. Figure 2) illustrates some of the problems of events data, as discussed above: on the upper quarter of the spectrum of AFi

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Claude, Philadelphia: University of Pennsylvania Press, 1992, pp. 188–215; Christian Davenport, "State repression and political order," *Annual Review of Political Science* 10, no. 1 (2007): pp. 1–23; Jule Krüger, Patrick Ball, Megan. E. Price, and Amelia H. Green, "It doesn't add up: Methodological and policy implications of conflicting casualty data," in *Counting civilian casualties: An introduction to recording and estimating nonmilitary deaths in conflict*, eds. Taylor B. Seybolt, Jay D. Aronson, and Baruch Fischhoff, New York: Oxford University Press, 2013, pp. 247–264; Todd Landman and Anita Gohdes, "A matter of convenience: Challenges of non-random data in analyzing human rights violations during conflicts in Peru and Sierra Leone," in *Counting civilian casualties*, pp. 77–93; Megan E. Price and Patrick Ball, "Big data, selection bias, and the statistical patterns of mortality in conflict," *SAIS Review of International Affairs* 34, no. 1 (2014): pp. 9–20; James Ron, Howard Ramos, and Kathleen Rodgers, "Transnational information politics: NGO human rights reporting, 1986–2000," *International Studies Quarterly* 49 (2005): pp. 557–587; Spannagel, "Ereignisdaten: Irrlichter"; and Nils B. Weidmann, "A closer look at reporting bias in conflict event data," *American Journal of Political Science* 60, no. 1 (2016): pp. 206–218.

levels, there is practically no variation between event counts in different countries (in this figure, "events" refer to incidents).

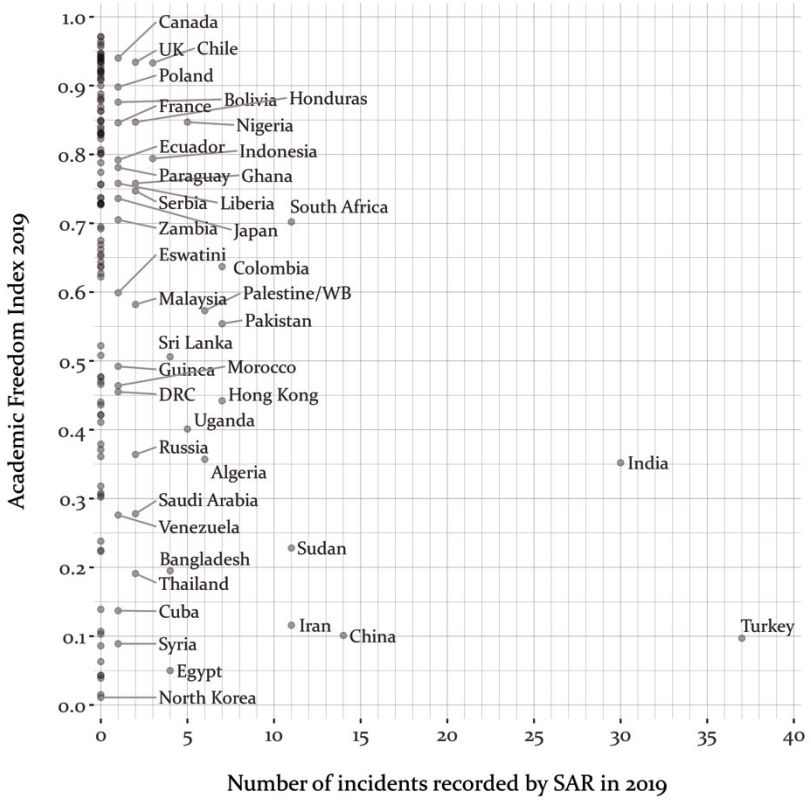

Figure 1: SAR Incident Incident Count vs. AFi Score for the 144 Countries with AFi Scores Available in 2019.[38]

[38] Note that for better readability, countries with zero reported incidents are not labeled on this graph, with the exception of North Korea. Sources: V-Dem Institute, "V-Dem dataset – Version 10"; SAR, "Academic Freedom Monitoring Project," 2020, https://www.scholarsatrisk.org/academic-freedom-monitoring-project-index/.

