

# UNITED STATES ACADEMIC FREEDOM IN REGIONAL AND GLOBAL CONTEXTS

## *La libertad académica en Estados Unidos en comparativa con contextos regionales y mundiales*

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### **Abstract**

Attacks on academic freedom in the United States are rapidly escalating. However, analyses of the problem are framed by a national context and the particularities of its laws and politics. This essay seeks to situate what is going on in the United States within the wider regional context of the Americas. It links the global lean toward antidemocracy with the global attack on academic freedom. It argues that what is going on in the United States is not unique, and that the turn toward authoritarian governance under the former Trump administration shares similarities with governance in countries such as Brazil, Mexico, Nicaragua, and Venezuela. The essay briefly discusses the reduction of academic freedom from a collective societal right to an individual right of free speech. The overall objective is to highlight how American scholars and professionals can learn from societies facing similar strategies of intellectual oppression and censorship. It concludes by underscoring the value of the *Inter-American Principles on Academic Freedom and University Autonomy* for rethinking and reframing the challenges to academic freedom in the United States and other purported liberal democracies in the global north.

**Keywords:** antidemocracy, censorship, public protest, individual and collective rights

### **Resumen**

Los ataques a la libertad académica en los Estados Unidos están aumentando rápidamente. Sin embargo, los análisis de este fenómeno se enmarcan en un contexto nacional y en las particularidades de sus leyes y políticas. Este ensayo pretende situar lo que está ocurriendo en Estados Unidos en el contexto regional más amplio de las Américas, al vincular la tendencia mundial hacia la antidemocracia con el ataque mundial a la libertad académica. Se sostiene que lo que está sucediendo en Estados Unidos no es único, y que el giro hacia la gobernanza autoritaria bajo la anterior administración Trump comparte similitudes con la gobernanza en países como Brasil, México, Nicaragua y Venezuela. El ensayo analiza brevemente la reducción de la libertad académica de un derecho colectivo de la sociedad a un derecho individual de libertad de expresión. El objetivo es destacar cómo los académicos y profesionales

estadounidenses pueden aprender de sociedades que se enfrentan a estrategias similares de opresión y censura intelectual. Concluye subrayando el valor de los Principios Interamericanos sobre Libertad Académica y Autonomía Universitaria para repensar y replantear los desafíos a la libertad académica en Estados Unidos y otras supuestas democracias liberales del norte global.

**Palabras clave:** antidemocracia, censura, protesta pública, derechos individuales y colectivos

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## **1. INTRODUCTION<sup>1</sup>**

Today in the United States, higher education is beset by bitter partisan politics. Attacking teachers, disinviting guest speakers, policing the curriculum, and denying tenure to outspoken faculty have become commonplace across the country, particularly since 2016. On the political left, these events are understood as part of a backlash against “woke” liberal scholars, supposedly intent on indoctrinating younger generations with progressive thoughts. On the far right, universities are seen as challenging the status quo, questioning

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<sup>1</sup> This essay draws from my forthcoming book titled *Policing the Mind: Higher Education and Academic Freedom Under Attack* (Johns Hopkins University Press).

foundational myths of American exceptionalism, and threatening a romanticized white national identity. Whatever the political side of the debate one takes, one consequence of the former Trump administration is that universities have once again become intense battlegrounds over the concept of academic freedom, and by extension, the right to free speech.<sup>2</sup>

In response to this escalating conflict there has been an outpouring of scholarship on the value of academic freedom, its relationship to the constitutional protection of free speech, and its central role in upholding democratic principles (Chemerinsky and Gillman 2018; Whittington 2018; Wallach 2019; Reichman 2021). Unfortunately, these scholarly commentaries can be hard to follow by students and faculty as well as the wider public. Moreover, the nationalist lens on this issue, framed by partisan politics and constitutional discourse, ignores a broader global conflict over higher education.

