

CHAPTER 3

Academic Freedom and University Autonomy An Agenda for Professional Public Engagement

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INTRODUCTION

Interest in academic freedom and university autonomy seems to come and go in waves. After phases of relative rest and silence, these concepts can gain new relevance. We are currently experiencing such a revival in many parts of the world, which is a solid justification for delving deeper into some aspects that often remain underexposed.

While in most discussions of academic freedom individual rights and individual security predominate, this chapter focuses on institutional autonomy and freedom in and of the academic community. This is not about abstract notions or concepts but about academic freedom, independence, and autonomy as core living values in contemporary universities.

We may begin with the essence of a university: What is a university? A basic definition would be an institution of adult education and scholarly research. The learning part is the core task of every university. It is conducted

by students, mostly young adults and some older, who are supported and inspired by their teachers and tutors, as well as by their peers. It is their aim to acquire knowledge, skills, and competencies in one or several academic and/or professional fields, culminating with a certification or degree. The result is an academic professional's access pass to the job market inside and outside of academia.

Depending on the profile of the university, the research part is equally or less pronounced. It is mainly carried out by qualified senior researchers together with a good number of junior researchers and PhD students, preferably with many students involved in one role or another from their undergraduate years on.

All of this is done with the further motive of developing scientific knowledge as well as educating new generations of academic professionals, not just out of self-interest but as a service to society and a contribution to the public good.

For a university to be able to meet these ambitions and tasks, it naturally needs several favorable framework conditions (in terms of material provisions and scholarly competencies and the like). Yet to be able to fulfill its tasks properly, a university needs more; it needs a considerable degree of freedom: the freedom to think and teach, to plan and prioritize, to collaborate with colleagues at home and around the world, all in the interest of how we can best serve present and future societies and more generally sustainable human life on our planet. In other words, the freedom of the academy rests on its function; it is a crucial requirement and prerequisite for its performance.

In this sense, this chapter is about the freedom of the university and its members and how it is best used.

DEFINITIONS

Before addressing some key current challenges that universities and their members face in maintaining and using their freedom and independence, it should be clear how these concepts of freedom and independence are used in the present context. Quite often, explanations of freedom and independence refer either to their different lexical meanings (e.g., freedom refers to the ability to do something, while liberty is permission to do something; or positive freedom is the ability to do something, while negative freedom is the

lack of restrictions) or to the comparative use of freedom in a legal context (e.g., comparing academic freedom with freedom of expression or discussing the relationship between freedoms and rights or obligations and responsibilities). However, since words acquire their meaning through their usage, one should look beyond lexical or legal meanings for context and usage.

A very common setting for statements about freedom is that of the individual. A common version defines freedom as a situation or ability in which one can do whatever one wants. There are no obstacles, only a maximum range of options for the individual.¹ Still, some philosophers have seen good reason to qualify such statements, either emphasizing that ability should imply capacity (one has the opportunity and means to do whatever one pleases) or adding that the statement is not about no matter what but about things of value to the individual concerned and/or to others as well.² Such qualifiers point to two much-discussed problems: unlimited freedom for one individual easily violates unlimited freedom for other individuals; declaring someone free without enabling that individual to realize their freedom is little more than offering an empty shell.

However, the individual is not the only point of reference for freedom in common parlance. One can also speak of societies characterized by various degrees of freedom. Either in terms of their autonomy as a nation (as opposed to nations that are ruled or occupied by others: a free society governs itself) and/or in terms of the degree of freedom enjoyed by a society's citizens (a free society is one that allows individuals to live a life of freedom).

A third possible reference is made less frequently. This is about the independence of institutions in society and the freedom of professional associations and their members. In many societies, autonomous institutions (such as the judiciary) perform a crucial function, independent of individual citizens and political government. Even more commonly, professions such as medicine or art are defined as independent and free, meaning that those in these professions can exercise the decision-making powers that every true professional needs to deliver quality work, to serve their clients and the general public in the best possible way, free from outside interference.

1 See, e.g., "Freedom," *Oxford Advanced Learner's Dictionary*, www.oxfordlearnersdictionaries.com/definition/english/freedom.

2 See, e.g., Joel Feinberg, "Freedom and Liberty," in *The Shorter Routledge Encyclopedia of Philosophy*, ed. Edward Craig (London: Routledge, 2005), 294.

