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The Question of Academic Freedom

By: Niraja Gopal Jayal

Students when at the cusp of adulthood need to engage with a diversity of ideas. But longstanding structural constraints on university autonomy now have a new edge with state intervention that has a strong ideological purpose. Academic freedom for both teachers and students has as a result suffered.

Over the last decade or so, academic freedom has been in the news across the world, as have a few other hot button topics such as democracy, autocracy, populism. I would like to suggest that these are not unrelated.

Let me begin with a reference to two sets of data that have an international coverage. The first is from the Swedish think-tank V-Dem, which estimates that close to 80 per cent of the world's population today lives in countries where academic freedom is not well-protected, at least not in practice. The Annual Democracy report from the same think-tank estimates that 72 per cent of the world's population today lives in autocracies. This is a striking parallel but perhaps not a surprising one, suggesting that as democracy declines, academic freedom too tends to decline.

India is no exception to this rule. From a once decent record of academic freedom, it is currently placed in the bottom 20-30% of countries on the Academic Freedom Index. The fact that this parallels its downgrading on the Democracy Index, from a liberal-democracy to an electoral autocracy, is arguably not a coincidence.

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A second compilation of data comes from the Academic Freedom Monitoring Project of the global network Scholars at Risk, which documents 243 incidents of the violation of AF worldwide, between Sept 2022 and Sept 2023. The categories of such violation that it uses are pretty dire: killings/violence/disappearances; wrongful imprisonments/detention; wrongful prosecution; restrictions on travel; loss of position. 37 of these 243 incidents are from India. The only country that reports more incidents is Iran (48), and the other countries with incidents in two digits include Bangladesh (16), Turkey (10) and the USA (14). These are very different countries, except for the fact that they mostly are or have recently been ruled by right-wing and/or authoritarian governments. Studies have shown that across the world, academic freedom is affected by political institutions and political ideology, so improvements and declines in academic freedom vary in accordance with the political history of a country.

Structural constraints on academic freedom

In the case of India, we need to acknowledge that such academic freedom as previously existed, or was assumed to exist, was not the result of a considered commitment to the ***principle*** of such freedom. To begin with, unlike many other countries, from Brazil to Germany to New Zealand, India does not have a legal or constitutional framework for academic freedom. It has some international law commitments, such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 15.3 of which places on governments the responsibility to "respect the freedom indispensable for scientific research." But these are regarded as soft law and have not been translated into domestic law. India is a signatory to the UNESCO Recommendations of 1997, but those are ultimately recommendations. A dozen Indian universities also signed on the Magna Charta Universitatum in 1991-92, but their adherence to those commitments these days is more in the breach than the observance. The courts have therefore generally viewed academic freedom as a subset of the constitutionally guaranteed freedom of speech.

In contrast to this absence of a formal or legal commitment to academic freedom, India's commitment to democracy has been relatively more robust, even if democracy in practice has been flawed, imperfect and a work-in-progress. The restoration of democracy after the Emergency of 1975-77 showed how its value was understood and defended. Academic freedom, by contrast, existed more as a result of benign indifference rather than a robust and considered commitment to a principle. Apart from the occasional banning of a book, usually works of fiction, and usually on the basis of offence to religious sentiments - which were tests of free speech and freedom of expression - academic (specifically academic) freedom didn't really need to be defended before.

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This was not, to reiterate the point, because we enjoyed some pristine golden age of academic freedom. From colonial times to the present, universities historically had very weak institutional autonomy, due to the kind of centralization, bureaucratization and politicization that have been features of our higher education and this had had an adverse impact on our academic freedom. We need to acknowledge the uncomfortable truth that there were many constraints on our academic freedom that we experienced unthinkingly and accepted uncomplainingly for decades, without seeing them or recognising them as threats to academic freedom per se.

