Academic Freedom: A Research Bibliography.

This bibliography has been created during the process of background reading whilst preparing first, a series of academic papers on academic freedom for publication (focusing on the concept in general, and its specific operation in Europe, the USA, Latin America and Africa); and second, bids for research funding from grant awarding organisations. The publications that have resulted from this research (copies of which can be obtained by request) are as follows:

Appiagyei-Atua, Kwadwo, Beiter, Klaus, Karran, Terence, (2015) “The capture of institutional autonomy by the political elite and its impact on academic freedom in African universities”, *Higher Education Review*, 47(3): 48-74

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

Appiagyei-Atua, Kwadwo, Beiter, Klaus and Karran, Terence, (2016) “A Review of Academic Freedom in African Universities through the Prism of the 1997 ILO/UNESCO Recommendation”, *Journal of Academic Freedom*, 7: 1-23.

Beiter, Klaus, Karran, Terence and Appiagyei-Atua, Kwadwo, (2016) ‘Academic Freedom and Its Protection in the Law of European States : Measuring an International Human Right’, *European Journal of Comparative Law and Governance*, 3: 254-345

Beiter, Klaus, and Karran, Terence and Appiagyei.Atua, Kwadwo (2016) “Retrogression in the legal protection of the right to academic freedom in Europe”, *New Zealand Journal Of Research on Europe*, 10 (1): 1-60

Beiter, Klaus, Karran, Terence and Appiagyei-Atua, Kwadwo, (2016) “Yearning To Belong: Finding A ‘Home’ For The Right To Academic Freedom In The U.N. Human Rights Covenants”, *Intercultural Human Rights Law Review,* 11: 107-190.

Beiter, Klaus, Karran, Terence and Appiagyei-Atua, Kwadwo, (2016) “‘Measuring’ the Erosion of Academic Freedom as an International Human Right: A Report on the Legal Protection of Academic Freedom in Europe”, *Vanderbilt Journal Of Transnational Law*, 49(3): 597-691.

Karran, Terence, (2007) “Academic Freedom in Europe: A Preliminary Comparative Analysis”, *Higher Education Policy,* 20(3): 289-313.

Karran, Terence, (2009) “Academic Freedom in Europe: Reviewing UNESCO’s *Recommendation*”, *British Journal of Educational Studies,* 57(2): 191-215.

Karran, Terence, (2009) “Academic Freedom in Europe: Time for a *Magna Charta*?”, *Higher Education Policy,* 22(2): 163-190.

Karran, Terence, (2009) “Academic Freedom: Essential Liberty or Extravagant Luxury?”, in Bell, L., Neary, M., Stevenson, H., (eds.) *The Future of Higher Education: Policy, Pedagogy and the Student Experience*, London: Continuum Books, p.17-29.

Karran, Terence, (2009) “Academic Freedom: In Justification of a Universal Ideal”, *Studies in Higher Education*, 34(3): 263-83.

Karran, Terence, Beiter, Klaus, Appiagyei-Atua, Kwadwo, (2017) “Measuring Academic Freedom in Europe: A Criterion Referenced Approach”, *Policy Reviews in Higher Education*, 1(2): 209-239.

Karran, Terence, Mallinson, Lucy, (2017) *Academic Freedom in the U.K.: Legal and Normative Protection in a Comparative Context. Report for the University and College Union*, London: UCU.

Karran, Terence, Mallinson, Lucy, (2018) “Academic Freedom and World Class Universities: A virtuous circle?”, *Higher Education Policy*, 32: 397-417.

Karran, Terence, Beiter, Klaus, Mallinson, Lucy, (2020) “Academic Freedom in the European Union: Legalities and Realities” in Bergan, S., Gallagher, T., Harkavy, I., (eds.) *Academic Freedom, Institutional Autonomy and the Future of Democracy*, Brussels: UNESCO/Council of Europe, p.121-140.

Karran, Terence, Beiter, Klaus, Mallinson, Lucy, (2021) “Academic freedom in contemporary Britain: A cause for concern?: *Higher Education Quarterly*. Advance Online Publication. https://doi.org/10.1111/hequ.12346

Karran, Terence, Beiter, Klaus, Mallinson, Lucy, (2022) “Academic Freedom in Scandinavia: Has the Nordic Model Survived?” currently out for peer-review

There are general bibliographies and guides to the literature on academic freedom available, the best of which are probably *Academic Freedom: A Guide to the Literature*, complied by Stephen Aby and James Kuhn (Westport, Connecticut: Greenwood Press, 2000) and Sinder, Janet, (1990) “Academic Freedom: A Bibliography”, *Law and Contemporary Problems*, 53(5): 381-392. In addition, there are more specialist studies such as Rice, P. O., (1984) *Academic Freedom and Faculty Status for Academic Librarians: A Bibliographical Essay,* Washington: ASHE-ERIC and Horn, Michiel, (2002) “Academic Freedom, Academic Tenure, University Autonomy and University Governance in Canada: A Bibliography”, *History of Intellectual Culture,* 2(1): 1-25. Such general publications as exist concentrate on the situation in the USA, because much more has been written about academic freedom in the USA. The reason for this is that academic freedom in the USA is not directly protected in the constitution or in specific legislation (unlike the situation in many E.U. states), but is protected through the first amendment of the US Constitution: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” However, the use of this amendment to protect academic freedom has depended on the interpretations of the amendment by the Justices of the Supreme Court, which have varied over time. Hence much of the literature on academic freedom in the USA centres on assessing the legal and moral validity of the changing interpretations of the concept made by the Supreme Court.