Professional freedom and independence in this sense imply that within their functional domain members of these groups or guilds are allowed to be autonomous: they set and follow their own rules, in the interest of the quality of their professional performance. As a corollary of these freedoms, professional institutions or guilds and their members have a responsibility to act in accordance with professional standards and to be accountable to their peers' forum for the quality of their work. Independent judges are bound by rules and criteria of professional quality and integrity.

As I see it, the academic profession belongs exactly in this category. The postwar German constitution contains the pointed statement "Kunst und Wissenschaft, Forschung und Lehre sind frei" ("Arts and Sciences, Research and Teaching Are Free"), which expresses the fundamental independence of these professions and the guild's members. This is a qualified freedom, within a specific, broadly defined professional domain with its own norms and rules.³

It is precisely this type of institutional and professional freedom and independence that characterizes the Magna Charta Universitatum's (MCU) principles and statements, both in its original version of 1988 and in its recent 2020 version.⁴ The universities referred to by these statements are autonomous institutions (that enjoy independence, set their own norms and rules, and assume responsibility and accountability), and the members of these institutions (be they academics or students) enjoy academic freedom (which is fundamentally a qualified freedom that comes with responsibility).⁵

TWO RELEVANT DOMAINS

Guided by these preliminary explorations, the present chapter will explore some key issues of academic freedoms in two relevant domains: on the one hand, the university and its external positioning and interaction with and perception by society; on the other hand, the academic community itself with its own internal arrangements, values, and behaviors. The first is about

3 Germany, *Grundgesetz für die Bundesrepublik Deutschland*, Article 5.

4 MCU 2020. The 2020 version of the Magna Charta not only repeats and underlines the core principles of the 1988 original but adds a number of key commitments and responsibilities of universities, most of them in terms of public service.

5 My approach may be termed a *professional* understanding of academic freedom; see Matthew W. Finkin and Robert C. Post, *For the Common Good: Principles of American Freedom* (New Haven: Yale University Press, 2009), 9.

how the academy positions itself in society, how it interacts with other societal bodies or groups, and how it wants to be perceived. The second concerns shared values of the academy itself and in particular the relationship between the academy as a community and the freedoms of its members.

Before discussing these two domains it is crucial to consider the importance of the link between academia and society. Universities are not stand-alone institutions. They are meant to serve a greater purpose, such as the purpose of serving society and its sustainable development on our planet in a responsible manner. This implies knowing and deciding how to do this well, including selecting and designing appropriate programs of teaching, learning, and research, assuming that most if not all academics are fit and ready to contribute. Freedom and autonomy are prerequisites of the university in that they allow the university to shape its specific mission and strategies independently.⁶ For the sake of clarity, I would like to add right away that these freedoms should not allow universities to betray their fundamental mission. It is not freedom in the sense of free-for-all. It is a freedom that allows independent institutions to carry out their professional task with the assumption that they agree on professional rules and adhere to their professional values.

In this chapter, I have chosen to focus on the role and mission of the university itself for two reasons. For one, how a university lives and uses its freedom is a comparatively underexposed topic, although one of paramount importance. Much more attention is usually paid to external actors and outside influences, and the role of authorities, funders, and legislators regarding autonomous universities, with the main message that they should grant, recognize, and protect the university's independence and not interfere in its core mission and decision-making. For another thing, in times of intense social changes and more than the usual political turbulence, universities as independent social institutions should not passively wait and see what will happen (to them) but rather actively define and protect their position in society, vis-à-vis authorities, funders, and legislators, both in terms of their autonomy and of their independent engagement in societal developments, wherever and whenever their position in society and their ability to contribute to its development and well-being is at stake.

6 See Frank H. T. Rhodes, "Universities and the Democratic Spirit," in *Higher Education and Democratic Culture: Citizenship, Human Rights and Civic Responsibility*, ed. Josef Huber and Ira Harkavy (Strasbourg: Council of Europe Publishing, 2007), 45.

UNIVERSITY AND SOCIETY

Universities acknowledge that they have a responsibility to engage with and respond to the aspirations and challenges of the world and to the communities they serve, to benefit humanity and contribute to sustainability.

This is a core statement of the new 2020 edition of the MCU. It is not so much a new insight as it is one to be revisited, retested, and reapplied over time because it is such a contingent pursuit. It takes on different forms with changing circumstances since it fundamentally is a relational aspiration. Times are changing and with them the university and its mission.