These were mostly in the nature of **structural constraints on the autonomy of universities** - of course, they did not generally translate into constraints on what we taught or researched or published. But they were constraints - firstly, because the heavy hand of the educational bureaucracy always hovered over the public university, with everything from faculty recruitment, pay-grades, and security of tenure to mechanisms for promotion in the academic hierarchy being governed by the same principles as those for civil servants. And, secondly, because control over purely academic matters - things like the duration and nomenclature of degrees or the content of syllabi or the miniscule research funding that was available - vested in the educational bureaucracy rather than in, as elsewhere, in university faculty. We knew our autonomy was constrained, but we didn't see this as a problem of academic freedom. The western definition of academic freedom has never taken account of these conditions because the structural features of our universities did not obtain in their universities. They could be concerned about the freedom to teach, research, publish and so on, but they never needed to worry about centralised state control over syllabi and reading lists.

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We rarely protested the structural features of the governance of universities, unless confronted with palpably arbitrary administrative acts. For instance, the principle that the process for choosing vice-chancellors was the prerogative of government - whatever the relevant unit of government, state or central. Or why the President of India or the Governor of a state should hold university offices, however symbolic; or indeed the presence of government nominees on selection committees and in the statutory bodies of universities. These structural conditions already made for a situation in which state intervention - up to a point - was considered acceptable and normal. Not just in the state's perception, but in our own self-perception, we were a Department of State.

Openly ideological turn

In recent times, academic freedom has become an issue mainly because state intervention has become more manifestly political in a partisan way, and openly ideological, within an ecosystem that attaches no value to such freedom. The creation of these ideological conditions - through vigilante censorship and the legal intimidation of authors and publishers - had begun even before the turn in national politics in 2014 that provided the opportunity to legitimise and institutionalise them. Since then, every aspect of academic freedom, as defined in the Global North, has been imperilled.

Let me quickly walk through the main, and almost universally recognised, features of academic freedom. Over the last hundred-odd years, we find a common core of features in each of the notable declarations or recommendations on academic freedom which is, in essence, seen to include the following freedoms:

? Freedom of inquiry and research, and the freedom of academic exchange, the freedom to disseminate and publish the results of this research;
? Freedom of teaching within the university or college;
? Freedom of extra-mural utterance and action, including the freedom of teachers to express freely their opinion about the institution or system in which they work; and
? A fourth more recent addition is the **Freedom from institutional censorship** and freedom to participate in professional or representative academic bodies.

In recent times, each of these has come under attack in India and elsewhere, and the range and comprehensiveness of these attacks has been unprecedented. We hear every day about the politicization of appointments not just of heads of universities, but even of faculty

appointments at every level; about constraints on the freedom to teach inside the classroom or disseminate research in the public domain; about threats to campus integrity by vigilante intimidation and violence directed at students and teachers - these stories are familiar to all of us from the pages of newspapers.

The freedom to teach, research, and disseminate knowledge has been held hostage to pressures of ideological conformity and compliance. In public universities, resisting such conformity or even just questioning arbitrary administrative action has been known to result in a range of punitive actions: threats of the termination of services or of suspension, the denial of sabbatical leave, the stalling of promotions, and the holding back of retirement benefits.

As for freedom to disseminate and publish the results of one's research, we have moved from the era of books being banned to books being simply bullied into disappearance. Books and articles have been forced off university syllabi and reading lists. Publishers have been compelled to withdraw or pulp books under threat of legal action, and in order to avoid vexatious and expensive lawsuits, they now hire law firms to vet manuscripts for any content that could be construed as seditious or defamatory. These sorts of incidents not only make publishers risk-averse, they also make scholars themselves engage in self-censorship, wary of having their scholarship evaluated not by their peers, but by easily offended members of the lay public, and fearful of losing their scholarly achievements to unsolicited and irrelevant controversy. The tendency to self-censorship is clearly damaging to the enterprise of scholarship itself.

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Freedom inside as well as outside the classroom has been regularly undermined by the cancellation of lectures, seminars, films and plays. Within the classroom, teachers have been threatened by political groups just for referencing Rohith Vemula in their lectures or for teaching Foucault, to introduce students to critiques of power relations in society. Outside the classroom, a status report prepared for the UN Special Rapporteur for Freedom of Opinion and Expression listed as many as 78 events only on the campuses of public central universities (not including state universities and private colleges) for which permission was denied by the college or university authorities or, if held, were disrupted.