This essay proposes a different approach by situating what is going on in the United States within regional and global contexts. Its overall argument is twofold. First, I argue that what is happening in the United States is deeply interconnected with what is happening in other countries also experiencing the rise of far-right politicians and political strategies associated with authoritarianism. These strategies are often shared by antidemocratic leaders, and strive to control what is taught in universities, push repressive ideological perspectives, and curb student and faculty protest against those in power. Second, I argue that in recognizing the United States as part of a global attack on higher education, scholars may be able to learn from other countries responding to similar attacks and rethink how academic freedom is discussed and legally protected. Specifically, I ask how does the *Inter-American Principles on Academic Freedom and University Autonomy* shift current discussions about academic freedom in the United States? Moreover, given the outsize dominance of US higher education around the world, how may these conversations within America also impact thinking about academic freedom in far-right regimes in Europe and other countries of the global north?

<sup>2</sup> In the United States there were key moments throughout the twentieth century when academic freedom, and attacks on education at all levels, became particularly evident: 1910s with the threat of communism; 1950s and McCarthyism; 1960s in relation to the civil rights movement; and again, in the 1980s with the attack on public education under neoliberalism.

In what follows, I discuss the concept of academic freedom in the post-WWII era and its conceptualization as a global common good. I then look to the United States and explore how this concept has become increasingly narrow in conception and practice since the mid-twentieth century. I discuss attacks on higher education in the United States, focusing on Florida and the aggressive activities of Governor DeSantis as representative of an oppressive wave to curtail university scholarship and teaching. I ask how, and in what ways, does the *Inter-American Principles on Academic Freedom and University Autonomy* differ from how academic freedom is currently talked about in the United States? How can these regional principles shift the conversation to better protect and promote academic freedom from widespread attacks by the far-right?

My concluding argument—and the overarching point of the essay—is that academic freedom and the promotion of critical scholarship manifests materially in people’s abilities to ask probing questions, learn from alternative worldviews, voice their opinions in the public arena, and if necessary, protest growing authoritarian conditions. Without the protections of academic freedom, students, faculty and university administrators are increasingly vulnerable to oversight, censorship and political interference in what they say and do. Given the worldwide lean toward antidemocracy, I argue that the global attack on academic freedom joins climate degradation, mass migration, pandemics, and structural racism as one of the most pressing challenges of our times.

## 2. DEFINING ACADEMIC FREEDOM

As Henry Reichman argues in his book *Understanding Academic Freedom* (2021), the meaning of academic freedom is complicated in practice and often depends on specific institutional and legal circumstances. However, in theory academic freedom is a simple idea. It is not reducible to a civil right like the freedom of expression, which in the United States is protected under the constitution. Rather, academic freedom is more encompassing in that it belongs to the whole academic profession to pursue inquiry and teach freely —“it functions ultimately as the collective freedom of the scholarly community to govern itself in the interest of serving the common good in a democratic society” (Reichman 2021:4).

Importantly, a holistic concept of academic freedom protects scholars and universities from political intervention and censure by state and religious autho-

rities. In other words, academic freedom is not just about the individual rights of scholars or students, but also necessarily includes the autonomy of the university to provide the intellectual space in which academic freedom can be practiced. As the political philosopher Judith Butler writes, “Academic freedom is both a right and an obligation. It allows faculty to pursue lines of research and modes of thought without interference from government or other external authorities”. She goes on, it also obliges scholars to secure “the task of the university to preserve and support critical thought, even when it is not in line with official views of the state or other external institutions” (Butler 2017:857). In turn, notes David Kaye, former UN Special Rapporteur on freedom of opinion and expression, “states are under a positive obligation to create a general enabling environment for seeking, receiving and imparting information and ideas. Institutional protection and autonomy are a part of that enabling environment” (Kaye 2020:6).

