The Globalization of Academic Freedom

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All liberal democracies value academic freedom in teaching and research and have accepted freedom of expression for academics within the university and in society; institutional autonomy and self-governance; few external restrictions on teaching and research in higher education (Altbach 2001). By now, most liberal democracies have constitutional provisions regarding academic freedom (Spannagel 2022). Moreover, academic freedom is a main target of the ongoing contestations of the liberal script, together with the independence of the judiciary, the freedom of the media, and the protected space for civic associations. Some even argue that "academic freedom is an indicative facet of freedom within wider society" (Karran 2009: 265; Preece 1991: 32-33). At the same time, non-liberal states, such as the Soviet Union and China, also claim(ed) to protect academic freedom and seek to restrict it (Kinzelbach et al. 2020).

This paper hypothesizes that the emergence and evolution of academic freedom as a global norm has not been merely driven by national changes but diffused as part of a global liberal script, particularly after World War II (Lerch, Frank, and Schofer 2021). It is unlikely that the emergence of academic freedom was merely driven by national level factors, such as modernization, democratization, armed conflict, or economic development. Rather, horizontal diffusion appears to be the main alternative explanation for the globalization of academic freedom (Spannagel 2022). For instance, the particular German concept of "*Wissenschaftsfreiheit*" (freedom of science) first enshrined in Art. 152 of the Paulskirche Constitutions of 1848 and adopted by the Weimar Constitution of 1919, influenced other countries (Beiter, Karran, and Appiagyei-Atua 2016: 115). As a term, however, it never made it into any international convention, agreement, or declaration. Likewise, newly independent African countries accepted academic freedom as part of the package deal included in a Western university (Ashby and Anderson 1966). Unlike in Europe, academic freedom is seen as embedded in "wider popular struggles for democracy and human rights" (Appiagyei-Atua, Beiter, and Karran 2015: 325). But did African countries emulate academic freedom from their former colonial powers, which had installed their modern university systems in the first place, or did they download the script for organizing their higher education systems through their membership in international institutions (Appiagyei-Atua 2022)?

The paper seeks to provide some first answers to these questions by investigating to what extent academic freedom diffused from the international to the national level as part of a wider liberal script that spread through a global organizational infrastructure. It starts by arguing that academic freedom is an integral part of the liberal script. With the institutionalization of the liberal script at the international level after the end of the Second World War and its subsequent spread, academic freedom can be reasonably expected to have globalized. The second part of the paper draws on World Polity Theory to conceptualize such a global diffusion. After having specified the observable implications of the World Polity process, the third, empirical part analyzes when academic freedom and related concepts have become institutionalized at the international and regional level and to what extent international and regional institutions have developed mechanisms to promote and protect academic freedom. The empirical analysis finds no support for the globalization of academic freedom as a process driven by international and regional institutions. The codification of academic freedom at the international level only started in the second half of the 1960s, when the International Covenant on Economic, Social, and Cultural Rights (ICESC) recognized academic freedom as a duty of states. 20 years later, transnational university associations in Europe, Africa, and the Americas started to promote a rights-based concept of academic freedom. It took international and regional organizations another 10 years to follow suit and start codifying academic freedom as a right. There is still "no legally

binding international human rights instrument—neither at the global nor the regional level—[which] provides express protection for this right" (Beiter, Karran, and Appiagyei-Atua 2016: 107; Appiagyei-Atua 2022; Hübner-Mendes 2022; Kovács 2022). If academic freedom is a global norm, it has emerged through decentralized diffusion processes driven by transnational university associations and individual states rather than international and regional institutions. The paper concludes with a discussion of the broader implications of the findings.

Academic freedom and the liberal script

Unlike mass education or women's rights, academic freedom has not been explicitly treated as part of the global script of Western modernity (Meyer et al. 1997). Yet, scientific knowledge is crucial to societal progress and national development in modern societies (Drori et al. 2003). Higher education institutions are major sites of knowledge production and knowledge dissemination. They serve the agentic individual in the modern knowledge society (Schofer and Meyer 2005; Frank and Meyer 2020). Accordingly, universities and academics need to be shielded against interference by religious or state authorities (cf. Lerch et al. 2021). Freedom of expression for academics within the university and in society became widely accepted in modern societies (Altbach 2001). At the international level, academic freedom as a right is not included in the Universal Declaration of Human Rights of 1948 nor in either of the U.N. Human Rights Covenants. The International Covenant on Economic, Social, and Cultural Rights (ICESCR) of 1966, however obliges states to "undertake to respect the freedom indispensable for scientific research". While not being protected as an international human right, international institutions offer protection of academic freedom via other freedoms, including the freedom of expression (Art. 19 Universal Declaration on Human Rights; Art. 19 2 ICCPR), the right to science (Art. 15 (3) ICESCR), the right to enjoy the benefits of scientific progress (Art. 27.1 Universal Declaration on Human Rights; Art. 15 (1) b ICESCR), and the right to education (Art. 13 ICESCR) (cf. Beiter, Karran, and Appiagyei-Atua 2016; Beiter 2019).

With the global expansion of both university education (Schofer and Meyer 2005; Frank and Meyer 2020) and human rights (Forsythe 1991; Donnelly 2013), academic freedom as a norm should have globalized. And indeed, today, some 100 states have constitutional provisions that protect academic freedom in one way or the other (Spannagel 2022). Conceptualizations, codification, and practices of academic freedom vary across regions. However, de facto levels of academic freedom have improved, temporary slumps notwithstanding (figure 2).

World Polity Theory expects this globalization of academic freedom to be driven by international institutions which socialize states into the norm of academic freedom together with other components of the liberal script.