This demonstrates the threshold effect of data that only capture relatively serious repressive events. Furthermore, the countries that stand out on this graph in terms of comparatively high event counts – particularly Turkey and India – repeatedly appeared in international news media as a result of violations against scholars and students in 2019, and are also countries with internationally active civil society networks. In contrast, we see low event counts in some countries that score particularly badly on the AFi. In the case of Cuba, for example, this discrepancy might have something to do with events data's blindness to systemic repression, whereas Syria provides an example in which media fatigue and multiple ongoing crises likely overshadow individual incident reports in the university sector. North Korea is a classic example of a geographic area for which there is virtually no detailed information available internationally.

3.3 Sources and Examples of Events-Based Data

As mentioned above, the most prominent and pertinent source of events data on academic freedom is Scholars at Risk (SAR)'s Academic Freedom Monitoring Project, which provides data since 2013 and which is regularly updated. SAR sources its cases from a global network of volunteer researchers who identify and verify cases, mostly based on media and local NGO reports. Prior to publication, SAR secretariat staff review these incidents again; only sufficiently corroborated events are included in the database.[39] In SAR's dataset, the number of violation *types* are nested within incidents, and victim counts are not numerically recorded (but are usually available in the description). The violation categories include killings/violence/disappearances, wrongful imprisonment, wrongful prosecution, travel

[39] Cf. Scholars at Risk (SAR), "Methodology of the Academic Freedom Monitoring Project," 2020, https://www.scholarsatrisk.org/methodology-of-the-academic-freedom-monitoring-project/.

restrictions, loss of position, and other incidents.[40] Individual incidents are reported at the institutional level and can be accessed on the SAR website;[41] the raw dataset can be obtained for research purposes upon inquiry. SAR publishes an annual *Free to Think* report, which lists all the recorded incidents in a table and examines select country situations in more detailed narrative reports.[42]

A second global source for certain incidents of academic freedom violations is the Education under Attack data collected by the Global Coalition to Protect Education from Attack (GCPEA), an inter-agency coalition of three UN organizations and five international NGOs. This data includes a subset of attacks on higher education and is released in periodical reports – the latest, published in June 2020, covers the period from 2015 to 2019.[43] The aggregated data can also be accessed in an online interactive map.[44] GCPEA's data are sourced from relevant reports, conflict datasets, media searches, and direct reporting by organizations working in affected countries. Some incident data is externally verified, but non-verified events are sometimes collected even when they are not triangulated with additional sources. The original source of information, unless confidential,

[40] Other incidents include destruction of facilities, systematic harassment, and systematic discrimination.
[41] SAR, "Academic Freedom Monitoring Project."
[42] SAR, "Free to think. Report of the Scholars at Risk Academic Freedom Monitoring Project," 2019, https://www.scholarsatrisk.org/resources/free-to-think-2019/.
[43] Global Coalition to Protect Education from Attack (GCPEA), "Education under Attack 2020," 2020, http://protectingeducation.org/wp-content/uploads/eua_2020_full.pdf. Similar prior reports were issued by UNESCO in 2007 and 2010, and by GCPEA in 2014 and 2018. The reporting periods of these reports partly overlap.
[44] GCPEA, "Education under Attack 2020: Map," 2020, http://eua2020.protectingeducation.org/#map.

is always referenced in the report.[45] Unlike SAR, GCPEA excludes from its dataset any academic freedom violations that do not consist of (the threat of) physical violence, such as dismissals, censorship, travel bans, or revocation of citizenship.[46] Nonetheless, GCPEA and SAR report similar global numbers of higher education attacks for the period 2015–2019 (just over 1,200),[47] which may be explained by the different inclusion criteria each organization uses and their different ways of sourcing data (as well as the fact that GCPEA uses SAR's reports as one of its main data sources on higher education). Unlike SAR, GCPEA also reports on the number of people harmed, recording over 9,100 higher education students and personnel injured during this period. Due to the sensitive nature of this data, GCPEA does not share its raw data; only certain highly aggregated country-year counts are available, and these do not currently distinguish higher from primary and secondary education.[48] In its 2020 Education under Attack report, GCPEA

[45] Cf. GCPEA, "Education under Attack 2020," p. 86–96. It is important to note that part of GCPEA's data is sourced from summary reports, such as UN Security Council or Human Rights Council reports, for which GCPEA does not hold incident information. According to GCPEA staff, in such cases double-counting is avoided either by reporting whichever event count is higher or by only adding those incident counts which are clearly not included in the summary. In the country profiles in GCPEA's global reports, such limitations are transparently communicated.