The notion of a collective academic freedom (to include scholarly freedom to inquire, teach and publish and institutional autonomy to protect that freedom) was endorsed by the American Association of University Professors in 1940 and is reflected in its first principle on academic freedom that reads: “Teachers are entitled to *full freedom* in research and in the publication of the result” (AAUP 1940). As argued by Eva Cherniavsky, professor of American Studies, the AAUP’s statement drew its inspiration from the nineteenth century education reforms established in Berlin which drew on Wilhelm von Humboldt’s twin concepts of *Lehrfreiheit* (freedom to teach) and *Lernfreiheit* (freedom to learn) under the rubric of *Akademische Freiheit* (academic freedom) (Cherniavsky 2021). The Humboldtian ideal was embraced in the United States by educators including the philosopher Charles Sanders Peirce who praised the German system for advancing knowledge (rather than simply being a training institution) in a lecture he gave at Harvard in 1898.

### 3. ACADEMIC FREEDOM IN GLOBAL HISTORICAL CONTEXT

As a holistic concept, academic freedom includes individual rights as well as institutional and state protections of those rights. In the modern era, academic freedom became a hallmark of liberal democratic ideology and was widely considered essential in promoting and maintaining inclusive and equitable democratic societies.<sup>3</sup> In Germany in the 1930s under Hitler, scientific research

<sup>3</sup> Notes David Kaye, “without academic freedom, all societies lose one of the essential elements of

that was not in line with the National Socialist Party was outlawed and scholars were persecuted under the fascist regime. The UK Council for At-Risk Academics was established in 1933 to offer safety to hundreds of German scholars fleeing their homelands. This organization and others such as the International Institute for Education (established in 1919) helped promote the value of democracy through the defending of academic freedom and the free exchange of ideas (Samuels 2019; Newman 2020).

By the mid-twentieth century, after two devastating world wars, defending academic freedom from possible future attacks by oppressive governmental interference took on great urgency. Linking academic freedom to the idea of global democracy, strategies were designed to sustain scholarly independence despite the persecution of scholars within any one country. In the wake of WWII, and amidst decolonial independence movements in Africa and Latin America, academic freedom was granted recognition and protection under international law.<sup>4</sup> At a UNESCO conference convened in 1950, titled “Universities of the World”, guiding principles were established for the public university: it must enable knowledge to be pursued openly, it must tolerate divergent opinions and resist state interference, and it must promote the “principles of freedom and justice, of human dignity and solidarity, and to develop mutually material and moral aid on an international level”. In other words, universities were understood to have a global role in supporting each other across national borders in defense of scholars’ academic freedom to promote democracy, justice and freedom for all.

The idea of universities around the world working together in defense of global democratic principles is arguably absent in the contemporary public imagination. Today, there has been a dramatic rise in antidemocratic regimes around the world. In many cases, core principles of democracy, such as free and fair elections, uncensored media, and an independent judiciary, are under attack (V-Dem 2022; Naim 2022). And with the global rise of radical far-right leaders, universities and higher education in general have become sites of political and social conflict. Funding for public education has become increasingly restricted and censorship and persecution of scholars escalated. We see this in wealthy industrialized countries such as the United States, Britain, and Australia, as

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democratic self-governance: the capacity for self-reflection, for knowledge generation, and for a constant search for improvements of people’s lives and social conditions” (Kaye 2020:21).

<sup>4</sup> United Nations Universal Declaration of Human Rights (1948 Article 26) and International Covenant on Economic, Social, and Cultural Rights (1966 Article 13).

well as in Brazil and across the Americas, Middle East, South Asia, Europe, and Africa. According to the most recent *Academic Freedom Index*, “37% of the world’s population now live in countries with recent drops in academic freedom: almost two in five people globally” (*Academic Freedom Index* 2022:3).

Today’s far-right political landscape is dominated by ultra-nationalist sentiment expressed through political campaigns such as “Make America Great Again”, “Make Brazil Great Again”, and “Make Poland Great Again”. These slogans evoke an essentialized and homogenous citizenry and are antithetical to diverse and inclusive societies. These slogans also reflect escalating national competition among countries, undermining efforts to think in terms of global cooperation and collaboration. This situation is compounded by the growing socioeconomic inequalities between the global north and global south where societies are disproportionately impacted by the climate emergency and COVID-19 pandemic, and related poverty, famine, and public health crises. The Russian invasion of Ukraine has furthered global political and economic instability and resurrected Cold War rhetoric and the threat of nuclearization. In the contemporary context, earlier international strategies that emerged in the immediate post-WWII period to promote global cooperation, democracy and academic freedom seem not only quaint and naïve, but irrelevant.