World Polity Theory and the Diffusion of Academic freedom

World Polity approaches are based on sociological institutionalism, which John Meyer and his colleagues at Stanford University advanced as an alternative to individualistic approaches, such as rational choice, which conceptualize institutions as "epiphenomenal, merely the sum of individual-level properties" (DiMaggio and Powell 1991: 2; Jepperson and Meyer 2021). Sociological institutionalism turns the perspective around making actors derivative from institutions. Institutions constitute actors not the other way around. Rather than making rational choices, actors are "scripted" by the social setting in which they are embedded and which informs them who they are, what they want, and what they should do. World Polity Theory assumes that the social setting is grounded in what Meyer and his colleagues refer to as a global script of Western modernity which structures the

identity and preferences of actors around the globe (Thomas et al. 1987; Drori, Meyer, and Hwang 2006). Despite geographic, cultural, social, economic, or political differences, state actors have made similar institutional choices with regard to mass schooling systems, higher education, science, environmental protection, women's rights, rights of sexual minorities (Meyer et al. 1997; Zapp and Ramirez 2019; Drori et al. 2003; Hironaka 2014;Lerch and Ramirez forthcoming).

To explain this isomorphism, World Polity Theory focuses on the global institutional infrastructure, which disseminates world cultural ideas and policies through socialization (Meyer et al. 1997; Meyer 2000; Boli and Thomas 1999). International organizations act as "teachers of norms" (Finnemore 1993).

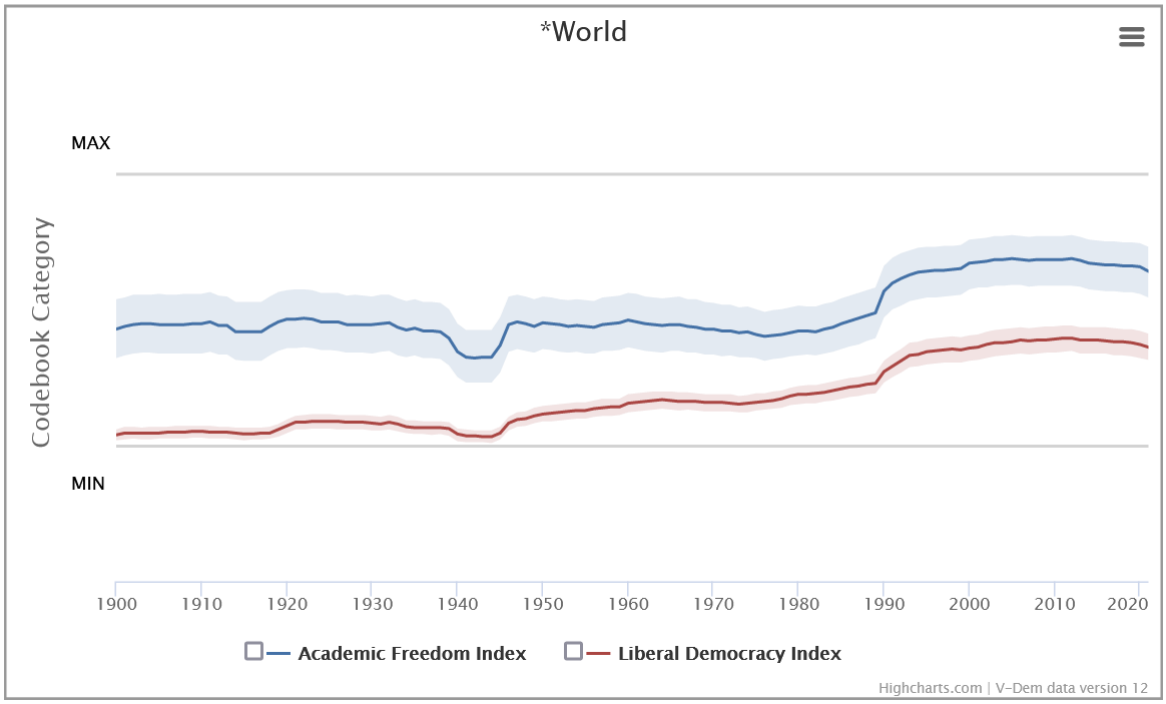
The Globalization of academic freedom: Expectations and global trends

If academic freedom was part of the global diffusion process through which international institutions socialized states into the liberal script, we should see a global trend in the state adoption of academic freedom as a norm. The global trend should have started after the Second World War, when the liberal script was institutionalized at the international level. Rather than an s-curve acceleration, which is typical for diffusion processes (Gilardi 2012), we should see two leaps: first, in the 1960s as the result of decolonization, and second, in the 1990s after the end of the Cold War when many formerly socialist countries adopted the liberal script (Lerch, Frank, and Schofer 2021).

Moreover, the diffusion of academic freedom should be more pronounced in regions with a higher density of democracies, which adopted academic freedom as part of the liberal script (Europe, Americas).

The global average of the Academic Freedom Index (AFI), developed by Katrin Kinzelbach, Ilyas Saliba, and Janika Spannagel as part of V-Dem, confirms a global trend in the spread of academic freedom (Kinzelbach et al. 2020). The AFI provides an aggregated measure building the average of five indicators measured at the country level: freedom to research and teach, freedom of academic exchange and dissemination, institutional autonomy, campus integrity, and freedom of academic and cultural expression). Unlike other measures, the AFI captures the de facto realization of academic freedom. The scale reaches from 0 (low) to 1 (high). In 2021, Germany scored 0.97, North Korea 0.01.

