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EDITORIAL

Free to think, free to research: challenges to academic freedom in the context of contemporary global politics

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The protection of academic freedom through international norms, advocacy networks, and institutional dispositifs is not new, and yet it remains both contested and violated in many ways and at different latitudes. While it has been often associated with basic human rights (freedoms of opinion, expression, and speech as well as right to education), it has also been questioned as a form of academia's privilege, contouring a safe zone to communicate ideas and facts that would be disturbing, inconvenient or in contrast with a certain legal/constitutional order. This latter narration has paved the way to multifaceted forms of censorship and repression specifically targeting scholars, students and in general, university staff. Inquiring over allegedly "sensitive" matters, organizing a seminar with "troublesome" invited speakers, and carrying out fieldwork research in "dangerous" contexts have been subject to restrictions by political establishments, security officials and bureaucrats in a worrying number of countries worldwide. These trends obviously challenge the

emancipatory potential of teaching, learning, researching, and making science advancing.

According to the 2017 edition of the report "Free to Think" released by "Scholars at Risk", 257 attacks on higher education communities, campuses and institutions have been reported over the last 12 months before its publication, having occurred especially in African, Asian, Central-Latin American and Eastern European countries. In contexts where only one official and institutionalized narration is permitted and accepted, the very process of knowledge production is considered as a threat to state authorities: the latter indeed ultimately aim to maintain their key role as gate-keepers and occasionally seek to coercively ensure that alternative narratives to their own do not emerge.

It is misleading, though, to think that academic freedom is at risk only in those countries with disputable democratic credentials, weak human right protection regimes, and authoritarian leaders. On the contrary, there are elusive mechanisms at work in Western high education institutions, whose ultimate objective is to make knowledge production disciplined, deterred or even policed and under surveillance. We only have to look at how counter-terrorism/counter-radicalisation policies are impacting on the functioning of university activities across Europe; or how the intellectual labour is increasingly complying with managerial logics at the expense of university autonomy.

In other words, academic freedom in countries with strong democratic traditions should not be taken for granted. The concept of academic freedom is subject to contending definitions; however, its content ultimately travels across different cultural and political contexts and a critical engagement with it may contain the risk of overstretching its normative core. Furthermore, continuous vigilance on the extent to which free enquiry is enabled, respected and not endangered, may spot

very diverse attacks on academic freedom. In stable liberal democracies, the personal safety of academic researchers may not be at risk; however, the principle of free inquiry can be limited or even hollowed out in more subtle ways. What is the limit above which budget cuts to public universities actually impair the freedom to research? To what extent can research priorities be decided by the government (or by one of its agencies) without interfering with the bottom-up creative approach that has characterized the academic environment since the middle ages? How free are the young researchers who know that only certain kinds of publications will help them to obtain a tenured job?

Some of these questions are increasingly debated among scholars who have developed a critical stance against the neoliberal turn that, in the last two or three decades, has profoundly affected the higher education system. During this period most OECD countries have implemented reforms to introduce a new style of management, aimed at improving the efficiency and performance of public universities. Although these reforms enhanced the accountability of the academic system in different ways, they also had some side effects that need to be discussed. . Academic freedom is ultimately a matter of degree, and in an age of multiple crises, epochal changes and painful adjustments, only a genuinely free academy can contribute to criticize, evaluate and perhaps replace the ideas which brought us here.

By re-launching Interdisciplinary Political Studies we aim to give our contribution to promoting the free circulation of ideas by breaking down the barriers between disciplines and adopting an Open Access policy. We are aware of the many challenges that a young journal should overcome to find its place in the publishing jungle and stand out from the crowd. However, we decide that it is worth the risk. IdPS is committed to offering free-of-charge publications to those scholars who want to share their findings well beyond the boundaries of their scholarly affilia-

tions; above all, we intend to challenge the barricades of journal subscriptions that too often leave scholars at the margins of the academic debate.

We have embarked on the re-launch of Interdisciplinary Political Studies with the collaborative drive that - we believe - should characterize all intellectual enterprises. Behind the executive work of our editorial board, there are many friends and colleagues (as well as institutions) that share our commitment to the Open Access principle and thus support our project. Therefore, we inaugurate the journal by thanking the former IdPS editors, Nelli Babayan and Stefano Braghiroli, and the members of our Advisory Board. Starting this enterprise would not have been possible without the support of the Department of History, Society and Human Studies of the University of Salento, which believed in our project. We also thank three academic institutions for their support: the Center for the Study of Political Change at the University of Siena; the Department of Human and Social Sciences at the University "L'Orientale" of Naples; and the Institute of Law, Politics, and Development of the Sant'Anna School of Advanced Studies, Pisa.

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RESEARCH ARTICLE

Do Universities Have a Duty of Care Towards Their Employees and Students when They Travel Abroad on University Business? A Critical Analysis of the State-of-the-Art and the Relevant Practice*

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ABSTRACT

Among the consequences of the growing globalisation of education there is the increasing international travel of University's students and employees, who go abroad for work or study purposes on behalf of their academic institution. In those instances, it is logical to assume that Universities have the obligation, known as duty of care (DoC), to mitigate any 'foreseeable' risk that their employees and students may face. The primary scope of the present article is to contribute to filling the gap in the existing literature and analysing the principal features of the Universities' DoC. To this end this article will focus in particular on three aspects: i) the legal foundations of Universities' DoC; ii) the content of the DoC obligation incumbent on academic institutions, paying special attention to fieldwork activities and their planning, risk assessment and management; and iii) how the Universities' DoC has been addressed in the recent case law.

KEYWORDS: Duty of Care, Universities, Employees, Students, Risk Assessment

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1. Introduction

In the aftermath of Giulio Regeni's death at the beginning of 2016, politicians and commentators have not been shy in blaming the University of Cambridge for not 'doing enough' to protect a talented doctoral candidate who was conducting his research in Egypt. Mr Regeni's work dealt with a very sensitive issue in a complex environment, due to Egypt's political instability and poor record on human rights. Besides the shock and sadness that the murder of Mr Regeni has sparked worldwide, this episode has also triggered some difficult questions for academic institutions, concerned with striking a balance between the need to ensure the safety of their employees and students and the academic freedom that shall guide the choices autonomously made by every researcher. It is blatant to observe that, regardless of their destination and/or of the scope of their trip, nowadays travelers are exposed to increasing safety, security and health risks as they leave their home country and find themselves in different and sometimes dangerous surroundings (Claus & Yost, 2010). Within a University context, the category of 'travelers' often encompasses students, administrative staff and faculty. In light of the growing number of activities that the Universities' constituencies are expected to perform during international missions it is worth investigating to what degree Universities must exercise their 'duty of care' (DoC). The DoC concept (sometimes also called 'duty of protection', 'due diligence', 'duty to safeguard the lives and the wellbeing of the employees', 'framework for accountability') is rapidly gaining momentum in both the public and private sector (Claus, 2009).

In recent years the DoC has been mainly associated with the obligations pertaining to corporate employers (Claus, 2009; 2011) and International Organizations (IOs), operating both at the Regional and Universal level, (de Guttry, 2015), but it has not been sufficiently examined with regard to other entities such as NGOs and Universities. The case *Dennis v. Norwegian Refugee Council* (NRC), which concerns a claim brought by Mr Dennis against the NGO he was working for while deployed in Kenya, where he was kidnapped, has been recently addressed by the Oslo District Court, which found the NRC responsible for a breach of its DoC.

More in detail the Court found that the risk of kidnapping was foreseeable, that the NRC could have implemented mitigating measures to reduce and avert the risk of kidnapping, that the NRC acted with gross negligence and that the NRC's negligent conduct was a necessary condition for the kidnapping to have occurred (Merkelbach & Kemp, 2016). Therefore, the Court ordered the NRC to pay a compensation of approximately 465,000 EUR to its employee (Case No: 15-032886TVI-OTI R/05, *Steven Patrick Dennis v Stiftelsen Flyktninghjelpen* [the Norwegian Refugee Council]). This case marked an important step towards the recognition, as well as the definition, of the DoC incumbent upon stakeholders different from corporations and IOs, including academic institutions, which represent the focus of this article.

A few caveats are needed from the outset, as the present contribution deals especially with the Universities' obligations towards their employees, a term broadly adopted here as to include faculty, administration and staff (Claus, 2015), as well as towards their students, encompassing those enrolled in both undergraduate and postgraduate programs. Clearly, the origin of the legal obligation underpinning the Universities' DoC towards employees and students is different, as with regard to the former this stems directly from the employment contract. In relation to students, it is not worth to linger on the various legal doctrines that have been used to explain their relationship with Universities (Yeo, 2002), but it is possible to affirm that there is, indeed, an obligation as the DoC exists whenever one individual's actions or inactions could reasonably be expected to affect another person. Therefore, the University owes to each of its students a duty to take reasonable care for his/her well-being, health and safety.

Notably, at the graduate level there is a very thin line between 'student' and 'employee', which is exacerbated by the fact that many doctoral programs require students to teach or conduct research before earning their degrees. Universities, traditionally, argue that they have an educational, not economic, relationship with those students. Nonetheless, even though this is not the norm worldwide, in some countries across Europe, including Norway, Denmark, Germany and the Netherlands, doctoral students are already treated like employees. In the United States a

significant step in this direction has been achieved with the adoption of a decision issued by the National Labor Relations Board on 23 August 2016. The ruling states that teaching assistants and graduate researchers at Columbia University are workers under the National Labor Relations Act and could vote to form a union. This decision does not reject the 'master-apprentice' relationship between graduate students and Universities, but at least it has conceded that they can have two roles at once, i.e. a graduate student may be both a student and an employee. This article will not dwell on the extent to which the legal standard for establishing a duty of care obligation differs in relation to the status of the person undertaking a trip overseas on behalf of an academic institution, but it will move from the assumption that Universities have a legal and moral responsibility to mitigate foreseeable risk both towards their employees and towards their students.

Broadly speaking, it is possible to register a growing level of awareness on the part of employers with regard to their DoC obligations for employees who travel abroad (Claus, 2011). However, it should be stressed that, according to a 2011 Global Benchmarking Study on DoC, in this particular sphere the scholastic sector appears at the very bottom of the ranking among all sectors and industries (Claus, 2011). Since Universities worldwide pursue a stronger internationalization strategy (Bhattacherjee, 2012), there is a need to discuss the questions related to their DoC, taking into account the fact that an increasing number of heterogeneous safety policies and guidelines have been adopted over the past few years. As mentioned above, the case of Giulio Regeni, the young Italian Ph.D. researcher enrolled at the University of Cambridge and killed while conducting field research in Egypt, has contributed to fuel the debate on the issues at stake. The University of Cambridge has been accused of not cooperating with the Italian authorities and of negligence for allowing Mr Regeni to carry out a sensitive research in a volatile and unstable environment without taking the necessary precautions. In response to the latter accusation the University of Cambridge stated that Mr Regeni was 'an experienced researcher using standard academic methods' (i.e. the so-called 'participatory research') to study trade unions in Egypt.

The Regeni case on the one hand has triggered a number of political considerations, including for instance its impact on the overall Italian Mediterranean strategy in the short term (Colombo & Varvelli, 2016), and it certainly casted a shadow over the relations between Egypt and its Western counterparts, i.e. Italy and all European Union (EU) Member States (see for instance the EU Parliament Resolution of 10 March 2016 on Egypt, notably the case of Giulio Regeni, 2016/2608(RSP)). On the other hand, and in line with the scope of the present article, the case is also an illustrative, and of course extreme, example of how the question of the sending institution's responsibility arises whenever an employee or a student (i.e. the official status applicable to Mr Regeni under the current UK framework) is harmed while abroad for work or study purposes. Without claiming to provide an exhaustive overview of the Universities' DoC towards their employees and students, this article will discuss a number of key and underexplored issues, thus, seeking to breathe new life into the surrounding, and still embryonic, debate. In order to better outline and critically discuss the current problems and challenges connected to the Universities' exercise of their duty of care, the present article will make reference to the policies and strategies implemented by different Universities that stand out from the widespread poor duty of care performance among educational institutions, and are located in both common law and civil law countries. This article will consider in particular three key aspects: *i)* the legal foundations of Universities' DoC; *ii)* the content of the DoC obligations incumbent on academic institutions, paying special attention to fieldwork activities and their planning, risk assessment and management; and *iii)* how the Universities' DoC has been addressed in the recent case law. After analysing the current state of the art, this article will present some conclusive remarks on the effectiveness of the policy and legal framework governing the Universities' DoC towards their employees and students who travel internationally on University business.

2. The Legal Foundations of Universities' Duty of Care

Besides its moral connotation, the DoC is first and foremost an obligation imposed on an individual or organization by law requiring that they adhere to a

standard of reasonable care while performing acts (or omissions) that present a foreseeable risk of harm to others (Blay & Baker, 2005). The failure to adhere to a standard of reasonable care causing loss or damage is commonly defined as 'negligence'. The standard of reasonable care is typically assessed by reference to the actions of a reasonable person – i.e. a typical person acting with ordinary prudence − in the same or similar circumstances. Notably, such standard is not fixed and it may vary from country to country. Broadly speaking the civil law systems tend to refer to 'legal responsibility' rather than to 'duty of care', which is an Anglo-Saxon concept used mainly in the common law world (Kemp & Merkelbach, 2011). This is not a mere terminological difference – even though for reasons of convenience this article privileges *tout court* the use of the term DoC − as most civil law jurisdictions tend to impose on employers a level of legal responsibility called 'strict liability', where a person is legally responsible for the damage and loss caused by his or her acts or omissions without the need to proof intentional or negligent conduct. Hence, on the one hand there is the duty of care in common law jurisdictions, which is a 'fault-based concept' where imposition of liability on a party requires a finding of negligence − for instance in a hypothetical civil suit brought against the University of Cambridge to ascertain its responsibility in relation to Mr Regeni's death − and the burden of proof falls upon the plaintiff, who will be expected to provide evidence of the four cumulative elements of negligence, i.e. *i)* the existence of a relationship between the parties recognised by the law (due to this relationship, one party has a legal obligation to exercise its duty of care towards the other); *ii)* a breach of the duty of care; *iii)* a causal nexus between the breach and the harm; and *iv)* the damage suffered as a proximate result of a defendant's breach of duty (Goldberg & Zipursky, 2011). On the other hand there is the concept of legal responsibility, often, but not always, declined in the form of 'strict' liability, which imposes a much higher standard for employers and makes it harder for the employer to avoid to pay compensation for the damage caused.

With regard to the sources of an employer's DoC, the most common ones encompass, *inter alia*, contractual terms; statutory sources such as national health

and safety laws or codes; judge-made or 'common law' principles of negligence and recklessness; social security programs; international norms such as European Union Directives or International Labour Organisation (ILO) Conventions. Even across States that share similar legal systems, e.g. common law countries, there is a heterogeneous approach towards the sources of the DoC and this applies also to Universities. Nonetheless, as the coming paragraphs are going to show, it is possible to affirm that usually there is a general framework, which consists of domestic laws or regulations dealing with the health and safety of the employees, and a more specific one that consists of policies and procedures for different workplaces, including the Universities, taking into account the potential hazards that their personnel could encounter. Providing a detailed and comprehensive overview of how Universities' are fulfilling their DoC obligations in common law and civil law countries would fall beyond the scope of this paper. Instead, this article will present a number of relevant examples, predominantly stemming from common law countries where this principle is more developed, in order to demonstrate that, even though educational institutions overall still have poor duty of care performance, a growing number of Universities are becoming aware of the importance of implementing DoC policies and strategies (Claus, 2015).

2.1. An Overview of Selected Common Law Systems

This paragraph will focus on the DoC obligations of Universities in common law countries. As explained above the DoC concept is deeply rooted in the common law tradition and this emerges in relation to the legal systems in place in Australia, UK and US. In the case of Australia the Workplace Health and Safety (WHS) laws were known as Occupational Health and Safety (OH&S) laws, which differed across Australian States and territories. In order to enhance the laws consistency across the whole country, in 2012 the State and territory governments agreed to develop 'model laws' (the so-called WHS Act and Regulations), on which they could base their health and safety laws. Model WHS Laws operating in most Australian jurisdictions can apply extraterritorially so that in prescribed circum-

stances liability extends even where elements of an offence are 'partly' or 'wholly' committed overseas (International SOS, 2013). Building on the general domestic framework, several Australian Universities have developed their own internal policies. For instance the University of Sidney in 2016 has adopted a Work Health and Safety Policy which is binding upon 'University, Fellows, members of Senate committees, staff, students and affiliates (including volunteers and contractors)' for all activities conducted by or on behalf of the University.

For employers across the UK the DoC is spelled out in the Health and Safety at Work Act (HSW Act) adopted in 1974, which extends health and safety legislation to all areas of work, including higher educational establishments. Section 2(1) of the HSW Act places upon the employer a far reaching obligation stating that 'it shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees'. As a result of this general obligation it can be inferred that the primary responsibility for the management of health and safety for a member of staff and for any post doctorate researcher or postgraduate student while on fieldwork lies with the institution; as spelled out in the Guidance on Health and Safety in Fieldwork (GHSF) issued in 2011 by the UK Universities and Colleges Employers Association. Moreover, according to the GHSF also undergraduate students fall within the scope of the HSW Act as Section 3(1) affirms that 'it shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety'.

Also relevant for the purposes of this study is the Management of Health and Safety at Work Regulations (1999), which applies to work within the UK - although an employer may be prosecuted for health and safety offences if it fails to comply with the law when conducting a preliminary risk assessment in the UK before sending employees overseas - and requires employers to undertake risk assessment and to introduce proactive measures to control identified risks. Furthermore, it is worth mentioning that under the Corporate Manslaughter and Corporate Hom-

icide Act 2007 (Manslaughter Act), a company can be civilly or criminally charged if an employee's death occurred in a foreign country was 'the result of a gross breach of a relevant duty of care owed by the organization to the deceased'. Prosecutions will be of the corporate body and not individuals, but the liability of directors, board members or other individuals under health and safety law or general criminal law, will be unaffected; and the corporate body itself and individuals can still be prosecuted for separate health and safety offences. In the case of Mr Regeni's murder the Corporate Manslaughter and Corporate Homicide Act 2007 would not be applicable since, as explained in the introductory paragraph, doctoral students are not regarded as employees under the current UK legal framework.

Within the above mentioned general framework, UK Universities develop their own internal policies, which vary significantly in terms of accessibility (e.g. in the case of the University of Cambridge the information is accessible only to those who possess a University account), thoroughness, comprehensiveness etc… For example, the Health and Safety policy in place at the University of Saint Andrews states that 'at any level in the University, staff who have responsibility for managing or supervising other employees, contractors or visitors are responsible for the health and safety of those under their care or control' and, similarly, that 'at any level in the University, staff who have for whatever duration oversight of students or responsibility for their welfare are responsible for the health and safety of those under their care or control', also when they perform work and study tasks abroad. Furthermore, under the authority of the Principal's Office, three Health and Safety management groups have been established, one of which, i.e. the Fieldwork, Placement and Travel Risk Management Group, oversees all the policies and procedures relating to fieldwork, placements and travels by University's employees and students.

Concerning the Universities based in the United States, it is worth noting that generally speaking, under US law, employers owe to their employees a duty to provide as safe a work environment as possible under the circumstances of the nature of the workplace, as established under the Occupational Safety and Health Act

(OSHA) Act 1970, which is the primary federal law outlining the general framework applicable to most employees, with the exception of miners, transportation workers, some categories of public employees, and the self-employed. The OSHA does not have extraterritorial reach, however, there is no doubt that under the common law concept of torts a University' DoC obligation exists towards the employees, whether they work on or off campus (Claus, 2015).

Within the US legal framework employers can sometimes shift the DoC burden by including clearly articulated assumption of risk waivers within employment agreements (Kemp & Merkelbach, 2011, p. 47). The inclusion of risk waivers may reduce the employer's liability and it is admissible under the US legislation, although not in line with the international standards enshrined in the ILO Occupational Safety and Health Convention (Convention No.55) entered into force in 1983 and not yet ratified by the US. A report of the US Association of Public and Landgrant Universities issued in 2016 and eloquently titled 'A Guide to Implementing a Safety Culture in Our Universities' offers a comprehensive overview of procedures and recommendations to strengthen a culture of safety on campuses, with a particular focus on the Universities' laboratories and facilities. Across the US, there is, however, a growing attention towards research activities conducted abroad, in fact some Universities, like Duke University, Berkeley and the University of Texas at Austin, have developed specific guidelines for risk and safety during fieldwork (Hammett et al. 2015, p. 127). As already stressed, more complex appears to be the relationship between Universities and students as the US courts over the past 40 years have moved from the steady application of the *in loco parentis* legal doctrine – resulting in courts deferring to the institutions to determine how to protect the morals and personal safety of their students (Melear, 2002; Swartz, 2010) – to the final recognition that under certain circumstances, academic institutions have a legal duty to protect students engaging in off-campus activities (including international travels) and the failure to fulfil that duty may lead to liability for damages (Fisher & Sloan, 2013, p. 8). Such circumstances, as clarified in the 2015 *Boisson v. Ariz. Bd. of Regents case*, are: (1) the purpose of the activity; (2) whether the activity was part of

the course curriculum; (3) whether the school had supervisory authority over the activity; (4) whether the risk existed independent of the school involvement; (5) whether the activity was voluntary; (6) whether a school employee was present during the activity, or should have been; and (7) whether the activity involved a dangerous project initiated on-campus but built off-campus (Claus, 2015, p. 5).

2.2. An Overview of Selected Civil Law Systems

As discussed above, in common law countries the DoC of employers has been embedded in national legislations for a long time. Instead, in most EU Member States that predominantly share a civil law tradition, the prevention and protection of workers against occupational accidents and diseases has been either introduced, or at the very least better outlined, with the entry into force of the European Framework Directive on Safety and Health at Work (OHS Directive). Article 153 of the Treaty on the Functioning of the European Union (TFEU) gives the EU the authority to adopt directives in the field of safety and health at work. The OHS Directive, which dates back to 1989 and has been amended several times, represents a landmark in the EU legal framework as it contains general principles concerning the prevention of risks; the protection of safety and health; the assessment of risks; the elimination of risks and accident factors; the informing, consultation and balanced participation and training of workers and their representatives.

The OHS Directive applies to all sectors, both public and private, except for specific public service activities, such as armed forces, police or certain civil protection services. Furthermore, the OHS Directive identifies basic obligations for both employers and workers. However, the workers' obligations - which encompass making correct use of the machinery, apparatus, tools, dangerous substances; immediately inform the employer of any work situation presenting a serious and immediate danger and of any shortcomings in the protection arrangements; cooperate with the employer in fulfilling any requirements imposed for the protection of health and safety - should not affect the principle of the responsibility of the employer. In order to comply with this broad framework, EU Member States have im-

plemented domestic legislations that aim at strengthening the safety and health of workers. Italy, for example, has adopted a number of laws and regulations that ultimately flowed into a consolidated text called 'Testo Unico in materia di Salute e Sicurezza nei luoghi di lavoro' (Testo Unico, D.Lgs. 81/2008, as amended by the D.Lgs. 106/09). Furthermore, Article 2087 of the Italian Civil Code places on the employer the obligation to adopt all the possible measures to prevent the risks connected to a certain job, both the intrinsic and the extrinsic ones. Significantly, a judgment issued in 2016 by the Corte di Cassazione (Cass. Civ. Sez. lav., 30 June 2016, n. 13465), has clarified that this obligation does not give rise to the so-called 'strict' or 'objective' responsibility since it can be framed as an obligation of means and not of result. In other words, the responsibility of the employer does not automatically spring from every damage suffered by an employee, but emerges only when the employer has not put in place all the preventive measures imposed by the law or foreseeable in light of the typology of work, as suggested by the relevant experience and the recent technique. Moreover, it is worth stressing that the Italian jurisprudence (*inter alia* Cass. pen. Sez. IV, 17 June 2011, n. 34854; Cass. civ., Sez. lav., 22 March 2002, n. 4129) has consistently deemed the existing legal framework applicable also when the employee is temporarily deployed abroad. The Testo Unico does not contain specific provisions devoted to the academic institutions, thus entailing that the DoC of Universities does not differ from that of other employers. To the best of these authors' knowledge, Italian Universities so far have not developed internal policies concerning the health and safety of their employees and students. In this context the Scuola Superiore Sant'Anna stands out for the recent adoption of a document that outlines the steps that must be undertaken by anyone, student or employee of the Scuola, willing to engage in work or study activities abroad and identifies the risk minimizing measures to be adopted by the competent academic authorities.

The authors are not aware of internal policies and procedures regarding DoC in many other EU Universities, with the exception of the Netherlands, where great attention is paid towards the safety of the Universities' students who travel

abroad. In the Netherlands the Working Conditions Act (so called Arbowet) adopted in 1980 forms the basis for the regulations pertaining to safe and healthy work. The Working Conditions Act embeds, *inter alia*, the overriding obligation to organise wide range activities to ensure the best possible working conditions. Furthermore, for companies with more than 100 employees there is a requirement to report annually on these conditions, whereas for companies with more than 500 employees the Act foresees also the obligation to set up safety departments staffed by specialised personnel. Moreover, it shall be noted that the amendment to the Working Conditions Act, which came into force on 1 January 2007, offers employers and employees the opportunity to compile a Health and Safety Catalogue at the sector level. During the Collective Agreement consultations of 27 November 2007, the Association of Universities in the Netherlands (VSNU) and the employees' organizations decided to compile their own Health and Safety Catalogue. To this end, a Health and Safety Catalogue Monitoring Committee was installed, with members representing both employers and employees. The Health and Safety Catalogue for Dutch Universities forms part of the Collective Agreement for Dutch Universities (CAO-NU) and it is divided in sub-catalogues approved by the Labour Inspectorate. None of the sub-catalogues deal specifically with research or study activities conducted abroad, however, most Universities across the country have adopted internal policies that aim at preventing the risks connected to travelling abroad. For example the University of Amsterdam provides for fieldwork's guidelines that enshrine requirements and procedures tailored to each of the different postgraduate programs offered by the Graduate School of Social Sciences. More in detail the guidelines explain that the lecturer/supervisor is required to assess the feasibility and safety of the proposed research project abroad and in any event no approval will be granted if the Dutch Ministry of Foreign Affairs has issued a warning 'advising against non-essential travel' for that particular country or for a specific region. If a student still travels abroad despite consent not having been granted, the proposed research plan is deemed unapproved and the right to supervision and assessment of the research project lapses, thus meaning that the University will not accept respon-

sibility for the destination proposed for the research project. Notably, the guidelines are specifically meant for students, whereas the University is silent on the procedures and the measures, if any, that pertain to the other constituencies.

3. The Content of the Duty of Care Obligation incumbent on Academic Institutions, with Special Attention Paid to Fieldwork Activities

What emerges from the overview presented in the previous paragraphs is that at the domestic level, and even in civil law countries, there is a growing and widespread attention towards the improvement of employees' health and safety, also when they travel abroad for work. With regard to Universities, this is not always true, and the peculiar status of students makes it even more difficult to analyse the existing framework and its applicability towards all the University's constituencies. This loophole of protection and legal clarity gives rise to a number of issues, but first and foremost results in the lack of adequate policies and regulations, meaning for example that in most Universities around the world researchers are simply 'trusted' to do research in the field without any safety guidelines or precautions in place (Williamson & Burns, 2014) and the same consideration applies to other activities performed by students, administrative staff and faculty. Instead of sparking rage among those potentially affected by the lack of sufficiently developed measures, the general clueless about Universities' DoC is often condoned. The hesitant attitude of the Academic community towards the Universities' duty of care may be due to a number of different reasons, including, for instance, the fact that the precise contours or this principle are not always immediately perceivable; Universities' decision makers still tend to overlook or minimize risks connected to international travels (Claus, 2015); and there is an understandable fear that pursuing a more proactive approach could end up limiting the academic freedom of researchers and students.

Nonetheless, based on the existing, although still scant, studies in this field and on the limited jurisprudence one may well conclude that the following are the main components of the duty of care principle: i) the obligation to inform the person going abroad about the specific risks (safety and security, health etc.) and haz-

ards which might be encountered and to support the staff to properly plan the mission according to the potential risks identified; ii) the obligation to provide a life insurance scheme and a proper health insurance; iii) the obligation to have a proper policy to analyze, reduce and minimize the potential risks (for example by offering a proper training); iv) the obligation to have an emergency system which allows the person abroad to contact the sending organization in cases of emergency situation; v) the obligation to enforce a proper monitoring system about the evolution of the situation in a given country, which allows the sending University to immediately inform its employees. In this framework the risk assessment procedures to be enforced in a professional manner by the sending academic bodies raise most of the problems. As stressed by the GHSF of the UK Universities and Colleges:

> Each institution is unique with its own set of objectives and values. Each institution therefore needs to develop its own thinking around its tolerance of risks posed by its off-site activities, for example whether or not to allow fieldwork to a remote area of an unstable country. It is important that such decisions are made systematically, objectively, and at an appropriate level in the institution. This implies that robust escalation processes are in place for activities, which pose unusual hazards, or where there are high levels of residual risk (GHSF, 2011, p. 11).

The GHSF also explains that, in order to be effective, a documented risk analysis and management system should include the following: risk assessment for the activities; threat analysis for the destination and travel; incident management and emergency response plans; accident, incident and near miss reporting; competency and training; robust authorization and approval processes; a review process, including the actions in response to review outcomes.

Clearly, each University is free to develop its own strategy to the planning, risk assessment and management of international travels. A few examples that concern a particular activity often undertaken abroad, i.e. fieldwork, can provide an overview of the heterogeneous approach adopted by some of the Universities that have in place specific policies dealing with this issue. The University of Saint An-

drews, for instance, requires researchers to complete a Travel Planning Outline Checklist and a 'solo' or 'group' Risk Assessment Form (RAF) prior to engaging in fieldwork, and submit them to the relevant departmental safety officer. Notably, the fieldwork risk assessment process is undertaken alongside the ethical review process as they usually inform each other. The RAF stresses that 'it is not the purpose of this assessment to stop high-risk projects where there is significant academic value to the project. The purpose is to ensure that the work is done safely'. To this end the form places upon the researcher the duty to self-assess the risk, including both the foreseeable hazards and the 'degree of residual risk', i.e. the level of assessed risk remaining after reasonably practicable controls have been implemented, taking account of the level of impact of the hazard or threat, the likelihood of its realisation and the robustness of control measures. The degree of residual risk shall be estimated using an ad hoc table to determine the likelihood of hazards causing harm after the control measures have been implemented.

The University of Leeds has three different RAFs, respectively for 'low risk', 'medium risk', and 'high risk' fieldwork and it requires the researcher to indicate which level of risk matches his/her work. With regard, instead, to the University of Amsterdam, which as mentioned above is primarily concerned with its DoC towards students, the risk assessment process is undertaken by the lecturer/supervisor, who is required to appraise the feasibility and safety of the proposed research project. Once the research proposal is approved, the University of Amsterdam, in order to provide students with the possibility to be directly supervised also in the field, has set up a procedure to appoint a 'local supervisor', who receives a remuneration of € 300,00 per student supervised and is in charge of various tasks, including introducing the student to key informants and stakeholders, discussing interview questions, survey questionnaires, or possibly the content of other methods the student will use to collect information, and being available for discussions with the students on how the research develops.