[46] Cf. GCPEA, "Education under Attack 2020," p. 88. The violation categories GCPEA considers in the higher education section are: attacks on facilities, killings, abductions, threats, use of excessive force, and other acts that create a climate of fear or repression. Their definition requires that such attacks are perpetrated by armed forces, law enforcement, other state security forces, or non-state armed groups.

[47] Comparing event numbers between different datasets is generally problematic due to differences in definitions of what counts as an "event" (see the discussion above). In this case, GCPEA's definition of an "attack" appears relatively congruent with SAR's definition of an "incident," which is why a rough comparison seems justifiable.

[48] GCPEA, "Education under Attack 2018: Dataset," The Humanitarian Data Exchange, 2018, https://data.humdata.org/dataset/eua-2018.

provides detailed information in 37 country profiles, focusing on countries that experienced insecurity or armed conflict and systematic patterns of attack on the education sector.

As I noted above, in some instances events data are collected and recorded at the national level. One such example is the Association for Freedom of Thought and Expression (AFTE) in Egypt, which counts and reports attacks against students at public universities for the academic years 2013/2014, 2014/2015, and 2015/2016.[49] According to AFTE, the information for this dataset was sourced from the organization's own network of student reporters and independent student groups; from statements by Egyptian human rights organizations, official authorities, and student unions; from victim testimonies; and from police records accessed through AFTE's network of human rights lawyers.[50] This wealth of sources effectively demonstrates the typically vast differences in documentation capacity between international and local organizations, and highlights why one should be wary of considering internationally collected event counts as representative or indicative of violation levels on the ground: AFTE counts only *student* victims, while SAR counts scholars *and* students; nevertheless, AFTE identified roughly eight times as many victims in Egypt *in total* as SAR identified over the same period of time.[51] AFTE's four violation categories

[49] Norwegian Students' and Academics' International Assistance Fund (SAIH) and Association for Freedom of Thought and Expression (AFTE), "Besieged universities. A report on the rights and freedoms of students in Egyptian universities from the academic years 2013–2014 to 2015–2016," 2017, https://afteegypt.org/wp-content/uploads/Besieged-Universities-web.pdf.
[50] Ibid. p. 6.
[51] To add to the confusion over event units discussed above, AFTE – unlike GCPEA and SAR – does not record incidents, but rather "violations" (which here refers to the number of victims), making their counts incomparable to either SAR's or GCPEA's reported overall numbers. AFTE reports "violations" against 2,318 students – whereas SAR counts a mere 32 "violations" (in 22 incidents) between September 2013 and August 2016, a count that disregards victim numbers. For example, a single SAR incident in December 2014, coded

are arrests, administrative violations and disciplinary sanctions, military trials, and extrajudicial killings. In AFTE's report, violation numbers are reported by category at the institutional level; apart from the comparatively high numbers, the extent to which the reported figures can be considered exhaustive counts is not entirely clear on the basis of the report itself.

Ilyas Saliba's case study on Egypt in this book[52] provides an example of how events data – sourced partly from AFTE's report, and partly from media and other sources – can be put to use in a country case study. The incident reports referenced in this case study are mainly included to illustrate certain repressive tactics via emblematic cases and to draw tentative conclusions on repressive patterns that appear to be supported by the available data. Similarly, Conrado Hübner Mendes references incidents reported by media, SAR data, and case information to showcase important events that recently occurred in Brazil.[53]

3.4 Recommended Uses of Events-Based Data

The multitude of problems associated with reporting and interpreting events-based data does not render them useless in the assessment of academic freedom violations. However, it is important to acknowledge their limitations and to be distrustful of any trends or patterns derived from such data, especially if collected internationally. Wherever thorough nationally sourced

as "loss of position" and therefore counted as one violation, accounts for 122 students expelled from Al-Azhar University (SAR, "December 28, 2014, Al-Azhar University," 2014, https://www.scholarsatrisk.org/report/2014-12-28-al-azhar-university/). A rough survey of SAR's incident reports suggests that some 300 victims were registered at Egyptian universities during the relevant time period. AFTE's number of student victims is also roughly twice as high as the number of victims GCPEA reports across the *entire* Egyptian education system for the *calendar* years 2013 to 2016 (1,274 victims; see GCPEA, "Education under Attack 2018: Dataset").