In sum, over the past seventy years there has been a dramatic transition in social attitudes at national and international levels regarding academic freedom. Academic freedom has gone from being a global common good worthy of protections in international law, to academic freedom being considered irrelevant, problematic, and even a national threat in a growing number of countries. How did this transition occur and what can we learn from the past in thinking about how to confront attacks on public education today? How can we revive the value of academic freedom and shift political conversations and public imaginations to recognize independent and critical thinking as central to representative, inclusive, and socially just societies?

#### 4. HIGHER EDUCATION AS A NATIONAL COMMODITY IN THE UNITED STATES

As discussed above, in the immediate post WWII era there emerged international concerns to protect scholars and promote academic freedom around

the world. But within the United States, there was a countervailing movement to promote domestic scholars and universities as sites of national prestige and highlight American knowledge on an international stage. This ambition reflected the country's postwar economic boom which lay in stark contrast to many European countries recovering from two devastating world wars, and many colonial societies preoccupied with establishing national independence. During the war years, and particularly in the years immediately following, the United States ramped up its industrial capacities and became a major player in the global political economy. Higher education was considered vital to this developing domestic trajectory of economic growth and political power.

However, higher education was also seen as vital to expanding United States power beyond its borders that that reflected Cold War politics and imperial expansion into Latin America, Africa and the Middle East. This helps explain why the Ford Foundation, Rockefeller Foundation, and Carnegie Corporation of New York collectively sponsored international studies and area studies as a matter of public policy. It also points to the Higher Education Act of 1965 which provided federal support to a wide range of academic units including African Studies, Asian Studies, and European Studies (Darian-Smith and McCarty 2017:17; Kamola 2019). This new knowledge production about foreign countries and regions of the world was regarded as vitally important to usurp rising anticolonial movements, as well as further overseas resource extraction, industrial capacities, and export markets.

United States expansionist aspirations with respect to higher education saw the development of two complementary strategies on the domestic front —mass education and elite education. In terms of mass education, the GI Bill passed in Congress in 1944, providing tuition and living expenses to millions of war veterans returning from fighting in Europe (Altschuler and Blumin 2009; Thelin 2019:262-271). The GI Bill helped make higher education available to many previously denied such opportunities. This effort to creating a more equitable society was echoed in the report “Higher Education for American Democracy”, issued by the President’s Commission on Higher Education in 1947.<sup>5</sup> The GI

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<sup>5</sup> Initially, the higher education industry and its focus on providing for veterans favored men who far outnumbered women serving in WWII. However, the expansion of universities and state and community colleges throughout the 1960s and 1970s did open opportunities to women and more diverse students from a range of ethnic and socioeconomic backgrounds (Hutcheson, Gasman and Sanders-McMurtry 2011). That being said, expansion of higher education in the United States was



Bill also spurred an extraordinary growth in universities and colleges to accommodate veterans and their families moving westward to take advantage of cheap housing and embrace the mythical American dream (Adams 2000; Hutcheson and Kidder 2011). The University of California system that rapidly expanded in the late 1950s exemplified this booming higher education industry and demand from rapid population growth.<sup>6</sup>

The second strategy was to make elite American universities internationally competitive in the applied sciences such as chemistry, biology and physics, often linked to advances in military defense. This involved developing federally funded granting agencies such as the Department of Defense (est. 1947) and National Science Foundation (est. 1950) that would contract grants to elite universities who had the faculty expertise and resources capable of “Big Science”. As the historian of education John Thelin notes, the wartime Manhattan Project at the University of Chicago was a good model for this kind of state/university scientific enterprise (Thelin 2019:259, 272). While some elite universities flourished under the new system such as Stanford, Caltech and MIT, other universities had to make radical adjustments such as Harvard and Yale (Lowen 1997). These latter institutions had to come to terms with the realization that to maintain academic leadership they would have to increasingly rely upon federal funding for large-scale applied research projects.