A further example of the heterogeneous approach towards fieldwork planning and risk assessment stems from the RAF of the University of Sidney in Aus-

tralia, which provides also an overview of the risk assessment methodology that shall be used by those who fill the form in; according to it:

> Assessing the risk is a brainstorming exercise, which is most effectively carried out in a team environment with the people required to complete the activity or process. Most activities or processes are broken down into a variety of separate tasks. For each task, consider the hazards, the potential harm or negative outcomes and the conditions required for those negative outcomes to occur.

Furthermore, the RAF of the University of Sidney spells out which are the main risk factors associated with each task, namely: the physical activities required to complete the task; the work environment, e.g. lighting, work layout, traffic, thermal comfort, working in isolation; the nature of the hazard itself, e.g. working with chemicals, microorganisms, radiation, machinery, potentially violent interlocutors; the individual workers involved, e.g. level of training, skills, experience, health, age, physical capacity. The information gathered from the risk assessment process must be used to develop a Safe Work Procedure (SWP), which outlines all the steps involved in a potentially hazardous task or activity and specifies how the risks associated with identified hazards will be eliminated or reduced.

The University of Oxford places particular emphasis on the fieldwork conducted by 'lone workers'. According to the University of Oxford's safety policy a lone worker may be at greater risk than a group member, therefore it is essential that departments formulate clear guidelines on the scope of activities that may be undertaken alone and that an effective means of communication is duly planned and established. The safety policy places upon the lone worker the duty to ensure that his/her daily itineraries are known locally and that some responsible person (e.g. a hotel owner, or the local police) will raise the alarm if he/she fails to return at the end of the specified working period. In most UK Universities the peculiarities and the potential broader risks of lone working, both on and off campus, are addressed in specific documents, for example the 'Guidance on Lone Working' of the University of Manchester.

Notably, all students enrolled at the University of Cambridge are required to undertake a full risk assessment before going abroad and to follow the Foreign and Commonwealth Office's guidelines on advice to travelers, otherwise their research plans are not approved. The 'Work Away from Cambridge' page on the University's website explains that the University has a legal obligation to assess the risks of all its activities where they affect staff or students. The Head of Department is responsible for ensuring that appropriate risk management is in place for periods of working away and must therefore approve the risk assessment form. Furthermore, the University of Cambridge offers to University employees and students the possibility to undertake a training course in lone working in order to 'enable managers and supervisors to assess which tasks may be undertaken by lone workers, assess which may not, and decide on appropriate control measures, together with associated guidance produced by the Safety Office'. The University of Cambridge's website is silent on whether the training is mandatory for those who are undertaking lone working, or simply recommended.

Clearly, all the surveyed guidelines and policies highlight that it is the responsibility of the individual person to take care as far as possible of his/her own safety and the safety of those affected by their acts or omissions. This, as mentioned above, is a duty that stems also from Article 13 of the OHS Directive and infers that the University's employees engaged in fieldwork have some personal responsibility to appropriately plan and manage the activities undertaken. There is no such legal obligation on students, but, as stressed in several policies, e.g. the safety policy adopted by the University of Oxford, they should be 'strongly advised to behave in a similar way to employees in this respect'.

Further aspects commonly included in the set of preventive measures adopted by the Universities to fulfil their DoC concern the incident reporting procedure and the insurance policies stipulated for staff and students. Several Universities have in place an incident reporting procedure, which in general applies to both accidents and incidents while at work. Notably, in occupational health and safety jargon the terms 'accident' and 'incident' may appear to be interchangeable, but they

are not. Whereas an incident is any situation that unexpectedly arises in the workplace and has the potential to cause injury, damage or harm; an accident is actually an incident that resulted in someone being injured or damage being done to property (Beus, et al. 2016, p. 3). The reporting procedure is different for each institution, although across the UK each University, including the University of Cambridge, has a Safety Office, which collects and processes the forms submitted by staff and students. Most Universities have also stipulated insurance policies − or asked students and employees to autonomously take out at least a standard one − which are associated with certain types of insurable losses ranging from property to health, for their personnel as well as for the students. Usually, those travelling abroad for a University purpose should also register for the University's travel insurance.

In the case of Mr Regeni it is possible to affirm, also on the basis of the statements made by the Head of Department that approved Mr Regeni's risk assessment, that the Foreign and Commonwealth Office's travel advice has been consulted prior to his departure (on the website's map Cairo, where Mr Regeni was studying, at the time was, and still is, ranked 'green', not red, suggesting only that travel advice should be consulted) and that the procedures of the University of Cambridge have been duly implemented. Thus, what should be called into question rather than if the University has fulfilled its DoC is the usefulness of the standards in place, as the basis for health and safety policy of researchers in the field.

4. The Consequences of DoC Breaches: An Overview of the Recent Case Law

Failure to comply with the DoC requirements can have serious consequences for both Universities and individuals. The possible sanctions, of course, depend on the national legislations applicable in the specific context, and might include fines and imprisonment, in addition to the fact that any legal action is likely to result in significant reputational damage for the University.

It is worth stressing that, in addition to the insurance policies mentioned above, all the Universities located in the UK must hold legal liability insurance poli-

cies. More in detail, UK Universities are required to hold Employer's Liability insurance and Public Liability insurance. The former covers staff acting in the course of their employment (in respect of any death or injury they might suffer for which the University is liable at law); whereas the latter covers the legal liability for loss, damage or injury to third parties as employers are vicariously liable for the negligent acts of their employees while at work if such acts cause injury to others. These policies will indemnify the Universities, and those acting on their behalf, like the head of department and the fieldwork supervisors, against any third party claim for damages arising from death, personal injury, or third party property damage where there is a liability at law and providing that a risk assessment has been completed, like in the case of Mr Regeni.

Remarkably, cases of employees and/or students suing their educational institutions for bodily injuries caused by negligence are not a rarity. And this occurs in spite of the inherent nature of schools and Universities' activities which at least in principle, are not such as to create substantial risks in comparison with most commercial and industrial enterprises. The existing, although limited jurisprudence, plays an important role in better shaping the contours of the Universities' DoC.

The US jurisprudence is the most advanced in this specific sector as a number of cases have been brought before national courts, concerning injuries suffered abroad by employees and students. With regard to the former, it is worth mentioning here the civil lawsuit (*Thea Ekins-Coward and Amy Ekins-Coward vs. University of Hawaii, Dr Jian You, Dr Richard E. Rocheleau et al.*) against the University of Hawaii brought in January 2017 by an English postdoctoral researcher who lost her arm in a laboratory explosion occurred in March 2016 and blames her supervisors for failing to warn of the dangers or providing appropriate safety training. The case is still pending before the Circuit Court, however in September 2016 the Hawaii Occupational Safety and Health division (HIOSH), which is the national body that administers the Occupational Safety and Health Program as established under the OSH Act and conducts inspections of the workplaces under its jurisdiction, issued a citation for 15 serious violations and imposed on the University a fine of $115,500. The

University reached a settlement agreement that combined some violations, reducing the number to nine and the fines to $69,300. The violations cited in the settlement include technical issues, e.g. failure to ground the tank of flammable gases or to wear gloves to prevent discharge of static electricity from the researcher to the tank; and organizational flaws, such as failure to 'ensure that [the University's] safety practices were followed by employees and underscored through training, positive reinforcement and a clearly defined and communicated disciplinary system', and the failure of 'supervisors [to] understand their responsibilities under the safety and health program'.

In other instances US Universities and schools have been sued for breaches of their DoC towards their students engaged in off-campus activities (Yeo, 2002). For example in the case *Mintz v the State University at New Paltz* (1975) − concerning two students who drowned during an overnight canoe trip organized by the staff of the defendant University − the New York Supreme Court held that in principle the University owes a duty to its students to exercise reasonable care in the planning and execution of the trip. Furthermore, the Court found that it is logical for the students to rely on the staff members to put in place measures able to protect them from 'the reasonably foreseeable' injury. Moving from these premises, according to the Court in the case under scrutiny there was no liability on the part of the University as 'the deceased students were 20 years of age, cognizant of the risks, able to care for themselves and not in need of constant supervision and the University took all reasonable precautions to guarantee a safe outing' (Winston et al. 2001, p. 142, emphasis added), but it could not predict the occurrence of a sudden unexpected storm which was the cause of the accident.

Another much debated case recently brought before the US courts is *Munn v. Hotchkiss School.* Ms Cara Munn, a 15 year old student, was bitten by a tick while hiking on a mountain in China during a summer trip organized by the Hotchkiss School. The tick transmitted encephalitis, which has left her permanently unable to speak. Cara and her parents sued Hotchkiss in a federal court, arguing that the school was 'negligent for failing to warn them that the trip might bring her into

contact with disease-bearing insects and for failing to take steps to ensure that she used insect repellant, wore proper clothes while walking in forested areas and checked herself for ticks'. A jury awarded her $10 million in economic damages and $31.5 million in non-economic damages. The Hotchkiss School appealed to the US Court of Appeals for the Second Circuit. Unsure about how to apply Connecticut tort law (as it is required to do), the Court of Appeals invited the Connecticut Supreme Court to provide it with guidance on two key questions: (a) whether a private school owes a duty of care to students when they participate in school trips, and (b) whether the jury's damages award was excessive. The judgment is currently pending, although several commentators have promptly dismissed the first question for being 'as preposterous in tort law as it is in common sense' since under the law of Connecticut schools owe a common law duty of care to students under their custody (Zipursky, 2017). The much more difficult question is whether the Hotchkiss school fulfilled its DoC or it was really careless in failing to provide its students with sufficient warning of and protection from insect-borne illnesses.

Overall US courts seem to have upheld a common trend, according to which the DoC required when students and employees travel abroad is the same as the one bestowed on campus. Whether this is a standard that matches the perils and risks that may be encountered while working or studying in a dangerous setting and/or while undertaking a particularly sensitive research represents a different question, that has not been addressed by any judicial body yet.

5. Conclusive Remarks

Universities are complex and peculiar organizations, however, like any other employer in the public or private sector they are increasingly scrutinized for their failure to assess and mitigate the risks associated with their DoC. What makes Universities *sui generi*s is, for instance, the fact that a University's reputation represents its most prized asset. Such asset, which is difficult to quantify or assess in objective terms, is crucial to the University's capability to recruit staff and students, to forge high quality partnerships and to influence policy and other decision-makers, both

nationally and internationally. Serious incidents or issues that may cause major reputational damages, like injuries suffered by employees and students while abroad on behalf of the University, can have a negative impact and need to be prevented to the maximum extent possible.

Bearing this caveat in mind, this article provided the reader with an overview of the key aspects that concern the Universities' DoC towards their employees and students travelling abroad on official business. In the third section the analysis undertaken focused specifically on fieldwork activities, seeking to stimulate the debate on an underexplored and under researched area that hit the headlines in the aftermath of the brutal murder of Mr Giulio Regeni. It goes without saying that ruling out any responsibility directly ascribable to the University of Cambridge does not downplay the need to achieve justice for Mr Regeni and his family. On the contrary, reaching such conclusion provides a further impetus to focus on Egypt's responsibility and should boost Italy's resort to the legal mechanisms and tools available at the domestic and at the international level (Violi & Buscemi, 2017).

Moving from this shocking event, the present article sought to shed light on the breadth of the duty of care that academic institutions bear towards their employees and students. As highlighted in this contribution heterogeneous levels of safety and health protection are established and implemented in different countries, regardless of whether they share the same legal system or whether centralized attempts to harmonize the national legislations have been undertaken. Particularly relevant in this sense is the case of the EU Member States, which must rely on general principles and basic standards set by the OHS Directive, but are of course free to introduce additional and more protective measures to improve the safety and health of the workers under their jurisdiction. The OHS Directive's general principles, which are also embedded in most extra EU national legal frameworks, encompass the possibility to 'exclude or limit the employer's responsibility where occurrences are due to unusual and unforeseeable circumstances, beyond the employer's control, or to exceptional events, the consequences of which could not have been avoided despite the exercise of all due care', as enshrined in Article 5(4) of the OHS Di-

rective. Furthermore, the employer's duties amount to, *inter alia*, implementing preventive measures as well as provisions of information and training; evaluating the risks to the safety and health of workers; and taking appropriate steps to ensure that only workers who have received adequate instructions may have access to areas where there is serious and specific danger.

All these, to some degree even trivial, obligations represent the core of the DoC of any employer, including Universities. Most of the Universities worldwide do not seem to be fully aware of their specific obligations in this frame and have not yet adopted any specific internal regulations. Instead, a relatively small number of academic institutions have been quite active in this regard and their efforts have been explained and summarized in the course of this work. As this article has showed, most of the surveyed Universities have, to different extent, embedded their DoC obligations in specific guidelines and policies concerning off-campus activities and are no longer preoccupied only with their in campus DoC, which pertains to the activities conducted in Universities' laboratories and internal facilities.

As stressed, for example, by the University of Oxford's safety policy, the UK national legal framework requires the risks associated with fieldwork and other activities conducted abroad to be assessed and managed 'in the same way as any other University activity'. To the present authors this seems to be the minimum standard binding all academic institutions, regardless of the national legal framework according to which they operate, and as such it shall be respected and duly implemented worldwide. We do welcome the increasing adoption of policies and strategies that outline in more detail the obligations and the rights of the parties involved in the planning and management of international trips undertaken for work or study purposes. Furthermore, we appreciate the fact that such policies and strategies cannot be uniform as they are ingrained in the broader legal system and tradition of the country where a University is based. Nonetheless, it is questionable whether the 'tick box' approach currently in place, which tackles 'foreseeable risks' and it is likely to effectively shield Universities from compensation claims, is enough to profess that Universities are doing everything in their power to protect employ-

ees and students who travel abroad, especially when their activities focus on sensitive issues that can trigger unpredictable dangers.

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RESEARCH ARTICLE

Free Research in Fearful Times: Conceptualizing an Index to Monitor Academic Freedom*

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ABSTRACT

Scholars across the globe are increasingly victims of repression due to their involvement in critical knowledge production. Studies have pointed to the connection between this worrying trend and processes of global authoritarian regression illustrating how the curtailment of academic freedom is often a harbinger of broader human rights violations. Less work has gone into systematizing and categorising the ways how spaces for critical inquiry are curtailed. Concise catalogues that map the defining features of academic freedom in an exhaustive way and could provide the basis for systematic comparative investigation are conspicuously absent. This article intends to fill this gap by outlining the conceptual architecture of a comprehensive Academic Freedom Index (AFI). Spelling out a methodological path towards reliable parameters for assessing the regulation and restriction of research autonomy over time and on a cross-country level, it hopes to stir methodological debate and introduce a powerful instrument for advocacy.

KEYWORDS: Academic freedom; repression; freedom indices; measurement; #veritapergiulioregeni

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1. Introduction and Relevance

Critical intellectuals have long faced political persecution. In recent years, however, their situation has reached a crisis point. Academic communities are increasingly victims of repression, as numerous reports by NGOs and associations providing assistance to persecuted researchers vividly document (e.g., Global Coalition to Protect Education from Attack 2014; Institute for International Education 2014; Jarecki & Kaisth 2009; Scholars at Risk 2016, 2017). Scholars are leaving their homes as refugees at levels unseen since the scientific exodus from Nazi-occupied Europe (Labi 2014). The war in Syria alone has displaced at least 2,000 scholars (Hattam 2017). Often they are also specifically targeted either due to their ability to produce knowledge that threatens established tenets (Rochford 2003; Turner 1988; van Ginkel 2002), or because the quest for knowledge itself is being perceived as a threat by governments embarking on an increasingly authoritarian path.

Innovation and critique, the foundations of research and science, in essence imply a challenge to the orthodoxy and a hegemonic status quo. 'Existing entrenched interests' therefore tend to use any means at their disposal to resist this challenge (Preece 1991, p. 33). How this reactionary trend plays out may differ as – among other things – regime type and capacity, ideology, and cost-benefit calculations shape the contours of repression and restrictions (Davenport 2005, p. xv). Accordingly, the relationship of universities to authoritarian regimes has been characterized by different dimensions of subservience and resistance during the last century (Connelly & Grüttner 2005). At times, higher education faculties have provided a safe haven to intellectuals insulating them against the reach of the state, serving as beacons of cultural and political activism (Plesu 1995); at others, scholars were particularly impacted by repression and restrictive policies, as universities were turned into incubators for regime ideology and training grounds for its elites. Generally, however, it is recognised that the curtailment of academic freedom foreshadows broader human rights violations (Karran 2009b). In fact, critical scholarship is bound to be at odds with authoritarian policies due to what Connelly has described as their historic incompatibility: 'What seems to make the juxtaposition of dictator-

ship and university interesting is academic freedom: dictatorships destroy it, universities need it' (Connelly 2005, p. 2).

Conceiving of academic freedom merely as a component of free speech is hence insufficient, because it neither accounts for the augmented importance that it assumes for the profession (Turner 1988, p. 107), nor for the inherent vulnerability of academia as a largely state funded and heavily regulated sector (Butler 2017). Repression cuts through academic institutions like a hot knife through butter. Accordingly, due to the authoritarian regression in ever more parts of the world, the spaces for critical inquiry are shrinking (Saliba & Grimm 2016; Selenica 2014). From the perspective of authoritarian elites facing criticism from scholars, the potential gains from restricting critical academics by tightening controls over the free flow of information often outweigh the costs of repressive measures (Marginson 1997). At the same time, academic institutions are often powerless to resist, due to their dependence on official funds: To a large part, scholars are public employees which makes them particularly exposed to restrictions by the authorities. Even if employed at private universities researchers are likely to receive public funding, which ultimately puts them at the mercy of the ruling governments – if not individually, at least institutionally. This is exacerbated by the fact that also private universities depend on some form of official accreditation to offer their services. This provides an open flank to governments seeking to control academic research on their territory.

The case of the Hungarian Higher Education Act – 'Lex CEU' – is an emblematic example for this trend. Passed by the Hungarian government on April 4, 2017 despite public protest, the law was specifically drawn up to target the renowned Central European University (CEU), a private higher institution of education that had been operating for 25 years. Clearly illustrating the intimate connection between attacks on the independence of research and the state of democratic values, the Higher Education Act turned CEU into a symbol for academic freedom (Corbett & Gordon 2017).

Meanwhile, further to the East, in Turkey, the restriction of academic freedom has taken an even more dramatic form amid a 'cleansing' of the public sec-

tor (Özkirimli 2017). Professors and lecturers from nearly all universities have been targets of prosecution due to alleged ties to the Gülen movement, which the government blames for the July 15, 2016 military coup. The continuous extension of emergency laws has allowed the president to issue a plethora of decrees, which have cost thousands of scholars at higher education institutions their job. Additionally, thousands of teachers and educators have been dismissed.[1] This 'intellectual massacre' (Pamuk & Toksabay 2017) has hit all disciplines and has put independent and free research and teaching at Turkish universities at risk.

The targeting of scholars at their field-research sites has also impacted on the research ecologies in their home countries. A dual trend has emerged: On the one hand, the infringement on academics' rights in Hungary, Turkey or Egypt has prompted unseen levels of solidarity abroad. 2017 witnessed a strong politicization of student and academic bodies, which has manifested itself, above all, at the grassroots level. The global 'March for Science' on April 22, 2017, for instance, succeeded in mobilising protesters against scientists' increasingly precarious status in over 600 demonstrations on all continents (Milman 2017).

On the other hand, this transnational solidarity is contrasted by a protectionist turn at the institutional level. Universities' reactions to recent cases of arrested and killed researchers have been overwhelmingly retreatist. The case of Giulio Regeni in Egypt was a watershed moment in this regard (see Russo 2016). Since the forced disappearance and murder of the Italian PhD student, social science faculties in particular have become more reluctant to approve fieldwork missions in hostile environments. Spearheaded by centres for graduate studies in Cambridge, London, Berlin, Paris and Florence, many higher education institutions in the Global North have revised their risk assessment policies and raised the clearance level for fieldwork missions. In some cases, such as in Great Britain, this move signals a return to earlier research practices marked by a strict formalization of visa and field mission approval procedures for outgoing researchers. In others, such as

[1] Detailed statistical updates of the purge are provided by the turkeypurge journalist collective at https://turkeypurge.com/purge-in-numbers.

in Germany or Italy, heightened cautiousness and the implementation of tighter controls over fieldwork mark a new trend. It follows, above all, from the recognition of an institutional responsibility and the realization that supervisors may be unable to fulfil their duty of care towards students investigating contentious topics abroad (Elmes 2016).[2] And it has been worsened by the added costs of insuring researchers in hostile environments properly. Albeit plausible in the institutional logic, the consequences of the policies arising from these considerations for knowledge production are detrimental: Leaving scholars to choose between self-imposed exile or shifting focus to less contentious topics, the research lockdown on states that are deemed as risky evidently limits the freedom of research.

While these examples are all evident cases of academic freedom being restricted, it is hard to establish valid comparisons. How can we rate indirect interference into the freedom of research at university centres in Western Europe vis-a-vis much more disruptive structural repression of a university in Hungary or the personalised repression of critical academics and students in Turkey and Egypt? Not only are these violations taking place in different political contexts – from liberal democracies in Europe and North America to entrenched authoritarianism in Egypt. The modes and targets of repression also differ: legal, physical and institutional interventions affect individual researchers or faculties in varying ways, or have collective impacts on the freedoms of scholars. How can we systematise the variegated ways by which academic freedom is curtailed?

This article takes the variety of infringements on academic freedom as a reason to systematically engage and develop reliable monitoring tools. Drawing on scholarship about academic freedom in the social sciences and humanities, it outlines the conceptual architecture of a comprehensive Academic Freedom Index (AFI) to measure and compare the restrictions and repressions wrought on researchers. At its core this index documents violations of academic freedom that af-

[2] This realization, in turn, has not lead to a systematic integration of fieldwork training in the fields of personal security or communication protection into the methodological curricula of graduate and post-graduate programs, thus creating the impression that fieldwork controls are installed primarily as a mechanism to limit institutional liabilities.

fect the individual researcher. Hence, this contribution defines academic freedom mainly in a negative way, relating it to the absence of legal, physical, or structural interference by state or non-state actors into a researcher's personal autonomy, independence and integrity (see Marginson 1997). We focus on the researcher, instead of the hosting institution or the broader academic community, because there is a need to relocate the concept of academic freedom back to the individual level: So far, most available conceptualizations are primarily concerned with the state of the academy as a social institution (Barnett 1990). Debates on academic freedom have either remained abstract and centred on research ethics, the boundaries of normative objectivity, or the interplay of academics' rights and responsibilities. Others have been primarily concerned with the structural conditions of academic freedom on a macro level, such as the politicization of knowledge and the varying degree of research autonomy at higher education institutions. In turn, the everyday working conditions of those who make up academia – lecturers, students, independent and mid-career researchers – are fairly absent from the debates. By contrast, in the AFI these individuals take centre stage: It is at the micro level where the effects of repression and restrictions of freedoms are most visible. Hence a reliable monitoring of academic freedom must start there.

We start by addressing the essential theoretical underpinnings for the conceptualization of academic freedom. We review the contemporary literature with regards to its feasibility for operationalization and identify significant gaps, which we hope to fill by proposing the AFI. Consequently, in the second part of this paper, we spell out the methodological path towards reliable and valid parameters for assessing the degree of academic freedom across time and on a cross-country level. It thereby caters to both, qualitative and quantitative scholars. While providing a novel framework for examining and comparing pertinent cases of academic freedom violations in detailed small-n case studies, the developed parameters also form the basis for an aggregated index allowing for large-n cross-country comparison. In turn, this index can function as a guide for identifying new cases worth studying in-depth.

The closing section additionally highlights the AFI's potential as an early warning mechanism for potential human rights violations and stresses its merits as a monitoring and advocacy tool. Listing vantage points for further research, we conclude by sketching out a tentative research agenda for scholars of repression, regimes and social mobilization interested in the study of academic freedom.

2. State of the art

Although the term 'academic freedom' seems self-evident (Scott 2009, p. 451), the debate surrounding it has been marked less by unity than divisions and inconsistencies (Karran 2009b, p. 264; Berdahl et al. 2009; Åkerlind & Kayrooz 2003). Gerber (2001, p. 23) observes that references to academic freedom in public discourse are often rather disingenuous, exhibiting a telling disregard for full meaning of the concept. The evident lack of public awareness for the relevance of a free and independent academia has led experts in the field to call on their colleagues to move beyond theoretical appraisals of the abstract concept of academic freedom and dedicate more time and effort to the provision of 'concrete evidence of the value of the elements of academic freedom: to academics, students, universities and the world at large' (Karran 2009b, p. 264). Nevertheless, scholarship on academic freedom is still characterised by a ubiquitous lack of specificity on the defining features of the concept, an over-concern for the working conditions of academic staff paired with a disregard for the freedom of students, and a high level of abstraction (Latif 2014, p. 399). This has hindered broader dissemination and recognition of academic freedom as a normative value and right on its own – as something that is complementary but distinct from broader notions of freedom of speech or the right to education.[3] Along those lines, Berlin (1969) identified the important distinction between the negative dimension of academic freedom, that is, the absence of constraint on choices, and its positive dimension, that is, the freedom and ability to be 'one's own master'. This differentiation is still crucial: while researchers may be un-

[3] For a timely debate on the doctrinal sources of the concept and the relation between academic freedom and the competing notions of freedom of expression and education see Appiagyei-Atua (2014) and De Baets (2015).

constrained in the choices of research topics, they may nevertheless be unable to undertake their research when resources are deliberately withheld for political reasons. Moreover, some scholars refer solely to the individual level when they speak of academic freedom, while others acknowledge that the term academic freedom needs to encompass the interlinkages between individual, disciplinary and institutional freedoms (Åkerlind & Kayrooz 2003).

Broadly following these cleavages, countless studies have attempted to establish the boundaries of what academic freedom is or should be. The sheer volume of such studies is a testament to the interest of scholars in the conditions of their own profession. There are many bibliographies and guides to the literature (e.g., Aby & Kuhn 2000; Bennett 2011; Karran 2009a; Sinder 1990), over a dozen special issues (e.g., Hayes 2009; Mack 2009; Patterson & Nelson 2010) and a dedicated journal,[4] which all shed light on the topic from different perspectives. In their exploration of the threats and opportunity structures of free research, scholars have engaged with the symbiotic link between academic freedom and free speech (Battaglia 2014; Preece 1991), and the transnational diffusion of solidarity initiatives (Coetzee 2016), and they have retraced the roots and historical trajectory of the concept (Tiede 2014; Karran 2009b). Other scholars have investigated relations between researcher trauma and academic freedom (Loyle & Simoni 2017), and studied the impact of securitising discourses (Caffentzis 2005; Peter & Strazzari 2016), of ethical oversight committees (Nichols 2015; Hedgecoe 2016), of the marketization of higher education (Brown & Carasso 2013; Marginson 1997), and of social media on the freedom of researchers (Poritz 2014). Most recently, the deteriorating conditions in the Middle East have drawn attention to the effects of civil war and authoritarianism on research, with a range of high-profile cases, such as the death sentence against Professors Emad Shahin in Egypt, the criminalization of the 'Academics for Peace' signees in Turkey, or the beheading of Palmyra antiquities chief Khalid al-

[4] American Association of University Professors (AAUP) 2010, *Journal of Academic Freedom*, available at: https://www.aaup.org/reports-publications/journal-academic-freedom.

Asaad by Islamic State militants attracting significant attention (Baser, Akgönül, & Öztürk 2017; Brand 2017; Lake & Parkinson 2017).[5]

While the list of investigated variables impacting on academic freedom has grown continuously, less scholars have focussed on systematic categorization, questions of data collection and operationalization, and the discussion of comparability. As Barnett put it, in their lack of specificity 'traditional discussions of academic freedom, whatever their superficial differences, are also depressingly uniform' (1990, p. 137). Few scholars have presented concise catalogues that map out the defining features of academic freedom and could thus provide the basis for systematic comparative investigation (Latif 2014). One attempt to categorise the concept's essential tenets has been offered by Nelson (2009) in her response to conservative efforts to denigrate academic freedom as a 'magical' term to legitimise controversial research practices. Yet, the sixteen major threats that she identifies are highly contingent on the Anglo-American and European research context and emphasise socio-economic and cultural political developments on the macro level, such as the effects of globalization, religious intolerance or managerial ideologies, which can hardly be operationalised as variables directly impacting the state of academic freedom across cases. Nelson's attempt to map out practical resistance strategies is admirable, yet emblematic of the state of research on academic freedom in different geographical contexts (Karran 2007). Most works deal with academic freedom either one-dimensionally, focusing on a specific threat, or examine the situation in one discrete country or institution (e.g., Mack 2009). In sum, the body of scholarly work can be described as highly particularised.

3. Taking stock of existing measures

One would think that some academics, usually eager to collect data on all sorts of things, would have come up with a way of measuring of their very own

[5] These cases have also notably revived collective efforts to provide comprehensive guidance on physical safety during field research to outgoing researchers. Good primers on how to 'survive' fieldwork in hostile environments are provided, among others, by Sriram, Kapiszewski and their collaborators (Sriram et al. 2009; Kapiszewski, MacLean & Read 2015)

working environment, its socio-political context, and the restrictions they face in their daily work routine. After all,

> 'Academic freedom is [...] to the academic profession what judicial independence is to judges, freedom of conscience to the clergy, the protection of sources of information to the journalist, parliamentary privilege to the MP, the exercise of clinical judgement to the doctor, the right of hot pursuit to the policeman,' as Turner (1988, p. 107) put it.

Curiously this is not the case. While there is a dire need to understand the impact of distinct contextual and relational factors on the conditions of academic freedom, we know hardly anything about them (Latif 2014, p. 400). A comprehensive measure for academic freedom is still conspicuously absent from the multitude of indices measuring individual and collective freedoms, such as Freedom House's Freedom in the World Report (Freedom House 2017), the Polity IV index (Marshall, Jaggers & Gurr 2014), the Bertelsmann foundation's Transformation Index (Bertelsmann Stiftung 2014), or the V-Dem dataset (V-Dem Institute 2017). If they include academic freedom at all, they only do so as a single question item in their expert surveys, usually subsumed under the indicator for freedom of speech and expression. For these surveys, experts are asked to rate the level of academic freedom – in general – on a numerical scale based on the quality and quantity of restrictions to academic freedom. Such a measure is overly simplistic for several reasons. It does not clearly distinguish between the quality of restrictions on academic freedoms or their frequency. Furthermore, it simply provides a conflated and aggregated degree of academic freedom based on the judgment of the selected country experts for any given year, offering very limited horizontal comparability. While these indices provide the only longitudinal data available on academic freedom so far, none of them maps the concept exhaustively and across a large-n basis.