[52] See pp. 141–174.

[53] See pp. 63–101.

data is available, more conclusive answers might be derived, although some problems of selective undercounting are likely to persist.

The most important use of events data in case studies is probably their strong ability to showcase typical – or particularly egregious – violations against higher education personnel and students in a given country. Although they often only capture the tip of the iceberg, such illustrations indicate the threat level of individualized repression against academics and students.

Case study authors who rely on events-based data should consider the following important questions:

- Definitions: What do the terms "events" or "incidents" indicate? Do they count victims, violation types, or both? Are different violation types given the same weight in the overall count?
- Blind spots: What types of repression in the university sector are not covered by this information?
- Sourcing: How are the data collected, by whom, and based on what original sources? Did monitoring capacity remain constant over time or not?
- Dark figure: Is this a very fine-grained, national data collection effort or a global monitoring endeavor? How exhaustive is the count likely to be?
- Selection bias: What types of cases are less likely to be captured by this collection effort (e.g., because they are less likely to be reported by victims or in the media)?
- Verification: What are the verification standards applied to the reported events? How trustworthy are the counts? How many are not published because they were not reported by multiple sources?

4. Institutional Self-Assessments

As a data type, institutional self-assessments offer information on the governance of bureaucratic institutions, such as universities or national higher education bodies. Such data may be collected via interviews or surveys with university administrators or personnel from higher education ministries or similar bodies, asking them about their internal structure, policies, statistics, and practices. A particularly prominent example is the self-reporting data collected for the European University Association's Autonomy Scorecard, which I will introduce below. Another example of self-reporting data are the reports states submit to the UN Committee on Economic, Social and Cultural Rights or similar bodies. However, as Katrin Kinzelbach notes in the introduction, these reports only seldom contain explicit information on academic freedom.[54]

4.1 Perks of Institutional Self-Assessments

The main advantage of such self-assessment data is that it uniquely enables access to and collection of detailed governance information that is otherwise often difficult or impractical to identify. It can be collected at the country, institutional, or even faculty level.

4.2 Hazards of Institutional Self-Assessments

The difficulties with institutional self-assessment data on the topic of academic freedom are threefold. First, data collection is completely reliant on an institution's willingness and ability to cooperate and provide meaningful information; a lack of responsiveness simply leads to missing data on the respective university or country. Higher education institutions therefore need to be incentivized to supply data – for example, by including such data and making them visible in reputable

[54] See pp. 1–10.

comparative measures, such as the Autonomy Scorecard or higher education rankings. The extent to which these institutions would be willing to share extensive data with a researcher for a single case study is unclear.

The second problem is related to this issue of incentives, because self-reporting data from ministries, university federations, or universities themselves is even more vulnerable to overt manipulation or implicit bias than surveys of individual scholars. This is a particular problem in closed political environments where it is difficult to independently verify the information submitted. Self-selection is also an important concern – administrations imposing or suffering from restrictive academic freedom policies will certainly be less likely to share relevant data. Unlike anonymous surveys, self-reporting data is not a channel in which grievances can be usefully shared, nor would institutions want to risk putting off prospective students or scholars. The possibility that questions are answered in a selective or biased manner should therefore be a major concern in the collection and verification of institutional self-assessment data. Similarly to scholar-focused surveys, institutional self-assessments are unlikely to provide credible data in repressive contexts; the method of self-reporting is therefore most appropriately applied in contexts where academic freedom levels are comparatively high.

Finally, when working with self-reporting data in country case studies, it is important to keep in mind that higher education systems function vastly differently, even between otherwise similar countries. Readers may therefore have difficulties interpreting decision-making rules, regulatory regimes, and bureaucratic practices without in-depth contextualization and interpretation.

