**The ‘platformization’ of Education: Academic freedom and**

**freedom of expression in ‘autonomous’ digital age**

[1] An assembly of student at Cornell University, last April 2023, approved requiring professors to warn of potentially traumatic content. Proponents of these ‘actions’ sought to have professors warn students of material that could be controversial or offensive, especially on issues related to race, sexual violence, and gender identity. The controversy was settled by the President who rejected the proposal, stating that such actions would violate the commitment to academic and research freedom, and were inconsistent with Cornell's educational goals[[1]](#footnote-1). One month after that, in Universia (an international academic meeting of Chancellors held in Valencia, Spain), the former President of Harvard University, Lawrence Summers, in conversation with Ana Botín, President of Banco Santander, seems to have joined the controversy and responded that ‘education challenges you and makes you think about things that make you feel uncomfortable. If students don't want to feel uncomfortable, they should stay in a corner of their room, at home with their parents, and not come to the university’. In Europe, also had been and boos at universities when people politician or professor has been invited to talk about controversial topics. Censorship at universities in various parts of the world is also a reality. In this way, the last update of AFI identifies 22 countries and territories where universities and scholars enjoy significantly less freedom today than 10 years ago[[2]](#footnote-2).

[2] Cases like this, showing the importance of the next SR’s thematic report focus on academic freedom. Not just for progress of sciences but also for develop a plural and sustainable democracies. New Humanity NGO appreciates this call for input and offer a reflection on academic freedom from the right to education and from a ‘relational human rights-based approach’. This means, recognize both central role of integral education and the ontological foundation of human being as relational one. It’s necessary an approach to reality which take account both his special dignity and the diversity of his relationships. At educational level, meaning recognize the diversity of educational agents involved in educational process and the mutual interdependency and balance between his freedoms and rights.‘Relational human rights-based approach’ also means that freedoms and rights in education must drive and ordered by principles of human dignity, best interest of the child (student), principle of subsidiarity and the principle of solidarity and common good of society. When politics and policy of education are ordered by those principles, we can get a correct balance between all rights and freedoms in education. Our main purpose is not showing the jarring conflict between the desire to support academic freedom and to limit it but reflect on its circumstances and argues when could be situate it in a right educational balance.

[3] First of all, ‘academic freedom’ and ‘freedom of expression’ share the same core but it’s not the same question in educational field. To clarify that it is important to understand better the place and implications of academic freedom in academic institution. There is important literature and Declaration on that point[[3]](#footnote-3) but we need underline the question of ‘education’, the ‘intention to educate’ throw academic freedom and not just ‘teach’. In order to clarify that, we can do a parallelism between academic freedom and freedom of expression and freedom to conduct a business and the freedom to found educational establishments.

[4] An important Spanish Constitutional Court’s judgment on educational freedom stablishes that together the freedom to found educational establishments are the possibility to direct them, ‘which otherwise would be nothing more than a concrete expression of the freedom to conduct a business that is also enshrined in the Constitution (art. 38 CE) (STC 5/1981, par. 8)[[4]](#footnote-4)’. And we must remember that to direct them it’s necessary to respect the possibility for the founded to establish his own and particular education view or project for the educational institution (called ‘*ideario educativo*’, in spanish). In the same way, we think that academic freedom included and express a particular educative view of the professor in his situation as educator which included the decision on ‘the best way to educate the student’ and not just ‘teach something’ (perhaps, we can namely as ‘pedagogical convictions’ in words of art. 14 of the EU Charter of Fundamental Rights). This is important because many people thinking that we can separate the ‘content’ of teach from the ‘form’ of teach but it’s impossible, so both are undivided of the same educational intentionality and, so on, one consequence of this way of thinking (view separately content and form) is an instrumental approach to education.