Consequently, researchers interested in cross-national comparative data on threats to academic freedom currently must rely on the New York-based Scholars at Risk (SAR) network for information. To our knowledge, the SAR's publicly available online incident index is the most systematic attempt to collect disaggregated

data on academic freedom violations on a global level (Scholars at Risk 2017). Differentiating between six types of violations from violence to loss of position, the SAR monitor provides greater detail than the mentioned democracy indices and thus valuable points of connection for our index. Regarding methodological standards of data collection, representativeness and replicability, however, the SAR monitor is not well suited for comparative analysis: The primary data behind the SAR index is not available for export and further analyses. It is not coded as time series, which would allow for more advanced quantitative analyses and could feed into a regular assessment of the situation within discrete countries over time. Moreover, the collected SAR data is neither complete, meaning it does not include all violations in the covered countries, nor representative. For instance, in 2015 the SAR monitor identified a total of three incidents for Egypt: it mentions the cases of the imprisoned analyst Alexandrani and of a deported French graduate student as well as the arrest of undergrad student Sherif Gaber for the crime of atheism. However, a comparison with the archives of the Association for Freedom of Thought and Expression, a respectable Egyptian HRO, reveals a substantially higher rate of academic freedom violations for the same timeframe.

The underreporting stems primarily from the SAR's reliance on a transnational network of higher education professionals for data collection (Cole 2017; Scholars at Risk 2016). Experts in 35 countries monitor specific regions and proactively point out incidents for inclusion in the SAR monitor. Secondary sources, media and NGO reports are not systematically scanned for incidents but drawn upon only for corroboration. Because of this documentation procedure, the number of collected incidents remains limited in scope. Above all, the SAR monitor misses the less visible restrictions, such as intimidation, the denial of funding for contentious research, or censorship. In addition, of those violations that are recorded in a relatively accurate way, all forms of physical violence are merged in the same category. This conflates enforced disappearances, assaults and targeted killings – all violent but still qualitatively different.

4. Triangulating complementary methods of data collection

To address the identified shortcomings, we propose a diversified approach. Methodologically, the AFI relies on a triangulation of different methods of data collection from multiple sources. Above all, the AFI's mixed method approach relies on the combination of event data, large-n questionnaires among academics, and in depth small-n surveys among country experts. The idea behind this integrated research design is to benefit from the distinct complementarities of event analysis for identifying empirical trends and turning points with those of in-depth case study for revealing the driving forces behind such distinctive patterns (Fearon & Laitin 2008, p. 758).

4.1. Event data

Event catalogues have become a routine tool in repression studies for monitoring changes within cases in longitudinal studies.[6] The systematic coding of discrete instances where academics' rights and freedoms are violated across cases increases transparency and comparability by providing a solid measure that is not particularly dependent on subjective interpretation. Event data is especially suited to highlight trends and turning points within cases over time. Moreover, it provides a practical tool to keep track of extra-legal and covert repression, such as forced disappearances or physical violence, which are seldom acknowledged in aggregated repression indicators (Ball 2005) and often remain obscure to the 'naked eye or even to the trained historical mind' (Tarrow 1998, p. 54) of country experts. However, attempts to 'symptomatically' retrace infringements of civil liberties via event data are associated with problems pertaining to a scarcity of sources as well as reporting and selection bias (Barranco & Wisler 1999; Woolley 2000). Especially in authoritarian or conflict scenarios the available information is often generated by competing factions, hence single-sourcing is highly problematic. The AFI thus relies on event data from diverse types of sources, with the SAR-incident monitor providing the

[6] For a comprehensive overview of publicly available repression databases that have been employed in peer-reviewed publications visit Christian Davenport's personal blog at http://staterepression.weebly.com/repression-data.html.

initial vantage point (Scholars at Risk 2017). This account is then solidified with hand-coded data from local and international human rights organizations, as well as crowd sourcing platforms that document abuses on a national or subnational level.[7] To ensure the consistency and reliability of the compiled data, the event catalogue is checked for false positives and the dataset is periodically updated.

4.2. Expert surveys

Interviews with and reports by local expert have a long tradition in estimating levels of freedoms, or the restrictions thereon (Coppedge et al. 2011, p. 248). Most regime type or democracy indices make use of expert surveys and annual country reports by experts to evaluate levels of freedoms or civil rights. It is common practice that two case experts per country are assigned with filling in a standardised survey and drafting a status report. For the AFI, the selected country experts will be recruited from local experts in the field of freedom of expression or academic freedom. Ideally, the expert survey will be reproduced on an annual basis to map longitudinal changes. The assessment process in the expert surveys will be facilitated by a detailed manual including methodological information, a selection of pertinent sources, and detailed question-by-question scoring guidance and thresholds to be consulted by the experts when answering the survey.[8] The essential gain of this second layer of qualitative analysis is compellingly expressed by Denzin and Lincoln: 'Qualitative researchers study things in their natural settings attempting to make sense of, or to interpret, phenomena in terms of the meanings people bring to them' (2000, p. 3).

[7] In authoritarian contexts, there is usually no alternative to the accounts of repression released by NGOs and crowdsourcing platforms, apart from official statements which, for obvious purposes, usually rather understate abuses. In Turkey, for instance, the *Turkeypurge* crowdsourcing platform currently provides the most comprehensive account of sackings at higher institutions. In Egypt, the event data of *Wiki Thawra* is still the most reliable account of authoritarian repression since 2011.
[8] Examples of existing guidance for analysts that can serve as a template for the AFI expert guidance are provided, for instance, by Freedom House in their expert guidelines for the Freedom in the World and Freedom of the Press indices. A similarly useful and publicly available comprehensive guideline to expert assessments is provided by the Open Data Barometer project at http://opendatabarometer.org/doc/3rdEdition/ODB-3rdEdition-ResearchHandbook.pdf.

4.2. Questionnaires

Large-n questionnaires constitute the third empirical cornerstone for the index. In contrast to the targeted surveys of select experts, the questionnaire targets those who effectively constitute the bulk of higher education bodies, that is, with lecturers, mid-career researchers and PhD students. The basic idea of such an approach is to give voice to precisely those whose working conditions are potentially most affected by restrictions. In a national study on the state of academic freedom in Australia, Åkerlind and Kayrooz (2003) convincingly applied such a survey method. The questionnaires in the countries of interest will ideally be distributed via academic associations and institutions themselves or via their representatives. In addition, colleagues could be approached personally at conferences and via more informal mailing lists. Especially in contexts in which official university e-mail addresses are not widespread, this might be necessary to increase response rates. The representativeness across the spectrum of academics remains the main obstacle to ensure the validity of such survey results. Strategies such as stratified random sampling, which are used in polling or other survey projects, provide helpful tools to reduce selection biases. Due to the usually easy access to mail addresses and phone numbers of academics via websites, phone interviews might also be suitable to reach respondents.

5. Operationalising Academic Freedom

Drawing on these three sources of data, we suggest investigating the conditions facilitating academic freedom in three different dimensions: on a personal, a legal, and an economic level. On each of these levels, violations are further disaggregated. This allows us to study and compare a multitude of infringements of academic freedom, ranging from the extremes of killings and forced disappearances, to the legal repercussions of critical research, to precarious employment practices. In the following paragraphs, we outline the three proposed dimensions and discuss a range of indicators for their operationalisation.

Table 1 - Operationalisation and measurement

Dimensions	Parameters	Data collection
Personal	Killings & forced disappearances	Event data
		Expert survey
		Questionnaire
	Physical violence	Event data
		Expert surveys
		Questionnaire
	Imprisonment	Event data
		Expert survey
		Questionnaire
	Persecution	Event data
		Expert survey
		Questionnaire
	Travel restrictions	Event data
		Expert survey
		Questionnaire
Legal	Legal status	Expert survey
		Questionnaire
	Institutional autonomy	Expert survey
		Questionnaire
	Regulation of appointments	Expert survey
		Questionnaire
	(Self-) censorship	Expert survey
		Questionnaire
	Freedom of association	Expert survey
		Questionnaire
Economic	Pre-emptive/retaliatory discharge	Expert survey
		Questionnaire
	Pre-emptive/retaliatory denial of position	Expert survey
		Questionnaire
	Pre-emptive/retaliatory denial of funding	Expert survey
		Questionnaire

Our negative approach to measuring academic freedom, as the freedom from infringements, rests primarily on documenting and taxonomizing violations. This taxonomy forms the basis for the data collection via expert surveys and large-n questionnaires. Although for researchers, the loss of employment at a public higher education institution due to contentious research is probably a more frequent phenomenon than imprisonment or exposure to violence, arguably the latter constitute

more severe violations of academic freedom. To capture these qualitative differences, we situate the various infringements of academic freedom in each of the three discussed dimensions on a continuum, starting with what we estimate to be the most severe violation. A comprehensive overview of the operationalised dimensions and their corresponding measurement is provided in table 1.

2.1. Personal dimension

At a micro level, violating the personal integrity of a researcher due to their research, publishing or teaching activities is the most fundamental way of undermining academic freedom. We assume that academics –like journalists– are vulnerable to being subjected to infringements of their personal rights, due to the relevance of their work for society and knowledge production. Logically, the higher the number of such incidents in a given country in the year under investigation, the lower the score with respect to the personal dimension of the AFI, indicating a less free academy. This holds true for all the following indicators.

- *Killings and forced disappearances*. If a researcher is killed or abducted and disappeared because of her work, this amounts to the most horrible violation of not just academic freedom but fundamental human rights.
- *Violence*. If researchers are deliberately subjected to physical violence in order to prevent future research engagement, as intimidation or as a punishment for certain behaviour, this constitutes a grave violation of academic freedom.
- *Imprisonment*. If a researcher is imprisoned due to her position of influence as an academic or due to an offense committed in the context of, or related to their work, we consider the imprisonment a violation of academic freedom. The main problem here is how to clarify whether a researcher is illegitimately detained due to her activities as a researcher or rightfully because of other illicit activity. In authoritarian contexts, politicised state prosecutors notably resort to broadly applicable criminal charges to penalise critical researchers. This indicator will thus have to be contextualised in each case.

- *Persecution.* If a researcher is persecuted due to her work, we consider this a violation of academic freedom. Politically motivated persecution, including the filing of legal charges and complaints, public defamation and vilification often serves as an intimidation tactic. As a repressive mechanism persecution is particularly effective since it affects its targets indifferent of the ultimate campaign outcome due to the negative public attention researchers receive. Reputational damage due to allegations or legal charges may bar scholars from advancing in their career and conduct their research. Beyond silencing the targeted researcher, public persecution also sends a warning signal to the broader academy.
- *Travel restrictions.* Researchers often have to travel to conduct fieldwork, or to attend conferences and workshops to exchange results and practices with their peers and engage in scholarly debate. If the mobility of a researcher is limited to ensure that she cannot engage with her peers, we consider this a violation of academic freedom. The indicator includes house arrests as well as entry refusals for foreign researchers.

2.2. Legal dimension

Legal frameworks matter to academic freedom. As Karran (2007, pp. 293-298) has pointed out in his study on academic freedom in Europe, comparative qualitative content analyses of constitutional frameworks, legislation in the educative sector, and penal codes across countries can provide insights on the level of legal protection of academic institutions from political intervention. Likewise, legal regulations for the appointment of academic positions, the bylaws of public universities, and the governance of higher education institutions provide illustrative indicators for the degree of independence of academia (EUA 2016). However, it is not sufficient to build on this formalist assessment alone. Prior work on constitutional protections for academic freedom reveals how violations of academic freedom depend only to a minor degree on constitutional contexts. Indeed, the Scholars at Risk monitor illustrates that in many countries where academic freedom is explicitly guaranteed by the constitution, such as in the Philippines, Mexico or South Africa,

scholars nevertheless have face repercussions for their work (Scholars at Risk 2017). Contrary to common expectation, most consolidated democracies provide comparably little explicit constitutional guarantees for academic freedom. This points not only to a discrepancy between legal norms and legal reality, it also highlights the need to include the interpretation and implementation of legislation into a measure of academic freedom.

- *Legal status of academic freedom*. The status of academic freedom in a national constitution or other relevant basic legislation provides a crucial point of reference for any legal assessment of basic freedoms. National or regional constitutions defining the legal status of academia in the given territory provide a central reference point.
- *Institutional autonomy and self-governance*. However, the relevant legislation and regulations on research extend beyond abstract constitutional guarantees. Karran (2007, pp. 300ff.) analysed the regulations governing appointments of university deans and rectors as a proxy for institutional autonomy and self-governance in academic institutions. We consider this an insightful indicator but also want to urge our experts to take the more day-to-day decision-making processes in the higher education context into account. Representation of diverse groups within a university in decision-making bodies is another indicator for more inclusive governance. However, more importantly, the absence of interference by the state and government or, for example, religious institutions in regulations regarding the universities remains central to measuring the institutional autonomy of academic institutions.
- *Regulation on appointing research staff*. The freedom of interference by state actors or shareholders into the appointments of positions at public and private higher education institutions is a central indicator for institutional independence from political or other influences. Country experts will assess the legal regulations on the national level and on other levels where relevant (Karran 2007, pp. 303–304).

- *(Self)censorship*. Censorship and self-censorship as important mechanisms of control over research, publications and teaching are crucial to assessing the status of academic freedom. Similarly, 'political correctness' may influence what contents that scholars are willing and able to publish (Preece 1991, p. 33). Unlike in the arts, however, censorship and self-censorship of the press or academia tends to be underreported, with a high estimated number of unreported cases: if people adhere to censorship measures in the first place, it often also entails confidentiality on this act of obedience. Through the anonymous survey amongst academic professionals we hope to get a sense of the extent to which, both, imposed censorship measures self-censorship limit researchers' room of manoeuvre.
- *Freedom of Association*. Restrictions or even bans on political organizations or unionization of students or faculty are considered a violation of academic freedom, whereas open regulations on political and professional associations on campus are regarded as compatible with the principles of independence of academics and students.

2.1. Economic dimension

The economic dependence of researchers on public (and thus state controlled) funds is usually high. If precarious employment in combination with dependence on entirely national public funds is the norm this can negatively influence the ability of researchers to conduct research on issues they see as important and impacts their ability to forgo their profession without having to worry about basic needs

- *Pre-emptive/retaliatory discharge*. If a researcher loses her position or a student gets expelled from an institution due the content of her academic work we consider this a violation of academic freedom. Expecting that the reasons for dismissals often remain undisclosed or are formally unrelated to the investigation topics of affected researchers, this indicator relies heavily on the personal experience and assessment of local experts. While academic institutions' personnel policy is al-

ways a contested matter and discriminatory practices usually difficult to discern, we urge our experts to pay attention to politicised cases where political interference is assumed to be behind an expulsion.

- *Pre-emptive/retaliatory denial of position.* If tenure track employment or fixed-term contract positions allows the research and teaching staff at academic institutions to conduct both research and teaching more independently and with less worry about the political repercussions of their work, we associate the pre-emptive or retaliatory denial of such positions with a less academic freedom. In a similar vein, the research related refusal of professional promotion affects academic freedom by curtailing the financial security of the targeted scholar. As political interference with appointments at academic institutions does not necessarily happen via formal channels only, this indicator also includes informal pressure over nomination processes.
- *Pre-emptive/retaliatory denial of funding.* Funding of research and higher education is central to academic freedom on a structural level. It is assumed that a diversification of funding for projects across various levels of government, state independent associations, and private foundations ensure less control over and thus a less constrained research process. Likewise, decentralised public funding institutions at central levels of governance guarantee a minimum level of insulation against direct political interference through public financing mechanisms (Baker 2006, pp. 8–16; Becker, Vlad & Nusser 2007, p. 6; Price 2002). If funding is denied to employees in higher education teaching and research due to the critical nature of their proposed research, or as the result of prior academic activity, we consider this an infringement of academic freedom.

6. Concept relations and data aggregation

Certainly, the strategies by which authorities attempt to curtail researchers' room of manoeuvre are situational and highly context-specific. These nuances and grey areas between the proposed categories can be discerned only through intensive qualitative study. The proposed taxonomy can effectively guide the data collection

process in such an endeavour. However, these categories can also form the conceptual backbone of larger comparative analyses whose foci transcend the intricacies of individual cases. Hence, based on the introduced classification system, we aim to establish a continuous index value at the country-year level.

The units of analysis in this index are the infringements of academic freedom recorded across the introduced three dimensions. In our operationalization of academic freedom, we have put forward five distinct indicators for the personal and the legal dimension respectively, and three for the economic dimension. In a first step, we propose assigning a numerical value to each of these parameters on a five-point interval scale, with a score of five representing no infringements and a score of zero indicating frequent and severe violations. In a second step, we propose an additive aggregation which weighs all respective indicators equally. The aggregation rules correspond with the concept relations (Goertz 2005, p. 111). Following this logic, the index scores for the personal and legal dimensions can range from 0 to 25, and for the economic dimension from 0 to 20. The overall index score for academic freedom in a country could thus nominally range from a rock bottom low of zero points to an ideal type of 65 possible points.

A single aggregate measure for assessing academic freedom in a country at a certain time, albeit particularly useful for comparisons across time and space and advocacy also harbours some pitfalls. Above all, the exclusive reliance on additive aggregation of the scores for the three dimensions carries the risk of producing flawed comparative rankings: for instance, a country's underperformance with a view to some indicators (at worst, those measuring severe violations, such as killings) may be offset by their good performance as regards others. As a basis for valid cross-country and longitudinal comparison, we therefore introduce several thresholds and qualifications, contending that not all dimensions of academic freedom carry equal weight for its overall assessment:

In line with our prior argument that infringements on the personal and legal level are qualitatively different than those on the economic level (Goertz 2005, pp. 95–115) we propose minimum threshold values for the personal and legal di-

mension as a necessary (albeit insufficient) condition for a country case to be considered as free.[9] An additional qualitative threshold is introduced on the level of the parameters for the personal dimension: physical violence against researchers or forced disappearances immediately disqualify a country from being considered as respectful of academic freedom. In other words, in addition to satisfying the threshold for the personal and legal dimension, maximum scores of 5 (no infringements) for the two indicators *killings and forced disappearances* and *violence* are necessary preconditions for a country to be categorized as 'free'. The same principle applies to the indicators *institutional autonomy* and *regulation of appointments* within the legal dimension, and the indicator *pre-emptive/retaliatory discharge* within the economic dimension. Strong performances with a view to these parameters are regarded as indispensable prerequisites for free research. With these qualifications we aim to control, at least partly, for the distortions that might potentially result from the quantification of the nuanced empirical data in an aggregate numerical measure.

7. Integrating different data formats

The integration of the several data sources will be one of the most difficult tasks of this project. Other freedom indices usually rest their assessment solely on either large-n survey (Reporters Without Borders 2017) or on expert scores (Freedom House 2017), or on event data in the case of violence (Wood & Gibney 2010). In turn, in aggregate indices that rely on multiple methods of data collection, these three sources do not easily fit on comparable scales. However, as we envisage structuring both the expert survey and the large-n questionnaire according to the same indicators, integrating their results is possible: the results of the large-n survey items can be translated into numerical values on an ordinal scale, so that the results can be aggregated with ordinal data from the expert surveys to form a combined score.

In turn, the event database provides nominal data that will have to be aggregated on an imputed interval scale to ensure data compatibility. For each indica-

[9] The thresholds' actual metrics will be informed by the results of pilot studies and are yet to be determined.

tor, the country's yearly index score derives from the sequential integration of these data sources: For instance, if a country is to achieve a high score for the indicator 'persecution', first, it must not overstep a certain (low) threshold of (few) cases recorded in the event catalogue. A high aggregated index score, additionally requires a positive assessment by experts which signals no major infringements. Along the lines of prior indices that assess press freedom (Becker, Vlad & Nusser 2007) or democracy (Pemstein, Meserve & Melton 2010), a detailed expert guide will transparently outline the yardsticks for each of the indicators and their numerical scores.[10] Finally, in order to be assessed 'free' of persecution, the large-n survey amongst academics will have to show that the research community does not feel endangered by persecution.

Ultimately, defining conceptually meaningful and empirically useful thresholds will remain a central task that cannot be solved at this point. Threshold values will have to take the distribution of primary data into account. As Coppedge et al. stress, only an inductive approach 'allow[s] for the incorporation of diverse data sources and may provide uncertainty estimates for each point score' (2011, p. 250). Above all, it allows for useful differentiation between cases according to empirically observed differences. However, this effectively presupposes primary data collection, which lies beyond the scope of this contribution.

6. Conclusion

In an attempt to overcome the lack of systematic comparative engagement with global infringements of academic freedom, this paper has laid the conceptual groundwork for an Academic Freedom Index. The AFI goes beyond civil liberty indices, which have treated the issue of academic freedom merely as a secondary item of freedom of speech. The aim of introducing such a dedicated measure is threefold.

[10] Experts will be assessed individually through an anchoring vignette in which they grade one or more fictitious country cases. The results of these anchors are then used to control the graders personal bias (King & Wand 2007).

First, on a theoretical level, we aim to close a conceptual gap in the literature by linking the prolific scholarship on the nature and effects of repression to research on the interrelation of academic freedom and social development. The proposed index would allow scholars to conduct empirically grounded comparative research on hitherto under-researched issues: When and how does the curtailment of academic freedom occur? Are restrictions of academic freedom a clear warning sign that other human rights violations will likely follow suit? (see Gohdes & Carey 2017) What is the impact of restricting academic freedom on the broader societal context, including economic prosperity, regime type, or the level of politicization? How does it affect processes of transition and social transformation? To answer these and other crucial questions we need a reliable and continuous, and context-independent measure that can be applied across time and space.

This article intends to provide a vantage point for conceptual and methodological debates. This includes critically discussing the proposed taxonomy, indicators and methods, as well as suggestions for pilot studies. To test our model empirically, we propose to study, in a first step, a limited selection of ideal type cases from various regions. Aware of the limitations of attaching numerical values to a complex multi-layered and context-sensitive social phenomenon such as the state academic freedom, it is our conviction that any aggregate index should be informed by (and ideally be paired with) detailed qualitative case study. Such a small-n study would allow us to assess the feasibility of the various conceptual building blocks, the mixed-method approach and the operationalization strategy.

Second, on a practical level, we contend that the AFI could serve as a tool for advocacy and mobilization around issues related to academic freedom, first and foremost its infringements. Such an index allows us to extrapolate patterns of types and frequency of violations of academic freedom and could serve as a tool for mobilising against the worsening situation. Like press freedom indices that are being used by journalists and analysts to highlight problematic trends in the repression of journalists our index could serve such a function for academia. Echoing calls for engaged scholarship (Kunkel & Radford-Hill 2011; Lange 2016), a publicly available

AFI dataset and yearly reports might become also a powerful resource for advocacy and resistance, evidence based policy advice, and the mobilization of solidarity with and public support for scholars affected by repression.

Third, and in contrast to Donoghue's (2009) provocative claim that academic freedom 'doesn't matter', we hold that the development of sound and reliable measuring tools for the state of academic freedom is crucial, because academic freedom is crucial for human development. The freedom of research, publication and teaching plays a key role in fostering democratic values, the promotion of human rights and the development of effective public policy (Bryden & Mittenzwei 2013; Cole 2017; Tierney & Lechuga 2010). A recent article by Rittberger and Richardson (2017) in solidarity with CEU tangibly illustrates what happens when academic freedom is not defended: devoid of intro, argument and conclusion, their publication was little more than an empty page. For academic freedom to flourish, however, a consensus is needed that its defence is beneficial not just to university staff and students, but to the world at large (Karran 2009b, p. 277). Hence our hope is that a comprehensive index, paired with in-depth case studies, could broaden empirical research on the restriction of academic freedoms, but also contribute to public awareness raising, foster an interdisciplinary collective identity among researchers, and promote the idea of academic freedom as not only an abstract value but an everyday practice.

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RESEARCH ARTICLE

Negotiating Unfreedom: An (Auto-) Ethnography of Life at the Forefront of Academic Knowledge Production

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ABSTRACT

This article analyzes the negotiated and contingent nature of research access and limitations in a cooperative research project in Kyrgyzstan, Central Asia. It argues that even technically and legally 'free' academic research is often subject to influence and restrictions emanating from the politicization of research at the frontiers of the global political economy of academic knowledge production. The article sheds light on the frontier status of knowledge production in Kyrgyzstan, where recent revolutions and social conflict have created a tense climate amidst authorities' attempts to reassert their epistemic dominance. The analysis shows, first, how state actors' measures to curb foreign research activity affect attempts to do research with national and international (non-governmental) organizations and networks; second, how members of such entities realize research cooperation or hamper it in various ways; and third, how different emotional and psychological factors affect the negotiation of access and the shaping of research cooperation.

KEYWORDS: Knowledge Production, Fieldwork, Methodology, Access Restrictions, Practice-Based Research

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1. Introduction

Current dynamics in world politics make it abundantly clear that theory and knowledge are not value-free but, as in the Coxian *dictum*, 'always for someone and for some purpose'. The validity of any theory or facts appears to depend more and more on one's standpoint and political or identity affiliation. If proponents of a liberal-democratic world order appeared to have a point in the early 1990s given the collapse of the Soviet bloc and democratic openings following it, their theses on transition and democratization, and the intervention and conditionality policies they legitimised have come under increasing attack. Different commentators have observed that the assertion of subjectivity – national, cultural, individual or otherwise – in debates on knowledge, facticity and 'truth', has entered political discourse and brought about a situation in which the representation, and sometimes even the very reality, of certain events and facts is heavily contested. What are the implications of this seemingly unprecedented 'post-truth' epoch (Tallis 2016), in which ideas about political change, national development and conflict appear ever more contested? In particular, how do people make sense of, and react to, framings and narratives they find disagreeable, super-imposed and epistemically violent?

In this contribution, I show how contestations around the validity and truth-value of knowledge – academic or otherwise – can materialize in frictions, disapproval and rejection of researchers' attempts to do empirical fieldwork. I thus aim to demonstrate that academic freedom – understood as the freedom to conduct and publish research on the topics and with the methods one desires – is not only a legal, logistical and technical matter – such as gaining ethics board approval, security clearance and research permits or visas. Rather, the form and content of social research is continuously negotiated and shaped by researchers and research participants. Drawing inspiration from feminist scholarship's argument that research is necessarily 'situated' and bounded in its attempt to produce knowledge, I propose the idea of negotiating the 'unfreedom' of research as a critical vantage point for reflection on the politicization and corresponding restriction of academic research in Kyrgyzstan and Central Asia, but also other geopolitically contested places.

As other authors have shown, in the Central Asian context (Adams 1999; Reeves 2005; Wilkinson 2008) and beyond, research is susceptible to various forms of subtle and indirect influence and restrictions, which take shape primarily in participant-researcher relations. Apart from the institutional, political and economic dimensions of academic freedom, it can thus be argued that the 'everyday politics' of research and the emotional, psychological and inter-subjective realms require attention and reflection as to how they facilitate or limit possibilities of doing research. Different debates on fieldwork methodology (Wall & Mollinga 2008; Sriram et al. 2009) and research in '(semi-) authoritarian' and 'closed contexts' (Area 2013; SSQ 2016) have discussed the ethical, methodological and strategic questions arising from scholars' forays into 'danger' or 'frontier zones'. Based on these discussions, I show how I attempted to mitigate the difficulties arising from inappropriate research questions and framings in my research project on community security and peace-building practices (see Lottholz 2017, p. 17 ff.). By describing how I encountered difficulties, obstacles and tensions despite my attempts to do more context-sensitive research, I demonstrate how knowledge production needs to be negotiated by anyone doing field research on politically salient topics in a geopolitically contested region.

My analysis is based on six months of fieldwork in the Kyrgyz Republic. Deemed the most open of the five post-Soviet Central Asian republics, the country has undergone comprehensive reforms and experienced two revolutions in 2005 and 2010, causing widespread disillusion with the liberal-democratic capitalist model and socio-economic and identitarian tensions that culminated in inter-communal clashes in the southern part in 2010. Correspondingly, Kyrgyzstan's development and international integration have been thoroughly contested, with the government and elites trying to reassert room for manoeuvring and independence from both international and domestic interference (Gullette & Heathershaw 2015). The corresponding politicization, especially of international presence, in the country's public discourse has palpable effects on the lives of people, and especially on attempts to do field research as a foreign scholar (Bekmurzaev et al. forthcoming).

My (auto-) ethnography[1] of obstacles encountered in trying to get access to organisations and individuals is focused on two aspects. First, I trace how the 'affective politics of sovereignty' (Gullette & Heathershaw 2015) played out in the cooperative research projects I arranged, as different members of the networks and organizations I worked with either participated or abstained from doing so to varying degrees and in diverse ways. Secondly, I analyze the influence of emotions and psychological factors experienced by myself and my social environment to demonstrate which actions, tactics and narratives people employed in their efforts to manage an uncertain and sometimes clearly insecure situation. By embedding this retrospective of my fieldwork into nuanced and critical debates on politics in Kyrgyzstan (Reeves 2005; Wilkinson 2008; Megoran 2013; Gullette & Heathershaw 2015), along with critical perspectives on the global political economy of academic knowledge production (Paasi 2015; Bliesemann de Guevara & Kostic 2017) and its Central Asian frontier (Amsler 2007; Heathershaw & Megoran 2011; Lewis 2017), I aim to show how, even if technically and legally 'free', academic research needs to negotiate and reassert this status in its every step, and may still be limited and skewed.

This argument is neither particularly new, nor does it only apply to Central Asia. There is a vast literature on issues of access and (non-) participation in fieldwork-based qualitative research (e.g. de Laine 2000; Feldman et al. 2003, pp. 53 ff.) and more recent works that show how the negotiation of access stands in a difficult relation to questions of informed consent and ethics (Mckenzie 2009; Calvey 2017). This article contributes to such debates by shedding light on the way in which people in Kyrgyzstan choose to participate, or not, in research against the background of recent violent conflict and political contestations over its representation and interpretation.

In the next section, I briefly elaborate the concept of global political economy of knowledge production and its implications for working at its peripheral frontiers; i.e. the resistance and 'politics of sovereignty' field researchers may en-

[1] (Auto-) ethnography here denotes the description of both the behaviour of people surrounding the researcher and the researcher's own role(s).

counter. In section three, I show how I tried to avoid the politicization of my own research by framing it in a nuanced way and approaching it in a cooperative, dialogical manner that focuses on people's own viewpoints and practices. In section four, I analyze the limitations and problems I encountered in cooperating with different organisations, which ranged from invocation of bureaucratic or explicit security or organizational integrity reasons to issues of apparent personal incapability. In section five, I provide insights into everyday encounters and situations indicating the psychological conditions and emotional challenges that research participants, myself, and the social environment were affected by and which arguably influenced my fieldwork, the material gathered and conclusions drawn from it. In the conclusion, I link these findings into the overall argument that, even though it might not be explicitly under threat or limited, academic freedom requires constant negotiation, navigation and enactment by researchers and participants.

2. The global political economy of knowledge production and its frontier in Kyrgyzstan

The difficulties and dangers researchers face in certain contexts should not be normalized as something completely external to the activity of researchers themselves. Rather than seeing danger and risk as something entirely seated in the local context, it is necessary to critically reflect on how non-engagement in research projects, whether in the form of polite abstention, passive introversion or open hostilities (see below in more detail), may be rooted in past experiences of interaction with foreigners and foreign researchers, specifically. Critical contributions to the political economy of knowledge production literature have pointed out how scholars may at least serve to reproduce this constellation, if not actively entrench it. Paasi (2015) has noted the unequal power relations between Western/Western-affiliated scholars and others (see also Tietze & Dick 2009), which are especially marked in the areas of peer-review publishing and competition in the job market in Western institutions, where non-Western scholars often stand little chance to attain the affiliation and institutional background enjoyed by their Western (-educated) counterparts.