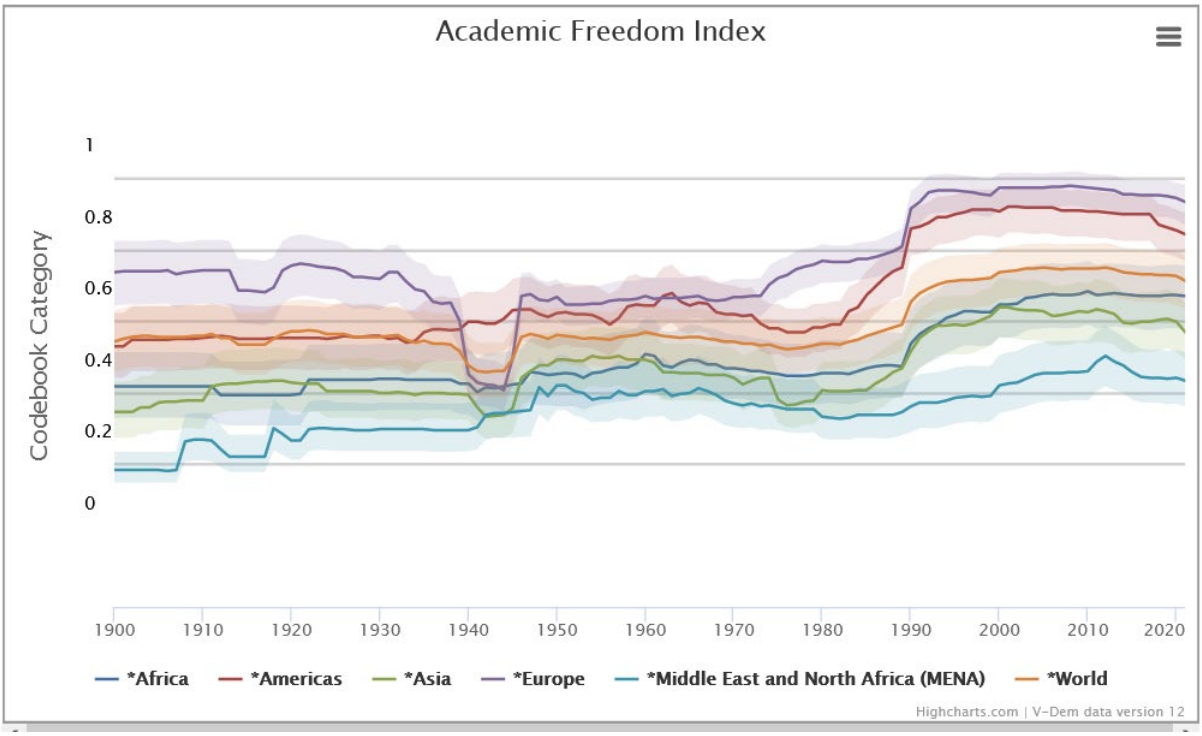
Figure 1: Global trends in academic freedom and liberal democracy, 1900-2021[1]



At the beginning of the 20th century academic freedom started out at a modest level of 0.44 and only slightly improved to 0.47 in 1911. The First World War sent back academic freedom to where it was in 1900. During the inter-war period, academic freedom recovered and rose again to 0.47 before it plunged to an all-time low of 0.36 with the beginning of the Second World War. After 1945, academic freedom bounced back but with 0.46 did not exceed pre-war levels. Unlike expected, academic freedom state adoption did not see a steady, exponential increase in the post-war era either. The establishment of the liberal international order (LIO) might have locked in the liberal script at the international level. It did little to help it spread. Rather, academic freedom state adoption stagnated for several decades. Decolonization did not substantially boost academic freedom diffusion as the regional trends depicted in figure 2 confirm. Rather, academic freedom declined between 1970 and 1976 to 0.42, mostly due to regression in Latin America and Asia (figure 2). Only after the end of the Cold War do we finally see the expected s-curve. From 1988 to 1989, academic freedom levels jumped from 0.47 to 0.56. They continued to rise, driven by the democratization of Central and Eastern European countries (Spannagel 2022). However, the positive trend had started already in the mid-1980s predating the collapse of socialism in Eastern Europe and the Soviet Union. Moreover, academic freedom levels continued to rise till they reached an all-time high of 0.65 in 2004 where they stayed for 10 years before entering into a slow but steady decline in 2014.

[1] The charts of figures 1-3 have been generated online with the help of V-Dem Tool, https://www.v-dem.net/data_analysis/VariableGraph/, last access April 14, 2022.

Figure 2: Regional trends in academic freedom, 1900-2021



Global data also confirm that the diffusion of academic freedom and the liberal script have gone hand in hand. The V-Dem liberal component index measures the extent to which constitutionally protected civil liberties, strong rule of law, an independent judiciary, and effective checks and balances limit the exercise of executive power in countries. Figure 1 clearly indicates that academic freedom and liberal democracy have evolved very much in parallel. Breaking down the global trend by regions confirms that academic freedom has been highest and above world average in Europe (with the exception of World War II) and the Americas, the two regions, where liberal democracy has always been the strongest.

In sum, academic freedom generally has grown over time. Its growth intensified after the end of the Cold War and has been higher in regions with a strong density of liberal democracies. At the same time, the establishment of the liberal international order did not contribute to the spread of academic freedom. And its latest rise started before the LIO got fortified and liberal democracy spread after the demise of socialism in 1990. This sheds some first doubts on the globalization of academic freedom as a World Polity process.

The analysis of the institutionalization of academic freedom at the international and regional level provides further evidence that a growing number of states internalized academic freedom as a norm overtime. Yet, they are not socialized in international or regional institutions as expected by World Polity Theory.

In a recent paper, Lerch et al. set out to test World Polity Theory for the spread of academic freedom. Their large-N study does find a positive correlation with liberal democracy. Moreover, linkages to liberal international institutions are associated with greater levels of academic freedom. Conversely, membership in non-liberal IOs, such as the Shanghai Cooperation Organization or the Gulf Cooperation Council, renders a decline in academic freedom more likely. They see “lower levels of academic freedom when countries are embedded in regional or international structures that provide alternatives to liberalism or oppose it” (Lerch, Frank, and Schofer 2021: 16). However, in order to socialize states into norms, such as academic freedom, international and regional institutions have to codify academic

freedom in the first place, and, possibly, develop mechanisms to promote and protect it (Börzel and van Hüllen 2015b). Likewise, regression by states due to international developments presupposes that international and regional organizations loosened their commitment to academic freedom or never committed to it in the first place.