4.3 Sources and Examples of Institutional Self-Assessments

To date, there are two principle secondary sources working with institutional self-reporting data. Of the two, the European University Association (EUA)'s Autonomy Scorecard is the more prominent and thorough; its most recent report covers data collected in 2016 on 29 higher education systems in Europe,[55] while an earlier version from 2011 covers 25 such systems. This data is provided by the national rectors' conferences of 27 European countries via questionnaires and follow-up interviews. As part of the EUA's approach, rectors' conferences not only provided the data – some actually participated in the development of the original methodology, which likely helped to establish ownership and incentives for the institutions involved. The Scorecard addresses questions of university autonomy, using 38 indicators categorized into 4 dimensions: organizational, financial, staffing, and academic autonomy. The results for 2016 are summarized in the cited report and also accessible in an online tool.[56] For country case studies on Europe, this may prove a valuable source of secondary data, especially since its methodology is well established and offers information on a sufficiently abstract level to be broadly understood.

A second example of self-reporting data on academic freedom is the relatively new University Impact Ranking provided by Times Higher Education, first published in 2019 (with data for 2017) and updated in 2020 (with data for 2018). Its thematic scope extends far beyond academic freedom, as it aims to measure universities'

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[55] Enora Bennetot Pruvot and Thomas Estermann, "University autonomy in Europe: III. The Scorecard 2017," European University Association, 2017, https://eua.eu/downloads/publications/university%20autonomy%20in%20europe%20iii%20the%20scorecard%202017.pdf.

[56] European University Association (EUA), "University autonomy in Europe," 2017, https://www.university-autonomy.eu.

contributions to achieving the Sustainable Development Goals (SDGs). In its assessment of SDG 16: Peace, Justice and Strong Institutions, THE includes the existence of "policies guaranteeing academic freedom" among a broad range of indicators. The data on this and other questions related to university governance measures are exclusively collected through self-assessments by universities and on a voluntary and potentially selective basis.[57] Furthermore, the published data is aggregated per SDG, so that the existence of academic freedom policies and other relevant sub-measures cannot be individually compared. The fact that a Russian university ranked second-highest on SDG 16 in the 2019 ranking[58] does not square well with the findings presented in the case study on Russia in this volume.[59] The overall credibility of the THE data on academic freedom, specifically its usefulness as a proxy measure, must therefore be questioned; nevertheless, it could serve as an entry point to gaining an overview of those universities in a given country which self-report academic freedom policies and similar measures.

[57] Times Higher Education (THE), "THE impact rankings 2020 by SDG: Peace, justice and strong institutions (SDG 16) methodology," 2020, https://www.timeshighereducation.com/impact-rankings-2020-sdg-peace-justice-and-strong-institutions-sdg-16-methodology. The data is reviewed by THE, though it remains unclear how much evidence individual universities provided to support their claims.

[58] THE, "Impact rankings 2019 by SDG: Peace, justice and strong institutions," 2019, https://www.timeshighereducation.com/rankings/impact/2019/peace-justice-and-strong-institutions#!/page/0/length/25/sort_by/rank/sort_order/asc/cols/undefined.

[59] See pp. 103–140.

4.4 Recommended Uses of Institutional Self-Assessments

The use of institutional self-reporting data on academic freedom seems to be appropriate only for case studies in non-repressive contexts where academic freedom is relatively high and a culture of transparency exists. The potential granularity of this type of data, both geographically and thematically, can be an important asset for studies interested in the day-to-day practices of academic freedom in a given country.

Case study authors who rely on institutional self-assessment data should consider the following important questions:

- Manipulation: What is the risk that the data provided are biased or have been manipulated? What avenues are or could be taken to verify the assessments?
- Completeness (when using surveys): How many institutions in the country provided data? What were their incentives to participate? What might this say about other institutions that did not respond?
- Interpretation: How does the information need to be contextualized to clarify its meaning in terms of academic freedom levels?

5. De Jure Assessments

Academic freedom is not only a political concern; it is also a legal concept, which is why many studies on the topic focus on the analysis of legal texts, either deliberating on the normative notion and genesis of academic freedom itself or assessing the extent to which academic freedom is anchored in a given legal system. In the context of case studies on academic freedom, we are interested in the latter type of studies.

