

Impact case study (REF3b)

Institution: University of Lincoln
Unit of Assessment: Education
Title of case study: Safeguarding Academic Freedom in Europe
<p>1. Summary of the impact</p> <p>Professor Karran undertook comparative studies of the constitutional and legal protection for academic freedom, revealing that the level of protection for academic freedom in Denmark was among the lowest in the EU states. This led the Danish University Lecturers' Professional Association to appeal to UNESCO that protection for academic freedom was inadequate, and forced the Education Minister to establish an international evaluation team to examine the effectiveness of national legislation protecting academic freedom. The evaluation team concluded that the existing legislation protecting academic freedom was inadequate, and consequently the Danish government changed the law. In essence, this research directly increased protection for the academic freedom enjoyed by all teaching and research staff in Denmark's 36 higher education institutions.</p>
<p>2. Underpinning research</p> <p>The research which underpins this case study was carried out between 2006 and 2011. It examined the origins of, and justification for, academic freedom, and its legal and constitutional protection across the 27 states of the European Union. The framework developed for this comparative analysis was subsequently utilised for a similar study of 100 universities in the USA (which is now under peer review), is being used to analyse academic freedom in the Latin American states, and formed the basis of two successful grant applications under the EU Marie Curie programme for a three year International Incoming Fellow from Ghana to study academic freedom in Africa (€278,807) in 2011, and a two year Intra-European Fellow from Munich to study academic freedom in the EU states (€299,558) in 2012.</p> <p>The aim of the research was to improve the protection for, and a greater awareness of the benefits of, academic freedom among academics, educational policy makers, and the public at large. The focus of the research project to which this case study refers, involved a number of key objectives:</p> <ul style="list-style-type: none"> • to investigate the historical origins and reasons for the development of academic freedom in Europe; • to assess whether, and to what degree, the constitutional and legal protection for academic freedom in the 27 EU states was in compliance with the 1997 UNESCO <i>Recommendation concerning the Status of Higher-Education Teaching Personnel</i>, to which all such states were signatories; • to undertake a comparative analysis of the constitutional and legal protection for academic freedom in the 27 EU states, identifying the nations in which academic freedom is not well protected; • to use the data on academic freedom gathered from the 27 EU states (and other nations) to devise a generic <i>Magna Charta</i> for academic freedom, based on best practice; • to justify, by critical examination of the existing literature, the different elements of academic freedom to academics, students, universities and society at large. <p>The research found that two models of academic freedom developed within the early mediaeval universities of Paris and Bologna, variants of which were adopted elsewhere in Europe (and beyond, for example, in Latin America), but that the modern idea of the research university, particularly in the USA, was derived from the model of the German research university developed by Humboldt in the 19th Century. The level of protection for academic freedom in the EU was found to vary greatly, with only about one third of states fully compliant with all elements of the UNESCO <i>Recommendation</i>. This minority includes those states which have, until relatively recently, been under totalitarian control (e.g. Hungary, Poland, etc.). Those nations have recently re-written their constitutions and their higher education legislation, and it appears that their experiences of</p>

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undemocratic rule have led them to better appreciate the benefits of academic freedom, both to the higher education sector, and society at large. The nations with the lowest level of protection were Denmark and the United Kingdom. Additionally, a subsequent paper defending the concept, demonstrated the necessity of each of the constituent elements of academic freedom, and showed how it is essential for the creation of new knowledge, which justifies protecting the principle in legislation.

The key researcher for this work was Professor Terence Karran, Centre for Educational Research and Development, University of Lincoln from 2007-to date (also Docent Professor, University of Oulu, Finland from 2001 to date, and Visiting Professor, Autonomous University of Guadalajara, Mexico, 2005-7).

3. References to the research

Karran, T. (2007) 'Academic Freedom in Europe: A Preliminary Comparative Analysis', *Higher Education Policy*, Vol. 20, No. 3, pp. 289-313.