There is general agreement that the university's *raison d'être* is to serve society, to prepare new generations for professional roles in society, to contribute to the development of culture and civilization, and to support innovation in the workplace, in technology or energy production and use. In academia we seem to have truly embraced this belief, knowing that our end users and beneficiaries are companies and communities, schools and start-ups, hospitals as well as hydrogen plants. We are confident that in the final analysis, all we do is done well from a societal perspective.

Chris Brink aptly describes this conviction with the metaphor of Adam Smith's invisible hand. If we do our academic profession well, it will eventually end up having beneficial effects, one way or another.⁷ Although indeed a good number of examples can be given of quite late and often unintended beneficial effects and uses of scientific knowledge, this spontaneous, accidental "natural" causality is not enough. If the academy's mandate of engaging with society and creating a healthy impact in society is to fully develop and unfold its effects in good time and where they are needed, it must be based on a dedicated overall strategy and be designed in direct interaction with relevant partners in society.

However, society is a broad and rather frayed concept and phenomenon. Most of us have our own preferred society, the type of society or part of society we work for and are familiar with. Particularly in today's fragmented

7 Chris Brink, *The Soul of the University: Why Excellence Is Not Enough* (Bristol: Bristol University Press, 2018), 35–36.

societies where the common good is perceived very differently by different groups with different interests and concerns, it is very tempting to be choosy about the kind of society we envision and would like to work for.

At the same time our commitment to fairness, to public benefit, should prevent us from being picky, not allowing us to line up with those parties and institutions in society that seem to be our natural allies or our best-paying partners, rather than with those who would most likely benefit most from our involvement. Otherwise, universities run the risk of being viewed as elite institutions, not because of their high-quality performance, but because they are an integrated part of the establishment and with preference serve the interest of that establishment and its members.

So, if we want to serve society well, we should seriously ask ourselves “What society?” And to answer that question fairly we must base our judgment on sound analysis and avoid bias and prejudice. Consequently, university strategies and policies of engagement with society require serious reconnaissance work, to identify pressing needs and what the university could and should deliver to public benefit.

Two years ago, the Council of Europe⁸ published a volume of articles on academic freedom, institutional autonomy, and the future of democracy. It offers a clear and instructive reflection of the interdependence between university and society in relation to fundamental values, in particular freedom and autonomy, with the ironic statement that academic freedom and institutional autonomy at universities do better in situations where they are least demanded. In open societies with a high degree of accepted diversity and respectful public debate and controversy, faculty and students as well as universities naturally benefit from this societal climate. In less permissive societies, dissident opinions and independent institutions are under constant attack.

In this context, the 1988 MCU and its fundamental principles of independence and freedom certainly remain of high relevance.⁹ The third principle reads in full: “Freedom in research and teaching is the fundamental principle of university life, and government and universities, each as far as in

8 Sjur Bergan, Tony Gallagher, and Ira Harkavy, eds., *Academic Freedom, Institutional Autonomy and the Future of Democracy* (Strasbourg: Council of Europe Publishing, 2020).

9 For more on this point, see Sijbolt Noorda, “University Autonomy and Academic Freedom Revisited,” in *Academic Freedom, Institutional Autonomy and the Future of Democracy*, ed. Sjur Bergan, Tony Gallagher, and Ira Harkavy (Strasbourg: Council of Europe Publishing, 2020), 199–211.

them lies, must ensure respect for this fundamental requirement. Rejecting intolerance and always open to dialogue, a university is an ideal meeting-ground for teachers capable of imparting their knowledge and well equipped to develop it by research and innovation and for students entitled, able and willing to enrich their minds with that knowledge.”

This principle reflects a strong academic tradition of freedom in research and teaching and requires that it be promoted, respected, and protected by both universities and government. However, history teaches us that the social contract underlying higher education, which allows and protects its core values, is particularly vulnerable and easily damaged in situations of repression and heightened state control. Developments in several countries around the world in recent years clearly show how governments are violating university freedoms by invoking national emergencies and higher state interests.