Case study authors, especially those who have a legal background, may choose to analyze their country's legal texts themselves – including constitutions, national or subnational legislation, higher education regulations, or even university policies – or to rely on previous studies, where these are available and up to date. Below I will also introduce several secondary data sources that provide legal assessments of academic freedom in varying levels of depth for a large number of countries.

5.1 Perks of De Jure Assessments

The major benefit of legal analyses is that they collect a very particular kind of information – one which other methods take into account only marginally – namely, the extent to which academic freedom is laid down in legal texts and is therefore (at least theoretically) legally actionable. The fact that legal texts can be compared to a common international standard[60] is also an advantage of de jure assessments, establishing greater objectivity and comparability overall. Furthermore, unlike survey and self-reporting measures, legal analyses can be a useful gateway to uncovering pertinent information on repressive contexts – at least where academic freedom restrictions are explicitly legalized and access to relevant texts is possible.

[60] In the case of academic freedom, international legal texts and standards are relatively limited. The relevant provisions in the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by the vast majority of countries around the world, obligate states "to respect the freedom indispensable for scientific research." In April 2020, the UN Committee on Economic, Social and Cultural Rights (CESCR) issued General Comment No. 25, which offers an interpretation of ICESCR Article 15 – the article relevant to academic freedom. Additionally, an important and often-used soft law standard is the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel.

5.2 Hazards of De Jure Assessments

The main issue with legal assessments of academic freedom is that they paint a potentially misleading picture when used as an indicator of a country's academic freedom levels, particularly in repressive or fragile contexts where de jure and de facto realities are more likely to diverge. We can confirm this concern via a comparative analysis of a 2019 dataset on constitutional guarantees of academic freedom coded by the Comparative Constitutions Project (CCP) and the Academic Freedom Index (AFi) scores for the same year: close to one-third of countries with the worst performances on academic freedom (AFi scores < 0.4) have constitutional protections for academic freedom in place. Nevertheless, the more fine-grained the legal analysis is, the more likely it will be to capture the reality on the ground accurately – for example, if regulations, subnational laws, or a state of emergency contradict or revoke such constitutional provisions, as illustrated by Ilyas Saliba's case study on Egypt in this book.[61] In addition, considering judicial practice in dealing with academic freedom cases may also be critical to a de jure assessment, as shown in Conrado Hübner Mendes' report on Brazil.[62] However, in some countries restrictive practices are not laid down in legal texts, while in other countries the law may be more restrictive than the de facto reality. Moreover, de facto deteriorations or improvements are not likely to be detectable in legal analyses in a satisfactorily timely manner.

Second, studying legal texts requires relatively solid legal expertise, and the required level of expertise increases in proportion to the level of granularity involved in the analysis. Even at a constitutional level, CCP's coding experience shows that the simple determination of whether a certain provision constitutes a guarantee of academic freedom is not actually

[61] Cf. pp. 141–174.
[62] Cf. pp. 63–101.

simple at all.[63] The level of complexity increases when subnational regulations are taken into consideration, often requiring in-depth knowledge of a given country's legal system. Limited access to relevant texts may also pose a problem, especially for such fine-grained evaluations.

5.3 Sources and Examples of De Jure Assessments

In addition to legal studies on academic freedom guarantees in their individual country, case study authors can turn to several broader secondary data sources that take a comparative look at legal texts across a larger set of countries. Although most of these datasets cannot replace a more in-depth review of academic freedom provisions, they can provide a very helpful orientation, and in some cases they suggest useful benchmarks against which to compare a country's de jure status.

As a basic starting point, authors can consult the above-mentioned global constitutions dataset, collected by CCP and published by V-Dem, which provides annual data on academic freedom in constitutions around the world from 1900 to 2019.[64] This dataset is particularly useful for authors interested in the constitutional history of their country, as it highlights changes in academic freedom provisions over the course of the last 120 years. In coding this dataset, constitutional texts were usually examined by two independent coders, each searching the constitution for a guarantee of academic freedom. In the event that the two (or sometimes more) coders disagreed with each other, their assessments were reconciled by a third, more

[63] Cf. Spannagel, Kinzelbach, and Saliba, "The Academic Freedom Index and other new indicators," p. 11; and James Melton, Zachary Elkins, Tom Ginsburg, and Kalev Leetaru, "On the interpretability of law: Lessons from the decoding of national constitutions," *British Journal of Political Science* 43, no. 2 (2013): pp. 399–423.