Students' rights

The debate about academic freedom typically gets centred on the rights and freedoms of faculty. But academic freedom and unfreedom affect students as much as they do faculty. In the Global North, this has taken the form of an extremely divisive debate about wokeness and cancel culture, about tolerance for liberal speakers but not for conservative speakers, about the disinviting and deplatforming of individuals, and so on.

In the Global South, from South Asia to South Africa, academic freedom has been a burning issue for students who have been (as our own experience as well as the work of Scholars at Risk shows) arrested and incarcerated - in one outrageous case for over a thousand days - not only for exercising their legitimate right as citizens to speak truth to power, but even just for protesting tuition and hostel fee hikes. From the active political participation of students in the movement for freedom from colonial rule, we have come to a situation in an independent nation of 75 years, where university students are infantilised, on the one hand, and deprived of even their basic rights of citizenship, on the other.

> Extra-mural freedom is exercised when university teachers express their opinions outside the university campus, whether as citizens participating in political activities or simply sharing their views with the public.

The question is: what is a reasonable expectation for a student to have when they come to university, and how integral is academic freedom to this expectation? At the cusp of adolescence and adulthood, a student is engaging with ideas, including abstract ideas; discovering the meaning of life and of the world by exploring the world of knowledge over centuries of human learning and thinking and interpretation; and above all learning to question all certitudes based on reason, argument, and fact. It is the university that affords young people with such opportunities. To curtail their access to diverse - even subversive - ideas is to do them injustice. Allowing them the freedom to explore only a limited range of books and ideas deemed acceptable is a form of censorship, which as we know is generally motivated by a desire to exact obedience and conformity. These are not the attributes of a free society, and negate the very purpose of the university, which is supposed to be the site of the free exchange of ideas.

Extra-mural freedom is exercised when university teachers express their opinions outside the university campus, whether as citizens participating in political activities or simply sharing their views with the public. While the numbers of teachers who exercise extramural freedom is typically not large, those that do have had to contend with harassment and sometimes even face false cases of political extremism. On the other hand, student groups and associated vigilantes perpetrate violence on campuses with impunity, physically attacking students and teachers, and predictably enjoying immunity from the law.

Arguments for academic freedom

The reason why the undermining of academic freedom causes such alarm today is that even though historically we had neither legal protections for academic freedom, nor a considered commitment to the principle of academic freedom, the exercise of a minimal level of academic freedom was still possible even within the structural constraints of weak autonomy for public universities. There were, of course, ridiculous aberrations like the Gujarat Government's attempt, in 2016, to dictate PhD topics with a list of 82 topics mostly as puff pieces for the government's development programmes. Today, however, the range and comprehensiveness of the assault on academic freedom compels us to examine our historically weak commitment to academic freedom as a principle, and to consider a more robust defence of it.

All the international declarations and recommendations that I mentioned earlier, have, for over a century now, sought to define the principle of academic freedom, to decompose its various elements and specify what exactly the requirements of academic freedom are. But they take the value of academic freedom to be self-evident, and don't offer us any arguments for defending or justifying the principle itself.

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I am not going to engage with the conceptual (let alone legal) question of whether academic freedom is a sub-category of the broader principle of freedom of speech and expression. My endeavour will be to place before you some arguments for why academic freedom matters, why it should it be valued and defended, what it is for, and what is entailed when it is curtailed or compromised? Why do we, and indeed why should we, care about academic freedom? What are its relationships to the purposes of higher education and democracy?

I would like to offer a set of four (interrelated) arguments for academic freedom:

First, the social value of scholarship. Why is academic freedom seen as a universal right, and one that is fundamental to scientific progress and the pursuit of truth? I should mention that academic freedom is described as a right even by the UN Working Group which, as recently as in March 2023, in light of the recent challenges to academic freedom across the world, formulated a set of principles for implementing what it saw as the right to academic freedom, going on to describe it as not just a right but also a duty.