Overall, this literature (see also Amsler 2007) points out that the mechanisms of recruitment and institutional reproduction in academia are still skewed towards white Western and more affluent people, which limits the scope of academic research to produce socially representative knowledge.

Similarly, a recent exchange on knowledge production in peace, conflict and intervention studies (JISB 2017) has elucidated the limitations and risks faced by researchers in this field. Given the rise of social media and new communication technology, Bliesemann de Guevara and Kostic observe an 'increased competition over the authority to speak, framings of conflict situations, interpretations of the causes and nature of political problems, and not least policy solutions. [...] To be successful in winning the battles of ideas, knowledge producers have to plug into prevalent global norms, such as human rights or just peace, because such norms provide a globalized blueprint for what is deemed legitimate political action at a given time and in a given setting' (2017, p. 6).

In this sense, given that Western governments' and donor money still dictate agendas in development, peace and security policies, scholars feel increasingly pressed to formulate their research in established ideational frameworks and global norms without questioning the implications. In the 'neoliberal market place of ideas' (ibid., p. 11), competition is fierce, but also, as Lewis finds, Western governments and agencies in fact constitute a 'monopsony' (i.e. a single demand for knowledge), that makes academic knowledge production conform to the liberal and democratic norms and discourses promoted by these actors (2017, p. 23). The dominant theories and policy-making paradigms 'predetermine which questions are asked, what is seen as a relevant problem to be worked on or researched into, and which methods and approaches are most useful to do so' (Bliesemann de Guevara & Kostic 2017, p. 8).

The effects of this political economy of knowledge production are especially palpable in Central Asia. Although the framing of the region as unstable and hotbed of extremism has been challenged on different occasions (Heathershaw & Megoran 2011; Heathershaw & Montgomery 2014), many research grants are se-

cured and outputs published on issues that are related to conflict, violence and corruption. Analyses of the multi-ethnic landscape of the Fergana valley and its neighbouring states as prone to conflict, often appear to primarily justify conflict prevention and social intervention programmes (Reeves 2005, p. 73). This critique of simplistic and insufficiently backed-up portrayals is also taken up by political actors and authorities in Central Asian countries, perhaps most prominently in Kyrgyzstan. In June 2010, inter-communal clashes in the South of the country wreaked damage to over 1,700 properties, left almost 500 dead and made up to 400,000 (temporarily) flee their homes (Megoran et al. 2014). In the aftermath of these 'June events', major contestations revolved around the nature, reasons and possible consequences of the conflict. The findings of an International Inquiry Commission, that the conflict was largely among ethnic lines and led to the disproportionate violation of the Uzbek minority's human rights (Megoran et al. 2014, p. 2 ff.), was rejected by the government. On the contrary, representatives of the latter argued that the deficiencies and 'inadequately balanced approach [of the report]… may negatively influence the situation in Kyrgyzstan, and that the differing parties may be provoked by dissatisfaction caused by the insufficient completeness and objectivity of the investigations' (cited in Wilkinson 2015, p. 428).

The dismissal of the results of the Commission was followed by a government-commissioned report that identified – but did not prove – possible links between activities of radical Islamic groupings and the 'June events' (ibid.). The Kyrgyz government took further measures and revoked the permission to reside in the country for the chair of the Commission Kimo Kiljunen (ibid., p. 430). This reassertion of national and security interests against international actors through an 'affective politics of sovereignty' was not confined to single high-profile cases but mirrored a general popular sentiment. Gullette and Heathershaw have analysed how demonstrators in the capital Bishkek decidedly rejected the idea of an OSCE police mission, seen as an expression of Western interference into affairs which the country was to handle itself, as they propagated 'Say No to a 'Kyrgyz Kosovo!' (2015, p. 134).

In the following years, the sentiment that Kyrgyzstan needs to be protected from research and policies that can aggravate tensions and conflict, spread from institutional cooperation towards NGO projects and research into issues of human rights and interethnic relations, where a new discursive 'conflict-prevention' was enacted by different state and non-/semi-state actors. In September 2014, for instance, the international NGO Freedom House and its Kyrgyzstani partner Advocacy Centre for Human Rights were confronted with a criminal investigation into their pilot survey project on interethnic relations in southern Kyrgyztsan which, according to the State Committee for National Security (GKNB),[2] could potentially have led to 'interethnic discord' (Beishenbek kyzy 2014). The head of the State Agency for Local Self-Governance and Interethnic Relations (GAMSUMO) commented that Freedom House was 'making use of their financial means … to again pick up on sore issues' and that 'not every NGO can do everything that they come up with and send that kind of reports which their principals want to see' (quoted in ibid.).

Other, more low-profile cases include the detention and deportation of the US-Pakistani journalist Umar Farooq in March 2015 in Osh on allegations that he was carrying 'extremist material'; and of the journalist Frederik Faust from Danish Church Aid (March 2014) and ICG analyst Conor Prasad (November 2012), who were detained and interrogated for their investigation into the Uzbek community's views on possible rights violations and the possible provocation of interethnic unrest implied by the local GKNB branch (Mets 2015). Although the charges were dropped in all these cases (ibid.), this demonstrates how sub-national political actors are ready to reassert state security interests against foreign researchers supposedly intruding into domestic affairs. This 'politics of sovereignty' establishes a frontier of knowledge production, where international and largely Western perspectives, emphasizing the continued discrimination and marginalization of the Uzbek minority (e.g. Megoran et al. 2014; Bennett 2016), clash with the standpoint of the national

[2] *Gosudarstvennyi komitet natsionalnoi bezopasnosti.*

authorities and loyal Uzbek elites that these issues are negligible or insignificant (see Beishenbek kyzy 2014).

These cases send the clear message to social researchers, especially those inquiring questions about peace, conflict and security in the country (including myself), that if they inquire into interethnic relations, human rights or violent extremism, they can be held liable for the same reasons (Bekmurzaev et al. forthcoming). On the other hand, as shown above, the global political economy of knowledge production privileges research that is framed in these very terms. This situation renders researchers' working the field radically uncertain and precarious. Formally covered by their university ethics board and their affiliation with a local research institution, there is little to stop local security services from detaining and interrogating scholars inquiring issues that are of relevance for national security. In the following section, I show how a practice-based and cooperative approach to research can help to overcome the dilemmas researchers face in navigating this frontier of knowledge production.

3. Avoiding risk? Appropriate framing and a practice-based, cooperative research approach

While often not clearly visible or palpable, the backlash and restrictions faced by journalists and researchers in Kyrgyzstan create a situation of thorough uncertainty, as to whether one's research breaches the interests of national security and interethnic unity (or authorities' interpretation thereof). This creates a sense of necessity to tone down or re-frame research in order to avoid confrontation with security organs and to not make research participants feel vulnerable. Especially recent proposals on researching authoritarian and nationalist regimes 'from the ground floor' (SSQ 2016) raise the inevitable question: Is there any scope for researchers doing such research to be open and honest about the overarching framing and interest of their research? Contributions to this debate seem to answer this in the negative. Suggestions range from 're-framing' research (Loyle 2016, p. 930), to devising 'opening narratives' that 'put interviewees at ease' (Markowitz 2016, p.

903), towards generally 'flexible' communication about one's research (Malekzadeh 2016, p. 864). It can be argued that, in fact, this 'bending' and flexibilization of research *vis-à-vis* participants and gatekeepers presents the application of covert research techniques. As Calvey (2017, pp. 151 ff.) has noted, covert elements are pervasive but also necessary to enable most social research in the first place (see also Mckenzie 2009, 5.6). In this light, and given the intrusive and monopolizing tendencies of security and law enforcement institutions in Kyrgyzstan, a careful way of framing one's research questions and overarching interest also appears reasonable for the purpose of mitigating the risks faced by researchers and research participants alike.

Against this background, I decided not to use the 'sore' and inappropriate terms and framings that had caused discontent with foreign researchers in recent years. Instead, I defined my main objective as understanding the reception and application of, but also resistance against, globally dominant notions of democratic governance and statebuilding in Kyrgyzstan, with a focus on the spheres of peacebuilding and community security (see Bekmurzaev et al. forthcoming). I approached organizations working in these areas and presented my research project information sheet and possible questions I would ask if they agreed to participate in the research. Instead of merely asking these organizations, both national and international NGOs working in Kyrgyzstan, for the semi-structured interviews usually employed in political and other social science research, I asked them if they were interested in cooperating for a longer period of time, during which I would accompany and analyse the projects they would give me access to. This was supposed to create a win-win situation, in which my partners would gain from the analysis and external point of view they received from me, while the decisive advantage for me was a better and more long-term insight into the implementation of projects rather than the impression of such processes as reported by representatives of these organizations (Lottholz 2017, p. 18).

This practice-based, cooperative approach has two main advantages: First, it helps to establish a common language with practitioners in NGOs in order to fol-

low, trace, contextualize and interpret their practices and provide feedback and reflection which may be of value and help for them, making them more likely to accept a cooperation and give the researcher first-hand access to their activities. Second, by focusing on practices themselves, instead of introducing certain framings into the research cooperation (e.g. about 'conflict', 'interethnic relations', 'transitional justice' etc.), I could mitigate concerns that cooperation with me could bring these organizations into trouble with law enforcement and security services. Rather than settling for one specific issue *a priori*, my more open focus on peacebuilding and community security practices shifted the spotlight to these organizations' and their local partners' attempts to provide a secure and peaceful environment in southern Kyrgyzstan (see Lottholz 2017, p. 18 ff. for more details).

Analytically, the advantage of a practice-based approach has been pointed out by Graef (2015). In his analysis of post-conflict community legal advice programmes, he argues that following practices and their negotiation and constitution through the application of certain concepts and their translation into contextual vernaculars and institutional repertoires enables researchers to better grasp power relations and possibilities of emancipatory agency (2015, p. 6). Following earlier practice theory debates in political and social sciences (e.g. Schatzki 2002; Adler & Pouliot 2011), Büger proposes 'praxiography' as a distinct approach to the study of practices, where "'graphy" signifies the common task of describing, recording and writing about a distinct phenomenon, [and] in difference to ethnography, praxiography is less interested in *ethno* (culture) but in *praxis* (practice)' (2014, p. 385, italics in original). Through the right choice of practices examined and interpretative frameworks used to analyze them and their social effects, such ethnography of practices can help to understand how the very categories, identities and concepts structuring social interaction in a given context are established and made to work in the first place (Lottholz 2017, p. 15). Such approach can foreground a critical analysis of, for instance, the difference between understandings of security or the Russian *bezopasnost* and the actions and effects they bring about in communities. In the case of Kyrgyzstan, Wilkinson (2008) has shown how a more people-centred version of

'safety' or 'human security' is often trumped by state security and sovereignty imperatives in the approaches and practices of security services and authorities more generally.

Such analysis has the potential to go beyond the unconstructive and already familiar criticism, through the dominant framings of human rights, authoritarianism and good governance (see section two) and to avoid the limitations and safety issues incurred by such a positioning. To do so, researchers need to sustain a dialogue with partners throughout the research cooperation, so as to gauge the degree of novelty, contribution and critical reflection the analysis can deliver towards practitioners' projects. While a practice-based and cooperative approach thus appears to mitigate a lot of the problems faced by researchers in 'closed' and '(semi-) authoritarian' contexts, I subsequently show how access regimes and security discourses in the field and corresponding emotional and psychological effects made this research a nevertheless difficult and constrained undertaking.

4. Negotiating access, cooperation and trust in peace and security research

In this section, I discuss the different limitations and problems I encountered in the attempt to realize the practice-based and cooperative approach at doing research on the reception of, and resistance towards, globally dominant governance and statebuilding norms by national and municipal actors. I show how I arranged cooperative research projects with three organizations; which access barriers and non-participation issues I faced within these entities; and the way in which they were justified with bureaucratic procedures, explicit security or organizational integrity reasons, or personal circumstances. With time and by networking my way from one organization to another, I was able to set up cooperation with one international NGO working on peacebuilding and security in Kyrgyzstan; a national level NGO network promoting an alternative conception to police reform, both through national level advocacy and municipal pilot project implementation; and a joint initiative of an intergovernmental organization and national NGO to build and strengthen the capacity of so-called territorial youth councils. The exact names and

locations of the organizations are anonymized, as they are not decisive for the theoretical and methodological insights emanating from this analysis.[3] The key finding from these experiences is that sooner or later I seemed to hit a glass wall in each of these organizations, albeit in different ways. As indicated earlier, while my analysis is focused on the context of contemporary Kyrgyzstan, many behaviours and expressions of consent or abstention are likely to be observed in any geographical and social or institutional context.

4.1. Case 1: Cooperation formalities in the security and crime prevention sector

In the case of the international NGO, which is renowned for its global work and well established in Kyrgyzstan, it was not hard to agree on a cooperation arrangement. This was mostly due to an interaction with the head of the organization's Central Asia office during an expert workshop in Bishkek, on which I presented my research project and informally exchanged anecdotes about my previous research experience in Kyrgyzstan. After a few more meetings, I was invited to work in the office of this organization, present my work to the staff and collaborate with them in analyzing the implementation of community security projects. Most importantly, I worked as assistant for a contracted consultant conducting profiling interviews with representatives of so-called Local Crime Prevention Centres (LCPCs or *Obshestvenno-profilakticheskie tsentry*) across the south of Kyrgyzstan. These centres had been established by the 2008 Law on Crime Prevention[4]to work as coordination bodies for already existing municipal and rural social institutions such as neighbourhood or *mahalla* committees, women's councils, youth councils, *aksakal* courts (courts of elders or literally 'white beards') and religious leaders (imams) (see Lottholz forthcoming). LCPCs are the local arm of the Ministry of Interior (MoI), which also oversaw the efforts of the international NGO and its national partner to enhance the LCPCs' capacity. The consultant's and my task was to simply ask the

[3] For further details see Lottholz (2017) and Bekmurzaev et al. (forthcoming).
[4] Ru. *Zakon o profilaktike pravonarushenii*, available at: http://cbd.minjust.gov.kg/act/view/ru-ru/1679. All translations from Russian, which was the general language of communication during research, are the author's.

workers and activists of these centres in different rural localities about their daily work, the kind of support they needed and any 'success stories'. The transcribed interviews were printed in a 'success stories' brochure that would be presented both to the MoI and other national and international partners and donors.

While I drew interesting insights into community security and crime prevention practices from this research (see Lottholz forthcoming), the terms of cooperation were not sustainable and soon let to its cooperation. This was primarily related to my in-between status of a foreign researcher affiliated with a research institute in Bishkek on the one hand, and a volunteer of the NGO who helped to conduct interviews for the profiles brochure, on the other. Given the less formal and supervised status of the profiling visits, this was not a problem. However, when it came to further interactions during which representatives of the national partner NGO and the MoI would be present, I was told that my attendance was not conducive or not desired at all. I thus was not given permission to attend trainings for newly included LCPCs or community events held by LCPCs as part of the programme. These events would have enabled me to further deepen and contextualize my research, which I ended up doing through follow-up visits, arranged privately on the basis of contacts gathered during the profiling visits (see Lottholz forthcoming).

Furthermore, I was told that even though the MoI had been informed about the profiling visits, some of the LCPCs were subsequently visited and queried, as to the content of our interaction by investigators of the State Committee for National Security (GKNB). This indicated that people are exposed to such 'control visits', even if interactions with external actors are supposedly agreed and under the roof of official cooperation between the MoI and well established international NGOs. This shows that, while it might strike researchers as surreal, there is a realistic possibility that organizations and individuals participating in social research are subsequently visited by security services and put in awkward or even dangerous situations. Reflecting on his research in Iran, Malekzadeh shows how he was increasingly confronted by 'paired government men' and became aware that people in his circles had informed on him (2016, pp. 867-868). The NGO I was cooperating with appar-

ently took a cautious approach when it came to avoiding encounters between me and their partners in the MoI, which, given the contestations around foreign researchers' activities in southern Kyrgyzstan, would undeniably have sparked interest – if not irritation – on part of the latter. Other factors limiting further cooperation with this NGO were internal disagreements and resistance towards my research, an issue I subsequently examine through the example of another cooperation.

4.2. Case 2: Negotiating access within a network promoting cooperative community security

Through the contacts I established with the latter international NGO, I got to know people working for a national NGO network promoting an 'Alternative conception for police reform', which included a more open and transparent assessment of police performance and a cooperative approach towards community security provision ('community policing'). Most relevant for my own research, in implementing this approach the networked tried to make law enforcement, local self-governance institutions, civil society and population cooperate in so-called community security working groups. My idea of doing an organizational ethnography of the work in the Bishkek headquarters and the implementation of the joint community security approach in pilot communities was greeted with equal openness in this organization and has led to a long-term cooperation (Lottholz 2017, p. 17 ff.).

My accompaniment of the members on their project implementation visits in the mostly remote communities was not only welcome because of the additional pair of helping hands always needed in such training, analysis and planning sessions. It also presented an additional motivation for the local working group members, as my research would show how – in the words of one of the headquarter members on a meeting in south-western Kyrgyzstan – they were 'building a decent country [*kak my ustroim normalnuiu stranu*]' (Bekmurzaev et al. forthcoming).

Still, whenever I tried to do research with constituent organizations and members of this network as part of my own research project, rather than as observer in their official project activities, I seemed to hit an invisible 'glass wall'. In the local crime prevention centre of one district of a large city in southern Kyr-

gyzstan, whose head was member of this police reform network, I was initially welcomed to attend the weekly planning meeting, where police, neighbourhood committee (*kvartalnyikomitet*) heads, elder courts and other actors discussed current issues of social order and crime prevention. Any further requests for their participation in my research were met with rejection or unreasonably superficial messages about 'everything going well' and the main thing being 'the health of our population'. Thus, my affiliation with the NGO's headquarters and the importance of the research for its goals – plus leaflets making abundantly clear what my research was about – were not sufficient to make the community security volunteers in this district develop enough trust to share their daily work experiences with me. It is not unlikely that this was due to the sensitive nature of any such conversations, given the significant way in which this district had been affected by the '2010 events'.

Another example for such intra-network non-participation was an ex-police staff and chair of a local security working group in a market town at the Kyrgyzstan-Uzbekistan border, which was known to be affected by issues of religious and violent extremism that were also being discussed in the local working group. When I asked this person a second time about the possibility of attending working group meetings, they told me to clarify such questions with the head office: 'You see, I am a military person [*ia – chelovek voennyi*], I used to work in the police. Nurlan[5] is my boss; if he tells me something I will do it … so let him decide on this'. In a clarifying phone call with Nurlan, we agreed that perhaps the issues faced by this working group were indeed too sensitive to make them a case study for my PhD research. But rather than anticipating and systematically planning which groups would match the purpose of my accompanying research and which would not, this shows how I had to negotiate this boundary with people in the field and encountered the corresponding frictions and resistance, including queries as to whom I was working for and why exactly I was so interested in working group activities.

4.3. Case 3: Intra-institutional frictions in a youth volunteering initiative

[5] The headquarter staff running this project, all names used are pseudonyms.

The third cooperation was arranged with an initiative geared towards strengthening the so-called 'territorial youth councils', which, established after the '2010 events' with the intention to promote peace, tolerance and exchange among youth, had been institutionalized as part of the youth committee of the mayor's office in a city in southern Kyrgyzstan. Having been allowed to participate in a youth forum to get to know the project and its participants from different municipalities across the country, I was told by the implementing NGO that access to the project activities could only be granted by the youth committee of the local mayor's office. It required some efforts and networking to arrange to meet the committee's head and present an official letter with letterhead and written in the best official manner, asking 'for permission to conduct interviews and focus groups, during which I can ask those representatives who wish to take part in the research, questions on their work for the [youth councils]' '[i]n order to obtain a more holistic [*obshirnuiu*] picture of the [project]'. The spontaneous approval given by the committee head was a bureaucratic success.

It turned out, however, that this approval and access concession was not the key to exhaustive data gathering. Given that the committee head only briefly explained the reason, content and overarching framework of my research to other people in the initiative, the research objectives and purpose of interviews were not clear to the youth council representatives. I still had to do a lot of work to recruit the representatives and negotiate access to the events implemented by the youth councils. I did my best to explain my research project with a project information sheet, participant information sheet and informed consent forms for all participating youth council representatives. Reservations about my accommodation of this institution in a research project on statebuilding and norm adaptation after conflict were never voiced explicitly. But different behaviours and reactions, such as foot-dragging and piecemeal information, left me puzzled as to whether I was meeting covert resistance or if people were genuinely struggling to keep their promises. This was most starkly present in the behaviour of my 'contact person' Almaz, one of the

local youth council leaders with whom I had the following interactions over the course of the cooperative research (excerpt from field diary):

- Day 1: Almaz appointed by youth committee head to arrange interviews;
- Day 1 – 12 November: repeated emails and phone calls to discuss interview arrangements remain unanswered [remote communication while in another field site];
- Day 13 (International Youth Day celebration event planned): Almaz calls and confirms that celebration will take place in park A on the same day;
- Day 13, 3 pm: I am in park A and no event activities are to be seen; I get another call from Almaz telling me that the event is in park B;
- Around the place where Almaz said park B should be located no one has heard of this place; I call Almaz again, who excuses the confusion and says he is not local but a student from the province, he tells me to come to park C which is close by;
- 4 pm: I attend the International Youth Day celebration in park C;
- 5.30 pm: We walk back to town from the celebration and Almaz promises to arrange interviews and that I can come to the meeting of all youth council leaders the next day;
- Day 14: Almaz tells me the youth council leader meeting is cancelled due to refurbishment of the youth committee office, he invites me to come the next day to meet people working in the office; he would himself be present after 1 pm due to university lectures;
- Day 15: Almaz tells me that the refurbishment has not finished and I can take care of my other projects; when I insist on visiting the office to look for people he explains that he is in the countryside on a wedding, sends one contact of youth council leader for interview;
- At the youth committee office, I tell the committee head that the research is not going well due to communication problems; I'm appointed another contact person who arranges one interview for the same day and intro-

duces three more youth council leaders whom I interview/accompany to team meeting the next day;

- Day 16: Local district team meeting with one youth council and interviews with three more youth council leaders;
- Day 37 (after a break doing other research): 'Group interview' with team members of Almaz' youth council, two participants out of a dozen-strong team are present.

This protocol documents the difficulty of getting into contact with members of an institution whose head has granted access to the researcher but not clearly communicated the reason, content and status of the research within the entity. Moreover, it shows how one particular contact person within the institution is struggling to deliver on his supposed role (as it was communicated to me), and how a request for improvement *vis-à-vis* the committee head yielded more research access in the span of 24 hours than the 'contact person' managed to arrange during several days. As indicated, a possible reason is that Almaz was not originally from Osh but a university student from the province, which might have limited his ability to fully participate in the project and arrange research interactions as he was supposed to. Given his apparent awareness about these shortcomings, his half-hearted excuses and matter-of-fact reaction towards my request for helps with the committee head, it appears as if this reluctant cooperation was not entirely unintentional. As most of the youth council leaders did not really understand and support my research until I explained it during interviews, it makes sense that their 'contact person' was unsuccessful in arranging meetings with them or even 'fended off' my requests, given the additional labour and possible exposure it created for them.

The cooperative research projects discussed above are based on different authors' arguments that understanding and framing one's research within the paradigms of the 'bureaucratic-executive state' (Sheely 2016, p. 943) or of NGOs working in the field of conflict prevention, peace and security programming and agreeing on cooperation on mutually beneficial terms, can be helpful for doing legitimate research and gain access (Graef 2015; Bekmurzaev et al. 2017). Still, as I have shown,

this does not exempt researchers from confronting different access barriers and non-participation justified with bureaucratic procedures and formalities (e.g. a researcher's status and cooperation not being sufficiently formalized), or simply individual feelings of uncertainty about research and its implications, or people's inability or unwillingness to arrange research interactions. This crucial division between getting general physical access to an entity – based on gatekeepers' permission – and, on the other hand, actual 'social access' to the perspectives of the entity's members, has also been noted in Mckenzie's discussion of his research with spiritual organizations in Scotland (2009, 5.4) This varying degree of support from members of organizations and networks I worked with, determined the possibilities of doing research on certain topics while making it impossible in the case of others. In the next section, I provide more reflection on the emotional and psychological factors that appear to have entrenched the barriers I encountered during field research.

5. Emotional and psychological dimensions of field research: Precarious existence and cognitive dissonance

In this section I provide insights into everyday encounters and situations indicating the psychological conditions and emotional challenges that research participants, myself, and the social environment were affected by, and which arguably influenced the course of my fieldwork and the material gathered and conclusions drawn from it.

As regards the rejecting and generally hostile climate that is sometimes more, sometimes less palpable when doing research on conflict, peace and security issues in Kyrgyzstan, it is most important to understand that there is no accurate and widely shared understanding of social research in Kyrgyzstan or post-Soviet societies at large. While this is largely the case in Western countries as well (Calvey 2017, p. 5 ff.), social scientists face additional difficulty given the that in Soviet times research used to be an instrument of the state to survey the population and improve social policies and production processes, among other things (Amsler

2007, p. 30). Such activities were usually carried out in the form of 'social surveys' (*sotsopros*) by staff of the Academies of Sciences or universities catering to the state, which gives researchers an aura of being 'close to power'. An even more problematic association is the semantic proximity of the word 'research' (Ru. *issledovanie*) with the word 'investigation' (*rassledovanie*), as it is conducted by security and intelligence services.

The corresponding perception of researchers being dependent on certain institutions or actors and catering to external interests has not faded. On the contrary, given the allegations of foreign powers being complicit in the outbreak of the violence in southern Kyrgyzstan in 2010 (Gullette & Heathershaw 2015, p. 134), the Soviet discourse of suspecting foreigners to be spies is nowadays being redirected towards journalists and researchers alike (see Lottholz & Meyer 2016). Given the fact that many journalists and scholars present the situation in Kyrgyzstan in too simplistic and dramatic ways to gain attention,[6] such concerns and the corresponding rejection and securitizing practices may be justifiable or at least understandable from an emotional point of view. However, exaggerated mistrust leads to disengagement from research that tries to deal with the context in more nuanced and appropriate ways, and even to non-participation in entirely apolitical data gathering, such as voice recordings for linguistic research (Lottholz & Meyer 2016). Another concern about engagement with foreign researchers is that many of them conceive of their visits as data gathering or extraction exercises that are geared towards linear analyses fitting into established research frameworks and lacking any follow-up or long-term conversation. There is thus a perception that researchers are more interested in superficial interaction that helps them tick boxes, present themselves as experts and further their careers rather than helping to bring about change and offer insights into the lives of their research subjects (see Sheely 2016, p. 945).

Throughout my field research period, I faced a number of such challenges, from the popular allegations that I might be a spy to doubts about the viability of my research and my ability to carry it out. The former, more easily dismissible dis-

[6] See section two above.

course was presented to me in daily life, mostly by taxi drivers wondering for what reasons I was visiting this city in southern Kyrgyzstan all the way from the UK, who paid for my expenses and how come I spoke such good Russian. The constant need to explain my origin and activities towards fellow travellers, shop vendors, café, restaurant and internet club staff and visitors slowly accumulated psychological pressure and frustration about the apparent impossibility to just do my job like anyone else. I particularly remember one emotional outburst *vis-à-vis* my partner (who lived in the capital Bishkek while I was travelling to do research) whom I told how, on a personal level, I could not stand the constant questioning, which made a normal existence simply impossible.

Many friends explained me that this was simply the usual Kyrgyzstani curiosity and was thus to be taken as something positive. One might also argue that this is the price to be paid when one chooses to do research in a foreign country. Still, these sometimes alienating and annoying effects one's own foreigner identity can have on the social environment should be well taken into account. Malekzadeh notes that foreign researchers have a 'special' status anywhere (2016, p. 867) and Sheely (2016, p. 941) reflects on how, during her research in rural Kenya, she was automatically associated with ranchers and NGOs given her white skin colour, a labelling that she could not escape and that shaped her research access and possibilities. Neither of these accounts, nor Wilkinson's reflection on the curiosity her presence sparked among people in Osh and Bishkek (2008, p. 56-57), consider that constant exposure to people's questioning of one's outsider status and intentions can lead to serious irritation and emotional distress.

The issues I faced in everyday interactions were partly amplified during the interaction with the different organizations described above. While the terms of the different cooperation agreements made the value of my research unmistakably clear, the engagement and cooperation differed, especially among staff in the organization discussed in case 1. With time, however, it became clear that not all members of the staff were convinced by my research and its value for the organization, contrary to the office head with whom I had agreed on the cooperation. Some expressed this

explicitly towards me, while others, generally less senior members, chose not to engage too much with me beyond polite small talk. I felt increasing discomfort with this silent abstention. It appeared as if a disagreement within the staff body was negotiated through (non-) engagement my research project.

This divergence of cooperation among people within organizations is also subject to 'persistence, personality and identity' (Feldman et al. 2003, p. 106), areas in which I was not able to score high enough to justify a better reception. It appears that my self-confident and matter-of-fact mannerisms were perceived as potential interference or threat of people's status and work routine. This was most obvious when I presented my previous research on post-conflict reconstruction in southern Kyrgyzstan, which was seen to be rather un-innovative, given its relatively sparse empirical grounding and overly theoretical and comparative orientation. Had I, in a true 'grounded theory' manner, pretended not to know anything and been more humble and curious about getting to know the work of this organization (Feldman et al. 2003, p. 150 ff.), it seems this cooperation would have turned out much more fruitful.

This feeling of being inadequate was further enhanced by the cognitive dissonance I felt when, on some occasions, NGO leaders and other staff would confer value, importance and acknowledgement to my research project but would not repeat these acts of valorization in larger circles. This was understandable given the fact that the heads and contact persons preferred to arrange cooperation in an unbureaucratic way that dispensed with clarifying the purpose and value of my research with all members of a given organization. On the other hand, however, this gave my activity an opaque and semi-covert status, which was better not to be discussed in order to avoid misunderstandings or the realization that people did not actually agree on whether and how to cooperate with me (see Mckenzie 2009, 5.4). Correspondingly, making my research fully understood and putting people at ease was only possible when full disclosure of my activities was provided either by myself (as in case 3) or organization members (as in case 2).

Furthermore, it often felt strange when the same people that had earlier rejected my research for sensitivity reasons or lack of understanding, would approach me on conferences or large gatherings and ask how the research was going or, if I could explain again what it was actually about. On one project summary conference, the head of one NGO which had earlier signalled that I could only continue my research if I managed not get the youth committee's approval for my activities (case 3), told me how important they thought engagement with international researchers was and that they appreciated my presence on the conference and efforts to deliver an analysis of the youth council project.

Such contradictory positions may well be due to misunderstandings and evolving perceptions of researcher's competency and integrity as well as changing evaluations of the possible benefits of research-practice cooperation. Still, it is important to note the inconsistent and sometimes hypocritical character of such behaviour, especially when positive statements occur only once people realize they are dealing with a researcher who might have an international standing, genuine expertise and corresponding influence at their disposal. This strategic behaviour of selectively but not wholeheartedly supporting involvement with research cooperation mirrors, on the one hand, an understandable pragmatism by which NGOs reserve full support for the most promising – in terms of money, prestige, or visibility – partnerships (see Lottholz 2017, p. 18). It is also understandable given the widespread perceptions that international journalists and researchers may be doing research on topics and in ways that conflict with state security (see section two above), and given the widespread mistrust towards foreigners. On the other hand, it also puts pressure on researchers to promise more than they are able to deliver and leaves them in awkward situations when they fall short of their goals.