[64] Zachary Elkins et al., "Constitutional protection for academic freedom (v2caprotac)," V-Dem Institute, 2020, dataset available at: https://www.v-dem.net/en/data/data-version-10/.

experienced person who adjudicated competing answers.[65] For those interested in the current constitutional provisions of their country, CCP's interactive project website may be more practically relevant, as it allows one not only to check for academic freedom guarantees, but also to browse the respective constitutional texts (in English translation).[66]

Together with Alicja Polakiewicz, I collected a similar time-series dataset on states' international legal commitment to academic freedom under the International Covenant on Economic, Social and Cultural Rights (ICESCR), which provides annual data from 1966 to 2019 and was also published by V-Dem.[67] We coded states based on their ratification status, as available at www.treaties.un.org, taking into account whether they expressed reservations to ICESCR's Article 15.3 on academic freedom. Only states with UN member status or UN non-member observer status allowing for treaty participation were coded.

A much more fine-grained comparative study is provided by Terence Karran, Klaus Beiter, and Kwadwo Appiagyei-Atua, covering the 28 states in the European Union in early 2014.[68] The authors use 37 parameters to evaluate constitutions as well as higher education legal instruments, and to compare these to the requirements of the UNESCO Recommendation concerning the

[65] Spannagel, Kinzelbach, and Saliba, "The Academic Freedom Index and other new indicators."
[66] See www.constituteproject.org.
[67] Janika Spannagel and Alicja Polakiewicz, "International legal commitment to academic freedom under ICESCR (v2caacadfree)," V-Dem Institute, 2020, dataset available at: https://www.v-dem.net/en/data/data-version-10/.
[68] Terence Karran, Klaus Beiter, and Kwadwo Appiagyei-Atua, "Measuring academic freedom in Europe: a criterion referenced approach," *Policy Reviews in Higher Education* 1, no. 2 (2017): pp. 209–239.

Status of Higher-Education Teaching Personnel[69] and relevant international human rights law. On this basis, they calculate a composite measure of protection for academic freedom out of 100, which comprises the sum of the scores for 5 separate dimensions, each worth 20 percentage points: academic freedom for teaching and for research, institutional autonomy, self-governance, academic tenure, and adherence to international agreements. A table with the results is included in the article. The authors report that data collection was unproblematic, as constitutions are widely available and the Bologna Process required the translation of many higher education regulations into English. This not only highlights the fact that legal analyses are particularly suitable in the European context, but also points to potential problems in covering territories that are not bound by similar regulations.

Indeed, this issue emerges in a similar analysis conducted by the same authors across African countries.[70] The criteria are far less fine-grained, and only 44 out of 55 countries could be properly evaluated due to problems in accessing data.[71] Here as well, the UNESCO Recommendation is used as a comparative framework. Countries' constitutions and national legislation are scrutinized and classified according to their compliance with standards on institutional autonomy, individual rights and freedoms enshrined in legislation, the democratic structure of university governance, and academic tenure, as well as the explicitness of

[69] UNESCO, "Recommendation concerning the status of higher-education teaching personnel," 1997, http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html.
[70] Kwadwo Appiagyei-Atua, Klaus Beiter, and Terence Karran, "A review of academic freedom in Africa through the prism of the UNESCO's 1997 Recommendation," *Journal of Higher Education in Africa* 14, no. 1 (2016): pp. 85–117.
[71] It is unclear which point in time the analysis refers to, but it was likely carried out around 2014/2015.

constitutional references to academic freedom. A data table presenting the assessments is included in the article.