At the same time, it has become clear that living and preserving the freedom, openness, and tolerance that should characterize university life is also a major challenge elsewhere. To get it right is not a matter of course, at home and abroad and in international cooperation. Within repressive regimes, it is not easy to live up to the commitment formulated in 2020 MCU (“universities are non-discriminatory spaces of tolerance and respect where diversity of perspectives flourishes and where inclusivity, anchored in principles of equity and fairness, prevails. They therefore commit themselves to advance equity and fairness in all aspects of academic life including admissions, hiring and promotion practices”) by actually promoting and upholding this openness and tolerance. There is often a tension between the ideal of the university as a beacon and an example of this attitude and disposition on the one hand, and the contemporary trend of group exclusivity and bubble comfort, characteristic of many contemporary societies and their institutions on the other hand. It is a key challenge for independent institutions like the university how to avoid becoming just another partisan institution, nicely living in its own sphere, at the risk of being viewed by others as an establishment that is primarily serving its peers and partners of preference.

Universities should be *lighthouses* and role models for openness and tolerance, pointing the way for society. If universities do not practice the ideals of freedom and diversity within their walls, they not only limit the creative potential of their community of scholars and students, but also do not function as a good model to the outside world. This is about realizing a crucial

willingness to create space for different opinions and positions, for debate and solid argument, both in the field of scholarship itself and regarding the societal context in which universities are integrated.

I would like to suggest that this lighthouse function is one of the key things public service universities should do. However, getting this right is by no means easy because of the risks of outside pressure, government intervention as well as internal disagreements or lack of support. In my own years as university president, I have often seen how strong our tendency to be with like-minded people is. Inviting colleagues with very different approaches often led to protests and accusations. “Why would you want to offer her/him a platform?” Our leaning toward the mainstream and the usual is very strong indeed. We all easily bend and bow toward the comfort of the known and supportive, just as easily as we stray away from the strange and challenging.

However, if we as universities are not able to embrace diversity and open ourselves to different views and traditions, we are certainly missing our calling. In positive terms, successful beacons are a tremendous asset and a major contribution to creating trust in universities as public institutions, and in education and research as reliable tools for the development of societies and the well-being of their citizens.

Similarly, John Sexton expresses what he sees as the duty of universities: “Universities are ... protected areas of thought and dialogue; but, precisely because they enjoy the benefit of protection and thus a special capacity to incubate ideas, they must mobilize outward from their protected position to become even greater forces than they now are for the advancement of thought and dialogue in society generally. ... They must stand as witnesses for their core values and act as a reproach to dogmatism and its consequences. They must extend their most salient internal activity—the meaningful testing of ideas—as a model for wider public discourse.”¹⁰

A KASBAH OR A COMMUNITY?

No university can achieve this without a solid common value base. Without shared values, common norms, and criteria, it is simply impossible to get

¹⁰ John Sexton, *Standing for Reason: The University in a Dogmatic Age* (New Haven: Yale University Press, 2019), 16.

it right. These are the indispensable foundation stones of the institution's self-understanding.

Some of these values are fundamental and enable universities to be what they are meant to be. The most important of these are autonomy and academic freedom. Other values concern the operational functioning of a university and the quality of our work. This includes integrity and fairness. A third set of values I would call social values. It is about the responsiveness of the academy toward society and the social quality of our access strategies, the priorities in research, and the equity of outreach.

Values are important beliefs or ideals shared by members of a community or institution about what is good or bad, desirable, or not, given the nature and mission of the institution. They serve as rough guidelines for attitude, behavior, and engagement. In the case of a university, they define what kind of institution a university wants to be. They are fundamental principles of institutional self-understanding and positioning in society, they guide academic communities in their (inter)national relations, with whom they work in which way and to what purpose, and how to deal with cultural diversity, including different value priorities. Therefore, it is crucially important for every university community to identify, discuss, and agree on core values.

Such a shared basis of values cannot be taken for granted. It cannot and should not be equated with a mission statement of the institution's leadership. For it to truly be a value base and a trusted institutional compass, it must be deeply ingrained in the academic community that, again, is not self-evident.

The contemporary university is often more of a *kasbah* with a multitude of individual shopkeepers or a sports field for individual career competitions than a cooperative, collegial community with shared ideals and values, no matter how much robust institutional resilience and the protection of university autonomy and academic freedom require a strong community in which basic values are discussed and shared—not just solemnly remembered and recited at festive occasions, only to be activated in times of crisis and conflict.