The justification for designating it a right is this: academics have this right because there is social value in the scientific research they do (scientific in the broadest sense here, encompassing the social sciences and the humanities); because there is social value in the application of this knowledge to the problems of society; because there is social value in the scientific training they impart to the next generation and the next; and because the scientific progress they enable is of value to society. This scholarship that has social value is only possible if academics are free from external pressure, whatever its source might be.

Second, credible scholarship must be independent. The independence of such scholarship is typically guaranteed by its conformity to certain standards that guarantee its integrity and credibility. What standard is typically expected of credible scholarship, scholarship we can trust? It would be fair to say that we expect scholarship to be objective, based on irrefutable evidence, unbiased, unmotivated by particular interests. For this, it must be free of not just state power and private capital but also of other organised interests like religion, and of course personal prejudice based on caste or gender, etc. It should not, and indeed can't afford to be seen to be, serving the needs of, or furthering, any particular agenda.

There is one exception to this: academics advising government for development or nation-building, based on their scholarship, is not seen as state interference or the curtailment of academic freedom. Take the phenomenon of the service intellectual in the US, professors who lent their expertise to the government, often with progressive intent, as in the New Deal. In newly post-independent India, too, the legitimacy of such intellectuals came from their contributions to planning for economic development and to scientific achievement. It

was only to be expected that the leaders of higher education institutions at this time were not just exceptional academics but also academics who were close to government.

Third, the quality of scholarship depends upon academic freedom. Its veracity and its soundness can only be judged by the scholarly community itself, which is why the normative ideal of a university is that of a self-governing community. Academic institutions must have the absolute freedom to determine the protocols of membership in the scholarly community. This is the only way in which to protect the integrity of scholarship. Without such protections, sub-standard and even biased scholarship, hostage to particular interests, could potentially be unleashed in the public domain - which would clearly not be in the public interest. Without freedom, scholarship is meaningless.

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Research is of course necessarily dependent upon state finance, so does state financing of research compromise academic freedom? In more advanced economies, as we know, in a range of fields from medicine to defence, this role came to be assumed by industry. But in countries like ours, the state still plays a dominant role in funding research, even if its funding is rather less than we would like. As even the National Education Policy acknowledged, India's spending on research is only 0.69% of GDP - this has been so for two decades and is much lower than the 3% that the country's scientists have been asking for. Even of this meagre outlay, two of the three biggest spenders are atomic energy and space. Over and above finance, however, scholarship needs to be supported by an enlightened society that recognises the value of scholarship and of free enquiry.

Fourth, a university needs academic freedom because, on the one hand, its job is to produce knowledge and certainty; and, on the other, its job is also to promote uncertainty, even radical uncertainty. As Edward Shils put it, the scholarly enterprise is about study and rational reflection for giving birth to new ideas, appreciating old ideas in a more critical way, and discarding unsound ideas. The conventional wisdom is that the university is engaged in the pursuit of knowledge for its own sake and in the pursuit of truth. The biggest challenge today is that we live in times that are profoundly hostile to the very idea of serious reflection and thinking, to truth, to knowledge. All these are instrumentalised for political purposes. The pursuit of knowledge for its own sake no longer has any meaning or value.

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The 21st century equivalent of the old-fashioned idea of the pursuit of truth is arguably "knowledge production". The phrase knowledge production does not make any truth-claims, and perhaps implicitly recognises the intrinsic impermanence of truths generated through research. These can and should be questioned - because that is precisely how advances in scholarship occur, through interrogating established knowledge - but in ways that do not entail compromises with the integrity of scholarship. When, for instance, school textbooks are rewritten, such that the victors and losers of mediaeval battles are interchanged, only professional historians can arbitrate the truth or otherwise of rival versions, not the ideological convictions of groups weaponising their political position of dominance. The establishment of rival or contesting truths can only be done by using methods that are ethical, objective, and in conformity with the protocols of the discipline in question. In the current context, both of these are compromised: the idea of the interrogation of received knowledge as well as of the methods by which to establish a different truth following accepted disciplinary protocols.