Karran, T. (2009) 'Academic Freedom: In Defence of a Universal Ideal', *Studies in Higher Education*, Vol. 34, No. 3, pp. 263-283.

Karran, T. (2009) 'Academic Freedom in Europe: Time for a *Magna Charta*?', *Higher Education Policy*, Vol. 22, No. 2, pp. 163-189.

Karran, T. (2009) 'Academic Freedom In Europe: Reviewing UNESCO's *Recommendation*', *British Journal of Educational Studies*, Vol. 57, No. 2, pp.191-215.

Karran, T. (2010) 'Academic Freedom: essential liberty or extravagant luxury?' pp. 17-29 in M. Neary, H. Stevenson and L. Bell, (eds) *The Future of Higher Education: Policy, Pedagogy and the Student Experience*. London: Continuum Books.

4. Details of the impact

This research had a direct and tangible impact on changing the law protecting academic freedom in all the universities of Denmark. The 2007 article in *Higher Education Policy (HEP)* showed that, utilising measures of academic freedom from the 1997 UNESCO *Recommendation concerning the Status of Higher-Education Teaching Personnel*, the worst two nations in the EU for the protection of academic freedom were the UK and Denmark. This led to considerable debate in Denmark, with the Minister initially rejecting, but later accepting the findings of the research.

On 4th December 2007, this *HEP* article featured in a major article in a Danish newspaper, *Information* (Denmark's equivalent of *The Times*), in which, responding to the findings of the *HEP* article, the President of the Danish University Lecturers' Professional Association (Dansk Magisterforening – *DM*) Ingrid Stage, stated that *DM* were considering a complaint to UNESCO. On the same day, the Minister responsible for universities, Helge Sander, was subjected to hostile questions in the Danish Parliament about the absence of protection for academic freedom in the 2003 Danish University Act. Sander's main response¹ was to disparage the evidence of the *HEP* article, and argue that, given that seven ex-communist nations headed the EU ranking, he was glad that Denmark did not.

Karran responded to these criticisms in a letter published in *Information* on 13th December, which noted that 'in many of the ex-Communist states, university professors were often among the few people to speak out against the regime' and that 'Helge Sander reports finding 'extended satisfaction when visiting the universities', and it may be the case that there is a stronger cultural commitment to academic freedom in Denmark than is evident from an examination of the laws, but until such research is undertaken, Sander's comments have the status of contestable opinion, not fact'. Sander responded with a short comment in *Information* (17th December, 2007) accepting that staff in Eastern European universities were strongly influential in the fight for freedom, but argued

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that the ranking in the *HEP* paper was biased. Consequently, Karran (*Information*, 20th December, 2007) again responded by indicating that, for reasons of economy and space, the newspaper had provided a summary table which simplified his findings. To further counter such critiques, the next paper by Karran, in 2009, published in the *British Journal of Educational Studies*, utilised the UNESCO academic freedom parameters exactly.

In May 2008, the *DM* President stated in *ForskerForum* (the monthly magazine of the Dansk Magisterforening), that: 'The Danish university law degrees of freedom must now be tested against the international UNESCO declaration in response to an inquiry by the English scientist Terence Karran from Lincoln University which showed that the Danish academic freedom is fully depressed in western context'. As a result, the *DM* set up an online petition to get the Danish parliament to change their academic freedom policy, which attracted 6,502 signatures. Karran was asked by the *DM* to help draft the submission to the joint ILO-UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART), which is responsible for assessing complaints against national governments in respect to alleged breaches of the 1997 UNESCO Recommendation. Reporting in 2009, the CEART did not find that the Danish legislation was in violation of the 1997 UNESCO *Recommendation* but recommended that 'the Government and the DM engage in social dialogue on issues of university governance'.