Valuing faculty expertise —particularly scientific expertise— not as a collective societal good but as a measure of national power and university prestige forever altered the landscapes of higher education in the United States. The objectives behind the pursuit of learning and the advancement of knowledge were now more clearly articulated in terms of national defense and economic power. Moreover, the role of the federal government in shaping what, why and how learning occurred in the classroom became less ambiguous. Stating this differently, embedded relations between the higher education community and

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deeply entangled with settler colonialism, land-grabbing and dispossession. The enduring legacies of inequality and racism that were foundation to land-grant universities continue to impact campuses to this day (Fanshel 2021; Mettler 2014).

<sup>6</sup> According to Peter Drucker the trigger for what we now call the knowledge economy was “the American G.I. Bill of Rights after World War II, which gave every returning American soldier the money to attend a university —something that would have made absolutely no sense only thirty years earlier, at the end of World War I. The G.I. Bill of Rights— and the enthusiastic response to it on the part of America’s veterans —signaled the shift to the knowledge society. Future historians may well consider it the most important event of the 20th century” (Drucker 1993:).

the federal government were less deniable. In material terms, it meant that “an external federal agency had the power to alter campus governance and institutional mission, including essential tenants of academic freedom” (Thelin 2019:274).

## 5. ACADEMIC FREEDOM/INDIVIDUAL FREEDOM

In 1951, William Buckley, a student at Yale, wrote a highly controversial essay titled *God and Man at Yale: The Superstitions of Academic Freedom* where he denounced what he claimed was anti-capitalist and anti-Christian “collectivist” thinking being taught there (Buckley 1951). The book was well received by the rising conservative movement that Buckley would go on to help establish. But the book also received criticism. Wrote McGeorge Bundy, a leading Harvard scholar at the time, “The book winds up with a violent attack on the whole concept of academic freedom. It is in keeping with the rest of the volume that Mr. Buckley does not seem to know what academic freedom is” (Bundy 1951).<sup>7</sup>

Buckley’s dismissal of academic freedom and his overall anti-intellectual conservative position resonated with Cold War geopolitical tensions. Within higher education there had long been suspicion of any faculty member with communist affiliations, but during the mid to late 1940s fears escalated that communism was being taught in classrooms and universities were becoming breeding grounds of indoctrination (Schrecker 1980). Senator Joseph McCarthy’s House Un-American Activities Committee was established in 1945 and was emblematic of a campaign against “disloyalty” that included investigating journalists, Hollywood figures, unionists, as well as scholars deemed to have connections with the Communist Party.

McCarthyism spearheaded a much wider set of repressive measures implemented by local university presidents and administrators, trustee boards, city boards, and state legislators (Schrecker 1986). There was widespread consensus that Communist teachers were disqualified intellectually and professionally. Many academics thought that when their colleagues were investigated and chose not to answer by using their constitutional Fifth Amendment rights—as did many in the entertainment business—they were bringing shame on their

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<sup>7</sup> Note that a few years later Bundy in 1954, when Dean of Harvard’s Faculty of Arts and Sciences, he succumbed to the pressures of McCarthyism and didn’t reappoint Professor Sigmund Diamond because he refused to give names to the FBI (Schrecker 1980:313).

universities and threatened federal funding (Schrecker 1980:320). Overall, both public and private universities were quick to fire or not rehire any professor associated with communism. It is estimated that about 600 educators at all levels lost their jobs. But the chilling effect on intellectual thinking through self-censorship was widespread and “[t]hough not quantifiable, this may have been the greatest tragedy of McCarthyism’s effect on academia” (Aby 2009:122).