The contrast between the friendly mood often surrounding me on larger gatherings and the reservation and reluctance to provide support when a return was not immediately foreseeable is well captured by Adams' metaphor of the researcher as a mascot, i.e. someone who is 'honored to be chosen, warmed by the attention and affection [of the group]' but also 'has lost control of [their] identity', is expected

to 'perform tricks that may be beyond [their] capabilities' and 'must show their gratitude to the team by always being a boost' (Adams 1999, p. 334).

These dynamics fed into an at times significant fieldwork blues, as I often reflected and perhaps overanalyzed my misdeeds instead of accepting the defeats, impasses and failures encountered. I got additionally frustrated by the discrepancy between the data I managed to initially gather in the 'research proper' and, on the other hand, the level of discrimination, marginalization and hidden conflict present in southern Kyrgyzstan at that very moment (see Megoran et al. 2014; Bennett 2016). Instead of having the patience to meet people and build relationships that would help me to shed light on the construction of this 'Potemkin village' façade, I stuck fast on the very fact that reality was bifurcated and there was little I could do to get to the ground of things. This frustration sometimes prevented me from engaging in interesting conversations, such as when one friend of a friend commented on my research: 'well, then you're in the right place here, because here, somehow, every person is politicized [*zdes kazhdyi chelovek politizirovan*]'. I could not react calmly but aired my full endorsement of this finding: 'Yes, that's right! And you know what? You are the first person to actually say it like this!' My overly vigorous reaction pushed the conversation back to more 'light' topics and, rather than following the thought of this individual, made me fall back into reflection on the limits of research in this context and the biases it must be subject to when people actually are ready to talk to foreign researchers.

In this sense, even though technically 'free', my research was inherently limited by the emotional and discursive effects of the securitized and politicized research environment in southern Kyrgyzstan, which made members of organizations/networks I cooperated with, and the population at large take a vary stance in interaction with me. The research was further limited by my own limited ability to navigate the often competitive, masculinized and superficial sector of internationally financed conflict, peace and security NGOs.

6. Conclusion

In this article, I have shown how research projects inquiring conflict, peace and security in politicized contexts may be limited in terms of their scope and freedom, even though they are technically and legally free. Rather than solely focusing on limitations and problems, I demonstrated how I tried to navigate the well-known limitations and difficulties of doing research in Kyrgyzstan by devising a practice-based and cooperative approach towards research. I arranged cooperation projects with an international NGO working on peace and security, a national NGO network working on police reform and community security promotion and an initiative to enhance the capacity of 'territorial youth councils' in a town in southern Kyrgyzstan. This nuanced, practice-based approach and corresponding attempt to create a win-win situation for the organization and the researcher was initially greeted in all organizations. However, as I have further analyzed, its realization was subject to negotiation and open or hidden resistance. Although some disengagement was ambiguous and might equally have stemmed from misunderstandings and adverse circumstances, it was more obvious in other cases. To provide more background on this negotiated and piecemeal realization of research, I have elaborated on the psychological and emotional factors of doing research and being researched in the context of Kyrgyzstan. Thus, rather than suggesting a straightforward assessment of the actions of my interlocutors and myself, I have shown how behaviours, decisions and opinions are subject to spontaneous reactions, inter-subjective sense-making processes and evaluations of persons and projects over time. In this sense, the behaviour of people at the forefront of knowledge production in the global periphery cannot be subjected to moral binaries, but needs to be understood in its contingent and deeply contextual nature.

Two main implications for the discussion of challenges to academic freedom in the context of contemporary global politics emerge from this analysis. First, while academic freedom is a useful category to further agendas geared towards securing the possibility for researchers to do their work and make their significant contribution to the peaceful and sustainable development of societies, there is also a

need to discuss the ways in which technically or legally 'free' research may be subject to different influences and biases. As this and other analyses (see Area 2013; Loyle 2016; Sheely 2016) have shown, the content and outcomes of research are constantly negotiated, networked and evaluated against their social and political background. Additional discussions are needed on why certain interests, approaches and theories give researchers more freedom to do research than others, not only in regard to the research context itself but also when it comes to funding policies and audiences.

Second, as regards the actors limiting academic freedom and influencing research, analysis should not merely focus on the role of regimes and state actors such as security services or law enforcement. In most contexts across the globe, the more problematic issue faced by researchers is that either people do not understand what academic research is in the first place – and thus choose to impede or abstain from it (see Mckenzie 2009) – or, and perhaps more problematically, presume that they can or should share only certain opinions and information with researchers, whether their goal is to present their country or community in a positive light (see Bekmurzaev et al. forthcoming) or to highlight a specific issue or agenda for which they hope the research can help mobilize support and attention (Markowitz 2017). Such distorted versions of research can incur perceptions of political bias and interference and thus increase the risk of limitations and barring of research. Therefore, a strategic approach at navigating the (self-) politicization of academic research may be needed to better secure free academic inquiry.

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RESEARCH ARTICLE

An Overview of Academic Freedom in Turkey: Re-Thinking Theory and *Praxis*

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ABSTRACT

Throughout history, intellectuals always play a crucial role in influencing and changing society. Theory finds its realization in praxis but what is the relation of intellectuals to theory and praxis? The article tries to answer this basic question through an analysis of the actions of intellectuals for academic freedom and against repressions on the academy and society. It also investigates the form of struggles they create against these repressions in Turkey. Besides, the attitude of the government will be discussed as anti-intellectual behavior against the realization of intellectuals' theory in praxis.

KEYWORDS: Turkey; theory; praxis; intellectual; anti-intellectualism

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1. Introduction

'The world is weary of the past,
Oh, might it die or rest at last'
(Horkheimer 1947, p. 44).

This article will explore the place of theory and praxis in contemporary global politics. What is their role in struggling against restrictions of academic freedom? The research will be based on a group of academics from Turkey, calling themselves 'Academics for Peace',[1] challenging academic oppression. The particular aim is to address the problem of freedom of thought and research and therefore the problem of academic freedom, in three parts.

In the first part of this paper, we will discuss the problem of academic freedom within the context of the unity of theory and praxis. The theoretical ground will be predicated on the theoretical framework and approaches of the Frankfurt School, whose members had to flee from the Third Reich in Germany to the U.S., which seems to have some similarities with the migration of academics in Turkey, particularly to Europe. Max Horkheimer (1895-1973) claims that 'the only thing that goes against my pessimism is the fact that we still carry on thinking today. All hope lies in thought' (Adorno & Horkheimer 2010, p. 42). As we see from this quotation, Horkheimer totally despairs of praxis but still sees hope in thought. But the Gezi Revolt (2013) and the declaration or movement of 'Academics for Peace' (2016) demonstrates that there is always hope for praxis. The reason to consider the Frankfurt School as a theoretical base is grounded in the idea that they broadly discuss the relation of thinking to praxis, reason and intellect, culture and society. In his *Negative Dialectics*, which is also a sort of revolt against Marx's 11th *Thesis on Feuerbach* (Adorno 2004, p. 3), the German philosopher and one of the prominent of Critical theorists, Theodor Adorno (1903-1969), introduces the importance of reason as a necessary part of proper thinking and suggests that we have to re-think this

[1] 'Academics for Peace' is a group of academics who signed a petition calling on the Turkish government to cease military attacks in Kurdish populated areas, mainly in southeastern Turkey.

necessary part of thinking. He criticizes the idea of the unity of theory and praxis that degrades 'theory to a servant's role' (Adorno 2004, p. 143). The unity of theory and praxis includes less theory, leading the praxis to be 'non-conceptual' (Adorno 2004, p. 143). The German philosopher attack those who de-emphasize theory and suggest that instead of subjugating thought to praxis, praxis could be newly 're-flected upon in theory' because praxis 'itself was an eminently theoretical concept' (Adorno 2004, p. 144).

While the Frankfurt School re-thinks the place of theory in the unity of theory-praxis, which is based on the primacy of practice, they are on the wrong track by trying to recover 'theory's independence' (Adorno 2004, p. 143). In their theory, there is still a gap between theory and praxis. In the *Negative Dialectics*, Adorno is concerned about reducing theory to be a servant of praxis but nevertheless, he evaluates thought as 'an act of negation' and 'of resistance to that which is forced upon it' (Adorno 2004, p. 19). He does not directly but indirectly relate thought or theory to actions, to practice-praxis. On the theoretical and intellectual level, 'Academics for Peace' presents an 'act of negation' and 'of resistance to' irrational decisions based on political power. These scholars realize their thought and theory at the practical and political level through resistance and negation of the current political situation in Turkey. Adorno describes the place of theory within praxis. Theory does not answer all problems but 'it reacts to the world, which is faulty to the core' (Adorno 2004, p. 31).

In the second part, using empirical data, we will explore the problem of academic freedom and the relation of praxis to theory at a practical level. After that, we will examine the action of 'Academics for Peace', comparing it with the Gezi Revolt. The group of scholars initiated a sort of political movement with a petition, by claiming that they 'will not be a party to this crime!' That enables the government to activate its domineering and repressive mechanism. The Gezi Revolt began with the protest consisting of different social and political groups against the government's plan to destroy the Gezi Park in Istanbul. From a larger perspective, the revolt came as a reaction against the increasingly oppressive and intervening attitudes,

decisions and behavior of AKP government. The government's interfering policies and its anti-peace attitude constitutes the common motive both for the Gezi Revolt and 'Academics for Peace'. Another common characteristic of these two movements is anti-intellectual dispositions, views, and attitudes of former prime minister Erdogan toward them. This anti-intellectual attitude of the government is arguably more obvious in the case of the stance against the statement of 'Academics for Peace'. Among the AKP party and its supporters, ignorance has been extolled; this clarifies a particular and specific character of this period: the praise of ignorance. Anti-intellectualism addresses two different conceptions and hostilities: 1) 'a hostility to speculative thought, to theory, to learning from books', which is not our topic; 2) 'a hostility to a class of wo/men identified as "intellectuals"' (Leuchtenburg 1955, p. 8), which will be the subject of this paper.

In the third part, the article will discuss the challenges against this repression in Turkey and around the globe. At this point, in terms of political and social responsibility, the crucial question is: what is the function of an intellectual or an academic? How does it work in Turkey and in the world? Here I will analyse the form of struggles against academic restrictions and dismissals.

2. Theory versus Praxis?

Praxis simply refers to the activities, productions and movements of human beings and their relationship with each other. Praxis reflects human activities developed throughout history. Theory, instead, signifies an intellectual and mental activity of human beings, which works with 'reason', abstract ideas, and thought. The relationship between theory and praxis is based on an idea that praxis is the ground on which theory is realized, concretized, and embodied.

What is the relationship between theory and praxis? Before the Second World War, Rosa Luxemburg (1871-1919) and Antonio Gramsci (1891-1937) discuss this relationship in different manners in their works. Although their works make great contributions to the unity of theory and praxis, I will make use of the Critical Theory's approach, the Frankfurt School's theory, developed especially by

Horkheimer, Adorno, and Herbert Marcuse (1898-1979) in the 1930s. Under a totalitarian regime,[2] they talk about the problem of praxis by questioning the origin of authoritarian regimes through the relationship between praxis and theory. They try to describe the result of rationality and irrationality through both empirical and theoretical studies. As an academic institution under leading scholars such as Horkheimer, Adorno, and Marcuse, the Frankfurt School criticizes praxis and tries to demonstrate its deficiencies through a critique of contemporary society and culture. For the Frankfurt School, the problem lays behind the relation of 'reason' to the practical results of human activities.

The first generation of critical theorists never ignore the relation of theory to practice, but they are not clear on what praxis meant for them. They believe in change: 'By practice we really mean that we're serious about the idea that the world needs fundamental change. This has to show itself in both thought and action' (Adorno & Horkheimer 2010, p. 53). But they did not say how this change can be actualized. They continue, 'the practical aspect lies in the notion of difference; the world has to become different. It is not as if we should do something other than thinking, but rather that we should think differently and act differently' (Adorno & Horkheimer 2010, p. 53). For them, the way of thinking and acting is problematic and should be changed. The necessity of praxis is always their primary interest.

The Frankfurt School dedicates itself to theory, and therefore for them theory precedes praxis. The precedence of theory is obvious in their works and their attitude towards Marxism. The history of the Frankfurt School is significant to

[2] An authoritarian regime, generally distinguished from a totalitarian regime, is a government that is not concerned about, or does not take any responsibility for, the interest of its people. The main concern of authoritarianism is not to change the world or human nature: it focuses on the authority to take a firm grip on the people. In contrast to authoritarianism, totalitarianism penetrates all structures of society from education to economy. Under a totalitarian government, the state does not recognize any limitations in order to apply its authority. The concept of totalitarianism is related to the ideology of the state dominating over most of its citizens. The term 'totalitarianism' was described by Giovanni Amendola in 1923 to describe Italian Fascism. In her book, *The Origins of Totalitarianism*, Hannah Arendt uses the cases of Hitler and Stalin to analyze totalitarian regimes in which ideology has a prominent role. Although Hitler and Stalin used different ideologies, their basic aim was to change human nature and society by a new organization and structure of human life. In this respect, it can be said that 'the key factors that distinguish totalitarian and authoritarian regimes are the degree of social pluralism and levels of political mobilization' (Ezrow & Frantz 2011, p. 4).

comprehend the importance of an academic stance against authoritarian power, through their studies on, and critique of, theory and praxis. After his exile to America, Horkheimer decides to publish the third section of *Zeitschrift für Sozialforschung*, in English under the title *Studies in Philosophy and Social Sciences*. In 1940, he wrote in the foreword: 'Philosophy, art, and science have lost their home in most of Europe. England is now fighting desperately against the domination of the totalitarian states. America, especially the United States, is the only continent in which the continuation of scientific life is possible' (Jay 1973, p. 167).

Horkheimer highlights the displacement of philosophy, art, and science at the time due to the totalitarian regimes, which corresponds with the displacement of academics today in Turkey. In this terrifying period, not just philosophy, art and science had lost their home in Europe, but also the concept of humanity and humanity itself. Horkheimer would also define the situation of Europe, maybe better to say the situation of the whole world, in a philosophical context in his book titled *Eclipse of Reason*. He maintains that he does not believe that reason truly directs social reality (Horkheimer 1947, p. 9). It means that there should be other powers directing social life. Reason loses its meaning when it is separated from all sorts of particular dispositions and preferences. In this point, as a decision-maker or a determiner, reason leaves its task to the conflicting interests, which dominate the world (Horkheimer 1947, p. 9). Reason is now used for the prevailing interests of the dominant groups that adapt it to reality at will; therefore, reason surrenders to the 'irrational' (Horkheimer 1947, p. 13).

'What are the consequences of the formalization of reason? Justice, equality, happiness, tolerance, all the concepts that, as mentioned, were in preceding centuries supposed to be inherent in or sanctioned by reason, have lost their intellectual roots. They are still aims and ends, but there is no rational agency authorized to appraise and link them to an objective reality' (Horkheimer 1947, p. 23).

As Horkheimer observes in the passage above, justice, equality, knowledge, are concepts that had lost their intellectual roots in Germany, as it has happened recently in Turkey. Here, these concepts or political ideals have long been

found in venerable historical documents such as in constitutions and in the supreme law of countries, but according to Horkheimer, they are not confirmed reason in the modern sense. What is the result of such process in which reason loses its power? His answer: 'The more the concept of reason becomes emasculated, the more easily it lends itself to ideological manipulation and to propagation of even the most blatant lies' (Horkheimer 1947, p. 24). While theorists like Horkheimer and Adorno celebrate 'reason' and 'intellect', there are some in politics who insult them with anti-intellectualist behavior. The ideological manipulation that Horkheimer cited can also be found in the populist and anti-intellectualist attitudes mentioned above.

Although Critical Theory intends to establish a critical stance against Marxism while remaining within the Marxist world view – by integrating speculation and empirical research while criticizing 'the adequacy of orthodox Marxism' (Jay 1973, p. 253) – it continues to believe in the combination or unity of 'critical theory and revolutionary practice' (Jay 1973, p. 253). However, in their works, and in the context of their approach to practical action – political praxis – it is difficult to see this combination because they lose their belief in a strong political movement, the proletarian movement, which failed in the Soviet Union. This leads the Frankfurt School, particularly Horkheimer and Adorno to move further away from Marxism. In *Negative Dialectics* and *Dialectic of Enlightenment*, they not only question Marxism but fundamentally challenge its premise. They believe that if there is social change, then it should be preceded by a theoretical change. The Frankfurt School finds the contradiction to be not between classes, rather in the conflict that exists between man and nature. According to Critical Theory, nature and man are not necessarily separated but they affect each other, they lead to changes in each other. Adorno and Horkheimer simply maintain that human beings are not evil when they come into the world; 'they are neither good nor evil. They just want to survive' (Adorno & Horkheimer 2010, p. 44).

In *Negative Dialectics*, criticizing Hegel, Adorno emphasizes the experiences– praxis– opposing method (Adorno 2004, p. 48). The critical theorists con-

tinue to relate their theories to reality and experiences. They never reject the Marxian terminology and accept the necessity of social change. These changes can be realized only by freely associated individuals. When they develop new theories, they never recommend the pleasure of thinking, but place the emphasis on practice and theory. Although Horkheimer suggests that he still believes in historical change, in his later work we can find a great deal of pessimism, who talks about the fact that we cannot do anything 'because of the situation we find ourselves in' (Adorno & Horkheimer 2010, p. 56). Here we can see his dilemma. For them, theory is a tool, which reflects on itself. It is a tool of practice, the mere instrument of theoretical practice. They separate their theory from Marx's theory, which is a function of the proletariat and based on class-consciousness. They reject the idea that theory is a sort of recipe. In *Towards a new Manifesto*, Adorno and Horkheimer emphasize the fact that the party no longer exists, and they are not in a revolutionary situation; for this reason, 'things are worse than ever'. Their words remind the world situation we find ourselves in. The situation does not lead us to 'image a better one', as Adorno claims (Adorno & Horkheimer 2010, p. 61). In short, they prefer to fight against authoritative powers by remaining in the field of theory. The problem defined by Horkheimer and Adorno actually refers to 'a lack of proper revolutionary leadership' (Hudis 2017), where there is theory but no leadership to realize it.

The main reason Critical Theory takes the side of theory is that they lost their belief in social change made by the majority of the populace because, according to Horkheimer, 'today the idea of the majority, deprived of its rational foundations, has assumed a completely irrational aspect' (Horkheimer 1947, pp. 30-31). This irrational decision or aspect can be in favor of more authoritarian and totalitarian forms, or more precisely in favor of fascism. This is because the judgement of the majority of people is manipulated by interests through various forms of manipulation. For Horkheimer, the ends are not determined by the light of reason (Horkheimer 1947, p. 31); thus, it is difficult to claim that one economic or political system is better than another. They emphasize the concept of the individual since they observe that the majority is manipulated by all kinds of interests. Not only are the

majority or people deprived of rational foundations, but democratic principles lack rational principles and pretend to depend on the so-called interests of people. But Adorno and Horkheimer think that 'these are functions of blind or all too conscious economic forces. They do not offer any guarantee against tyranny' (Horkheimer 1947, p. 28). The democratic principles serve the interests of an authoritarian form of government and dominant economic class. In this regard, Horkheimer claims that thinking has been reduced to the level of an industrial process, that is, it is a part of capitalist production. The problem now, in my view, is to raise reason from the place to which it fell and give new importance to reason and theory but within praxis.

In Critical Theory, we can find two main discussion points: 1) theory and 2) praxis. Their first point with theory or reason results from the second point, praxis. Their loss of belief in praxis, or more precisely in the ability of the majority of people acting rationally, leads them to take refuge in reason and theory. But the possibility of theory and reason depends on the possibility of praxis. Praxis creates the possible conditions for the products of theory and reason. Freedom of research, freedom of speech, freedom to teach, and academic freedom, all kinds of freedom are possible only if there is the possibility of a struggle against the restrictions, assaults, and blocks against these freedoms. If there is no action, there is no theory and reason. Theory is not something in itself, but theory and reason exists in and for itself. Throughout history, from ancient times until today, there are always some who struggle to create the possibility for theory and reason.

Critical Theory does not picture a true society, but this does not mean that its theoreticians were not interested in and did not look for a true society. If the theorists of the Frankfurt School were not interested in the true society, why did they deal with all these analyses for society and individuals? For example, their analyses in *Dialectic of Enlightenment* and their researches on authoritarian society and regimes picture the disadvantages of society in general. They describe the 'negative aspects' of society in order to find a true one. Praxis refers to the act of changing and transforming, while theory is the content of praxis. The intellectual movement

(Academics for Peace) tried to realize their theory in praxis. They wrote a petition which is their constitutional right, in order to manifest their critical thinking into praxis. The manifestation of theory in practice is not easy, particularly where academic freedom, free research and speech are under attack.

3. Academic Freedom, Free Research…

What does academic freedom mean? What are the responsibility of intellectuals and academics? What sort of assaults are there against free research, free teaching, and free speech?

Academic freedom generally refers to freedom of expression, research, and university autonomy. Every article or book containing discussions of academic freedom first addresses the necessary preconditions of freedom 'for developing new ideas' (Drees & van Koningsveld 2008, p. 15). Academic freedom is a new concept arising in the last century (Seggie & Gokbel 2015, p. 7). It is actually a new understanding in the intellectual field, although the struggle for freedom in research and education, and freedom of expression, are not new. We can trace freedom of expression and teaching back to the defence of Socrates against 'the charge of corrupting the youth of Athens' (Hofstadter 1961, p. 3).[3] But history continues to repeat itself in the 21st century by the restriction of freedom in researching and teaching at universities.

The question is what sort of freedom is the one we are talking about? 'For the most part, the concept of academic freedom as it is usually expressed today had not received a clear formulation in the ante-bellum period' (Humphrey 1951, p. 263). In the UK Education Reform Act 1988, Section 202 (2) academic freedom is defined as follows: 'The freedom [academics have] within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs or privileges

[3] Academia of Plato is considered as the first form of university; according to Hofstadter, 'the university is in its origin a medieval institution'. For this reason, the first universities are based on religious education; they were the centers or institutions of 'clerical learning like the cathedral schools'. At the end of twelfth century, in Salerno, Bologna, Montpellier, Paris, and Oxford, the universities came into existence (Hofstadter 1961, p. 3).

they may have at their institutions' (Minerva 2016, p. 95). Academic freedom is to develop scientific research by being independent from the restrictions of any authority and to recognize only the self-determination, self-decision, and its quality is determined by themselves. '[…] academic freedom is generally understood as self-governance with respect to the scientific process' (Drees & van Koningsveld 2008, p. 16). Academic freedom is not only freedom of academics in universities, but it contains those who realize their academic activities. 'Academic freedom refers to the freedom of members of the academic community, comprising scholars, teachers, and students, who pursue their scholarly activities within a framework determined by that particular from the outside (UNESCO-IAU 1998)' (Seggie & Gokbel 2015, p. 10). Here the right to education has a part in academic freedom, as Judith Butler pointed out (Butler 2015).

According to Butler, 'academic freedom is conditioned', and thanks to these conditions it is possible to think and exercise academic freedom (Butler 2015, p. 293). Butler remarks that to think about academic freedom means thinking about complex institutional conditions, because these institutional conditions result in exercising academic freedom. Butler thinks that this is the first thing that we should keep in mind, and the second thing is not to forget that the right to education is not separated from the right to academic freedom (Butler 2015, p. 293). In sum, for Butler the right to education is a precondition of academic freedom. '[…] to have right only becomes meaningful if one has the power to exercise that right, then there is no way to think of the right of academic freedom apart from its exercise and, indeed, the right to education itself' (Butler 2015, p. 299). Even though it is difficult to define what academic freedom is, we can say that it is impossible to speak about academic freedom without touching on its preconditions: the institutional and legal conditions related to economic conditions. In this respect, academic freedom does not mean abstract and absolute freedom. Without the right to education, we cannot have academic freedom. In order to realize academic freedom, including free research, freedom of expression, freedom of teaching, etc., it is necessary to have the right to education as an equal opportunity principle. It is not the task of

this article to discuss in detail the right to education, which I believe is strictly related to current economic conditions and problems. Here I am talking about the anti-democratic implementations of the Turkish authorities, with regard to the freedom of speech, research, and teaching.

Academic freedom in Turkey has been regulated according to reforms in universities in different periods: 1933, 1946, 1960, 1973, and 1981.[4] 'The reform of 1933, for instance, took place in the Single Party Period; the 1946 reform coincided with the transition to the Multi-Party Period; and the others – 1960, 1973, and 1981 – were in military coup periods' (Seggie & Gokbel 2015, pp. 17-18). Among these reforms, the last in 1981 is effective, according the Higher Education Council,[5] established in the same year. Academic freedom and free research were regulated according to the Higher Education Law 2547 (Seggie & Gokbel 2015, p. 18). Academic freedom was restricted in particular by the regulation and law implemented in 1981 (article 130). Article 130 states: 'Universities, members of the teaching staff and their assistants may freely engage in all kinds of scientific research and publication. However, this shall not include the liberty to engage in activities against the existence and independence of the State, and against the integrity and indivisibility of the nation and the country' (Seggie & Gokbel 2015, p. 22). While this article restricts academic freedom within the framework of the integrity and indivisibility of the country, it is not clear what sort of activities can damage the existence of the country. Article 25 of the 1982 Constitution of the Republic of Turkey affirms that 'everybody has freedom of thought and opinion'; article 26 states that 'everybody has the right to express and disseminate his/her thoughts and opinions individually or collectively in words, in writing, in painting or in other ways' (Gedikoglu 2013, p. 181). It seems that articles 25 and 26 contrast with article 130. On one hand, articles

[4] For further information about the development of Turkey's higher education system see Weiker (1962), Lewis (1961), Davison (1961).

[5] In Article 131 of the 1982 Constitution, the Higher Education Council is defined as follows: it is an institution established 'in order to plan, organize, govern, control the instruction of higher education institutions, to steer the education and scientific research activities of the higher education institutions, to support these institutions to be established and to be developed according to the objectives and principles stated in the law, and to ensure that the resources allocated to universities are used effectively, and to plan for the training of teaching staff'.

25 and 26 proclaim the freedom of thought and expression; on the other hand, in article 130 we see that these freedoms are restricted by the possible damage to the existence of the integrity and indivisibility of the country. This is an open-ended article. All constitutions have been drafted during military coups, which always attack democratic rights, such as freedom of speech, research, and teaching. For this reason, there has always been in some way a struggle against such repression and restrictions.

3.1. Petition as a realization of theory in praxis

> 'We learn the following from the case of Petition of Intellectuals[6]: we are indebted to our people who make us what we are, intellectuals. We cannot pay it since this is an unpayable debt but we can try. And we do so, we are doing so and we will always do so as long as we live'
> (Nesin et al. 1986, p. 16).

The petition of 'Academics for Peace' in 2016 is not the first such petition in Turkey. In the 1980s, there was another petition called 'Petition of Intellectuals' against the military coup of 1980, which 1,300 intellectuals signed and sent to the president's office. Actually, the number of signatures was almost 2,000, but 500, for some reasons, could not be sent to the president's office. The intellectuals wrote a petition against 'unlawful punishment' and torture, which became commonplace during the military coup in the 1980s (Nesin et al. 1986, p. 20). In this period, many parties were closed (for example CHP, and others) and in the place of them 'state parties' were established, and parliament was dissolved. The 1961 Constitution, based on the principle that basic rights and freedom cannot be touched, was legis-

[6] This was a petition signed by a number of intellectuals against the military government in 1984. After the military coup of 1980 realized under the tutelage of Kenan Evren, many intellectuals were oppressed and there were legal and practical restrictions that did not allow the intellectuals and artists to create productively. Aziz Nesin (1915-1995) led a group of people to draft a petition against the government's anti-democratic actions, entitled 'Observations and Demands for a Democratic System in Turkey'. He was a Turkish humorist, writer, and the author of more than 100 books, and a political activist.

lated away (abolished). Instead of this, the 1982 Constitution originated from the principles of 'the limitation of basic rights and freedom', 'the protection of the state against the individual and society', and of the 'fear of national will and organizational participation of people' was imposed/enforced. Parties, trade unions, associations were closed or suspended, and some of them were made non-functional by restructuring (Nesin et al. 1986, p. 21). Some institutions, parties, and associations were suddenly considered illegal. The universities underwent a great liquidation and were *de facto* destroyed. The intellectuals who prepared and signed it were accused of distributing leaflets, which was considered a crime– when in fact it was a simple petition written to official authorities, which is generally considered a constitutional right according to the Constitution of the Republic of Turkey. At the international level, in Western Europe and the U.S. more than 2,000 scientists, writers, artists, politicians, trade unionists, jurists, and ecclesiastics declared that they completely supported the 'Petition of Intellectuals' in 1984, among them Noam Chomsky. Ironically, he also supported the petition of 'Academics for Peace' in 2016.

While the intellectuals in 1984 signed the 'Petition of Intellectuals' under the military coup against the anti-democratic practices of the government, including the repression of academic freedom, torture, freedom of expression, in 2016 'Academics for Peace'[7] signed another petition against the military attack against Kurdish cities in South East of Turkey. They used their democratic rights and wrote a petition to demand peace and criticize their government, which is not absolute and can make mistakes like other governments. These intellectuals lead us to ask what the task of the intellectuals should be. Throughout history, beginning with Socrates, we can clearly observe that intellectuals or scholars have always fought for the truth. But this truth before everything else is not *in itself* but both *in and for itself*. The intel-

[7] 'The Turkish state has effectively condemned its citizens in Sur, Silvan, Nusaybin, Cizre, Silopi, and many other towns and neighborhoods in the Kurdish provinces, to hunger through its use of curfews that have been ongoing for weeks. It has attacked these settlements with heavy weapons and equipment that would only be mobilized in wartime. As a result, the right to life, liberty, and security, and in particular the prohibition of torture and ill treatment protected by the constitution and international conventions have been violated. We demand that the government prepare the conditions for negotiations and create a road map that would lead to a lasting peace which includes the demands of the Kurdish political movement…'

lectuals pursue the truth in order to reveal it. Here two cases, both the 'Petition of Intellectuals' and 'Petition of Academics for Peace', demonstrate that intellectuals try to reveal the truth, which is their particular task. They indicate that they are in debt to society and to their people, so they can be political while also creating cultural and scientific values. If it is necessary, they can take political responsibility and have a political attitude. To be political, as Aristotle claims, is the nature of a human being. Human beings are political animals in a society in relation with others, which refers to praxis. Against this political attitude, the former president Erdogan accused these intellectuals of treason (Sendika62.org 2016).[8]

The declaration of 'Academics for Peace' is not the first declaration that repudiated state actions inside and outside the country. The declaration, 'Déclaration de l'indépendance de l'esprit' (*Declaration of the Independence of the Mind*)[9] was written by French intellectuals and signed by Albert Einstein, Bertrand Russell, Jane Addams, and other luminaries in 1919 against the French state. They discussed whether they could still support or 'be subordinated to both national or political interests'. That is, French intellectuals refused to serve the state. After the Second World War, nationalism or patriotism increased. Against this declaration, 'Manifeste du parti de l'Intelligence', which aimed at 'the non-Christian, supranational, "bolshevist" intellectual Left', was published by 54 French authors in *Le Figaro* on 19 July 1919. Likewise, against the declaration of 'Academics for Peace' some right-wing, nationalist, and pro-government intellectuals wrote an anti-declaration, entitled 'We stand by our state and nation as the academics of this country' (Yeni Şafak 2016). We find the right expression for this situation that Giovanni Belardelli discusses in *Il Ventennio degli intellettuali*: 'After 1945 fascism was often represented as a blind reaction incompatible with every intellectual activity' (Belardelli 2005, p. vii).