The next section will trace the Institutionalization of academic freedom in international organizations (IOs) and regional organizations (RIOs) as key pillars of the world polity. More specifically, I will analyze to what extent states have committed themselves to academic freedom (and its three main components – freedom research, freedom of teaching in higher education, institutional autonomy/self-governance) through international and regional agreements, conventions, treaties, and declarations. The analysis will not only look at the timing of the inclusion of provisions of academic freedom but also determine their content. Finally, I will inquire to what extent international and regional institutions have developed rules and procedures to protect and promote academic freedom at the domestic level.[2]

IOs as champions of academic freedom?

To socialized states into academic freedom shaping national institutions and policies as part of the liberal script, IOs need to recognize academic freedom as a norm in the first place. This only happened in 1966 when the ICESCR referred to the right to science (figure 1).

It was non-governmental organizations in the United States that started to advance and protect academic freedom. In 1915, the American Association of University Professors issued its Declaration of Principles on Academic Freedom and Academic Freedom, which it considers "the intellectual foundation for the American conception of academic freedom to this day".[3] The Declaration identified three elements: freedom of inquiry and research; freedom of teaching within the university or college; and freedom of extramural utterance and action. It was triggered by several cases which the AAUP had investigated as violations of the right of university teachers to express their opinions freely outside the university or to engage in political activities in their capacity as citizens. What followed were a series of conferences of U.S. educational organizations in the 1920s and 1930s which resulted in different statements on academic freedom and tenure. The AAUP *1940 Statement of Principles on Academic Freedom and Tenure* and its subsequent expansions have been endorsed by over 250 academic organizations in the United States and beyond. In Latin America, where Peru and El Salvador had pioneered academic freedom in their national constitutions in the late 19th century (Spannagel 2022), a transnational movement for academic freedom formed in 1918 when students of the University of Cordoba in Argentina demanded the freedom for universities to define their own curriculum and manage their own budget without interference from the central government. The principle of academic freedom (*libertad de cátedra*), formulated in the *Córdoba Liminar Manifesto*,[4] was included in the 1920 manifesto of the *Argentine University Federation* and endorsed by the *International Student Congress on University Reform* held in Mexico City in 1921, in which delegates from Latin America, United States, Europe, and Asia participated.

Academic freedom started to spread across borders in the first half of the 20th century. However, this process was driven by student and teacher organizations. Moreover, transnational diffusion remained confined to the Americas. The American Organization of American States (OAS) was the first regional

[2] I am grateful to Charlotte Düring, Paula Martini, and Isabel Teixeira for their superb research assistance. Special thanks go to Janika Spannagel for her invaluable comments and suggestions.

[3] https://www.aaup.org/about/history-aaup, last access April 21, 2022.

[4] https://en.wikisource.org/wiki/Translation:Liminar_Manifestom, last access April 21, 2022.

international organization to make some reference to academic freedom. The *American Declaration of the Rights and Duties of Man* adopted in 1948 included the "right to (…) to participate in the benefits that result from intellectual progress, especially scientific discoveries" (Article XIII). The Universal Declaration on Human Rights, which was adopted in the same year, did not refer to academic freedom or related concepts at all. Nor did the European Convention of Human Rights of 1950 or the Treaty of Rome, which founded the European Economic Community in 1956.

The first international commitment to some form of academic freedom emerged more than 20 years after the end of the Second World War. The legally-binding International Covenant on Economic, Social, and Cultural Rights (ICESCR) of 1966 included a similar reference as the OAS with regard to the right to enjoy the benefits of scientific progress (Art. 15 (1) b). The ICESCR of also added the obligation of states "to respect the freedom indispensable for scientific research and creative activity" (Art. 15 (3)). The year before, the UNESCO had been the first IO to actually use the term "academic freedom". The *Recommendation concerning the Status of Teachers*, jointly issued with the International Labor Organization (ILO), states: "The teaching profession should enjoy academic freedom in the discharge of professional duties" (Art. 61).[5] 10 years later, however, the UN still refrained from using academic freedom. Moreover, it continued to address states rather than individuals. The *3384 Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind* of 1975 emulated the ICESCR asking all states to, "whenever necessary, take action to ensure compliance with legislation guaranteeing human rights and freedoms in the conditions of scientific and technological developments" (Art. 9).[6]

Latin America and Africa experienced an increase in academic freedom in the 1960s, which is at least partly related to decolonization. However, only few newly independent states included academic freedom into their national constitutions (Spannagel 2022). This diffusion process neither had been motivated by international or regional institutions nor did it boost the codification of academic freedom at the international or regional level to lock-in domestic change.

The institutionalization of academic freedom beyond the nation state only started to gain momentum in the late 1980s (figure 3b). It took off in Europe and Latin America and was mostly driven by transnational higher education institutions rather than intergovernmental institutions at the national and regional level. In 1988, the World University Service, an international non-governmental organization founded in 1920 to support higher education institutions, met in Peru from 6-10 of September. Its general assembly adopted *The Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education*. It is one of the first international documents that explicitly defined academic freedom as a human right and emphasized the autonomy of institutions of higher education. The Declaration was formulated in response to "increasing violations of human rights of teachers, students, researchers, and educational writers".[7] Its goal was to launch a process of codifying academic freedom at the international level. The initiative was echoed by the *Magna Charta Universitatum* signed by 388 rectors and heads of universities from all over Europe and beyond who met on 18 September 1988 to celebrate the 900th anniversary of the University of Bologna.[8] The Magna Charta contains principles of academic freedom and institutional autonomy as a guideline for good governance and self-understanding of universities in the future. On November 17, the OAS added

[5] https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/normativeinstrument/wcms_493315.pdf, last access April 22, 2022.