Throughout the 1940s and 1950s, the widespread failure by faculty to protect their university’s institutional autonomy permanently redefined the concept of academic freedom. It went from being a global societal good defended by universities around the world, to being a singular right claimed by a faculty member to think and speak as an individual. Academic freedom today—at least in the United States and other countries in the global north—is typically discussed in terms of an individual’s right and is distinct from a university’s obligation to protect institutional autonomy. But as Eva Cherniavsky has powerfully argued, this approach is “a profound misinterpretation of what academic *freedom* most fundamentally represents. Academic freedom is not about the freedom of individual academics to say whatever they want—rather it defines the *collective freedom of the faculty* to set the norms of academic debate, free from interference by administrators, governing boards, or the state” (Cherniavsky 2021:9).

## 6. TODAY’S ATTACKS ON HIGHER EDUCATION

With the global trend toward antidemocracy, it is not surprising that free speech has been aggressively promoted and defended by far-right politicians and political movements around the world. Free speech has become highly politicized to “sweep away the guarantees of academic freedom”, and dismiss “the thoughtful, critical articulation of ideas, the demonstration of proof based on rigorous examination of evidence, the distinction between true and false, between careful and sloppy work, the exercise of reasoned judgement” (Scott 2017:4). Given the legal immunity granted free speech language, Eva Cherniavsky notes that it is hardly surprising that free speech is wielded by the far right “with such ferocity (and success) to undermine the authority of the professoriate” (Cherniavsky 2021:8).

In the United States, free speech now means “freedom in the absence of any restraint. From this perspective, the bad boys can say anything they want,

however vile and hateful” (Scott 2017:5). This is how Pennsylvania State University got itself into the predicament of letting Gavin McInnes, founder of the white supremacist Proud Boys, give a public talk on campus in October 2022. University administrators condemned the racist and misogynist views of the speaker, however, also said that the campus was required to host the Proud Boys on grounds of free speech. At the last minute, the event was cancelled due to threats of violence as Proud Boy supporters pepper-sprayed student protestors and members of the media. The conservative student group that organized the event, Uncensored America, said it was sad about the cancellation, stating somewhat disingenuously, “We wanted people from all different political viewpoints to have a fun, entertaining, and peaceful evening” (Chappell 2022).

In the world of fake news and aggressive disinformation campaigns on social media, free speech operates as a legal protection, granting immunity to all manner of falsehoods and distortions. It enables the denial of scientific expertise around crises such as pandemics and climate change, and it undermines critical thinking in classrooms examining false narratives of stolen elections, racial discrimination, electoral gerrymandering and so on. Across the United States there has been a dramatic groundswell of legislation and regulatory control aimed at limiting academic freedom and the ability of faculty to teach their own materials.

Republican lawmakers, governors, and many trustee boards stacked with political appointees have aggressively wielded a range of legislation attacking tenure, imposing political loyalty oaths, cutting university ties to accrediting organizations, defunding university projects, seeking control over faculty hiring and firing, and preventing faculty from teaching certain materials. Florida under Republican Governor Ron DeSantis has become the epicenter and model for how to implement “educational gag orders”. His removing curricular content relating to race, history, and LGBTQ+ issues is emblematic of the far-right’s oppressive strategies. According to a report by the free expression group PEN America titled *America’s Censored Classrooms*, 36 states introduced 137 gag order measures in 2022, all but one filed by Republican legislators (Johnson 2022).

Today in the United States, understanding academic freedom as free speech—or more accurately replacing academic freedom with free speech—has become the common-sense approach in higher education (Cherniavsky 2021; Scott 2017). The focus on individual agency, as against structural issues of power, class and systemic racism, has been for decades promoted by neoliberal logics

of market fundamentalism and individual self-responsibility.<sup>8</sup> Since the 1970s, neoliberalism has promoted the corporatization of university administration, reduced faculty governance, and drastically reduced the number of tenured professors (Giroux 2018; Hall 2016; Bottrell and Manathunga 2019). This has created an environment of insecurity and risk-adverse faculty and lecturers who are unable or unwilling to protest. Within this market-driven context, “a marketplace of ideas” supposedly thrives. This in turn has enabled a false equivalency between speech that may be based on lies and speech based on the academic community’s collectively determined standards, methods, and evidence.