[8] He said: 'Today we are faced with the treason of 'so-called' intellectuals who receive their salaries from the State, who are quite above the country average, above welfare level'.

[9] It can be found in David James Fisher, *Romain Rolland and the Politics of Intellectual Engagement* (1988). The aim of Romain Rolland was to establish 'a sense of fellowship, mutual comprehension, tolerance, and authenticity to the intellectual elite of Europe and the world' (p. 51). His conception of an international of the mind was a call to restore and re-create those notions that were destroyed by the Great War in favor "nationalism, militarism, the uncritical consensus mentality, the mass delirium and destructive frenzy" (p. 51).

Here we can find the declaration by the French intellectual Romain Rolland, who after the Great War called on Europeans to fight against war and actively promote peace, which reminds us of the Turkish journalist Asli Erdogan's call on Europeans to act for democracy. Rolland righteously refers to Spinoza who wrote that 'Peace is not mere absence of war, but it is a virtue that springs from force of character' (Spinoza 1883, p. 314). Spinoza defined peace as a virtue; Rolland and other intellectuals on the side of peace take it as a virtue and thus as being conscious of this responsibility for peace, they call on humanity to struggle against war, resulting in psychological, physical, economic, social, and political problems.

3.2. The role of intellectuals: the political and moral responsibility of the intellectual

Fighting for academic freedom means seeking the truth that has been displaced by 'probability and calculability'. 'Academics for Peace' started a movement in the academic field, which again motivated us to question what academic responsibility entails. The concept of 'responsibility' is not a simple term, but a moral and political one that carries free and consciously made choices (Lemke 2017, pp. 72-74). Here some take the responsibility for academic freedom and some refuse it and maintain silence about the repression against academic research and freedom. Some academics in Turkey signed a petition stating that they take responsibility for the military operations carried out by the Turkish authorities in the Kurdish provinces in the South East of Turkey.

The political and moral responsibility of the intellectual centers on the question: Are intellectuals the ones who live or should live in libraries and laboratories or do they have political and moral responsibility for and in society? This is the fundamental question of this paper that I am trying to answer, which is related to praxis. The question above all else is what an intellectual is or means. 'The intellectual is one who provokes humanity' (Brombert 1966, pp. 26-27). It is enough to think just of Socrates, who provokes the Athenians by asking questions about truth, justice, friendship, love, etc. The intellectuals demonstrate or disclose the reality behind appearances. Sometimes they speak in the name of others. This refers to 'their

global responsibility' (Brombert 1966, pp. 26-27). According to some philosophers, like Henri Lefebvre, the task of intellectuals is not directly political, but to contribute to the creation of cultural values (Brombert 1966, p. 219).[10] It is right that the intellectual should contribute to the development of culture and science of a society, but this is just one part of life: its theoretical part. There is also practical part, which is much more real than the theoretical one. We are members of a society; to live in a society is to be responsible of those who live in that society. Modern society tries to detach us from the responsibility of our lives, and from decisions impacting our lives. Living with others in a society entails being responsible for others, which is a precondition of freedom and a characteristic of collectivity and community. For this reason, to participate in politics is the main problem of modern society, modern politics, and modern democracy. Intellectuals are not only persons who work in laboratories to do scientific research or who bury themselves in the books in libraries.

When Aziz Nesin talks to *NoktaDergisi* (Nokta Journal), he gives a great degree of responsibility to the intellectual: 'I think that intellectuals did not do their job in the last three years. They did not do well earlier either. If we intellectuals did our job responsibly, there would not have such anarchy and terror' (Nesin et al. 1986, p. 500). According to him, the intellectuals are the inner conscience, the leaders of society and those who illuminate it (Nesin et al. 1986, p. 500). For Turkish writer, if scholars do not take responsibility, if they have a submissive attitude, keep silent, and lack a civilized heart, this is because they think only of their own interests; in other words, there is not any room for anything but self-interest (Nesin et al. 1986, p. 11). Nesin defines this petition as follows: when they wanted to prepare, and sign this petition, they had some concerns about the reaction of the military; they were afraid of getting arrested, being accused and punished, losing their jobs and passports. The academics who signed the petition of 'Academics for Peace' in 2016 underwent all the unjust treatments that Nesin described. But also, Nesin points out that the 'Petition of Intellectuals' in 1984 becomes a symbol of hope for

[10] Also see Henri Lefebvri (1957).

people in that dark period (Nesin et al. 1986, p. 11). He tells that during military interrogations in that period, all suspects who signed this petition gained much strength by showing incredible solidarity. For Nesin, this was a spontaneous togetherness (Nesin et al. 1986, p. 15).

Four years ago, through the Gezi Protest (2013), people demanded from the government to give up its attempt to interfere in people's personal and social lives. This was a sort of democratic movement struggling for individual rights and freedom. It seems that there is an analogy between the Gezi protest and the movement of 'Academics for Peace', with some differences. The main analogy is that they both started as intellectual movements. They began with an intellectual demand. Both movements demonstrated legal demands and used their legal right to defend and protect their lives through demonstrations and writing petitions or declarations. Both movements also had a spontaneous feature, which received great support, both internally and externally. However, while the Gezi Protest was supported by a large mass of people, the declaration of 'Academics for Peace' is supported mostly by intellectuals, such as writers, scholars, and artists. Apart from the increasing oppression and violence of the government, one of the reasons is the increasing attacks of the radical Islamist group ISIS (Islamic State of Iraq), which creates a great fear over society.

3.3. An Analysis of Assaults on Intellectuals: Anti-intellectualism as an Offensive and Defensive Form

The Intellect is always considered a great problem for the *status quo*. Intellect means to 'examine, ponder, wonder, theorize, criticize, imagine' (Hofstadter 1963, p. 24), which is disliked by some authoritarian, totalitarian politicians, businessman, etc. The term intellectual is a recent concept, which does not exist in the French dictionary of Littré (1863-1877)[11] (Brombert 1966, p. 12). But in the socialist

[11] The term intellectual and anti-intellectual was first used during the Dreyfus case. At the end of 19th century, intellectual referred to a person who interferes with things in a dogmatic manner (Brombert 1966, p. 16). An intellectual was also defined as an educated and cultured person without a certain mission that s/he obstinately wants to impose as a chimerical idea upon a concrete reality (p. 17).

environment and literature of the 18th century, the term intellectual refers to the expression of 'the mental laborer', 'workers of thought', or 'professionals of intelligence' (Brombert 1966, p. 12).

Anti-intellectualism is an attitude. Even if it has a vague character, the common definition can be disliked of intellect or intellectuals. There are two different understanding of anti-intellectualism. We can differentiate the anti-intellectual attitude, which is against intellectuals, and attitude of anti-intellectualists who 'are critical of certain views concerning the intellect' (White 1962, p. 457). For example, according to George Sorel, intellectualism refers to 'abstract rationalism that fails to deal with reality' (Humphrey 1951, p. 40). In other words, by anti-intellectualism Sorel means anti-rationalism as far as rationalism is abstract and cannot adequately comprehend reality. Some philosophers like Nietzsche, Sorel, Bergson, William James, and writers like William Blake, D.H. Lawrence, or Ernest Hemingway can be considered anti-rationalist thinkers or opponents of intellectualism (Hofstadter 1963, p. 8). Sorel opposes 'the role of the intellect in determining action' and instead advocates intuition and emotion (Humphrey 1951, p. 40). This is very different from the politician's anti-intellectualism. In the former's anti-intellectualism, there is not a rejection or negation of intellect but rather a belief in the power of intuition and emotion. There is not any underestimation of intellect.[12] In this case, intellectualism and anti-intellectualism recognize rationalism but its use and form are different. In this respect, the above-mentioned philosophers and writers, as Richard Hofstadter points out in *Anti-intellectualism in American life*, are not anti-intellectualist in a sociological and political sense. That is why here we do not aim to discuss anti-intellectualism as 'a type of philosophical doctrine' (Hofstadter 1963, p. 8), but in its

Intellectuals are considered aristocratic and elite persons. For this reason, anti-intellectualism is used as a political instrument or a means of populism, which refers to be anti-elitism and anti-aristocracy. In 1900s, we can observe that in France, the intellectuals are those who abandon the nationalist mentality (p. 23), the claim that we directly see in Erdogan's assertions about the intellectuals in Turkey who signed particularly the petition demanding the peace.

[12] '[…] the charge of intellectualism must be leveled at some particular system or systems of thought; and at Positivist or Platonic or mechanistic philosophy; and that anti-intellectualism is necessarily antirational […]'. Bergson and James are well known for their anti-intellectualist philosophy. Instead of reason as an instrument of thought they 'recognize the intuitive and non-rational element always present in man's thought' (Humphrey 1951, pp. 43-44).

sociological and political sense. When we talk about the intellect and intellectual, we have in mind certain vocational groups and also a certain value pertaining to the quality of mind or mental quality.

Anti-intellectualism is a sort of tool in the hand of supporters and politicians of neoliberalism and capitalism. In this respect, anti-intellectual attitudes aim to 'mystify the world and in particular to support the project of neoliberal globalization' (Agger 2008, pp. 423-430).[13] This form of anti-intellectualism underestimates theory or intellect because theory has the potential to uncover and discover the truth of the world situation (Agger 2008, pp. 423-430). 'To combat allegations of elitism, recent Republican presidents have adopted anti-intellectualism as a conservative form of populism' (Shogan 2007, p. 295). This attitude is found in Erdogan's public speeches, which demonstrates how close he is to the people and far from elitist and aristocratic lifestyles.[14] 'Anti-intellectualism is defined as a disparagement of the complexity associated with intellectual pursuits, and a rejection of the elitism and self-awareness that is commonly associated with intellectual life' (Shogan 2007, p. 295). The aim of anti-intellectualism is politically to benefit from people. 'A person who displays "anti-intellectual" qualities disparages the rational complexity associated with intellectual pursuits' (Shogan 2007, pp. 295-296). It can be characterized as an anti-elitist attitude. 'I depict anti-intellectualism as a strategic tool used by modern American presidents to enhance their political authority' (Shogan 2007, p. 296).

In brief case studies, I examine the orientation of some politicians from Turkey that I find decidedly anti-intellectual in nature. As Colleen J. Shogan points out, American presidents utilize anti-intellectual posturing to enhance their political leadership. These politicians distance themselves from sophisticated, intellectual arguments. But they particularly stress how they are close to their national populace.

[13] For an in-depth discussion about anti-intellectualism and its targets during the era of globalization and neo-liberism, see Agger (2008).

[14] 'We came to power not to be the master of this nation, we came to be servant of this nation' (youtube 2014). But after the Some mine disaster, he went to Manisa in Turkey and contradictorily threatened a protester, 'if you blow your Prime Minister of your country a raspberry, you will be slapped' (Odatv 2014); 'On the world, the positions, authorities are not everlasting' (Evrensel 2004).

In Erdogan's speeches, in particular during the Gezi Protest, anti-intellectual attacks were made towards people who took part in the protests. According to him, the protesters were a small minority of beatniks and radicals. 'Reagan liked playing the underdog, and understood the value of being underestimated in politics' (Shogan 2007, p. 299). Anti-intellectualism helps politicians to hide their elitist and bourgeois attitude through a populist approach. Erdogan does not insistently move away from the bravado (*kabadayılık*) of anti-intellectualism. Intellectuals are always considered to have an elite character.

Erdogan uses anti-intellectual expressions to refer to the academics and intellectuals signing the declaration of 'Academics for Peace'.[15] He calls them 'lumpen', 'half-portion intellectual', and 'crappy so-called'.[16] Besides, these intellectuals are also 'ignorant', 'dark', an 'intellectual piece of garbage'. Erdogan claims that these intellectuals do not produce any products or studies and therefore do not have any reputation on an international level. He labelled them 'supporters of terror'. This is a very important point to his populism, which addresses nationalist emotions or feelings. To frighten people by the charge of terrorism is the main political manoeuvre of the U.S., which we can also find in this speech by Erdogan. This speech took place in a *muhtar* (village headperson) meeting at which he explained clearly that these academics would 'pay the price of this betrayal' (Bianet 2016a).

Erdogan also attacked the intellectuals who wrote a petition called 'No War in Syria', declaring that they were worried about the intervention of Turkey in

[15] When Erdogan talks about and criticizes this petition, he claims that 'Turkey does not have any problem with Kurdish citizens. That is, there is no Kurdish question in Turkey' (Hürriyet 2016). But in 2011 in a public meeting in Diyarbakir, he said that 'In this country there is a Kurdish question, you can call it "southeastern problem" or whatever you call. Will we live and breathe Kurdish question until we die?' (Diken 2015).

[16] These expressions from President Erdogan's speech at 19th *muhtar* (village headperson) meeting (Bianet 2016b). Erdogan is not the first person to call intellectuals the 'so-called intellectuals'. In 1954 at a Republican Party meeting, President Dwight D. Eisenhower referred to intellectuals as 'wisecracking so-called intellectuals going around and showing how wrong was everybody […]'. In the same speech, he gives a definition of the intellectual: 'By the way, I heard a definition of an intellectual that I thought was very interesting: a man who takes more words than are necessary to tell more than he knows' (Hofstadter 1963, p. 10). Here Eisenhower disdained the knowledge of intellectuals as unnecessary.

the war in Syria.[17] He called them an 'intellectual piece of garbage' and continued to say that 'these intellectuals do not have a stick in this world' (Diken 2016). Erdogan called on the people to react to these intellectuals and said 'there should be a reaction of my people against these. It does not mean that one who received the title of professorship from any place is an intellectual' (Diken 2016). His speeches deliberately polarize the public by insulting the decisions of the institutions, which have the authority to give a professorship to a person. He is right that a person who has the title of professorship may not be a real intellectual, but it does not mean to have an 'absolute' right to sling mud at people. He simple just refers to those persons as intellectuals who are his supporters or on his side.

When Erdogan spoke after the Sultanahmet attack (12 January 2016), he attacked the academics who signed the petition for peace (11 January 2016 released to the public) and gave instructions to public institutions to make provisions against these academics or intellectuals. In this regard, Erdogan claims: 'Today Turkey's problem is the terror problem, like many other countries which are tired of it; it is not a Kurdish question' (Hürriyet 2016). He calls on all public institutions to take measures to punish all those who 'eat its bread but treat the State as an enemy' (Hürriyet 2016). Erdogan believes that this is not only his personal idea but that people also think the same. He takes to saying everything on behalf of the people who are taken for granted. Erdogan insulted intellectuals as 'the cruel', 'the darkest', 'the ignorant', 'the traitor', 'the lumpen', 'immoral', 'the polluted soul', 'the tool of terrorist organization', 'the repulsive', 'mandatory waste' (Cumhuriyet 2016).[18]

Anti-intellectualism, no doubt, is not a new approach; it has a dark history, from Ancient Greece, as we can see in the case of Socrates, to the Middle Ages, and

[17] This petition was signed by more than 200 intellectuals (18 February 2016). They expressed their concerns about the intervention of Turkey to the Syrian war and they wrote that 'we do not allow R. T. Erdogan to take the possibility to ruin Turkey by pushing it into a dirty war, which he tried to do by the mandate for 1 March 2003' (Diken 2016).

[18] President Erdogan took action against those who criticize him or who he believes will give affront to him; however, some are trying to bring a suit against him. According to the second article of the Turkish Constitution, it is not possible to take criminal action against him except for treason. But it is possible to file a claim for compensation. It seems that Erdogan insults everybody by taking refuge behind this second article of Turkish Republic Constitution (Cumhuriyet 2016).

from the burning of Giordano Bruno by the church authority in 1600, to the burning of books during the Nazi-era and the Middle East, China, and Russia today. All around the world there are anti-intellectualist movements. The charter of peace by the 'Academics for Peace' group, which resulted in the dismissal of many academics and caused them to lose their research funding, is a response to an enormous amount of an oppression on freedom of thinking and research. Therefore, it is possible to think of anti-intellectualism as the result of populist policies. Across the globe, when we consider many political leaders, an anti-intellectual attitude appears in the party's propaganda. This attack on the intellectual is in a sense the result of an attack on reason and intellect, as is substantiated by Max Horkheimer's analysis of reason. To pose intuition and faith against reason, as it were, becomes an ideological apparatus (as Althusser called it). In the case of Erdogan, anti-intellectualism systematically becomes a government policy. In the realm of global politics, the situation is no different.

Anti-intellectualism actually represents a bourgeois attitude that takes sides with the capitalism. Populist discourses, by claiming that they are one with the people and like them, try to demonstrate that they are against elites and the aristocracy, by claiming that the intellectuals underrate them and exploit people's feelings. Anti-intellectualism is nothing more than an elitist, bourgeois attitude, that takes the side of capital, which pretends to be on the side of the people. Although populism emerges from a discourse claiming to be on the side of the people, it does not pronounce any concrete ideas about self-government by the people. Populism excludes the people from governing. It claims to be based on the interests of the people but in fact these interests are paid no mind. Populism never targets long term outcomes or goals. It acts according to the needs of the people at the moment. For this reason, populism is not directly an ideology but rather an instrument in the service of an ideology or a discursive apparatus serving private capitalist interests. For example, the populist discourses in Europe make use of the fear about immigrants and refugees; in the U.S., this threat of terrorism has great influence. In short, populism

is nourished from people's hopes, needs, and feelings. Anti-intellectualism can be read as a political dimension of populism.[19]

Erdogan in fact desires to be accepted and confirmed by these 'so-called' intellectuals. He secretly desires to be like an intellectual, which for him is an elite. When he cannot achieve to be like them, he begins to exclude, ignore and humiliate them. Erdogan did not only insult intellectuals, but he also used all institutions as a means to attack them, to outlaw and disfranchise them. The victims are not only deprived of their academic research, university, and students; they cannot even go abroad because of their blocked passports. In some universities, there are no professors who can lecture because all have lost their jobs. These dismissals, disciplinary investigations, people in police custody and other unfair practices victimize the students. It is a great damage to the right to education and therefore to academic freedom.

Since July 2016, more than 120,000 academics, teachers and civil servants have been dismissed by statutory decree laws enacted during the state of emergency. 7,916 of them are academics, 460 of whom are from the Academics for Peace (BAK), and 33,990 of them are teachers.

[19] Populism has different meaning for the Left and Right. But it is also accepted that populism has negative and positive connotations. According to some, populism is a positive force in leading us to pay attention to the importance of the historical role of the people in history (Keping 2016).

Table 1 - Right violations against 'Academics for peace' (BAK)

	Public	Private	Total
Removed and banned from public service with the decree of laws[a]	372	8	380
Dismissal[a]	37	39	76
Resignation	15	10	25
Forced Retirement	20	1	21
Removed and banned from public service with the decree laws + dismissal + resignation + retirement	409	51	460
Disciplinary Investigation	442	63	505
Disciplinary Investigations. Decision of the Investigation Committee: Dismissal from public service. Pending CoHE (YOK) approval	107	5	112
Preventive suspension	90	11	101
Suspension from administrative duty	3	4	7
Police custody	67	3	70
Pre-trial detention[b]	2	2	4

Source: (Barış için Akademisyenler 2017)

[a]Among the Peace Petition signatories, 42 academics that had been earlier dismissed or forced into resignation, were also removed and banned from public service with the decree laws. In addition, Ph.D. students within the Faculty Training Program suffer from rights violations due to the amendments in the procedures and principles and the decree laws.

[b]Three academics had to stay in pre-trial detention for 40 days and one for 22 days until they were released after the first court hearing.

We should not forget that in Germany and in Italy during the fascist period, many anti-fascist scholars lost their jobs. In December 1934 more than 600 academics were excluded from German universities for political reasons (Belardelli 2005, p. 30).

4. The Form of Resistance and Struggle for the Academic Freedom and against the Restrictions[20]

At international and global level, many scholars, scientists, writers, universities, and associations declared their support for the right of the scholars in Turkey and the autonomy of Turkish universities.[21] These scholars call on the Turkish government for peace and to stop restricting academic freedom and violating human rights and acting violently.

These actions violate both basic human rights and academic freedom. They obstruct the ability of these academics to conduct their research and fulfil other university-related duties. Crucially, these actions also violate several articles of the International Convention on Civil and Political Rights – to which Turkey is a state party – in particular, the rights to freedom of expression and freedom of conscience.[22]

The assaults on freedom and democracy are not new in the history of Turkey, as we mentioned before. In the 1980s, we can observe the first assault on academic freedom with the formation of YOK (Council of Higher Education).[23] Today the universities, because of two new decrees (675 and 676 published on Turkish Official Journal, on 29 October 2016), have lost their autonomy and academic freedom to decide and elect their university rectors, who from now on will be appointed by the President of Republic. The President decides one of three candidates proposed

[20] For further information reporting on recent attacks on higher education, like imprisonment and loss of position, see Scholars at Risk Network:
<http://monitoring.academicfreedom.info/map/turkey>.

[21] For a statement by the Council of the American Studies Association (28 July 2016) see: <https://www.theasa.net/about/advocacy/resolutions-actions/resolutions/statement-academic-freedom-turkey> (viewed 12 April 2017); for the letters (dated 4 April 2017, 14 January 2016, 22 February 2016 and 17 March 2016) of Middle East Studies Association in different period see <http://mesana.org/committees/academic-freedom/intervention/letters-turkey.html>.

[22] Written by American Anthropological Association on 17 January 2016. For further statements, letters, and panels by other academic societies and organization see web-site of *Mesa: Middle East Studies Association*. For the support letter from 23 countries see Bianet (2016b).

[23] 'The Turkish higher education system is regulated by laws that contradict all international standards on academic freedoms, including those in the International Covenant on Economic, Social and Cultural Right, the Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education, the Magna Charta Universitatum, and the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel' (Times Higher Education 2017).

by the Council of Higher Education (YOK). The institutions of higher education in Turkey disquietedly do not only lose their autonomy but also the quality of teaching, researching, learning. The universities lose their qualified academics by dismissal, resignation, and retirement. The repression is felt both in private and public universities. The universities' rectors act as dictators and help the government to dismiss academics from universities. Universities even begin to control the conference papers to see whether they include critiques of the current government and its actions. Particularly in the last decade, the universities encounter serious repression. After the Ankara massacre (12 and 13 October 2015), a strike and boycott was organized and because of it the staff, students, and academics at the universities, were repressed (Bianet 2015).

Academics who create theory through critical reason assume political and moral responsibility, and criticize the existent situation in order to uncover the truth. But their action is not limited only to a petition. After the declaration of 'Academics for Peace', they continue to create forms of struggle against dismissal, resignation, and retirement. These forms of struggle lead us to think about the possibility of different kind of academy outside of the universities. Are universities the only place where we can produce new ideas, science, thought, discussions, and critiques?

Within the context of this question, the dismissed academics continue to struggle not only theoretically but also politically, and they are trying to create an alternative academy in order to meet with, and lecture to their students. The first academy for solidarity established at Kocaeli University by dismissed academics. After Kocaeli Academy for Solidarity, other academies are established in Mersin, Izmir, Dersim, Istanbul. Lastly in Ankara 'Ankara Dayanisma Akademisi' (ADA) (Ankara Academy for Solidarity) was established in the Chamber of Architects of Ankara Branch on January 2017; they organize seminars in the building of Trade Union of Public Employees of Education and Sciences (Egitim-sen). In their program, there are the following subtitles: 'Continued State of Emergency (OHAL) and the Regime of Legislative Decree (KHK)', 'Video-Action Workshop-I', 'Economic Cri-

sis and Labour', 'Defending Human Rights in the State of Emergency (OHAL)', 'Theater Workshop-I: Dramaturgy Reading', 'Solidarity Workshop-I: How can be human rights violations prevented in human destruction?'. In Ankara, there is also the Street Academy, which holds lectures in several parks and places. Among these 'Praksis Journal Academy for Solidarity' is established by Praksis Journal, which is a quarterly magazine.

Not only at the national level but also at the international one, there is solidarity and support for the dismissed intellectuals. In Europe, some institutions and universities in countries such as Germany, France, Belgium, Switzerland, U.S., England, Austria, Italy give jobs and scholarships to the academics at risks.

An academic, Nuriye Gülmen and a teacher, Semih Özakça, started a hunger strike in Ankara since 9 March 2017 in order to protest the attacks against the academy and to get their jobs back. They say that they struggle not just for their job but also against fascism, the delegated legislation (KHK), and the repressions realized through the State of Emergency. They say that in the last two months 37 persons committed suicide and 150,000 public servants (public employee) lost their jobs. Also in Istanbul, Ankara, Cologne, and Paris signatories of the 'Academics for Peace' started symbolic hunger strikes for up to 12 hours.

With the referendum in 16 April 2017, in spite of the will of people, Turkey entered a new path of violence and trickery: the Turkish presidential system, corresponding to the end of the so-called democracy of the constitutional and parliamentary system. There are three types of presidential systems. In the first group, there are countries such as the U.S. and Brazil, in which we can find the basic principles of democratic systems, such as the principle of separation of powers: legislative, executive, and juridical power. In the second type of presidential system, there are countries like France, where we can find a semi-presidential system. In the third type of presidential system we can find countries like Republic of Rwanda, Central African Republic, Mexico, which are semi-colonies of the developed capitalist countries and in which there is no principle of separation of powers or in which this separation is very weak. This last presidential system embraces now also Turkey and

helps the developed capitalist states interfere more easily in economic, social, and political life of the countries governed under this system. It seems that for the citizens of the Republic of Turkey there is no other way to continue to fight for democracy, for their historical achievements against this oppressive, one-man-system by way of both theory and praxis.

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RESEARCH ARTICLE

Threats to Academic Freedom in Venezuela: Legislative Impositions and Patterns of Discrimination Towards University Teachers and Students

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ABSTRACT

As democracy is weakened and economic and social conditions deteriorate, there are increasing threats to academic freedom and autonomy in Venezuelan universities. Although academic freedom and university autonomy are legally and constitutionally recognized, public policies and 'new legislation' undermine them. Military and paramilitary forces violently repress student protests. Frequently, students are arbitrarily detained, physically attacked, and psychologically pressured through interrogations about their political views and their supposed "plans to destabilize the government". A parallel system of non-autonomous universities has been created under a pensée unique established by the Socialist Plans of the Nation. Discrimination has increased, both in autonomous and non-autonomous universities. This paper will expose the legal and political policies undermining academic freedom in Venezuela under the governments of former president Hugo Chávez and current president Nicolás Maduro. Patterns of attacks against autonomous universities by police and military forces, as well as cases of political discrimination are described.

KEYWORDS: Academic Freedom, University Autonomy, Venezuela.

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1. Introduction

Research on academic freedom and university autonomy in Venezuela, carried out from a historical point of view, has highlighted repeated government threats to universities [...]. According to Leonardo Carvajal, autocratic governments in Venezuela during the nineteenth century directly appointed university rectors and professors (Carvajal 2011). During the twentieth century, dictatorships sent students and professors to prison (Carvajal 2011). And, in the twenty-first century, an authoritarian government aims to extend its political control by imposing its ideological dogmas on the curricula of Venezuelan universities. Graciela Soriano has examined the situation of university autonomy from the creation of the first Venezuelan universities at the beginning of the 18th century until 2004, pointing out the oppression suffered by universities between 1868 and 1883 under the Guzman Blanco presidency; between 1912 and 1928 under Juan Vicente Gómez's dictatorship; and during Marcos Pérez Jimenez's dictatorship in the second half of the 20th century (Soriano 2005). Luis Ugalde has identified governmental strategies for controlling universities in Venezuela as of 2004 (Ugalde 2011). Manuel Rachadell has explained the way in which the Organic Law of Education passed in 2009 violates university autonomy and constitutional dispositions related to educational rights. He also examined judicial interferences in the election of university authorities with the aim of controlling them (Rachadell 2013). Orlando Albornoz has published books and articles for English audiences that touch on autonomy and academic freedom from sociological, historical, and anthropological perspectives, pointing out [...] the loss of ability and talent, and viewing as its causes, among others, the populist and demagogic policies of this century's governments (Albornoz 1998, 2005, 2011, 2012).

Recently, several articles published in journals on higher education have highlighted the deteriorating conditions of academic freedom and university autonomy in Venezuela. In a July 2017 interview, Claudio Bifano, professor at Universidad Central de Venezuela, stated: "While the government has created new universities in its own ideological image, the traditional autonomous institutions suffer severe financial restrictions and legal constraints imposed by people who do not rec-

ognize the importance of research and higher education" (Times Higher Education 2017)[1]. In 2015, Benjamin Scharifker and Angelina Jaffe warned that "government policies were creating a man-made disaster with the potential to affect for generations the quality of the country's higher education system and the lives of its scholars, students, and society" (Scholars at Risk 2015).[2]

This article reflects, from a human rights perspective, the state of Venezuelan universities from 2003 to the present while president Chávez's policies have been undermining academic freedom and university autonomy. Empirical evidence taken from the human rights organization database[3], as well as documentary sources, are used in this research.

The article contributes to discussions concerning the erosion of academic freedom in Venezuela, particularly in the last 15 years, during the Chávez and Maduro governments, in the hope that it may encourage further research.

2. Venezuelan Social, Political and Economic Context: 1999-2017

Once Hugo Chávez became president in 1999, his governmental program aimed for the political inclusion of marginalized groups traditionally excluded by poverty and a low political participation. The Bolivarian Socialist credo presented itself as the only path for the inclusion of marginalized groups. The process of inclusion of the poor went together with the process of political indoctrination and intolerance of dissent.

In 2010, President Hugo Chávez presented the *dot and circle* theory, intended to territorialize [....] actions and make them effective by creating clearly defined geographical spaces for efficient management of communities. Communities were supposedly given the power to develop strategies, under the guidance of communal

[1] See: https://www.timeshighereducation.com/news/higher-education-under-siege-venezuela.
[2] See: https://www.scholarsatrisk.org/resources/academic-freedom-under-threat-in-venezuela.
[3] Human Rights Observatory of the University of Los Andes; Human Rights Commission of Faculty of Law and Political Science, Zulia University; and NGO Aula Abierta Venezuela databases.

leaders[4] aligned with the government, in order to spread official values and propaganda, promising people the "greatest amount of happiness".

These communities were organized in areas where poor people lived and were responsible for disseminating Chávez's ideology, creating *fronts for the defense of the Bolivarian revolution against external and internal aggressions*. The Ministry of Popular Power for Communication and Information said in 2015 that the "economic war; the psychological operations for popular demobilization; the Obama Decree, and [...] Yankee imperialism" (MPPCI 2015) were among the aggressions against the Bolivarian revolution.