Political agendas and academic freedom

To return to the question of why a university needs academic freedom, the university is the pre-eminent site of a creative tension between, on the one hand, the quest for certitude in knowledge, and the premise of uncertainty that must necessarily characterise the impulse to interrogate those certitudes, to challenge them, modify their truth-claims and sometimes even displace them with newer truths - all these of course following the accepted protocols of knowledge creation, and conforming to the accepted standards of what constitutes knowledge.

The deployment of political power to discredit such knowledge, and the political sponsorship of the production of alternative biased 'knowledge' (the academic equivalent of misinformation in social media) could be interpreted as a form of the curtailment of academic

freedom. To the extent that it entails making, say, historical claims that are motivated by political agendas rather than the pursuit of truth, they are effectively distortions that use political hegemony, rather than the protocols of academic disciplines, to validate them.

Take the conventional wisdom that ancient Athens was the birthplace of democracy. The word democracy does indeed have Greek origins, but in the late 20th century, some evidence of older democratic forms of government in Africa and what is now the Middle East also came to be recognised by scholars. Most recently, we learn, not from historians but from the state, that India lays claim to the exclusive title of progenitor - the Mother of Democracy. At least two eminent scholars have weighed in on the scholarly basis for this claim. I am merely a student of democracy, not a historian of anything, so I will limit my remarks to the booklet on the subject published by the Indian Council of Historical Research in November 2022.

To begin with, democracy is here defined simply as non-monarchical institutions. The absence of monarchy equals democracy. Ancient polities, we are told, were monarchical but only in form; they were actually democratic in spirit, in their mores and conventions, and so would be better described as "kingly democracies."

There is also an assumption that India was, geographically, historically, and from the beginning of time, one territorial nation. That, unlike Ancient Greece and Rome, Bharat's ancient civilisation was egalitarian, hence there is no mention of aristocracies, much less of caste. But ultimately the claim, arguably a deeply questionable one, is that India today is the world's largest working democracy because the Indian people have been infused with the spirit of equality since Vedic times, a *lokatantrika-parampara*. All other ancient civilisations are historical, only this one lives and breathes and manifests continuity.

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Material evidence of democracy is also adduced, from numismatics to archaeology. Pointers to a democratic form of government in the Harappan civilisation are seen in the nature of town planning, and the absence here of "convincing archaeological evidence regarding a rigid system of socio-political stratification." This absence could have been interpreted as indicating an egalitarian society, but surely more robust evidence would be needed to interpret it as democratic. I leave it to you to judge if these speculative assertions would convince a reasonable lay reader, much less pass muster as evidence in the discipline of history.

Conclusions

Let me, in conclusion, turn to three features of the contemporary discourse on higher education that have significant implications for academic freedom and for the future of scholarship.

First, there is today a great deal of emphasis on university excellence, begging the question if university excellence can be achieved without academic freedom. Of course, excellence in this sense - or eminence in the Indian context - essentially means rankings. Rankings, have been justly criticised because they fail to include academic freedom as an indicator, which is how both of the world's most reputed ranking agencies, QS and THE, end up including two of China's universities in the world's top 25, notwithstanding the ways in which independent thought and expression are seriously constrained in that country.

To sustain the claim that academic freedom is a critical condition for a university to thrive, it would be useful to consider how many excellent universities we see in non-democratic or quasi-democratic countries. Remember, the tie-up between Yale and the National University of Singapore collapsed on precisely this ground. Yale left, and the successor institution, NUS College, is now run entirely by the NUS. More tellingly, on the Academic Freedom Index, Singapore is in the bottom 30-40% band (India is now in the 20-30% band, as mentioned earlier). Amongst its neighbours, this places Singapore closer to Vietnam than to Taiwan or South Korea.