## 7. INTERNATIONAL LEGAL PROTECTIONS OF ACADEMIC FREEDOM

Given that academic freedom may be conceptualized and practiced differently in different countries, there has been an effort to protect it under international law. Unfortunately, these legal protections are not that clear, quite apart from the challenges involved in implementing them. According to the former UN Special Rapporteur David Kaye, academic freedom depends upon a range of political, economic social and cultural rights, including the right to education, science culture, association, conscience belief, due process, and freedom of opinion and expression (Kaye 2020). These rights are enshrined in several international human rights covenants and treaties. For instance, the UN Committee on Economic, Social and Cultural Rights (CESCR) states academic freedom is the liberty “to pursue, develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing”. It includes:

“(…) the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfil their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights (...). (CESCR 1999, No 13 Para 39)

While the CESCR recognizes the need for institutional autonomy, the terminology is rather vague with respect to self-governance which:

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<sup>8</sup> Neoliberal ideology highlights “particular themes in public attitudes (desert, obligation and choice) and downplays others (solidarity and community)” (Taylor-Gooby and Leruth 2018:X).

“(…) must be consistent with systems of public accountability, especially in respect of funding provided by the State. Given the substantial public investments made in higher education, an appropriate balance has to be struck between institutional autonomy and accountability. While there is no single model, institutional arrangements should be fair, just and equitable, and as transparent and participatory as possible”. (CESCR 1999 Para 40)

However, just how an “appropriate balance” is struck is not clear and leaves it primarily up to university administrators to determine. And this is where the biggest problem arises –university leaders are often vulnerable to political pressures from state governors and legislators who may threaten to withhold revenues streams vital for the functioning of their campus. We saw this relationship of dependency between state funding and universities emerge in the 1950s in the United States, and today it is structurally embedded in the very existence of any college or university campus. For example, it has enabled Florida Governor DeSantis to remove the President of New College, appoint a cohort of extreme-right trustees, hire new faculty, and remake the college according to his conservative values and dictates. Beyond the United States, this relationship of dependency may be even more extreme, with some governments such as in Mexico and Brazil imprisoning faculty and students, and other governments such as that under President Daniel Ortega in Nicaragua deeming universities “illegal” and shutting them down completely.

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## 8. ACADEMIC FREEDOM IN REGIONAL CONTEXT –THE AMERICAS

The future of academic freedom in the United States is bleak. It joins a growing number of countries across the Americas that have been repressing faculty and student research and teaching over the past two decades. To build cooperation between countries by providing a consistent set of guidelines that institutionalizes academic freedom at a regional level, the Inter-American Commission of Human Rights (IACHR) adopted the *Inter-American Principles on Academic Freedom and University Autonomy* in 2021. This document builds upon the earlier *Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education* that was adopted by the general assembly of the World University Service in Peru in 1988 (Lima 1988). The *Lima Declaration* was one

of the first international documents to explicitly define academic freedom as a human right predicated on the autonomy of institutions of higher education.<sup>9</sup>

In their preambles, both the *Inter-American Principles* and the *Lima Declaration* explicitly outline the need to define a concept of academic freedom and push back against rising attacks on teachers, students, and researchers. However, the *Inter-American Principles* goes one step further. Reflecting upon the urgent regional and global threats to education today, it explicitly states that academic freedom plays an essential role in “the fight against authoritarianism in the Americas” (*Inter-American Principles* 2021:2). It then goes on in **Principle 1** to give the fullest definition of academic freedom yet articulated in an international organization. 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”.

In addition, **Principle 1** underscores the collective dimension of academic freedom as:

“(...) 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”.