[6] https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-use-scientific-and-technological-progress-interests, last access April 22, 2022.

[7] https://www.wusgermany.de/sites/wusgermany.de/files/userfiles/WUS-Internationales/wus-lima-englisch.pdf, last access April 23, 2022.

[8] http://www.magna-charta.org/magna-charta-universitatum, last access April 23, 2022.

a protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights: Rather than following the trend set by transnational higher education institutions, Article 14 on the "Right to the benefits of culture" still emulated the ICESCR obliging state parties to the protocol "to respect the freedom indispensable for scientific research and creative activity".[9]

The OAS was one of the few regional organizations that became active on issues of academic freedom after the end of the Cold War. Another was the Organization of Islamic Cooperation, the second largest international organization after the United Nations. Founded in 1969, it has 57 member states and represents the Muslim world. Its *Cairo Declaration on Human Rights in Islam* adopted in 1990 is modelled on the Universal Declaration of Human Rights (UDHR) of 1948 but bases human rights in the context of the Sharia. Unlike the UDHR, the Cairo Declaration refers to science. Article 17 on Intellectual Property Rights follows the ICESCR in asking states to "ensure that benefits of such scientific progress (everyone has the right to enjoy [TAB]) and its application are also enjoyed by everyone, including through the encouragement and development of international cooperation in the scientific and cultural fields" (Art. 17 b.).[10] Finally, the Council of Europe (CoE). In 1991, the Standing Conference on University Problems, responsible under the Council for Cultural Cooperation for the CoE activities in higher education, met with delegations from six Central and Eastern European countries, including the Soviet Union. To support the reforms of higher education in post-socialist states, the meeting agreed on a set of recommendations, which acknowledged that the "restoration of academic freedom and institutional autonomy has (…) been an essential component of the restoration of democracy" (Art. 3 i).[11] The European Convention on Human Rights was not amended to include academic freedom, however. Nor did the Maastricht Treaty of 1992 use the chance to promote and protect academic freedom in the European Union (cf. Kovács 2022).

The reluctance of regional organizations to engage with academic freedom is all the more remarkable as the end of the Cold War saw regional organization broadening and deepening the scope of their authority with regard to promoting and protecting human rights, democracy, and the rule of law. This was also the case in Africa (Börzel 2013; Börzel and van Hüllen 2015a). However, it was a collective of scholars associated with the Council for the Development of Social Science Research in Africa (CODESRIA), a pan-African, non-governmental research organization founded in 1973 by African researchers, adopted the *Kampala Declaration on Intellectual Freedom and Social Responsibility* on November 19, 1990.[12] The Declaration was a response to the perceived threat of intellectual freedom in Africa by "historically produced and persistent economic, political and social crisis" and reinforced by "the imposition of unpopular structural adjustment programmes" and "increased political repression, widespread poverty and intense human suffering" (Preamble).[13] Academic freedom is defined as part of fundamental rights and freedoms (Chapter 1 Section A) and asserted the autonomy of higher education institutions from the state (Chapter 1 Sections B and C). At the same time, the Declaration called for the social responsibility of academics "to struggle for and participate in the struggle of the popular forces for their rights and emancipation" (Art. 22) and their obligation "to encourage and contribute to affirmative actions to redress historical and contemporary inequalities based on gender, nationality or any other social disadvantage" (Art. 25).

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[9] http://www.oas.org/en/sare/social-inclusion/protocol-ssv/docs/protocol-san-salvador-en.pdf, last access April 23, 2022.

[10] https://www.oic-oci.org/upload/pages/conventions/en/CDHRI_2021_ENG.pdf, last access April 25, 2022.

[11] http://rm.coe.int/09000016809d9e07, last access April 24, 2022.

[12] http://hrlibrary.umn.edu/africa/KAMDOK.htm, last access April 24, 2022.

[13] Seven months before, six staff associations of higher education institutions in Tanzania had adopted the *Dar es Salaam Declaration on Academic Freedom and Social Responsibility of Academics*, which defined similar principles for academic freedom (http://hrlibrary.umn.edu/africa/DARDOK.htm, last access April 24, 2022).

Several African states incorporated academic freedom into their constitutions as part of democratization processes boosted by the end of the Cold War (Spannagel 2022). Unlike with other components of the liberal script (human rights, democracy, rule of law), however, regional organizations in Africa have been slow to engage with academic freedom. The Southern African Development Community (SADC) adopted a *Protocol on Education and Training* in 1997, in which member states agree to guarantee "academic freedom in institutions of learning and research as it is the sine qua non for high quality education, training and research and as it ensures freedom of enquiry, experimentation and critical and creative thinking" (Art. 2 g).[14] The Economic Community of West African States (ECOWAS), the East African Community, or the Common Market for Eastern and Southern Africa (COMESA) have yet to acknowledge academic freedom. This is all the more remarkable since the African Union, which often acts as a pace-setter for sub-continental regional organizations, has become more active on academic freedom in the past decade (see below).