[5] In addition, for those people, teaching is a values free activity while education is a transmission activity based on dense (and most of the time mysterious or non rational) values. First one is a ‘scientific’ and ‘objective’ activity while the second one is closer to indoctrination. The problem of indoctrination as educational pathology is pretty real but not for that we have to eliminate the moral core of education, but respect the form of education as Biesta, following Prange, propose[[5]](#footnote-5). For respect the form of education[[6]](#footnote-6) he argues on three key requirements (that we could also apply to the academic freedom). One is that (educational) pointing needs to be understandable; the second is that it needs to be appropriate; and the third is that it needs to be ‘connectable’[[7]](#footnote-7). The first one implies that, ‘whatever we point at, we much show it in such a way that it is correct, transparent, and comprehensible so this entails the demand of rationality or the demand of truth (p. 26)’. Secondly, ‘we must ensure that what we point at is accessible for the students we show it to, that it doesn’t go ‘over their heads.’ This doesn’t mean that it shouldn’t be challenging, but the challenge should be feasible and that entails the demand of respect, that is, that we recognize our students as persons and do not approach them as objects, as that would turn education into training or oppression (p. 27)’. The last one supposes ‘that students can do something with what we show them, and particularly that they can continue with what we present them in their own lives and on their own terms so that means, in other words, that in what we show we have the interests of our students in mind and need to find a connection to those interests, and not let our pointing be led by our own interests (p. 27)’. In sort, these arguments remember us that this ‘requirements are not morally neutral, which is precisely his suggestion that the requirements entail the demand of respect, truth and freedom: any attempt at indoctrination would go against the demand for truth; any attempt at manipulation would go against the demand for freedom; and any attempt at social conditioning would go against the demand for respect (p. 27)’.

[5] The academic freedom is more than freedom of expression in an educational place. Academic freedom has some implications and restrictions beyond the general freedom of expression. But that restrictions and implications try to answer to his own educational nature, as we try to show before. For this reason, educational freedom in general and academic freedom particularity serving to defend the individual autonomy in an educational relationship as educator but also individual autonomy as student (so also personal autonomy v. automatization that AI proposed). For that, the difference between both types of freedom (academic and expression) is the ‘intentionality of education’ that has the first one, or in Biesta words (following Prange), the possibility for the professor to ‘pointing’ and ‘showing’ something. We have remembered this pedagogical framework on academic freedom and how the intentionality of education express itself through the forms of teaching because the academic freedom also protected ‘the forms in which ideas were conveyed’[[8]](#footnote-8) and we think that this idea, could help us to protect the education environment of the mainstreaming idea of digitalization of education (not always digitalization of education is the best way to educate or innovate and not always digitalization of education is an ‘integral’ education).

[6] Related to preserve the individual autonomy as educator, the academic freedom has been a type of freedom dangerous for the power. If we observe the history of “academic freedom” we can see the fighting for the control of power in the educational institution and the control for educators and professors. Ecclesial or religious power first and State power them. For that, in many cases, Universities are traditional autonomous places from political power and for that, the autonomy of universities and academic freedom belong to the hard core of the democratic culture. Today, the risks for academic freedom do not bring from State power and even less from religious power. Today, the risks for academic freedom (and other rights and freedoms in education) brings to the big tech companies’ power that in many cases serves also to the States power. So, it’s necessary to ask us on academic freedom in educative digital environment and in which form academic freedom would be limited by digitalization of education[[9]](#footnote-9). We are focusing on risk more than other possibilities and we argue that academic freedom is linked to the form of teaching in this, more and more, ‘autonomous’ educative digital settings.

[7] Tech companies are the new main character for educational sector. Educational platforms can monitor and surveillance completely, continuously and in real time both teacher's activity and the other members of the educational community. Educational platform operates, in data terms, as usually doing other platform as tik-tok, Amazon, Netflix or Spotify (and they collect data for knowing us better than ourselves[[10]](#footnote-10)). It’s clear, that the interest of big tech companies is economic profit and technology development with the promise that technology be able to promote a good education[[11]](#footnote-11). For that, companies spread and marketization their apps and platforms for education for profit[[12]](#footnote-12). That technologies not already make easier teaching and learning but also could drive education to the dark side. Together to education, this platform also can develop other practice like data collection, data analytics (learning analytics), profiling professor or students and other users[[13]](#footnote-13)... Thus, educational platforms could also become "surveillance machines" that can not only serve the interests of the States, but also collect data for commercial purposes. This is not a risk or a bad practice but a clear violation of the rights and freedoms in education which needs more protection, control and a respond for both national and international law[[14]](#footnote-14).