The *Inter-American Principles* is an innovative document setting up a new and encompassing framework that values academic freedom as a collective societal enterprise critical to pushing back against antidemocratic governmental interference. It reflects wider political pushback across Latin America against decades of authoritarian governance in numerous countries. The *Inter-American Principles* is indicative of a new wave of regional democratic aspiration that sees public education and academic freedom as central to building and maintaining more inclusive and equitable societies. The document carefully spells out what is necessary for true social equality, embedding the protection of academic

<sup>9</sup> Concurrent to the *Lima Declaration*, in 1988 university leaders from across Europe met at the University of Bologna to celebrate its 900<sup>th</sup> anniversary. There they signed the *Magna Carta Universitatum*, a document that contains principles of academic freedom and university autonomy and intended to guide future best practices regarding higher educational practices at the transnational level.

freedom into social, political and technological practices, including the need for affirmative action in **Principle XVI**.

Revealingly, the *Inter-American Principles* also anticipates a range of actions by antidemocratic leaders and expressly sets out to prevent various tactics for stifling academic freedom in times of political crisis. In **Principle VI**, for instance, there is explicit reference to states not being able to invoke “exceptional circumstances as a means of suppressing or denying, denaturalizing, or depriving of real content academic freedom, university autonomy, or, in general, the rights guaranteed by the American Convention on Human Rights”. In **Principle VIII**, it takes aim against states using discretionary powers to impose any “limitations or fostering taboos with respect to any field of knowledge...”. And in **Principle XII**, it lays out that states cannot deny access to the Internet and social media, and that states “must establish measures that work toward guaranteeing universal Internet access, the elimination of the digital divide, and the use of such technologies by the academic community”.

The *Inter-American Principles* echoes earlier transnational efforts expressed in the 1918 *Córdoba Liminar Manfiesto*, the 1920 manifesto of the Argentine University Federation, and the 1921 *International Student Congress on University Reform*, Mexico City (see Van Aken 1971). And it refers to contemporary transnational human rights documents such as the UN *Declaration on the Rights of Indigenous Peoples* (2007), as well as other regional efforts such as the *Abidjan Principles*, which declares that states have an obligation to provide public education and regulate private organizations involved in education (adopted in 2019, in Côte d’Ivoire, after three years of consultation and drafting among participants from around the world).

Something particular to the *Inter-American Principles* is a recognition that the pursuit of knowledge involves global academic exchange and must not be constrained within national contexts. In **Principle XIV**, the protection of scholars to travel internationally is addressed, as well as the “freedom to seek, receive, and disseminate information and ideas of all kinds, regardless of borders”. Presenting the production of knowledge as a global enterprise echoes sentiment expressed earlier in the immediate wake of WWII at the “Universities of the World” UNESCO conference in 1950, with international leaders trying to prevent the global rise of fascism from ever happening again.



## 9. CONCLUDING COMMENTS

The *Inter-American Principles* is an extremely innovative document in the history of academic freedom governance and protections. It presents an encompassing array of practices that speak to a clear understanding of the concept of academic freedom to include both individual and collective rights. And it explicitly seeks to protect academic freedom beyond the countries and institutions of the global north in an effort to create a document of global appeal, relevance and application.

On reflection, it is the sentiment that knowledge production is “borderless” and produced in conversation with scholars and students from around the world that is perhaps the most exciting and important element in the *Inter-American Principles*. This sentiment underscores the need of plural worldviews and epistemological approaches in the creation of new ideas. It seeks to transcend dominant ways of thinking in the United States (and other countries in the global north) that strive to commercialize and control higher education for national power and international prestige. In this way it presents a vision of academic freedom not driven by neoliberal logics and ultranationalist competitive concerns. It reminds us of the urgent need to think critically about the global economic and political conditions, informing local attacks on academic freedom if we are to collaboratively push back against rising authoritarianism.

Perhaps most significantly, if taken seriously, the *Inter-American Principles* offers a way to reframe public conversation in the United States that moves beyond legal oppression due to reducing—in practice—the concept of collective academic freedom to an individual right of free speech. This reductionist approach is aggressively promoted by the far-right precisely because it curtails critical inquiry that questions the rapidly diminishing rights of ordinary citizens to protest their antidemocratic state leaders.

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