It would be naïve and even unwise to turn a blind eye to reality and the positive aspects of individual ambition and competition in the university. They are an indispensable positive force in many ways. What is the issue then? It is about keeping the balance. If individual professional success is the

only aspiration, the academy will not achieve its goals and will not be able to develop its full potential as a public institution with a social mission. What is needed is a common denominator and a strong awareness of the professional academic identity I mentioned earlier. Independent institutions like the university can only maintain their independence and play their role in society through the committed work of their members. Professional freedom and independence imply that members are allowed to be autonomous within their functional area: they should set and follow their own rules in the interest of the quality of their professional performance. As a corollary of these freedoms, however, professional institutions or guilds and all their members have a responsibility to act in accordance with professional standards and to be accountable to their peers' forum for the quality of their work.

The university development agenda should therefore not only include fair funding and opportunities for individual career development, but also the affirmation of professional academic identity and associated values and practices. The professional community is an essential pillar of the academy in this context, allowing the institution to maintain and corroborate its independent position based on shared values and collegial support.

In addition, the cooperative, collegial community is also decisive in terms of content. Of all the relevant issues, I shall mention only one. It is our long and very successful tradition of disciplinary teaching & learning and research. This tradition has given us great success, there is no doubt about that. Nevertheless, there are many good reasons for a serious rethink. This is not just the observation that new findings in science can very often be found in the no man's land between the disciplines or in the places where disciplines meet; nor just the observation that in many professions young graduates are expected to work in multidisciplinary teams and have the skills to do so successfully; rather, it is, above all, the observation that many of the central challenges of human life on this planet require multilateral thinking, complexity thinking, and interdisciplinary skills.

The 1988 MCU already stressed our responsibility for the future of our societies. It used lofty language to emphasize our responsibility to our ecosystem. "The future of mankind," it said, "depends on cultural, scientific and technical development," of which universities as centers of culture, knowledge, and research are key drivers. This is to be done through the education of younger generations, but it also requires broader service to society, a for-

ward-looking perspective, in the interests of a broad development of societies, and the promotion of due respect for the natural environment.

At that time the far-reaching and structural consequences of such a future orientation were not yet seen. Like the urgent need to reorganize our teaching & learning and research across monodisciplinary boundaries and into new study and research configurations. If the university is to live up to its mission of serving future generations, it should not be afraid to adapt its structures and programs. Whether the issue is social cohesion or lack of it, sustainable economies and the way to get there, renewable energies and their price, ethics of the digital age, sustainable food and nutrition, or healthy aging—in all these cases we cannot make progress unless we collaborate, unless we do crossovers, unless we dare to be different. Some years ago, the first cohort of students from the new undergraduate program Future Planet Studies at the University of Amsterdam evaluated their experiences. A large majority liked what they learned, would do it again, and would recommend their peers to do the same. Their main criticism, however, was directed at their teachers. Not in terms of their academic quality or their pedagogical skills, but precisely because of their lack of interdisciplinary experience and attitude. The program was appreciated as interdisciplinary but the teachers themselves were deemed to be lagging.

That explains nicely what I mean. For universities to be successful in addressing today's great challenges, we—educators and researchers—must commit to rethinking and retraining. I have learned from those who have done so that this is not a pipe dream. It can be done, and it can be done well, through collaborative, collegial academic communities.

It is one of the key responsibilities of university leadership to build and protect such collaborative communities, along with the affirmation of professional academic identity and associated values and practices. Deans, provosts, and presidents—all have a crucial role to play as the enablers, facilitators, and protectors of the academic community and its commitment to diversity, openness, frankness, and integrity.¹¹ This is by no means a simple task, as it requires a mix of engagement and restraint; modesty because one should not will to be the only leading voice of the university, and courage because one should will to be the staunch defender of a space where many

11 On the university leader as guardian of a sacred space, see Sexton, *Standing for Reason*, 38–48.

voices can and actually do speak up. Yet, of the many important roles university leaders must play these days this may very well be the most important.

CONCLUSION

This chapter aimed to show that academic freedom and university autonomy are both a program and a multifaceted challenge that should be understood as a commitment agenda rather than a statement of privilege.

The contemporary university needs more than proclaiming and demanding these freedoms. Using them well requires a serious rethinking of traditional structures and practices. This will not be done through crisis meetings or mission statements. It will require nothing less than revitalizing the professional community aspect of the academy and the values associated with it and restoring the balance between individual career interests and the public role of a university. This is the path to shaping an agenda for professional public engagement.