[8] As last report on ‘Impact of the digitalization of education on the right to education’ stablishing ‘States must guarantee the highest attainable quality of education and design quality stand for education technology products and methodologies as they do for traditional courses and programs’ (para. 31, A/HRC/50/32, Apr. 19th, 2022). We can assist and be careful on a ‘platformization’ of education communities[[15]](#footnote-15). that means transforming our educational communities into digital platforms where the interest is not yet integral education but only learning or teaching as independent activities from each other and we showed in the previous paragraph, this division is both impossible and artificial and leads to the instrumentalization of education. The role of teachers (rights and freedoms include) in educative platform must be the same (or not minus) than operates in face-to-face education. In the case of digital education, professors should be able to choose (or listen about that by his owns institutions) the platforms that best suit on his form of teaching.

[9] Recently, the InterAmerican Principles on Academic Freedom and University Autonomy (2021)[[16]](#footnote-16), includes among other, one on ‘internet and other technologies’ and affirm that: ‘(…) platforms that serve as intermediaries for accessing content derived from the application of scientific methods accepted by the academic community can contribute to guaranteeing the right to academic freedom through: transparency in the criteria for organizing search results hierarchically; deliberation about the scope of the personalization of results when there is solid scientific evidence on the subject of the search; promoting diversity along lines of geography, race, gender, and sexual orientation among the individuals in charge of programming; and strengthening dialogue with the academic community to take advantage of the potential of the Internet to disseminate knowledge (Principle XII)’. In this sense, it’s important remember that tech companies (and others as biomedical) can use their funding for universities as a weapon to pressure the institutional autonomy and the academic freedom[[17]](#footnote-17). The researcher is the weakest and most vulnerable agent in this chain but also the cornerstone for developing the education community.

[10] Freedom and rights of teachers (but also of the whole educational community) needs protection from automatization and digitalization of education. In the same way what professors develops his own digital competences to try to adapt education to technologies and to develop the digitalization of education for the real world, it’s necessary both to know and know how protect this freedoms and rights in digital education settings from a relational human right based approach.