In 2009, the Danish government established an evaluation team comprising five international academic experts from outside Denmark to examine the 2003 University Act. Karran helped prepare the *DM* submission to the Evaluation Team. The Evaluation Team's report concluded (page 39) 'article 17.2 of the 2003 University Act... is seen by many academic staff members of the universities as a major symbol of the controversies around the Act, as it gives the institutional leadership the formal power to tell individual staff members which academic tasks to perform. The article could be regarded as an intrusion into traditional values and rights of academic university staff... we find that the question can be raised whether article 17.2 in all its details fits the Danish and European traditions with respect to academic freedom... Taking these considerations into account, the Panel recommends the Parliament to remove or reformulate the article 17.2'.

Following the evaluation, legislative changes took place. On May 19th 2011, the Danish Parliament adopted an amendment to the University Law, Section 33 of which repealed section 17 of the 2003 University Law, which had stated that 'The Head of Department may allocate specific jobs to specific employees. Members of the academic staff are free to conduct research within the strategic framework laid down by the university'. Had this research into academic freedom in the EU not been undertaken, there would not have been an appeal to UNESCO, an external evaluation of the law, or a change in the law as a result.

5. Sources to corroborate the impact

Source 1 – *Information* (Danish national daily newspaper)

4th December 2007, 'Danske universitetsansattes forhold skraber bunden i EU' (Danish university employee relationship scrapes bottom in the EU), www.information.dk/151351.

5th December 2007, 'Sander afviser problemer med forskningsfriheden' (Sander rejects problems with academic freedom), *Information*, www.information.dk/151441.

12th December 2007, 'Akademisk frihed er folkets ret' (Academic freedom is the people's right), *Information*, www.information.dk/151729.

17th December 2007, 'Læserne skriver: Debat fra dagens avis' (Readers write: debate from today's paper), *Information*, www.information.dk/151936.

20th December 2007, 'Sander-forslag er naivt og misvisende' (Sander's proposal is naive and misleading), *Information*, www.information.dk/152142.

Source 2 – *ForskerForum* (Monthly magazine of the Dansk Magisterforening University Lecturers' Association)

May 2008, 'Sander ignorerer frihedsgrader' (Sander ignores degrees of freedom),

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www.forskerforum.dk/downloads/ff-214.pdf.

September 2009, 'Dear Committee: A Social and Moral Obligation',

www.forskerforum.dk/downloads/ff-226-227.pdf.

Source 3 – GoPetition International Website

'For en bedre forskningspolitik' (For a better research policy),

<http://www.gopetition.com/petitions/for-en-bedre-forskningspolitik.html>.

Source 4 – Dansk Magisterforening University Lecturers' Association

Complaint: Submission to UNESCO by DM: Copenhagen May 22nd 2008,

www.dm.dk/~media/DmsPolitik/Forskningsfrihed/Complaint%20final%20%2022maj%202008.ashx

Source 5 – Joint ILO/UNESCO CEART

'Allegation received from the Dansk Magisterforening (DM) of Denmark', in *Joint ILO/UNESCO*

Committee of Experts on the Application of the Recommendations concerning Teaching Personnel

Report: Tenth session Paris, 28 September – 2 October 2009, pp. 38-44,

www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---

[sector/documents/meetingdocument/wcms_162316.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_162316.pdf).

Source 6 – Danish Ministry of Science

Bladh, A., El-Khawas, E., Hasan, A., Maassen, P., Winckler, G., (2010) *Danish University*

Evaluation 2009 – Evaluation Report, Copenhagen: Danish Ministry of Science,

fivu.dk/en/publications/2009/files-2009/danish-university-evaluation-2009.pdf.

Source 7 – Danish Government Legislative Archive

Lovforslag nr. L 143 af 19. maj 2011 Forslag Til Lov om ændring af universitetsloven

(Bill No. L 143 of 19 May 2011 Proposal To Act to amend the University Act),

http://www.folketingstidende.dk/Rl/pdf/samling/20101/lovforslag/L143/20101_L143_som_vedtaget.pdf

Source 8 – This evidence for impact can be corroborated by Ingrid Stage, President of Dansk Magisterforening.