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Indeed, a survey conducted in 2021, by an independent collective of Singaporean scholars, calling itself AcademiaSG, found restrictions of various kinds in operation: obstacles in politically sensitive research and teaching with researchers being asked to modify or withdraw their research findings for administrative reasons; people with a record of engagement in civil society or political commentary being effectively blacklisted for employment and career progression, by a refusal of security clearance from government; the political vetting of university personnel, and so forth. The report was discussed in Singapore's parliament.

The second feature is also well illustrated by Singapore, which has high-quality research and teaching in the sciences, but an under-production of humanities and social science scholarship. This tendency - the disproportionately adverse impact of the denial of academic freedom on the social sciences and humanities that can illuminate key issues facing society - is increasingly evident in other countries, including our own.

The Indian institutions that have figured in the top 200, and sometimes in the 250-500 band, in the QS global rankings are the Indian Institute of Science and the Indian Institutes of Technology, rather than the universities where there is a greater emphasis on the humanities and social sciences. Funding for social science research likewise is a tiny fraction of the funding for research in STEM subjects. We don't have reliable or up-to-date data on this, but one piece of journalistic research showed that, in 2009-10, less than 12% of the UGC's research funding was allocated to the social sciences, and that the funding for the Indian Council of Social Science Research was barely 2.3% of the amount given to the Council for Scientific and Industrial Research.

Now it could be the desire to figure in the global rankings that propels the emphasis on STEM research, or it could be the justifiable apprehension that critique and dissent are more likely to emanate from the humanistic disciplines. It is definitely the case that faculty and students in these disciplines are more likely to articulate dissent, and to be surveilled, censored, and punished than those who teach physics or mathematics.

History and the social sciences have been a particular casualty of the erosion of academic freedom. The importance of history as a discipline cannot be underestimated because the entire world-view of the sponsors of the aspirational Hindu Rashtra is based on a version of Indian history that resembles myth more closely than fact, of a past that must once again be reinvented as the future of India. The Indian future of this vision is rooted in a sacralised narrative of India's past, which cannot therefore be tested by standard methods of historical research.

In conclusion, I would like to remark on a very contemporary phenomenon: the unhappy convergence between neo-liberalism and neo-nationalism, one that does not augur well for academic freedom.

It is indisputable that reduced state funding has gone hand in hand with greater and more oppressive state control over not just the governance, but also the content of teaching and learning in universities, especially public universities. The reduction of funding is driven by neo-liberalism, the expanding control by neo-nationalism. So, contrary to what we might expect, there is no contradiction between these two.

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In the Global North, students have already been transformed into customers of higher education as a commodity. In countries like ours, too, with education increasingly being rendered a private rather than a public good, public universities have been experiencing a massive resource crunch with spending on higher education stagnating at around 1.5% of GDP. Approximately 60% of that budget goes to institutions attended by only 6% of Indian students (the IITs, IIMs and other central universities), while 94% of India's students attend state universities or other institutions, whose resource crunch is extremely acute, manifested in crumbling infrastructure, adjunctification of faculty, and so on. The contractualisation of academic labour naturally reduces the financial liability of universities and of the state. Not surprising then that unfilled vacancies in central universities alone were as high as 41%, as of August 2023.

Just as there is no tension between neo-liberalism and greater government control of universities, there is similarly no tension between restrictions and controls on academic freedom in a neo-liberal project that claims to be wedded to unfettered freedom. Here, the driving force is the neo-nationalist project which has led to attacks on universities as hubs of dissent, producers of motivated research and insufficiently nationalist in the terms in which nationalism is currently defined.

If, in some remote future, liberal-democracy is strengthened, we may see a recovery of some of our academic freedoms as well. Even so, however, so long as the structural features of university autonomy remain unreformed, substantive academic freedom will remain elusive.

This is a slightly revised version of a talk given on 2 October 2023 at the Manthan Samvaad of Manthan India in Hyderabad.

Niraja Gopal Jayal is Avantha Chair and Professor of Politics at King's College London.