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1. Resolution 31: Mandating content warnings for traumatic content in the classroom (available at: <https://assembly.cornell.edu/sites/default/files/resolution_31_-_content_warnings.pdf>); ‘University Rejects Student Assembly Proposal for Content Warnings in Classrooms (Apr. 7, 2023)’. The Cornell Daily Sun (available: <https://cornellsun.com/2023/04/07/university-rejects-student-assembly-proposal-for-content-warnings-in-classrooms/>). Also, at NYT, ‘The Cornell University student assembly voted to require faculty to alert student to potentially ‘traumatic content’ then administrators vetoed the proposal (NYT, Apr. 28th. 2023); and, The free speech center. Available at: https://www.mtsu.edu/first-amendment/post/4018/proposal-on-student-trigger-warnings-triggers-veto-from-cornell-president [↑](#footnote-ref-1)
2. Academic Freedom index 2023, available at: https://academic-freedom-index.net [↑](#footnote-ref-2)
3. In our age of polarization, it’s important to remember the 1915 Declaration on the principles on Academic Freedom and Academic Tenure (by American Association of University Professors) which noted that academic freedom is also a responsibility because ‘the liberty of the scholar within the university to set his conclusions, be they what they may, is conditioned by their being conclusions gained by a scholar’s method and held in a scholar’s spirit’ (available at: https://lipa.access.preservica.com/uncategorized/IO\_521ad3ae-8eb9-4e4d-a8e3-c8e0f9123f5c/). Kaye, D. (2020). Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/75/261); Principles for implementing the Right of Academic Freedom, available at: https://www.scholarsatrisk.org/wp-content/uploads/2023/03/Principles-for-Implementing-the-Right-of-Academic-Freedom-ENGLISH.pdf; AAUP (2005). Academic freedom and electronic communication. Academe, 91:1, 55-59, available at: https://www.jstor.org/stable/40252739; STOA (2023). How academic freedom is monitored, available at: https://www.europarl.europa.eu/RegData/etudes/STUD/2023/740228/EPRS\_STU(2023)740228\_EN.pdf [↑](#footnote-ref-3)
4. Art. 38 CE, STC 5/1981, para. 8. Available: https://hj.tribunalconstitucional.es/es/Resolucion/Show/5 [↑](#footnote-ref-4)
5. Biesta, G. (2021). Why the form of teaching matters: defending the integrity of education and the work of teachers beyond agendas and good intentions. Revista de educación, 395, 13-34. DOI:0.4438/1988-592X-RE-2022-395-519 [↑](#footnote-ref-5)
6. In addition, it’s also necessary to remember what means ‘acceptability’ in 4As framework: ‘the form and substance of education, including curricula and teaching methods, must be acceptable (for example, relevant, culturally appropriate, and good quality) to student and, in appropriate cases, parents’ (para. 29, A/HRC/50/32, Apr. 19th, 2022). [↑](#footnote-ref-6)
7. Biesta, 2021, pp. 26 y ss. [↑](#footnote-ref-7)
8. ECHR, Sorguç *v.* Turkey, application nº 17089/03, para 34-35. (Jun. 23rd, 2009). [↑](#footnote-ref-8)
9. Protecting the right to education against commercialization (A/HRC/29/30, jun. 10th, 2015) [↑](#footnote-ref-9)
10. At this point, we must remember that ‘Mayor Adams Announces Lawsuit Against Social Media Companies Fueling Nationwide Youth Mental Health Crisis’ (Feb. 14th, 2024), available at: https://www.nyc.gov/assets/home/downloads/pdf/press-releases/2024/2024-02-14%20City%20of%20New%20York%20Complaint%20021424.pdf and before that, the first complaint by Western District of Washington at Seattle (jun. 1st, 2023) also for the social media and young people's mental health and wellbeing. [↑](#footnote-ref-10)
11. As SR on Right to education said ‘(…) some companies are global business without interests in or a deep understanding of the contexts in which they operate. They do not seek to promote the interests of learners, but to maximize profit (para. 57, A/HRC/50/32, Apr. 19th 2022)’. [↑](#footnote-ref-11)
12. Vid. Poritz A. J. & Rees J. (2016). Education is not an app, Routledge. [↑](#footnote-ref-12)
13. “It technically possible to monitor student emotion and attention in real time and use such data to help teachers and students (…) IA systems are well suited for collecting informal evidence of skills, experience, and competences from open data sources, including social media, learned portfolios and open badges (p. 4)”. Ilkka, T. (2018) The impact of Artificial Intelligence on learning, teaching and education (EUR29442), JRC Sciences for Policy Report. DOI:10.2760/12297. [↑](#footnote-ref-13)
14. A risk of digitization in education is the pedagogical reductionism that simplifies the whole educational process to its most observable, measurable and quantifiable digital elements, which means, first of all, to amplify the inputs in the context of digital education by absorbing larger amounts of data, including biometric data that once collected can be used for spurious purposes that are not educational at all. About the importance the data in education see: ‘Guernica operation’ on the collaboration between Government of Spain and Microsoft to repatriate children's digital education data provided during the pandemic’ (Feb. 2nd 2020), available at: https://www.lamoncloa.gob.es/lang/en/gobierno/news/Paginas/2023/20230220\_digital-education-data.aspx [↑](#footnote-ref-14)
15. A. Rivas, The platformization of education: a framework to map the new directions of hybrid education systems (May 2021, IBE/2021/WP/CD/46). Available at: https://unesdoc.unesco.org/ark:/48223/pf0000377733 [↑](#footnote-ref-15)
16. Available at:

https://www.oas.org/en/iachr/reports/questionnaires/2021\_principiosinteramericanos\_libertadacademica\_autonomiauniversitaria\_eng.pdf [↑](#footnote-ref-16)
17. Vid. ‘Ousted propaganda scholar Joan Donovan accuses Harvard of bowing to Meta (Dec. 4th, 2023). Available at: https://www.washingtonpost.com/technology/2023/12/04/joan-donovan-harvard-dismissal-complaint/ [↑](#footnote-ref-17)