The *dot and circle* theory articulates a socialist model of production, implementing new productive relations and the creation of productive micro-units composing the desired communal state for the alleged purpose of satisfying collective needs, not individual needs as capitalism does. According to this credo, competitiveness is replaced by solidarity, wealth is distributed fairly and traditionally excluded people are given power. According to Rodríguez, there were five axes for the birth of the new Republic formulated by President Hugo Chávez in the dot and circle theory: 1. [...] Political axis for *participatory and protagonist* democracy; 2. [...] Economic axis for a productive and self-sustaining economy based on solidarity values; 3. [...] Social axis for promoting education and justice; 4. [...] Territorial axis for proportional settlement of the national territory; and, 5. [...] International axis to strengthen sovereignty and integration with the rest of Latin America and other Third World countries (Rodríguez 2010).

These five axes required the assignment of high-ranking military personnel to key positions such as ministries, embassies and, particularly, [...] state companies and businesses, to buy their support of the government. Civilians were, in general, excluded from the Bolivarian revolutionary process. Critical and political dissent was thus silenced more and more as it was considered a threat to the governmental discourse.

[4] *"Comrades"* whose personal profile would indicate their level of patriotic commitment to the ideology of the ruling party.

In 2005, by the end of Chávez' first presidential term, the 1998 electoral promises were not on the way to realization. Political improvisation and ideological radicalism increased after the oil strikes of 2002-2003.

With the reelection of Chávez for a second period, the economic sector was taken over by the State and countless private companies[5] were illegally expropriated. Access to and exchange of foreign currency was restricted[6] resulting in the decline of domestic production and the increased importations of goods.

The *fronts for the defense of the Bolivarian revolution against external and internal aggressions* were subject to government blackmail and manipulation because they received money in exchange for political support and electoral duties[7] (Machado 2009). As the economic situation deteriorated, the government created more organizations to provide for the people's needs. It was a way of applying political manipulation. Nowadays, some of these organizations even manage to distribute food and medicine though they discriminate towards people that do not support the government. Instead of conforming to democratic values and fulfilling community requirements, these organizations have become mechanisms for oppression, violence, discrimination, and corruption, subjecting Venezuelans to inhuman conditions and continuous confrontation.

In this context, President Chávez promoted, in 2003, the creation of non-autonomous university institutions, in an attempt to impose a sole political way of thought for the consolidation of [...] so-called "socialism of the XXI century". The new university became, rather than a scenario for the free discussion of ideas, a

[5] Today, most expropriated private enterprises report heavy losses, while some do not even work. Others have been absorbed by other enterprises in an attempt to keep the payroll without being productive.

[6] Several systems have been created for the allocation of foreign exchange, but so far none have had positive effects on the economic apparatus. On the contrary, they restrict domestic entrepreneurs.

[7] For example, in January 2009, the national newspaper, *El Nacional,* stated that the Minister of Popular Power for Participation and Social Protection said, regarding the consultative referendum to reform the Constitution, that: "Each communal council is a committee for the 'yes' to a constitutional reform. It is an organ of the power. All organizations must fight for approval of the constitutional reform. Ground committees, energy tables, telecommunication tables are committees for the *yes* (...) It should be understood as a political task; we must leave aside any other project and fight. None of the problems we are going to solve in the community can be dealt without using force." (El Nacional 2009).

mechanism of state educational control for youth indoctrination. The creation of non-autonomous universities meant that autonomous academies of higher education were gradually subjected to budget restrictions, leading to technical closures where they were unable to afford operative expenses.

The political program of current president Nicolás Maduro has accentuated an economic crisis unprecedented in Venezuelan history. This has seriously affected the whole country, where people suffer from starvation while state representatives maneuver to keep themselves in power.

This situation has raised protests —many of them rallied by university students[8]— against the policies and the political program that has caused economic disaster in a context of deep social injustice. Student protests are directed against ideological impositions in universities and against the annulment of the National Assembly (controlled by the opposition) by the Supreme Court (controlled by the government). As protest increases, repression increases with consequent violation of the most essential human rights.

3. Student protests and police and military repression

The Venezuelan constitutional framework recognizes, in accordance with international standards of human rights, the right to protest peacefully. It also regulates the actions of state security authorities, prohibiting the use of firearms and toxic substances in the control of peaceful demonstrations. Security forces are obligated to respect the dignity and human rights of every individual; [...] the use of weapons or toxic substances by police and security officials must be limited by principles of necessity, appropriateness and scale. Despite these Constitutional guarantees, Venezuelan security forces have systematically used indiscriminate and disproportionate [...] force against demonstrators, most of them university students; criminalized student protest; massively practiced arbitrary student detentions, violating due process and contradicting domestic Constitutional Law and International Law.

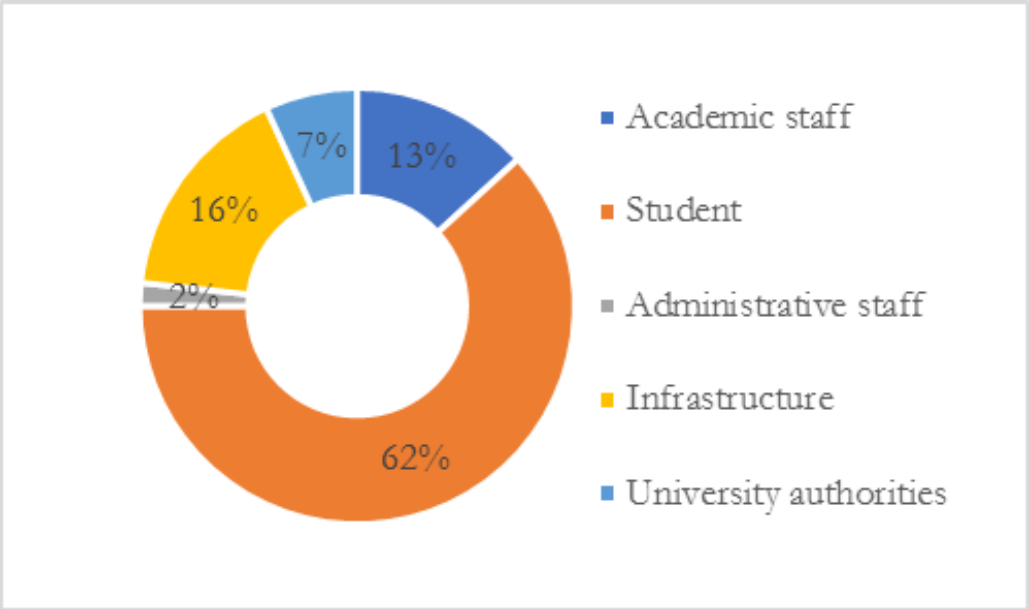
[8] Historically, in Venezuela, students have been traditional actors and always pioneer of protest against the government on duty. Not in vain, they conquered the country's democracy in 1958.

Table 1 – University Attacks from January 2015 to May 2017

Item	Number of Victims	%
Academic staff	54	13,24%
Student	252	61,76%
Administrative staff	7	1,72%
Infrastructure	67	16,42%
University authorities	28	6,86%
Total	**408**	**100,00%**

Source: Database monitoring Human Rights Observatory of University of Los Andes, and Aula Abierta Venezuela NGO, 2017.

Figure 1 - Number of attacks from January 2015 to May 2017



Source: Database monitoring Human Rights Observatory of University of Los Andes, and Aula Abierta Venezuela NGO, 2017.

Despite the constitutional normative provisions mentioned above, which are compatible with respect for human rights in Venezuela, since 2014, an *infra*-constitutional normative framework has been developed both jurisprudentially and through National Executive Power decrees and resolutions. In the first, judgments by the Supreme Court of Justice allow military and security corps to exert protest

control functions resulting in excessive use of force. Special mention should be made of Judgment Nº 276 of April 24th, 2014 of the Constitutional Chamber of the Supreme Court of Justice regarding the interpretation of article 68 of the Constitution and articles 41, 43, 44, 46 and 50 of the *Law of Political Parties, Public Meetings and Manifestations* (Constitutional Court Decision 276, 2014)[9]; Resolution Nº 008610 of the Ministry of Defense dictating the norms for the intervention of the Bolivarian National Armed Forces in control of public order, social peace, and citizen coexistence at public meetings and demonstrations (Resolution 008610, 2015)[10]; the Zamora Civic-Military Special Strategic Plan[11] and the unconstitutional Declaration of State Emergency in Venezuela[12].

In Venezuela, police and military forces have repressed student protests with excessive force[13]. The situation has been worsening since 2013, but more dramatically in 2014 and 2017. Repressive actions towards university students have spread throughout the country; arbitrary detentions where students have been phys-

[9] The Constitutional Court prohibited exercising the right to demonstration without a previous authorization from the Mayor. The Court warned that avoiding such authorization implies a criminal offense; so, citizens were deprived of their freedom to demonstrate. In addition, the Court stated that any public meeting without authorization would allow law enforcement bodies to disperse concentrations using mechanisms they deem most appropriate, including lethal arms.

[10] On February 24, 2015, Kluivert Roa, a 14 years old student, was killed in protests in Táchira State; 15 students were injured in protests for this killing in the University of Los Andes and the Catholic University of Táchira (UCAT). See *Restrictions and Reprisals Against Autonomy and Academic Freedom in Higher Education System in Venezuela.* Contribution for the Second Cycle of Universal Periodic Review of Venezuela, in the 26th session of the United Nations Human Rights Council(Human Rights Observatory of the University of Los Andes et al. 2016).

[11] On April 18th, 2017, President Nicolás Maduro ordered the activation of the "Zamora Civic-Military Special Strategic Plan, in its green phase", which is the maximum Plan of Security and Defense of the Nation in case of alleged threats to the internal order that could cause a social and political commotion or a rupture of the institutional order. The implementation of the Plan undermined the exercise of the right to demonstration. (Efecto Cocuyo 2017)

[12] The Decree of State of Exception of May 13th, 2016, confers to the grassroots organizations of the so called "People's Power" attributions so that, together with the police and armed forces, they carry out public order and security functions. This has resulted in massive arrests, accusations of military offenses such as rebellion and the application of military justice to civilians, which has generated great concern in civil society. See (CDH-UCAB 2017; El Nacional 2017; El Nacional 2017b; Panorama 2015)

[13] The State's criminalization and repression of student demonstrations reached alarming levels in 2013, generating protective actions by international human rights bodies. Between February and June 2014, more than 3,000 demonstrators, mostly students from public and private universities in several states who participated in peaceful protests, were arrested preventively and subjected to unfair trials without due process (Human Rights Observatory of University of Los Andes 2015). Available at http://www.uladdhh.org.ve/index.php/boletines-2/.

ically attacked and psychologically pressured through interrogations about their alleged "plans to destabilize the government" have increased. Students are labeled as terrorists by government [14]. Repression by the police and the Bolivarian National Guard (GNB), usually working together with illegally armed groups, includes using firearms against civilian protesters and military trespass on autonomous universities[15].

Table 2 - Number of attacks classified by type of offender January 2015 - May 2017

Item	Number of attacks	%
State authorities	173	42,40%
Armed civilians	44	10,78%
SEBIN[16]	6	1,47%
Police	39	9,56%
National Guard	67	16,42%
CICPC[17]	1	0,25%
Common crime	78	19,12%
Total	**408**	**100,00%**

Source: Database monitoring Human Rights Observatory of University of Los Andes, and Aula Abierta Venezuela NGO, 2017.

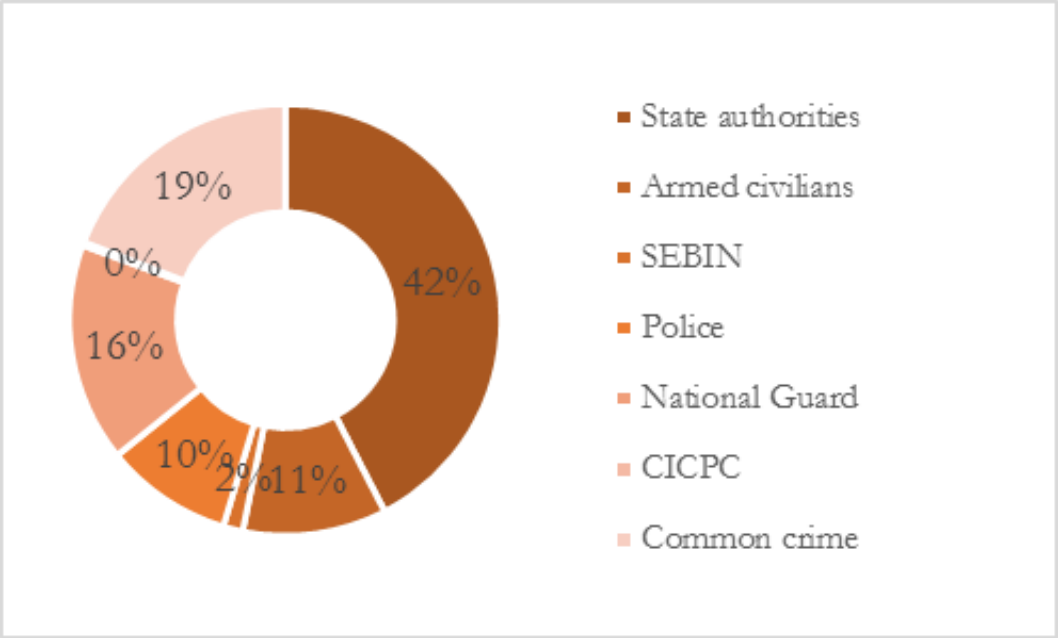
[14] In 2014, more than 200 staff of the University of Los Andes, received subpoenas for their participation in peaceful demonstrations. In 2013 Leonardo León, ULA journalist, was accused of defamation by the state governor Alexis Ramirez. That year, the CICPC's National Bureau of Counter-Terrorism Investigation summoned professors Poleo and Aller, and the engineer Lara, for their public statements about the electrical crisis in the country(Human Rights Observatory of the University of Los Andes et al. 2016).

[15] On February 2017, during a protest at University of Los Andes in Táchira state, a student was injured in his eye by a pellet and fifteen bullet shells of 9 mm were shoot by police officers inside university campuses.

[16] The Venezuelan Bolivarian political police.

[17] Scientific, Penal and Criminal Investigations Office.

Figure 2 - Number of attacks classified by type of offender, January 2015 - May 2017



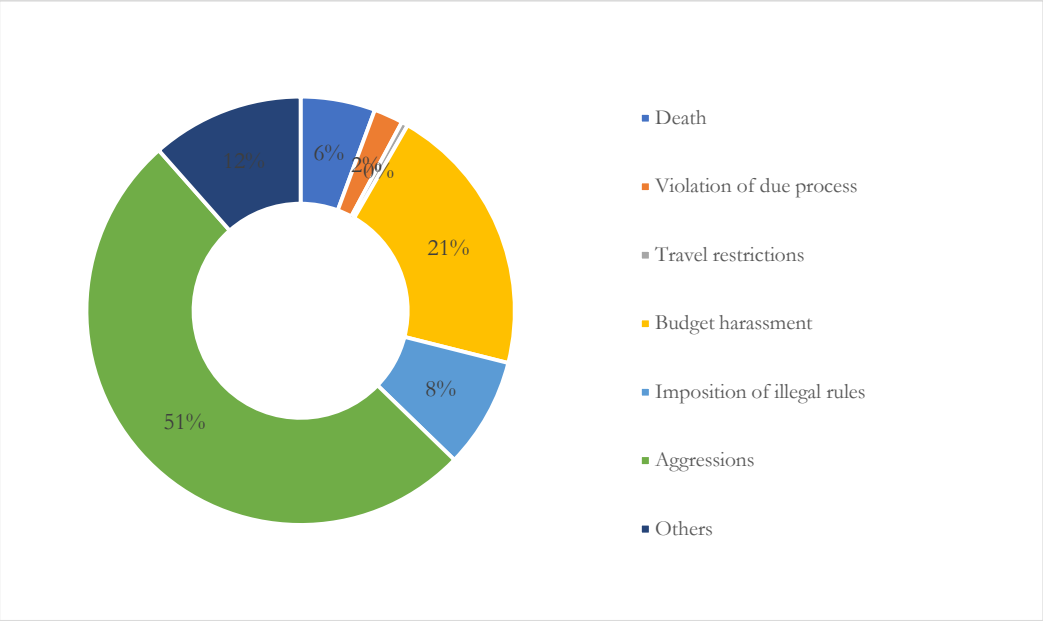
Source: Database monitoring Human Rights Observatory of University of Los Andes, and Aula Abierta Venezuela NGO, 2017.

Table 3 - Number of incidents classified by kind of attack, January 2015 - May 2017

Item	Number of attacks	%
Death	23	5,64%
Violation of due process	9	2,21%
Travel restrictions	2	0,49%
Budget harassment	84	20,59%
Imposition of illegal rules	34	8,33%
Aggressions	209	51,23%
Others	47	11,52%
Total	**408**	**100,00%**

Source: Database monitoring Human Rights Observatory of University of Los Andes, and Aula Abierta Venezuela NGO, 2017.

Figure 3 - Number of incidents classified by kind of attack, January 2015 - May 2017



Source: Database monitoring Human Rights Observatory of University of Los Andes, and Aula Abierta Venezuela NGO, 2017.

International human rights bodies have focused on the human rights situation in Venezuela. In particular, the United Nations Committee against Torture (CAT) on November 2014, and the United Nations Human Rights Committee (CCPR) on June 2015, addressed their general concerns regarding the situation of repression and criminalization of protest in Venezuela. In the last *Universal Periodic Review* on November 2016 (UPR), different countries made recommendations to Venezuela about academic freedom, freedom of expression and university autonomy. This suggests the general concern about the violation of liberties in the country [...] affecting the right to education[18].

[18] See press release from Aula Abierta,available at https://goo.gl/Ta8bG9.

4. New legislation, autonomy and parallel system (2003-2017)

In Venezuela, there are five public national universities[19] and 27 private universities[20] [...] guided by the constitutional principle of university autonomy. There are another forty-seven national universities called "experimental", the majority created under the Chávez government between 2003 and 2012.[21] Although the Constitution requires *experimental universities* to progress towards the adoption of autonomy, more than thirty-two *experimental* universities do not envision it. The National Executive Power persists in a policy aimed at undermining [...] institutional autonomy in higher education.

Venezuelan law has recognized university autonomy and academic freedom since 1958 and since 1999[22] [...] it is also recognized as a constitutional principle. However, in 2003 President Hugo Chávez decreed the creation of a parallel non-autonomous system of higher education totally subordinated to the State, named *Sucre Mission*[23]. Under this Mission the Bolivarian Venezuelan University, established in several states in spaces called University Villages, was created to serve an expected floating student population. All universities lacking autonomous status were absorbed in this Mission and a *pensée unique*[24] model was implemented for

[19] UCV, Universidad Central de Venezuela; UCA, Universidad de Carabobo; ULA, Universidad de Los Andes; UDO, Universidad de Oriente; LUZ, Universidad del Zulia; y USB, Universidad Simón Bolívar.

[20] Ministry of People's Power for Higher Education, Science and Technology: Report and Accounts, 2014 and 2015.

[21] Ministry of People's Power for Higher Education, Science and Technology: https://www.mppeuct.gob.ve/ministerio/ieu. According to Article 10 of Universities Act (LU), *experimental universities* are created by the National Executive Power in order to experiment new aspects and structures in higher education. In principle, these universities lack autonomy, except for seven of them.

[22] The principle of autonomy and the right to academic freedom are contained in Articles 109 and 102 of the Constitution of the Bolivarian Republic of Venezuela (CRBV), Articles 6, 7 and 9 of the Universities Act (LU), and Article 36 of the Organic Law of Education (LOE 2009). This framework is consistent with Articles 13 and 15 of the International Covenant on Economic, Social and Cultural Rights and UNESCO's Recommendation Concerning the Status of Higher-Education Teaching Personnel.

[23] President Hugo Chávez implemented several social programs called Bolivarian Missions. These programs have been used for proselytism.

[24] *Pensée unique* (single thought): Imposition of an ideology that is proposed as the only and unquestionable truth and a set of ideas as the only valid and justified objective.

proselytism and indoctrination. This model achieved the highest enrollment in the National Experimental Polytechnic University of the National Armed Forces (UNEFA)[25]. According to the National Executive Power, the *Sucre Mission* achieved [...] 83% of national university coverage by 2013. This is among the highest in the world, but there are not enough official data to verify registration, or indicators of permanence, desertion and academic performance.

The imposition of government guidelines on universities in Venezuela continued in 2008, when President Hugo Chávez decreed the creation of the *National Programs for Higher Education.* They were made up of different [...] university programs conceived under the direct supervision of the Ministry for University Education to fulfill the Simon Bolívar National Project[26] —the first government socialist Plan directed towards strengthening the so called Bolivarian socialist revolutionary process— for implementing the Bolivarian socialist dogma in the higher education system[27].

On 2009, another mission taking over higher education was created, called "*Alma Mater Mission* for a Bolivarian and Socialist University Education". It was decreed by President Hugo Chávez to promote the transformation of university education according to the guidelines of the Simon Bolívar National Project. The Ministry of Popular Power for University Education was appointed as the governing body for the implementation, coordination and development of the *Alma Mater Mission,* conceived as a project to collaborate with the *Sucre Mission*.

In 2009, a new *Law on Education* was enacted with articles that violated university autonomy and academic freedom. It was derived from a draft reform of the

[25] Mission Sucre rests primarily on two emblematic universities: the Bolivarian University of Venezuela (UBV), created in 2003 to include the pending floating student population, extended to several states in spaces called University Villages; and UNEFA, a military university has had a considerable expansion, from an enrollment of 3,000 registered in 2003 to over 200,000 in 61 sites nationwide, also as part of a strategic Civic-Military alliance.

[26] The First Socialist Plan for the Economic and Social Development of the Nation 2007-2013 oriented towards de construction of the "XXI century Socialism". See full document in Presidential Office (2007).

[27] See the National Training Programs at Resolution Nº 2.963 of Ministry of Higher Education (Resolución Nº 2.963, 2008).

Organic Law on Higher Education (PLEU)[28] approved by the National Assembly (AN) in December 2010 but vetoed by the President in January 2011. Despite this and various appeals filed by the universities before the Supreme Court (TSJ) requesting the annulment of the said articles (not resolved to date), they still apply to all universities[29].

The new law of education created the *Estado Docente*[30], assigning to the National Executive Power control over [...] university rules and policies of government, income, and teacher training. Article 34 of the law states that university autonomy must be interpreted (a) in academia, as the subordination of training programs and research to the plans of the National Executive Power and the priority needs of the country; (b) at the administrative and self-government level, as the obligation to include the administrative staff and workers in the election of university authorities and student representatives; and (c) in the economic sphere, as centralized State control over the investment and expenditure of universities. According to article 34, the principle of academic autonomy must be interpreted, within the scope of the educational function, as subject to the plans of the Executive and the priority needs of the country, in interaction with the communities. Administrative autonomy must be interpreted as the obligation to include administrative and worker personnel, and alumni, as voters with equal rights with teachers and students; and financial autonomy must be interpreted as external control and oversight by the State. The article 34 of the LOE follows the Reform Project of the Organic Law of University Education (PLEU), presented in December 2010 by deputies of the National Assembly and vetoed by the National Executive Power in January 2011. In the PLEU, all universities had to adapt the autonomous nature of their academic, political and administrative norms to state purposes, in order to consolidate a model: a socialist university, one way of thinking, and absolute control by the *Estado Docente*. Despite

[28] See PLEU available at https://goo.gl/T9Uv9i.
[29] The report of the Directorate of Legal Council of the UCV demonstrates the unconstitutionality of the LOE, see: https://goo.gl/HCUw06.
[30] Through the figure of *Estado Docente* (Teaching State), the state regulates, monitors and controls the entire educational activity at all levels of public and private education under sectarian principles.

its veto, the Ministry of Higher Education (MES), through the Vice-Presidency of Planning and Knowledge, has issued a set of resolutions and decrees that apply the PLEU in practice. Similarly, the formulation of articles 37 and 38 of the LOE violates academic autonomy by assigning the design and control of training policies and programs for university teachers to the executive power. The so-called System of Continuing Education of University Professors, issued by the MES in June 2015, which is applicable to all universities in the country, is based on these articles.

The functions attributed to the *Estado Docente*, stated in articles 6.2.b, 6.3.k and 6.3.l of the Law of Education, undermine [...] academic, administrative, and financial autonomy by assigning the control of the norms of government, the entrance policies and the educational training programs of the universities to the National Executive Power, in order to adapt them to ideological ends contrary to an education free and open to all [...] currents of thought.

The 2013-2017 Second Socialist Plan of the Nation envisions the transformation of the universities needed to link it to the objectives of the national project. In essence, it consists in deepening and radicalizing the Bolivarian revolution in order to impose [...] so-called Bolivarian socialism. Article 1.5.1 of this political program states that scientific research must be at the service of the construction of the Socialist Model of Production and the strengthening of Socialist Ethics, thus contravening the principles of university autonomy and the right to academic freedom and the free development of [...] personality.

In order to implement the Socialist Plan for higher education and achieve its goals within "*the greatest political efficiency and revolutionary quality in the construction of socialism*", in 2014 the National Executive Power transformed the executive body of higher education into the Ministry of Popular Power for Higher Education, Science and Technology,[31] with three vice-ministries[32], whose responsibilities empower them to issue decrees without consultation regarding policies, plans, and training programs, student admissions, and research priorities in higher education. This

[31] Decree N° 1.226, of September 3, 2014. Available at: https://goo.gl/dzCMUW.
[32] The deputy ministers are: a) of university education, b) of research and application of knowledge and, c) of institutional strengthening, connectivity and knowledge exchange.

usurps functions that, as part of their autonomy, belong to universities[33].

On November 03, 2015, the majority of former National Assembly members, controlled by the government party, passed an *Agreement* requesting a takeover of the universities. Twenty-two national human rights organizations, the Association of Rectors of the Autonomous Universities, the Federation of Associations of University Teachers, the Federation of Venezuelan Student Centers and the unions of university workers rejected it categorically as interference in university autonomy and a violation of the right to academic freedom and labor rights. The National Assembly Agreement accused universities of being "abducted by forces of different signs" (i.e. tendencies not aligned to the national government), of "generating processes of insubordination to the law" and of "supporting unconstitutional and violent solutions against the democratically elected government"[34]. The *Agreement* criminalized the legitimate struggles of the university associations by pointing out that they constituted "a policy of the Venezuelan opposition"[35].

5. Discrimination towards professors and students

5.1. Prohibition of discrimination in the field of higher education

The legal framework of academic freedom and university autonomy is compatible with the general principle of non-discrimination in the higher educational system. In Venezuela, the National Constitution preserves, in Article 21, the general principle of equality before the law and non-discrimination. Therefore, academic freedom and university autonomy (Constitutional Articles 102 and 109 and Articles 6, 7 and 9 of University Law) should be interpreted according to the general

[33] Juan Carlos Delgado, former Vice Chancellor of Trujillo campus of the University of Los Andes stated: '…Higher Education subsystem is governed by means of decrees, obviating the current Universities Act (…) Ministry of People's Power for Higher Education, Science and Technology, governed by the Organic Law of Education, bases its relationship with universities from the perspective of the *Estado Docente* centralizing, in an overwhelming and interventionist way, decisions and programs previously taken by institutions of higher education autonomously and independently (Delgado 2013).

[34] From this perspective, the revolutionaries, in a stroke, turn the autonomous universities into agents of imperialism and trainers of fascist righters, which deserve bombs and bonfires. (Ugalde 2017).

[35] University Centers and Human Rights Organizations speak on the *Agreement*. (Human Rights Observatory of the University of Los Andes 2015).

understanding of non-discrimination. Academic freedom, in the broadest sense, comprises the statutory principle of autonomy and the right of every person to participate in the higher education system, in which all currents of thought are respected and full development of the personality is allowed without subjection to prescribed doctrines[36]. In this context, academic freedom implies the freedom to express critical opinions about the institution or the system of which the individual is a part, without suffering any discrimination or repression from the government or any other institution[37]. This requires that institutions of higher education guarantee students free expression of their opinions about any national or international issue[38].

Higher education institutions must [...] ensure equitable and fair treatment to all students, without discrimination[39], in accordance with Article 21 of the Convention against Discrimination in Education, which defines discrimination as: "(…) any distinction, exclusion, limitation or preference which, being based on (…) political or other opinion (…) has the purpose or effect of nullifying or impairing equality of treatment in education (…)". In this context, governments are obliged to repeal all administrative provisions and practices involving discrimination in the framework of education[40].

5.2. Main concerns regarding political discrimination towards professors and students in Venezuela

Discrimination in higher education has increased in Venezuela. Between June and July 2016, 896 students of Zulia State were excluded from the government´s Jesus Enrique Lossada[41] scholarship program, after collecting signatures in favor of [...] the recall referendum against President Nicolás Maduro. Although the

[36] Recommendation Concerning the Status of Teaching Personnel in Higher Education. (UNESCO 1997).
[37] Idem.
[38] Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education.
[39] Recommendation concerning the Status of Teaching Personnel in Higher Education. (UNESCO 1997).
[40] Article 3 of the Convention Against Discrimination in Education.
[41] See Aula Abierta Venezuela, Preliminary Report. Available at: https://goo.gl/ByHJHY.

scholarships were given back under *certain* conditions[42] and Zulia´s government apparently rectified the decision, the message of political intolerance had already been sent.

Exhibition at the Experimental University of Security UNES that is part of the Alma Mater Mission. Students are obliged to paint and sculpt Hugo Chávez images for exhibiting them in University main hall.

Discrimination towards students and university professors has increased in Venezuela, both in autonomous and non-autonomous universities[43]. There is a general pattern of political discrimination in universities subjected to the Executive Power. Professors and students from Bolivarian universities must submit to the Bolivarian revolutionary credo under threat of being expelled.[44] Offices and classrooms in university buildings are filled with political propaganda and slogans of the type: 'Educating for Socialism'; 'Our homeland, Venezuela, needs patriots, we have had enough betrayers', thus promoting sectarianism and intolerance towards critical

[42]The students to be reinstated were obliged to sign a *letter of commitment* in which they accepted, among other things, to participate in proselytizing activities required by the government prohibiting them to participate in protest.

[43] *See Restrictions and Reprisals Against Autonomy and Academic Freedom in Higher Education System in Venezuela*: Contribution for the Second Cycle of Universal Periodic Review of Venezuela, in the 26th session of the United Nations Human Rights Council (Human Rights Observatory of the University of Los Andes et al. 2016).

[44] According to former Bolivarian University professor Dr. Gabriel Andrade: There is no possibility in this university to publicly make a comment in favor of Adam Smith, or against Simon Bolivar; the teacher who does it, runs the risk of being expelled. A student wearing a t-shirt representing a political party opposed to the government would not be allowed to enter the university even though there are plenty of students wearing t-shirts representing the ruling party (Andrade 2012).

thinking and considering students and professors who exercise their freedom of expression as the enemy.

Students from the Bolivarian University and the National Experimental Army University are subjected to discrimination and repression for expressing their dissent on political issues. The cases of Leonardo Isaac Lugo[45] and Rafael Avendaño are representative[46].