Transnational higher education organizations, often supported by UNESCO, most likely accompanied the spread of academic freedom after the end of the Cold War. Throughout the 1990s, several international conferences bringing together representatives of higher education institutions issued statements and declarations calling for the protection of academic freedom and university autonomy.[15] The UNESCO responded to these calls in its 1997 *Recommendation concerning the Status of Higher-education Teaching Personnel* being the first international organization to define academic freedom as an individual right (Section VI A.) and the autonomy of institutions of higher education as the institutional form of academic freedom (Art. 18).[16] The *Universal Declaration on the Human Genome and Human Rights*, endorsed by the UNESCO General Conference in the same year refers to freedom of research and defines it as "part of freedom of thought" (Art. 12 b).[17] The UNESCO also supported non-governmental higher education organizations in championing academic freedom, e.g. by co-organizing the World Conference on Higher Education in 1998[18] and the World Conference on Science in 1999.[19]

In 1999, the UN Committee on Economic, Social and Cultural Rights addresses the issue that academic freedom is not explicitly mentioned in Article 13 of the ICESCR. In the section "academic freedom and institutional autonomy", Article 38 of its General Comment No 13 on states that "[i]n the light of its examination of numerous States parties' reports, the Committee has formed the view that the right to education can only be enjoyed if accompanied by the academic freedom of staff and students".[20]

A year later, in 2000, the Charter of the Fundamental Rights of the European Union included the respect for academic freedom (Article 13),[21] after the majority of its (future) member states had

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[14] https://www.sadc.int/documents-publications/show/Protocol_on_Education__Training1997.pdf, last access April 24, 2022.

[15] For example, the *Sinaia Statement on Academic Freedom and University Autonomy* of 1992 adopted at the end of an international conference in which 180 scholars and representatives from 30 countries had participated (https://eric.ed.gov/?id=ED381083, last access April 24, 2022).

[16] http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html, last access April 24, 2022.

[17] https://www.ohchr.org/en/instruments-mechanisms/instruments/universal-declaration-human-genome-and-human-rights, last access April 24, 2022.

[18] https://unesdoc.unesco.org/ark:/48223/pf0000375653?1=null&queryId=N-EXPLORE-2fb59fbf-4fdc-402c-80d5-498396fc7c8e, last access April 24, 2022.

[19] https://unesdoc.unesco.org/ark:/48223/pf0000116994, last access April 24, 2022.

[20] https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuW%2BKyH%2BnXprasyMzd2e8mx4cYlD1VMUKXaG3Jw9bomilLKS84HB8c9nIHQ9mUemvt0Fbz%2F0SS7kENyDv5%2FbYPWAxMw47K5jTga59puHtt3NZr, last access April 24, 2022.

[21] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012P%2FTXT, last access April 24, 2022.

codified academic freedom in their national institutions (Spannagel 2022). Apart from an occasional reference in Council Conclusions, it took the EU 20 years to start acting on safeguarding and enhancing academic freedom when it became increasingly contested in Europe. The *Bonn Declaration on the Freedom of Scientific Research*[22] and the *Rome Ministerial Communiqué* Annex 1 on academic freedom,[23] both adopted in 2020, are key documents in outlining the Europe's approach to monitoring academic freedom within the European Research Area and the European Higher Education Area.

Other international and transnational organization had been more active in the first two decades of the 21st century. The UNESCO adopted several recommendations, declarations, and guidelines, and continued to support non-governmental organizations in advocating for academic freedom. So did the Council of Europe. Other regions were less active.

In Africa, the African Commission on Human and Peoples' Rights issued some reporting guidelines on the implementation of economic, social and cultural rights in the African Charter on Human and Peoples' Rights in 2011. The Charta of 1981 does not mention academic freedom. Its Article 17 only stipulates the right to education. However, following the UN Committee on Economic, Social and Cultural Rights general comments on the implementation of the ICESCR, the *Tunis Reporting Guidelines* of 2011 subsume academic freedom and institutional autonomy under Article 17. And the *Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights*, adopted by the African Commission on Human and Peoples' Rights in the same year, define as one obligation that Article 17 imposed on the states "to ensure academic freedom and institutional autonomy in all institutions of higher learning" (Art. 71 j). Article 71 j refers to Article 2 g of the SADC Protocol on Education and Training as well as the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel. The African Union reasserted its commitment to academic freedom in the *Statute of the Pan African University* adopted in 2013 (Articles 2 1. (i) and 4). Sub-continental organizations, in contrast, continued to remain silent on academic freedom.

In the Americas, the OAS adopted a declaration on *Inter-American Principles on Academic Freedom and University Autonomy* in 2021. Principle 1 recognizes academic freedom as "the right of every individual to seek, generate, and transmit knowledge, to form part of academic communities, and to conduct independent work to carry out scholarly activities of teaching, learning, training, investigation, discovery, transformation, debate, research, dissemination of information and ideas, and access to quality education freely and without fear of reprisals." At the same time, the declaration emphasizes the collective dimension of academic freedom, "consisting of the right of society and its members to receive the information, knowledge, and opinions produced in the context of academic activity and to obtain access to the benefits and products of research and innovation."[24] The OAS thereby remains faithful to the origins of academic freedom as the right to enjoy the benefits of science. The distinction between an individual and a collective dimension of academic freedom is quite unique.[25]

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[22] https://www.bmbf.de/bmbf/shareddocs/downloads/files/_drp-efr-bonner_erklaerung_en_with-signatures_maerz_2021.pdf?__blob=publicationFile&v=1, last access April 26, 2022.

[23] https://ehea2020rome.it/pages/documents, last access April 26, 2022.

[24] https://www.oas.org/en/iachr/reports/questionnaires/2021_principiosinteramericanos_libertadacademica_autonomiauniversitaria_eng.pdf, last access April 26, 2022.

[25] There seems to be an interesting parallel to the Latin American understanding of individual and collective self-determination as co-constitutive (see Risse forthcoming).

The turn of the millennium has seen an intensification of governmental and non-governmental activities to strengthen and protect academic freedom at the international level and in Europe (figure 3). The one region that continues to be completely inactive on academic freedom is Asia. None of the existing regional organizations, including the Association of Southeast Asian Nations and the Shanghai Organization, have endorsed the norm – with the exception of the South Asian Association for Regional Cooperation, which granted the newly established South Asian University "full academic freedom for the attainment of its objectives" in 2007.[26] The democratic density of the region is low and so is the number of states that have incorporated academic freedom into their constitutions (Spannagel 2022).