5.4 Recommended Uses of De Jure Assessments

Analyzing the legal frameworks of higher education and their protection of academic freedom plays an important role in academic freedom assessments and is the subject of a separate section in the research guidelines proposed in this book.[72] De jure assessments can be considered as a kind of baseline evaluation of a country's academic freedom levels, which helps one understand the legal context in which a given higher education system operates. Nonetheless, such assessments should not be confused with the evaluation of a country's de facto situation. In many countries, especially repressive and fragile ones, there is likely a considerable difference between legal provisions and actual practices. Where such differences exist, it is important to uncover and expose them – and legal analyses are a crucial means to this end.

Even in the EU, where the rule of law is comparatively strong, we find differences between Terence Karran and his co-authors' de jure assessments and the AFi's de facto assessments. Croatia, for instance, received the highest aggregate score of all EU countries in the de jure assessment for 2014, but ranked second-lowest (above Hungary) among all EU countries in the same year according to the AFi.[73] Such comparisons can open interesting

[72] See pp. 11–23.

[73] Croatia's AFi score was 0.84 in 2014, on a scale from 0 (no academic freedom) to 1 (full academic freedom). Note that, due to possible measurement errors, AFi rankings should not be overinterpreted, especially among groups of countries for which these scores are closely aligned. The confidence interval of the AFI score for Croatia in 2014 is in fact relatively large: between 0.75 and 0.91. AFi raw data shows that the seven experts who contributed to the "freedom to research and teach" data point for Croatia in 2014 displayed unusually large disagreements: on a scale from 0 (lowest) to 4 (highest), three experts coded this indicator as 4, two as 3, and two as 2. The

avenues for case study research by presenting research puzzles that require in-depth exploration and analysis.

Case study authors who rely on de jure assessments of academic freedom should consider the following important questions:

- Validity: To what extent do the de jure and de facto situations in this country diverge? If they diverge, are the legal provisions more permissive or more repressive than the de facto situation, and why? Are there contradictions between legal texts? Have recent developments occurred which may not yet be visible in the legal framework?
- Interpretation: What level of legal expertise is necessary for an adequate interpretation of the original texts? When using secondary data: Was the applied expertise adequate?
- Completeness: Are all the essential legal texts accessible? When using secondary data: Were there gaps in the original data on the basis of which the assessments were made?

6. Conclusion

This discussion of the strengths and weaknesses of these various data types shows that no single data source can provide all the answers. Each data type brings a particular puzzle piece into the picture, but it is the task of case study authors to put all the pieces together, to contextualize their information, and to

ratings for institutional autonomy, on which Croatia ranks third within the EU in the de jure assessment, are even lower on average – four experts indicate a 3, two a 2, and only one a 4 (cf. dataset available at: https://www.v-dem.net/en/data/data-version-10/). It would be interesting to further investigate the reasons for the apparent discrepancy between the de jure and the de facto situations, which may also partly account for the disagreements among experts.

interpret the meaning of their data within a given country context.

My ambition in this chapter was to provide an overview to help case study authors navigate the different data types at their disposal, understand their respective limitations, and be prepared to ask the right questions when putting them to use. Similarly, when authors decide to collect their own data, they should avoid the pitfalls discussed above and should transparently articulate the limitations of their data.

This review of different data types has shown that not all data types are well suited or even similarly applicable to all country contexts: For example, access to reliable information may be severely restricted in more repressive contexts, and certain research methods may pose a safety risk. In contrast, events data are not suited to meaningful descriptions of less repressive situations. The amount of pre-existing data sources also varies significantly between regions and countries. For this reason, there is no universal recipe for research methods and sources which case study authors should use. Overall, the more sources they engage with and review as part of their analysis, the richer their study is likely to be, and the greater the synergy effects they have the potential to generate.

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International human rights law protects the freedom indispensable for scientific research – a prerequisite for innovation and the pursuit of knowledge. However, empirical research on the protection and violation of academic freedom remains scarce. This volume seeks to fill that gap by introducing case study guidelines as well as four sample case studies in which the authors applied these guidelines in their research on academic freedom in Brazil, Egypt, Ireland, and Russia. The book also includes an inventory of available data sources on academic freedom, providing guidance on how to utilize and contextualize these data in country-level assessments.

The research guidelines and case studies presented here are the result of an international, collaborative endeavor. Collectively, the authors seek to promote systematic, comparable research on academic freedom, while also fostering a community of scholars committed to developing this nascent field of interdisciplinary human rights research.

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