

# State of play of academic freedom in the EU Member States

## Overview of de facto trends and developments

While academic freedom is widely acknowledged as a fundamental right, its precise meaning can vary in different contexts, often depending on the specific challenges that it faces. These challenges may have political, economic, socio-cultural, financial and institutional dimensions. They can take different forms over time, and across geographical and cultural contexts. They can also change in the way they manifest at individual, group, institutional and (inter)national levels. Currently, major breaches of and threats to academic freedom can be observed across Europe and the world. Offering independent research into the de facto state of play of academic freedom in the EU Member States, this study has been designed to contribute to a better understanding of the potential and real threats to academic freedom in the EU Member States, and the ways in which the protection of academic freedom can be strengthened.

### Summary

Academic freedom is essential to the mission and principles of higher education and research, in Europe and elsewhere. This statement is founded on an acknowledgement that the adequate functioning of academic systems is dependent on the extent to which academics have the freedom to pursue their own research and teaching agendas without fear of repression, job loss, or imprisonment.

The de facto erosion of academic freedom in the EU Member States results from several factors. These include the transformation of society, including the growing socio-economic importance of knowledge and its link to innovation; changes in political systems, and the growing influence of new political parties and movements; and the emergence and growing use of social media. Governmental reforms of higher education and research have meanwhile emphasised structural features, such as governance, funding and organisation, largely neglecting basic values and principles, including academic freedom.

This study contributes to a better understanding of de facto changes in academic freedom in the EU Member States by presenting an overview of public debates about academic freedom. For that purpose, the study does not use one general definition of academic freedom, but instead identifies three basic dimensions of academic freedom: freedom to research; freedom to teach and learn; and academic freedom of expression. The study also identifies four conditions for academic freedom: institutional autonomy; self-governance; academics' working conditions; and academics' financial conditions.

Using these conditions and dimensions, the study examines the state of play of academic freedom in each EU Member State and presents an overview of the extent to which these dimensions and conditions have been addressed over the last 5 years in public debates, as covered by the media or addressed in academic publications. The study shows that there has been a public debate on one or more of the academic freedom dimensions and/or conditions in every EU Member State.

The main overall threats to academic freedom identified in this study concern:

- a. political interference in determining which academic fields and areas are scientific and which are not;



- b. governmental interference threatening institutional autonomy;
- c. institutional leadership and management threats to academic freedom;
- d. growing civil society threats to academic freedom;
- e. growing private sector threats to academic freedom;
- f. threats to the conditions for academic freedom.

At the same time, this study provides insight into variations among EU Member States, when it comes to both the academic freedom dimensions addressed in the public debates, and the extent to which the debates concern publicly expressed worries about, specific threats to or structural violations of academic freedom. The variations between EU Member States identified include the extent to which academic freedom worries, threats or violations are connected to the government, parliament, specific politicians or political parties; to the institutional leadership and management; or to other actors. Overall, in one EU Member State, Hungary, structural de facto violations of academic freedom are taking place. In the other EU Member States, various types of threats to academic freedom are addressed in public debates; however, the debates suggest that until now these are incidents, as opposed to structural violations of academic freedom.

## Summary of threats to academic freedom

### Main threats to academic freedom

#### a. Political interference in determining which academic fields are scientific and which are not

A basic feature of academic freedom is that the responsibility for guarding it should rest within the academic system. From that perspective, political interference in the issue of whether specific academic fields are scientific or not, can be regarded as a threat to the central dimensions of academic freedom.

This threat has two overall patterns. The first consists of direct government interference, questioning the scientific nature of one or more academic fields, that is, the research conducted and study programmes within these fields. This interference is not based on the academic productivity of the field(s) in question, but linked to the political agenda of the government.

The second pattern concerns the proposals of specific political parties, who do not form nor are part of the government, to shift control over the guarding of academic freedom from within to outside academia.

This threat requires explicit and formal recognition and enhanced protection of the principle that academic freedom should be guarded by the academic community and not by a body or agency positioned outside academia.

#### b. Governmental interference threatening institutional autonomy

Most definitions of and statements on academic freedom emphasise the direct relationship between academic freedom and institutional autonomy. In this relationship, institutional autonomy represents the formal room for manoeuvre that higher education institutions need in order to be able to take the decisions necessary to create and maintain the conditions under which academic freedom can be exercised in the best possible way. Obviously, institutional autonomy is not static. As addressed in the academic literature on higher education, there have been many reforms in the EU Member States in recent decades aimed at enhancing institutional autonomy. Nonetheless, the country reports show that the level of institutional autonomy is in many cases a point of contention, owing, for example, to new laws designed to give the government the opportunity to interfere in institutional affairs, for example, through the political appointment of institutional leaders, or the establishment of a politically controlled internal or external management body.