Figure 3a/b: The institutionalization of academic freedom at the international and regional level

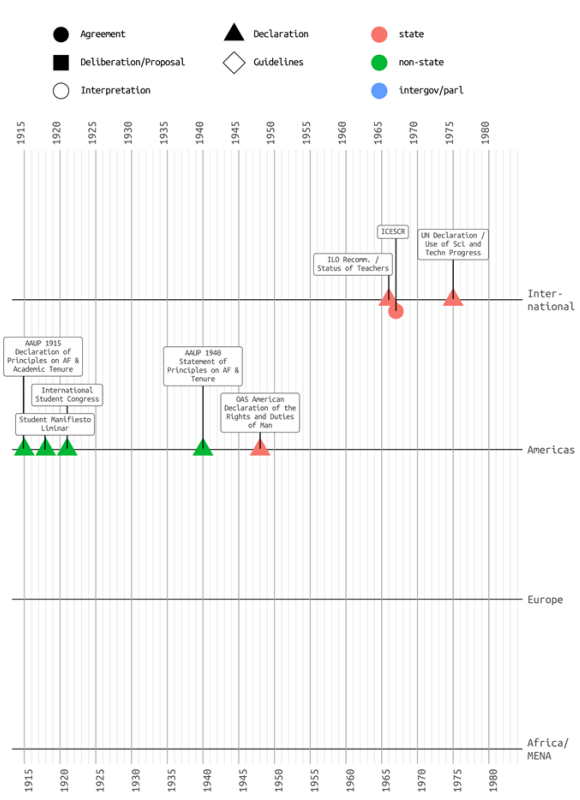

Figure 3a: Academic freedom documents at international and regional level (1915-1984).

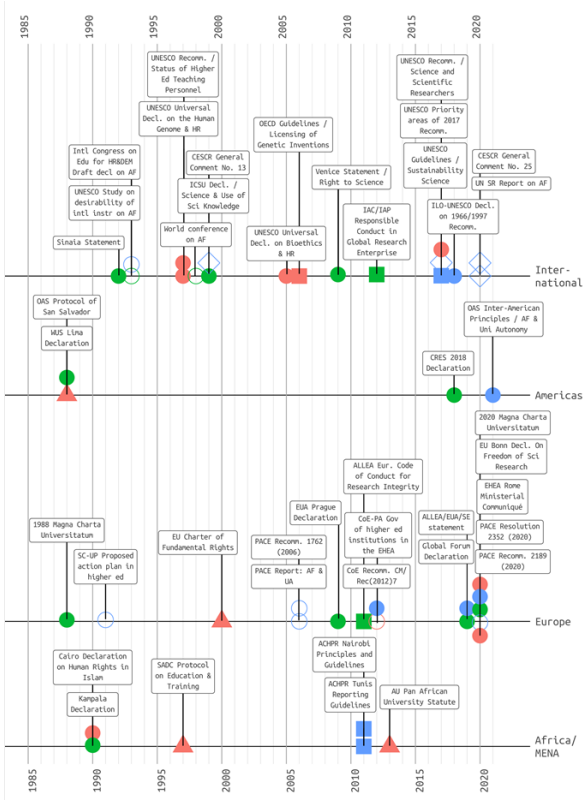

Figure 3b: Academic freedom documents at international and regional level (1985-2021).

Conclusions

The paper presents an analysis of the globalization of academic freedom as a norm. Academic freedom has spread globally. Yet, its diffusion has not been driven by international and regional institutions. It was not part of the liberal international order as it was institutionalized in the United Nations and the Bretton Woods system after the Second World War. It only started to become institutionalized at the international level in the 1960s, long after the first states had incorporated the norm into their national constitutions in Latin America and Western Europe – and long before academic freedom diffused to Africa and Eastern Europe.

Unlike in the case of women's rights, mass education or environmental protection, international and regional organizations, for the longest time, have not championed academic freedom as part of the

[26] https://www.saarc-sec.org/index.php/resources/agreements-conventions/29-agreement-for-establishment-of-south-asian-univeristy/file, Article 1.

liberal script. They have been norm takers rather than norm makers or norm shapers. The analysis shows that the conceptualization of academic freedom varies across time and space. Initially, academic freedom had been related to the freedom of teaching in higher education. At the international level, it did not become codified as the fundamental freedom of teaching and research but as a right to participate in the benefits of science. This only started to change after the end of the Cold War when post-socialist countries in Central and Eastern Europe incorporated academic freedom in their democratic constitutions and European institutions developed mechanisms to promote and protect academic freedom amid growing contestations. This might indicate that academic freedom finally became part of the liberal script.

Instead of a world polity process of vertical diffusion, we may see a world society process, in which transnational research and higher education associations have supported the horizontal diffusion of academic freedom among states and from states to the international and regional level.

These findings have important implications. International and regional institutions are late-comers to academic freedom. They started to inscribe academic freedom into the liberal script when it became increasingly contested. What is still missing is a common understanding. Conceptualizations of academic freedom do not only vary across but within regions (Kovács 2022). In the absence of a global understanding, international institutions are still too weak to protect and promote academic freedom as part of the liberal script.

References

Altbach, Philip G. 2001. Academic Freedom: International Realities and Challenges. *Higher education* 41 (1): 205-219.

Appiagyei-Atua, Kwadwo. 2022. Constitution-making, Democratization and Links with Academic Freedom in Africa. *unpublished manuscript*.

Appiagyei-Atua, Kwadwo, Klaus D. Beiter, and Terence Karran. 2015. The Composite Theory: An African Contribution to the Academic Freedom Discourse. *South African Journal on Human Rights* 31 (2): 315-329.

Ashby, Eric, and Mary Anderson. 1966. Autonomy and Academic Freedom in Britain and in English-speaking Countries of Tropical Africa. *Minerva* 4 (3): 317-364.