Not surprisingly, many of the entries in this bibliography have also appeared in these earlier publications. However, this bibliography differs from those cited above in three ways. Firstly, it is more up to date and interest in, and the number of publications in the USA on, academic freedom has increased markedly because of the September 11th 2001 terrorist attacks, which ushered in the USA Patriot (**U**niting and **S**trengthening **A**merica by **P**roviding **A**ppropriate **T**ools **R**equired to **I**ntercept and **O**bstruct **T**errorism) Act of 2001 which generated a significant increase in the number of attacks on academic freedom. Consequently, 45% of the 1969 entries in this bibliography relate to the period after 1998, which is the last year covered by Aby and Kuhn’s book, which is also smaller in size, containing circa 500 entries. Secondly, in addition to publications which cover the USA, this bibliography also includes items which relate to the European and international (Africa, Australia, Canada, Latin America) contexts of academic freedom. Thirdly, as my knowledge of, and interest in, academic freedom has grown, so the bibliography has tended to include more articles outside of the main stream which are of particular interest to me. So, for example, the entries on “soft” international law reflect the fact that the UNESCO *Recommendation concerning the Status of Higher-Education Teaching Personnel* has the judicial status of “soft law”, and I am interested in understanding why the UNESCO *Recommendation* has not been widely implemented. Similarly there are references to students’ academic freedom, as this is of interest to me because I am currently undertaking research in this area. There are some entries (such as, for example, on race and academic freedom) which do not reflect my current interests, but which I have retained, both for completeness and also because I may turn to these areas at a later stage.

It is the prerogative (if not the obligation) of each generation of academic scholars to berate the following cohort for a lack of professionalism in their research, lowering academic standards, etc. In this regard I can report that there is now a tendency (probably as a result of the ability to find publications using the Google search engine) not to provide full bibliographical information for references in books and articles. More particularly, although the volume and year of academic articles may be cited, quite frequently the issue number and page numbers may be omitted. To make this bibliography as useful as possible to other scholars, I have tried to rectify this by providing, for each article, the year of publication, and the volume, issue and page numbers, (where no issue number is cited, none exists). Similarly, where the volume of a journal spans two calendar years, I have specified in which year covered by the volume the article appears.

In addition, one impact of the use of information and communications technologies on academic publishing has been the tendency to release articles for distribution from journals’ websites as pdf files, some time before they are due to appear in printed paper format. It is common for the volume, issue and page numbers to be unassigned, in these pre-release versions of journal articles. However, in order to ensure that the bibliography is as up to date as possible, I have included references to these articles. Where such pre-release versions of articles appear in this bibliography, the volume and issue numbers have been replaced with the letter x, and the pages numbers of the articles will start with 1 [e.g. XX(X): 1-25].

Writing and publishing academic research papers requires some intellect and much effort, and is frequently a lonely task, often undertaken without encouragement and producing articles which, however original, invariably have seemingly little impact on the world at large. Consequently, I was much heartened (and somewhat taken aback) when my 2007 article in *Higher Education Policy* on academic freedom generated significant interest, in the U.K., Europe and elsewhere. The article showed that in Denmark there was little protection in law for academic freedom when compared with other EU states, and consequently, the article was mentioned in *Information*, a national daily newspaper - the Danish equivalent of the UK *Times* newspaper. This, in turn, led to the Education Minister, Helge Sander, being asked questions in the Danish Parliament about the state of academic freedom. Following the Minister's attempt to disparage my research in the Danish Parliament, I ended up having letters (helpfully translated by my colleague at Copenhagen University) rebutting the Minister’s accusations, published in the *Information* newspaper. As a result of this exchange the Dansk Magisterforening (Danish University Lecturers’ Professional Association) appealed to UNESCO’s Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART), which is charged with implementing the UNESCO *1997 Recommendations on the Status of Higher Education Teaching Personnel,* that academic freedom is inadequately protected by government legislation in Denmark, and an online petition was set up to get the Danish parliament to change the policy for research and higher education (see at http://www.gopetition.com/petitions/for-en-bedre-forskningspolitik.html) In addition, I have been contacted by the CEART, as the Committee wanted copies of my forthcoming papers to use as briefing documents at their meeting in 2009. The appeal by Dansk Magisterforening to UNESCO failed, but it led the government to set up an independent evaluation of the 2003 Danish University Act. The Evaluation Panel issued a report in 2009 which recommended the Parliament to removeor reformulate the article 17.2 of the Act (which deals with the research freedom of the individual researcher) One of the first acts of the new Danish government which came into office following the election in October 2011 was to draft a new university law, Section 2 of which states explicitly: “The university has academic freedom. The university must protect the university's and the individual's research freedom”. These developments show that sometimes academic research can have an impact on policy!

On a more personal note, I received an unsolicited email from Professor Michael Olivas, who is the Director of the Institute of Higher Education Law & Governance at the University of Houston. Professor Olivas is a notable scholar on the subject of academic freedom and, in response to my first article on academic freedom, very generously sent me copies of his publications in this area, in order to demonstrate that (as he put it) “no good deed goes unpunished”! In the same spirit as Professor Olivas, I have made this bibliography freely available in order to help other academic scholars with their research in this important area. I would be grateful if people using this bibliography would reciprocate this generosity by providing me with copies of any papers that they may author on this subject, the details of which I will also add to the bibliography. In the course of my current research, I have found copies of this bibliography pasted up on the academic freedom sections of university websites. I am happy to permit this usage, but would be grateful if I could be advised, before this is done, so that when I update the bibliography, I can advise these users that an updated version is now available. Please note that every effort has been made to ensure the accuracy of this bibliography, but any mistakes that remain are entirely attributable unto me. Should you spot a mistake, please advise me accordingly, and I will correct the next version of the bibliography.

Professor Terence Karran, University of Lincoln, 1st January 2022.

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