It could be argued that this threat calls for further development of the monitoring of institutional autonomy, not only of the *de jure* (official) protection, from the perspective of institutional leadership, but also of the way in which institutional autonomy is perceived and used by academic staff and students within universities, namely, *de facto* autonomy, also referred to as living autonomy. This living autonomy

can be argued to be a necessary component for adequate monitoring of the connection between academic freedom and institutional autonomy.

### c. Institutional leadership and management threats to academic freedom

As indicated under b, institutional autonomy is a key condition for academic freedom. However, the country reports show that in some cases the enhancement of institutional autonomy has been accompanied by the introduction of more executive forms of leadership and management in universities, which has led to growing concern about the ways in which the new leadership affects academic freedom within the institution. These worries concern threats to the central dimensions of academic freedom, for example, by imposing undue limits on academic freedom of expression of staff, or on the conditions for academic freedom, for example, by altering self-governance practices or academic working conditions.

It can be argued that this threat should be addressed by taking efforts to agree on a common definition of academic freedom in the EU Member States. Here, of special concern is the interpretation of the required balance between the mandate and formal authority of the institutional leadership and management, and the nature and role of self-governance in universities.

### d. Growing civil society threats to academic freedom

In the academic literature on higher education and research, the importance of the traditional pact, or social contract, between the university and society has been discussed from various perspectives. This pact provided stability, was based on mutual trust, and incorporated relatively clear roles for both society and the university. It has been argued that this pact has lost its strength, and that the university and society are looking for a new mutually acceptable pact. In the meantime, the role of the university and science in society are no longer as uncontested as before. One of the consequences is that academic expertise is no longer 'automatically' legitimate, and as is visible in the country reports, individual academics are attacked, especially through social media, for the academic work they are doing; for participating in public debates; for presenting specific scientific perspectives, for example, on climate change, that are not in line with certain political programmes; for representing certain political, social or cultural perspectives, for example linked to identity issues; and for being involved in providing scientific knowledge to be used in political decision making.

Given that this is a new threat, it can be argued that strengthening protection against this form of violation of academic freedom should be prioritised.

### e. Growing private sector threats to academic freedom

In some cases, the country reports show a growing threat to academic freedom from the private sector, for example, through legal cases aimed at preventing 'unwanted research results' or critical scientifically based opinions publicly presented by academics. Private sector companies are increasingly using strategic lawsuits against public participation (SLAPPs) against critical academics.

It can be argued that this threat to academic freedom requires more attention and the development of new legal and other measures to provide the academics affected with better and more effective forms of protection.

### f. Threats to conditions for academic freedom

In addition to the undue threats to institutional autonomy mentioned under point b, the country reports show several examples of threats to the other conditions for academic freedom, namely to the nature and role of self-governance in universities, to the working conditions of academics, and to the financial conditions under which academics operate.

It can be argued that these threats to the conditions for academic freedom should be addressed by a commonly agreed definition of academic freedom in the EU Member States. One way forward could be to come to an agreement on how each of these conditions should work in practice. In other words: what would be the 'minimum framework conditions' to be required with respect to academic self-governance, academic working conditions, and the financial conditions for academics, to allow academic freedom to be exercised in the best possible ways?

## Policy options

Taken together, the incidents recorded confirm an erosion of academic freedom in the EU Member States. The study presents a set of policy options for the European Parliament's STOA Panel, with a view to preventing these incidents from developing into more structural infringements of academic freedom. The options are tailored to the specific de facto academic freedom situation in the EU Member States, which – with the exception of Hungary – can be interpreted as eroding slowly, rather than deteriorating rapidly.

- Contribute to the development of a generally agreed definition of academic freedom in the EU. For this purpose, the European Parliament's STOA Panel could organise stakeholder meetings and other activities with the aim of agreeing on the basic dimensions of and conditions for academic freedom, and the indicators needed to monitor their state of play and development.
- Produce one or more annual European Parliament STOA Panel academic freedom monitoring reports. These could address the state of play of academic freedom in one or more of the EU Member States, or discuss the development of a specific academic freedom dimension or condition in all EU Member States.
- Create a clearing house function as part of the European Parliament STOA Panel 'academic freedom monitor'. This clearing house could present an updated overview of where specific data or studies on academic freedom in the EU Member States could be found.
- Set up a European platform for academic freedom, where academics and students from EU Member States can report on violations of academic freedom.
- Organise a regular call for research projects on specific problems in academic freedom research in the European Union Member States. These should preferably be funded through existing EU programmes, such as Horizon Europe or Erasmus+.

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