Beiter, Klaus D. 2019. Where have all the scientific and academic freedoms gone? And what is 'adequate for science'? The right to enjoy the benefits of scientific progress and its applications. *Israel Law Review* 52 (2): 233-291.

Beiter, Klaus D., Terence Karran, and Kwadwo Appiagyei-Atua. 2016. Yearning to Belong: Finding a Home for the Right to Academic Freedom in the UN Human Rights Covenants. *Intercultural Hum. Rts. L. Rev.* 11: 107-190.

Boli, John, and George M. Thomas. 1999. *Constructing World Culture. International Nongovernmental Organizations Since 1875*. Stanford: Stanford University Press.

Börzel, Tanja A. 2013. Comparative Regionalism: European Integration and Beyond. In *Handbook of International Relations*, edited by Walter Carlsnaes, Thomas Risse and Beth A. Simmons. London: Sage, 503-530.

Börzel, Tanja A., and Vera van Hüllen, eds. 2015a. *Governance Transfer by Regional Organizations. Patching Together a Global Script*. Houndsmill, Basingstoke, UK: Palgrave Macmillan.

---. 2015b. Towards a Global Script? Governance Transfer by Regional Organizatons. In *Governance Transfer by Regional Organizations. Patching Together a Global Script*, edited by Tanja A. Börzel and Vera van Hüllen. Houndmills, Basingstoke, UK: Palgrave Macmillan, 3-21.

DiMaggio, Paul J., and Walter W. Powell. 1991. Introduction. In *The New Institutionalism in Organizational Analysis*, edited by Walter W. Powell and Paul L DiMaggio. Chicago: Chicago University Press, 1-38.

Donnelly, Jack. 2013. *Universal Human Rights in Theory and Practice*. Ithaca, NY: Cornell University Press.
Drori, Gili S., John W. Meyer, and Hokyu Hwang, eds. 2006. *Globalization and Organization. World Society and Organizational Change*. Oxford: Oxford University Press.
Drori, Gili S., John W. Meyer, Francisco O. Ramirez, and Evan Schofer. 2003. *Science in the Modern World Polity: Institutionalization and Globalization*. Stanford, CA: Stanford University Press.
Finnemore, Martha. 1993. International Organization as Teachers of Norms: The United Nations Educational, Scientific, and Cultural Organization and Science Policy. *International Organization* 47 (4): 565-597.
Forsythe, David P. 1991. *The internationalization of human rights*. Lexington, MA: Lexington Books.
Frank, David John, and John W. Meyer. 2020. *The University and the Global Knowledge Society*. Princeton, NJ: Princeton.
Gilardi, Fabrizio. 2012. Transnational Diffusion: Norms, Ideas, and Policies. In *Handbook of International Relations*, edited by Walter Carlsnaes, Thomas Risse and Beth A. Simmons. London: Sage,
Hironaka, Ann. 2014. *Greening the Globe. World Society and Environmental Change*. Cambridge: Cambridge University Press.
Hübner-Mendes, Conrado. 2022. Legal and Institutional Shape of Academic Freedom in Latin America: Regional and Domestic Perspectives. *unpublished manuscript*.
Jepperson, Ronald L., and John W. Meyer. 2021. *Institutional Theory: The Cultural Construction of Organizations, States, and Identities*. Cambridge: Cambridge University Press.
Karran, Terence. 2009. Academic Freedom: In Justification of a Universal Ideal. *Studies in Higher Education* 34 (3): 263-283.
Kinzelbach, Katrin, Ilyas Saliba, Janika Spannagel, and Robert Quinn. 2020. Free Universities. Putting the Academic Freedom Index into Action. *Report, March, Global Public Policy Institute (GPPI)*.
Kovács, Kriszta. 2022. Academic Freedom as a Legal Concept in Europe: The Limits of Supranational Treaty-based Protection. *unpublished manuscript*.
Lerch, Julia C., David John Frank, and Evan Schofer. 2021. Contestations of the Liberal Script and Higher Education: National and International Factors Shaping Academic Freedom from 1960 to 2015. *unpublished manuscript*.
Lerch, Julia C., and Francisco O. Ramirez. forthcoming. Global Liberalism and Women's Rights. In *The Liberal Script at the Beginning of the 21st Century*, edited by Tanja A. Börzel, Johannes Gerschewski and Michael Zürn,
Meyer, John W. 2000. Globalization: Sources and Effects on National States and Societies. *International Sociology* 15 (2): 233-248.
Meyer, John W., John Boli, Thomas M. George, and Francisco O. Ramirez. 1997. World Society and the Nation-State. *American Journal of Sociology* 103 (1): 144-181.
Preece, A. Alun. 1991. Academic Freedom and Freedom of Speech. *Bulletin of the Australian Society of Legal Philosophy* 16: 32-56.
Risse, Thomas. forthcoming. Liberal (Order) Is What Contestants Make of it: The Liberal International Order and its (Dis-)Contents. In *The Liberal Script at the Beginning of the 21st Century*, edited by Tanja A. Börzel, Johannes Gerschewski and Michael Zürn,
Schofer, Evan, and John W Meyer. 2005. The Worldwide Expansion of Higher Education in the Twentieth Century. *American Sociological Review* 70 (6): 898-920.
Spannagel, Janika. 2022. The Constitutional Codification of Academic Freedom over Time and Space. *unpublished manuscript*.
Thomas, George M., John W. Meyer, Francisco Ramirez, and John Boli, eds. 1987. *Institutional Structure: Constituting State, Society, and the Individual*. Newbury Park: Sage.
Zapp, Mike, and Francisco O Ramirez. 2019. Beyond internationalisation and isomorphism–the construction of a global higher education regime. *Comparative Education* 55 (4): 473-493.