Discrimination towards university professors has increased in Venezuela as well. On February 2017, Santiago Guevara, a professor from the Carabobo University, was detained under the charge of treason, causing serious concerns in the Venezuelan and international community[47]. He is well known from his press articles criticizing economic policies in Venezuela. The NGO Scholar at Risk (SAR) stated: "Professor Guevara, a 65-year-old economist who has taught at the University of Carabobo's Faculty of Economical and Social Sciences for 42 years, has led economic development projects in Venezuela and has frequently commented in the media on the current administration's economic policies (…) On February 21st, 2017, officers from the Directorate of Military Counterintelligence (DGCIM) reportedly visited Professor Guevara at his home in Valencia, where they served him with a summons instructing him to report to the DGCIM. Professor Guevara did so voluntarily later that evening, and was taken into custody. On February 23, he was reportedly brought before a military court and charged with "treason," "incite-

[45] Leonardo Isaac Lugo was a student of the National Polytechnic Experimental University of the Bolivarian National Armed Forces – UNEFA, in Falcón State. On October 2016 the UNEFA authorities considered a serious misconduct and a challenging attitude the fact that Isaac Lugo wore a bracelet with Henrique Capriles name in it, a political opposition leader and former presidential candidate.

[46] Rafael Avendaño was a medicine student at the Bolivarian University of Venezuela in Mérida State. The 3rd of November 2016 he was expelled from the University on the basis of a report prepared by the coordination office. The reasons to expel him were: a) to have expressed his disagreement with the Bolivarian Revolution b) to have turned on a non-official TV channel.

[47] Regarding international actions addressed to international human rights bodies, the NGO, Aula Abierta Venezuela, the Human Rights Observatory of University of Los Andes, the Human Rights Commission of University of Zulia, the Center for Peace and Human Rights of Central University of Venezuela, the Venezuelan Association of Constitutional Law, among others, issued a request before the Inter-American Commission on Human Rights, regarding the situation of professor Guevara and the situation of academic freedom and university autonomy in Venezuela. Reports available at: https://goo.gl/cO2mWP, https://goo.gl/gtKjGC, https://goo.gl/3lhcfH, https://goo.gl/1v3wmW, https://goo.gl/d7ecT3.

ment to rebellion", and crimes against the "security and independence of the nation." While the evidentiary basis for the charges has not been disclosed, Professor Guevara's colleagues allege that his arrest was a response to his recent publications. DGCIM officers have questioned him specifically about his articles commenting on economic conditions and political unrest in Venezuela" (Scholars at Risk, 2017). Confinement conditions in DGCIM are not compatible with the UN Standard Minimum Rules for the Treatment of Prisoners[48]. Furthermore, professor Guevara's health has been compromised, as various organizations have reported[49].

The prosecution and detention of Professor Guevara by the military jurisdiction underlines a main concern regarding the situation of civilians in Venezuela under prosecution by military authorities. This violates the human rights standards issued by the United Nations and the Inter-American Systems, as well as Venezuelan Constitutional and Criminal Law.

Santiago Guevara was brought to trial before a military court violating the principle of the natural judge, which establishes the principles of human right to due process stated in Article 49.4 of the Venezuelan Political Constitution and Article 7 of the Criminal Procedure Code. Furthermore, Article 261 of the National Constitution establishes that "military criminal jurisdiction is an integral part of the Judicial Power (…). Its sphere of competence, organization and modes of operation shall be governed by the accusatory system in accordance with the Organic Code of Military Justice. Ordinary jurisdiction courts must judge common crimes. Military courts' jurisdiction is limited to offenses of a military nature (…)". In addition, trying Professor Guevara under military jurisdiction contradicts the opinion of the Criminal Chamber of the Supreme Court of Justice of February 2, 2001, according to which

[48] Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977. See The United Nations Standards Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) available at https://goo.gl/PovCQO.

[49] Professor Guevara suffers from a very delicate medical condition: hypertension, irritable bowel and ankylosing spondylitis, a chronic autoimmune disease that produces pain and a gradual hardening of the joints. His is not allowed to receive sunlight nor a diet adapted to his health condition. See Aula Abierta Venezuela Preliminary report, available at https://goo.gl/KXFQmP.

civilians can never be tried by military tribunals or be subjected to military jurisdiction. It is remarkable that the UN Human Rights Committee and the Inter-American Court of Human Rights doctrine have expressed their doubts regarding the independence and impartiality of military courts, saying that they do not provide strict guarantees for the proper administration of justice. The Working Group on Arbitrary Detention stated, in 1999, that if any form of military justice were to exist, it should declare itself incompetent to judge civilians, as the military has acted arbitrarily in many countries [...].

There are a couple of aspects that characterize military justice in Venezuela: 1. Prosecutors in military jurisdiction are elected by the President of the Republic and must be active officers of the armed forces. In an ordinary procedure, the Public Prosecutor is autonomous and independent of the other bodies of the State. 2. Military justice empowers the President of the Republic and the Minister of Defense to organize and elect military judges. The Judicial Branch and its organization are subject to Article 255 of the Constitution[50] on ordinary jurisdiction. 3. Absolutory decisions must be taken in consultation with hierarchical superiors, which completely impedes the independence of judges.[51]

Therefore, the intervention of the Executive Power in military justice completely violates due process for any civilian or military individual accused of being a traitor to the homeland, branding them as a political enemy, curtailing their fundamental rights. Obviously, the interference of the executive in the determinations of military tribunals precludes the application of impartial justice.[52]

6. Conclusions

Since 2003, in Venezuela, a process of progressive restriction of university autonomy and academic freedom has begun. On the one hand, a parallel system of universities subject to the government has been created, and on the other, laws and

[50] See Article 255 of the Constitution of the Bolivarian Republic of Venezuela.
[51] See Aula Abierta Venezuela Preliminary Report. Available at https://goo.gl/KXFQmP.
[52] Limiting the judicial guarantees contemplated in Article 49 of the Constitution and in the Universal Declaration of Human Rights, Articles 10 and 11 respectively.

decrees that usurp university functions have been imposed. This policy is accentuated in the Second Socialist Plan of the Nation which envisions the radical transformation of the universities in order to place them at the service of the Bolivarian revolution. As a consequence, and while social and economic conditions deteriorate, critical voices from university students are repressed through excessive use of force during student protests, teachers and students are arbitrarily arrested, and civilians are subjected to military justice. At this time, the government of Nicolás Maduro is proposing a Constituent Assembly to formulate a new Constitution that most probably would end up eliminating what still remains of democracy in Venezuela. That, applied to universities, would imply the suppression of autonomy in all universities. We hope this could be avoided.

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RESEARCH ARTICLE

Escape from Freedom. The Russian Academic Community and the Problem of Academic Rights and Freedoms.

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ABSTRACT

To what extent does science in authoritarian societies initiate practices of democracy and freedom? This article provides an overview of the issue of academic rights and freedoms as an integral part of the academic ethos in the USSR and the Russian Federation and concludes that there has been a paradoxical shift in the relative extent of rights and freedoms in wider society vs. the academic world. In this author's opinion, academic proto-freedom existed in the USSR as a component of the privileged position held by a segment of the academic community and that, therefore, the latter experienced a degree of freedom that was greater than that afforded by Soviet society in general. The situation evened out in the late 80's and early 90's and finally, with the attack of authoritarianism against the remaining academic autonomy of Russian universities in the 2000s, resulted in fewer freedoms within academia compared to society as a whole.

KEYWORDS: Russia; Academic Rights and Freedoms; USSR; History; Human Rights

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> *There is no such thing as a neutral educational process. Education either functions as an instrument which is used to facilitate the integration of the younger generation into the logic of the present system and bring about conformity to it, or it becomes "the practice of freedom", the means by which men and women deal critically and creatively with reality and discover how to participate in the transformation of their world.*
> Richard Shaull

1. Academic rights and freedoms: debates over concept

The concept of academic freedom is very controversial at its core. Indeed, how did the principles invented to protect the autonomy of the university as a medieval corporation become the fundamental ideas of current research and science? As Conrad Russell put it, "…from the very beginning of the history of Universities in the West, the claim to free intellectual inquiry and to control over their own teaching and degrees has been identified with the claim to the privileges and a self-governing corporation to run its own affairs (Russell 1993, p. 15).

In fact, the definition of academic freedom has expanded over time. Since the Middle Ages the term itself has covered professors' freedom to teach in their areas of expertise without external control, and students' freedom to learn what they wanted without limitation. Later the Humboldtian university, which emerged in 19th-Century Germany, reformulated these ideals in the form of *Lehrfreiheit* and *Lernfreiheit* and included research as another component of academic freedom. As one scholar aptly put it: "Academics claimed special rights because of their pursuit of truth, and expected secular and ecclesiastical authorities to grant universities autonomy." (Altbach 2007, p. l50)

In the United States, the interrelation between academic rights and university autonomy was evident in the limits of scholars' rights. Freedom of expression–the core freedom of Academia–existed solely within the campus, and only in teaching and research. Also, although both the State and the Church have always presented threats to academic freedom, political regimes posed a particularly real threat to university autonomy. Even the American Association of University Professors (AAUP), a pioneering organization in the field of the protection of academic rights founded in 1915, was unable to shield university professors during the McCarthy

era (O'Neil 2008, p. 23). Legal scholar William P. Murphy described academic rights in the United States as an "emerging constitutional right" as late as 1963. (Murphy 1963). It was only in the mid-seventies that academic freedoms came to be viewed as part and parcel of civil rights, thanks to several decisions of the US Supreme Court (O'Neil 2008, p. 59-60).

In general, academic rights in the US are based on three pillars (Fuchs 1963, p.431):

1. Philosophy of intellectual freedom,
2. Idea of the autonomy of scholarly communities
3. The freedoms guaranteed in the Bill of Rights.

The US definition is rather focused on the First Amendment and, therefore, comprises a scholar's right to speak freely not only inside, but outside of Academia as well. The Humboldtian version of academic freedom in Europe is rather concentrated on university autonomy and on *Lehrfreiheit* and *Lernfreiheit*. The main disagreement, therefore, between the American and European traditions of the concept of academic rights is the struggle between the autonomy of the university and freedom from state control (in the US) and the idea of the political neutrality of the university (in Europe) (Altbach 2007, p. 52-53).

This discrepancy is especially salient in the case of an authoritarian country such as Russia where, on the one hand, the state has always controlled the university and, on the other hand, politics in the form of Communist ideology used to be an inseparable part of any scientific discipline - even humanities, social and natural sciences. The history of the Soviet Union raises the question of whether academic freedom in any form is possible in an authoritarian country, or whether we can speak of academic freedom in such conditions at all (Kuraev 2015, p.182).

2. Academic Science and Academic Rights in the USSR

There is a paucity of research on academic freedom in Russia in recent years because, as Research Scholar Anna Smolentseva of the Moscow High School of

Economics put it, "maybe academics just don't know how to make use of such freedom after having lived all their lives without it" (Smolentseva 2003, p. 417). Indeed, while the topic of Intellectuals and Soviet Power enjoys a popularity among scholars (see, for example, Shlapentokh 2014, Shalin 2012), there is only one publication–devoted to dissent within Academia–that addresses the question of academic freedom (Bezborodov 1998). Nevertheless, the publications of Anna Smolentseva (2003, 2017a, 2017b), Alex Kuraev (2015), and Philipp Altbach's sociological surveys of academic professions in the world (1995, 2001, 2007), give us an overview of the situation pertaining to academic rights in Russia after the collapse of the Soviet Union.

The history of science in the USSR is undeniably important for understanding the contemporary social and political processes in Russia, particularly given the continuing centrality of science for Russia's public opinion. The existence of a special academic ethos in a totalitarian country as well as the issue of academic rights and freedoms, or a wider in scope "intellectual freedom" as A.D. Sakharov called it, constitute an integral part of this story.

The peculiarities of perceiving academic rights and freedoms in Russia seem to be directly related, on one hand, to the logic of the transforming authoritarian regime in the USSR and modern Russia and, on the other hand, to the history of an emergence and development of the dissident movement in the USSR.

A. Kuraev in his overview carefully outlined an argument regarding the core difference between the Western paradigm of a University and Soviet higher education and listed three issues for analysis – uniformity, top-down administration, and undivided authority as an organizational principle (Kuraev 2015, p. 182). There was no such thing as political neutrality for such an authoritarian creation. Permanent "class struggle" and "suppressing dissent" were key factors underlying student admissions and faculty hiring practices (Kurochkin 2011). Such a picture, at a glance, makes any discussion of academic rights impossible - the Soviet system avoided "even considering the issue of individual rights or academic freedoms in higher education" (Kuraev 2015, 185).

A short period of relative academic freedom following the 1917 revolution, which should more appropriately be viewed as academic diversity with an obvious ideological bias, was in the 1930s already replaced by rigid Party and State control (for an analytical review of the history of science in the USSR see Graham, 1993). Nevertheless, this control exhibited certain differences in rigidity and scope - for example, in natural sciences it was somewhat of a formality, since these disciplines contained no ideological component,[1] unlike the highly ideologized humanities, which to some extent turned into ramified ideological narratives rather than scientific disciplines. In addition, a certain degree of autonomy, granted by the Party and the State agencies to researchers in such fields as nuclear energy, gave them, despite strict control, an unexpectedly high degree of research freedom, especially in comparison with their colleagues in the humanities. Nevertheless, natural sciences research has also been highly bureaucratized and, in this sense, also remained under the Party's and State's control. Thus, moving up the career ladder, as well as attending a graduate school, had to be sanctioned by Party agencies (Josephson 1992, 600). Party control created a dual-power situation in any and all Soviet academic institutions - the head of an institution's Communist party office was equal to its Rector (or to a Director in case of an academic institute) and often issued important institutional resolutions jointly. (Chufarov 1989).

After Stalin's death in 1953, the situation underwent significant changes, primarily due to active reassessment of Party documents (Khrushchev's 1956 speech to the Twentieth Congress of the Communist Party during which he condemned the brutality of Stalin's regime), as well as the well-established practice of analyzing literary works. First of all, the level of Party control was slightly decreased to allow for the "correction of the Party agenda," in a very restrictive way, of course. Nevertheless, a number of scholars interpreted it as an invitation to seriously revisit the situation within Academia and, in particular, the issue of academic freedom and autonomy.

[1] Lysenkoism was an exception, see (Graham 2016)

For example, in the Heat Engineering Laboratory of the Academy of Sciences, during the discussion of Khrushchev's report regarding the personality cult of Stalin, young physicist Yuri Orlov, later a well-known dissident, addressed the gathering with harsh criticism, while a discussion of Sergei Dudintsev's novel *Ne Khlebom Edinym* [Not by Bread Alone] in the Central Writers House on October 22, 1956 essentially turned into a "rally against the domination of bureaucrats limiting the freedom of scientific creativity." (Shubin 2008) The subject of scientists' freedom from bureaucratic domination transformed quite easily into an active protest against censorship and oppressive State and Party control, which had an impact on the effectiveness of scientific progress.

Nevertheless, after Brezhnev's return, any active debates about political repression during Stalin's time were discontinued and the country entered a period of creeping re-Stalinization that, according to historians of the human rights movement, particularly affected the academic community, historians, archivists, and, of course, writers (Abramovich 2004, p. 276). This very milieu became the center of the human rights movement in the USSR, and, for this reason, the demands for openness, freedom of speech and creativity became the driving force for the relatively small Soviet dissident community, many of whom came from the academic environment (Alekseeva 1992). In addition to above-mentioned Y. Orlov, their ranks, of course, included outstanding physicist A. D. Sakharov, physicists N. Shcharansky, V. Chalidze, and A. Tverdokhlebov, biologist S. A. Kovalev, chemist Y. Kukk, mathematician Y. Shafarevich and many others. A. S. Yesenin-Volpin, the very creator of the Soviet human rights concept, was a mathematician. It is obvious that this predominance of natural scientists was somehow connected with the peculiarities of Soviet science and its functioning.

Notably, the mid-sixties witnessed the beginning of an active discussion of ethical problems in science, but it focused primarily on the responsibility of a scientist, on research ethics rather than on rights and freedoms within the Academy per

se.[2] The position of A.D. Sakharov was, of course, an exception; in his work *Razmyshlenie o Mire, Progresse i Intellektual'noi Svobode* [Reflection on Peace, Progress and Intellectual Freedom] he directly named "intellectual freedom" - or, more precisely, its suppression and restriction, as a global challenge to peace and progress (Sakharov 1968). Sakharov's friend and companion Sergey Kovalev succinctly formulated the key ethical principles he viewed as fundamental to science: "The two main requirements science presents to a person are, first, intellectual honesty and, next, intellectual fearlessness" (Daniel 2015).

It must be said that honesty and fearlessness, often enough, had a sad ending for scientists. Although, starting with Khrushchev, the regime no longer practiced mass repression, even such distinguished scientists as A. Sakharov paid for their human rights activities with imprisonment, exile, a ban on practicing their profession, or a stay in a psychiatric hospital. As mentioned above, many scientists joined the human rights movement and shared in its unfortunate fate. Despite all this, the majority of Soviet scientists, especially during the relatively economically stable years of the "stagnation" era, developed an ethos of behavior that presupposed no resistance against the State; rather, it was characterized by escapism and skepticism, sometimes interspersed with indignation expressed privately at home, which was generally typical for Soviet citizens. It can be said that a certain general autonomy continued to exist, however. As for example in the USSR's Academy of Sciences, which maintained a degree of independence,[3] and that some institutions, especially those located far from the capital, served as a sort of haven for dissidents, even in the humanities.[4]

It should be noted, however, that a number of academic practices did continue to exhibit elements of pluralism and democratic competition - for example, electing directors of academic institutions or the defense of research and disserta-

[2] The first article on the subject of scientific ethics appeared in 1966. More in M. G. Lazar, 2010, 63-77 .

[3] For example, despite serious pressure by the Politburo of the CPSU Central Committee, it refused to expel A.D. Sakharov from the Academy.

[4] The so-called *Tartu–Moscow Semiotic School*, which formed around Tartu University professor Juri Lotman is a well-known example.

tional work. These procedures represented a kind of proto-democratic practices that should more appropriately be viewed as a particular kind of privilege related to autonomy and granted by the State in order to achieve certain technological goals. In this sense, it can be said that some autonomy and certain academic freedoms were not freedoms as such, but reflected a special privileged position, a kind of academic privilege (Muller 2017, p. 59). In the peculiar conditions of a totalitarian society and a non-market economy, such academic privilege had a mostly symbolic meaning, but retained a sufficient degree of importance for society. This explains why a large number of people in Soviet society were amenable to going through their university studies, graduate school, and dissertation defense only to have a salary that was sometimes two or three times smaller than that of a factory worker. The academic elite - those who held high positions in academic institutions, were the exception. However, the staff of academic organizations in the Soviet period comprised 7 to 10 percent of the total number of scientists (Kneen 1984, p. 13, tab. 2.2). Thus, research and teaching work was generally rather low-paid in comparison with other activities, especially blue-collar jobs. People were motivated by the symbolic high position of a scientist or a teacher in the science-oriented Soviet society.

The insignificant role of trade unions and their servility to the State presented another special problem within Soviet academic science (and, of course, elsewhere as well). In fact, Soviet academic trade unions, like all the other Soviet trade unions, served as vehicles for Party and State control over Soviet science. And yet, despite being closely controlled by the Party and the State, scientists actively participated in solidarity campaigns with other colleagues, protesting, among other things, against the placement of A. S. Yesenin-Volpin into a psychiatric ward, which prompted the writing of the famous "Letter of the Ninety-Nine" (Fuchs, 2007, 221). The political events of the sixties and the processes they put into motion gave rise to spirited discussions in a number of places within academia. The story of the "Letter of the Forty Six" is telling in this respect.

'Military-academic hubs", mostly located outside the European part of the country, in Siberia, were established as special "ghettos" for academic freedom and

shelters for the Russian intellectual opposition. The physical distance from the Kremlin sometimes created the "side effect" in local academic communities of lessened State and Party control (Galich 1991). On February 19, 1968, a group of researchers from the Siberian Branch of the Academy of Sciences of the USSR and professors of the Novosibirsk State University signed a letter of protest against the closed trial of Alexander Ginzburg, Yuri Galanskov, Alexei Dobrovolsky and Vera Lashkova, known as the "Letter of the Forty Six." The letter was sent to the Supreme Court of the RSFSR and to the USSR Prosecutor General, on March 23, 1968; its content was reported by American newspapers, and its text was broadcast by the Voice of America radio station on March 27. At the same time, a group of NSU students painted the Novosibirsk Akademgorodok buildings with "anti-Soviet" slogans. The social profiles of the letter's signatories were also telling. According to Andrei Amalrik, their total number was 738 and 45% of them were people of science-related professions. Among the 46 signatories from the National Science Center, 35 worked in the Akademgorodok scientific research institutes (including four Doctors of Science and ten Candidates of Science; nineteen were the Novosibirsk State University professors, three worked in the Physics and Mathematics Specialized Secondary School. Six signatories were the CPSU members (Vodichev & Kupersthokh 2001, p. 49). The de-facto predominance of "academic" employees among the signatories demonstrates a fairly high degree of liberalism precisely in these elite (from the Soviet scientific hierarchy point of view) institutions. However, here we face yet another important question pertaining to academic rights and freedoms - the extent to which this position was specifically characteristic of the elite.

As previously indicated, a peculiar feature of the human rights movement in the USSR was the fact that its principal participants were scientists, teachers and writers (in other words, primarily the intelligentsia) and that the issue of socio-economic rights was virtually not broached. Even when the Human Rights Committee for scientific study of human rights issues in the USSR was created and, for a short time, remained in existence, this issue was not included in its priorities (see Klein 2004, p. 4-7). In this regard it is indicative that even in the aforementioned

unique Novosibirsk Akademgorodok social stratification between elite and "ordinary" scientists, expressed in particular in housing options, was a serious problem. In other words, the general idea of scientific freedom and the overall desire to eliminate barriers was not associated with the problem of social inequality and socio-economic rights in general.

Of course, the academic environment produced other intellectual resistance practices, not always, in fact, liberal-democratic. For example, the All-Russian Social-Christian Union for the Liberation of the People, led by Ogurtsov (Konohova 2014, p. 65) was established in Leningrad University and continued to function for some time. Home-based seminars, as a special form of resistance to state censorship and control, became a special practice of intellectual resistance against lack of freedom. Most of these seminars, apparently, were philosophical or religious-philosophical in character, and are even understood now as a form of survival of such disciplines as philosophy in the conditions of suffocating ideological pressure (see, for example, Kuznetsvova 2016, pp. 80-81).

Another noteworthy reaction of the academic community to the ideological pressure and firing of employees was the creation of the Jewish People's University (Tylevich 2005), which catered to students either expelled for filing an application to leave the USSR or simply failed on their entrance exams due to the all but officially sanctioned anti-Semitism of admission commissions, which used special set of examination assignments[5] for Jewish applicants (Kanevsky & Senderov 2005).[6] It should be noted that the mechanism of this discriminatory "intellectual genocide," as termed by Tulevich, was highly peculiar. Apparently, there were no direct written instructions to weed out the Jewish applicants. Moreover, there were cases when, for example, a Jewish applicant was the winner of the USSR-wide Academic Olym-

[5] A special "Jewish Test Book" was compiled for this purpose. It is known that when indignant parents gave an example of such an assignment to A.D. Sakharov, he was able to resolve it, but it took his entire day.

[6] It should be noted that many who participated in these processes not only often continue to be employed in these Russian universities, but, sometimes, even head these institutions; In particular, V. Sadovnichy, a member of the Moscow State University's commission, currently serves as the Rector of the Moscow State University.

pics; in this case, despite all sorts of obstacles, such applicants still had to be–and indeed were–admitted.

The fate of homosexuals or people suspected of homosexuality was no less disheartening. The most famous episode in this respect was the tragic story of Professor Lev Klein, arrested in March 1981 on suspicion of "homosexualism" (a criminal offence in the USSR), who then spent 18 months in prison (Samoilov 1993, p. 7). The significant part of this story is that, after his release from the prison camp, Klein was stripped of his academic degree and title (later, he was unanimously awarded the Doctor of Sciences degree despite not having the Candidate degree); his monograph, then in preparation for publication, had been destroyed. This story clearly demonstrates not only the great vulnerability of homosexuals in the Soviet Academy, but also the amazing servility of some academic institutions in a situation of direct persecution against one of their members. [7]

Thus, at the beginning of perestroika, the situation with academic freedom can be described as follows:

- A certain degree of autonomy, especially for academic institutes, with elements of proto-democratic procedures (in particular, elections of some department heads)

- Overall, the Party and the state exerted greater ideological control over the humanities, while in the natural sciences, especially physics, the control over the scientists as holders of state secrets came primarily from the KGB.

Finally, persecution of dissidents in the academy was rather mild (in comparison with other spheres) and strongly depended not only on the geographical position of a given institution, but also on the personality of its leader.

[7] It has to be noted that the Soviet Academy of Sciences, nevertheless, refused to take away Sakharov's title of academician; the legend has it that the Academy responded that the last scholars to do such a thing were the Academy of Sciences of Nazi Germany, which rescinded Einstein's academician status.

3. Academic Freedom and University Autonomy in the late nineteen-eighties and early nineties

The second half of the eighties was not only a time of breathtaking transformation for the Soviet system, but also the beginning of a serious economic crisis. The Soviet people, including scholars and Academic fellows, faced a shortage of food and basic goods. The call for democracy and perestroika was accompanied serious trouble in the private lives of those affiliated with academia. (Kuraev 2015, p. 189) Perestroika and the ensuing disintegration of the USSR greatly changed the situation in the academic environment. The degree of autonomy of higher educational institutions changed dramatically - they suddenly had significant autonomy, especially by comparison with Soviet times (Bain 2003b, pp. 6-15). The academic environment also put forth a large number of democratic politicians, such as Galina Starovoitova and Anatoly Sobchak. Active participation of Soviet academics in politics was no longer limited to the aforementioned old dissents. The new wave of scholars, inspired by an opportunity to participate in the first Soviet open electoral process, also joined the 'democratic wing' of the first democratically elected Soviet parliament. Galina Starovoitova, for instance, came from academia; she was a fellow of the Leningrad Institute of Anthropology and Ethnology, who had studied the traditional culture in Caucasus and, due to her active participation in local political life, was nominated as a candidate from Armenia and won the election. Anatoly Sobchak was a professor of Economics in St. Petersburg University. Yuri Afanasiev was a historian who criticized Soviet history in late 80s. All of them became the new leaders in the post-communist Parliament (interestingly, Afanasiev later leaving politics and founding the Russian State Humanitarian University). Nevertheless, the general interest toward democracy and human rights in academia seems to have decreased in the second half of the nineties. The reasons were several.

First, during the nineties, Russian education was rocked not only by the deepening economic crisis, but also by non-stop reforms, the majority of which have never been fully implemented. It is important to say that in spite of this, some positive developments were indeed achieved (Guriev 2009; Smolentseva 2003), in-

cluding the significant decentralization of the educational system, the emergence of private education, and a notable de-unification and diversification of the educational content (Smolentseva 2003, p. 396). The next reason is that these reforms and innovations coincided with the crisis in and underinvestment into the system of higher education. Teaching salaries were extremely low, seriously affecting not only the quality of education (Ibid), but also the attitude of academics towards the reforms and towards democracy as well. Finally, although the ideological component quickly disappeared from the universities, the staff which had previously taught Marxism-Leninism, had been quickly reallocated to the fields of Philosophy, Political Science or Journalism. This legacy seriously obstructed the liberal shift in the humanities and social sciences and, from our perspective, predetermined the conservative shift of Russian academia in the beginning of the 2000s.

At the same time, the economic crisis of the 90s dealt a heavy blow to academic privileges and to the general situation of scientists and academic instructors. Academic science lost a large share of its funding and, at the same time, the symbolic capital of belonging to the intellectual elite also diminished, while the limited degree of intra-university freedom ceased to be regarded as a special privilege. Nevertheless, it is possible to agree with the conclusion that "The educational system became more open, flexible, democratic, mobile, and oriented toward the needs of the society and the market economy" (Smolentseva 2003, p. 400).

Having chosen a democratic path of development, the Russian Federation joined the Bologna Process in 2003, and the universities began to sign the Magna Charta Universitatum.[8] Participation in the Bologna process, the rapid development of many new areas in the humanities (human rights, gender studies), emergence of new educational institutions, often as a result of international support and cooperation (such as the European University in St. Petersburg, Smolny College of Liberal

[8] To date, sixteen Russian universities, including the Russian State University for the Humanities, the Moscow State University and the St. Petersburg State University, have signed this declaration. See the complete list at Magna Charta Universitatum http://www.magna-charta.org/signatory-universities

Arts and Sciences, the Moscow School of Social and Economic Sciences, the Higher School of Economics, and others), all these developments promised a major breakthrough for Russian science.

One of the few achievements of the young Russian democracy under Yeltsin was this very freedom of speech and expression, which, however, was quite quickly brought to an end. It is significant that, despite the absence of ideological and Party control, during this time period no serious actions was undertaken in the area of building independent trade unions or developing an institute of academic tenure. It is important to mention that, at that time, there was no political repression against members of the academia, ideological restrictions were quite rare (Smolentseva 2003, p. 417). Freedom of speech on campus was part of the freedom of the speech in the country, with all of the controversies entailed therein.

The story of Igor Froyanov provides a good example of its controversial nature. As the Head of the Department of History in the St Petersburg State University, he fired an assistant professor for "relations with European University, because EUSP is financed from abroad, promotes foreign values, and it is really dangerous to the History Department" (Voltskaya, 2000). The active public campaign against Froyanov was successful – he was dismissed from his position, but the question of whether his dismissal was in line with the principles of freedom of speech in general and academic freedom in particular remained unanswered.

The only research of academic rights in the nineties, conducted under the umbrella of the world survey of academic professions, yielded very interesting results.

In an apparent exception from general trends, Russian scholars do not believe that academic freedom is fully protected in Russia. Only 16 percent of the responders gave an affirmative response to the question "Is academic freedom strongly protected in your country?" (Altbach & Lewis 1995, p. 56, table 10).

Despite the official elimination of censorship, the majority of Russian academia gave a negative answer to the question of whether they are free to determine the content of the courses they teach and research they would like to do. (Ibid) In

summarizing the situation during the nineties, one might say that despite the tectonic changes in political and economic life, academia ended up underinvested in, seriously disappointed in the results of political transformation, affected by economic crises and, as we can see from Philipp Altbach's research, skeptical about the level of academic freedom in the country.

At the same time, as pointed out by Guriev in his assessment, the legal status of academia remained vague. Most academic institutions continued to be state-owned and fully funded from the state budget. Nevertheless, they were granted a substantial level of autonomy, and could sometimes resist government pressure. For example, academia preserved some important tools of independence such as secret ballot procedures to elect new Academicians, and was able to protect its intellectual independence in a number of cases (Guriev 2009, p. 713). However, the crucial aspect of this situation was the fact that the academic community did nothing to legally protect itself against state interference and did nothing to implement the principles of Magna Charta Universitatum in everyday university life. The full consequences of this lack of initiative became evident in the changing political climate by the end of the first presidential term of V. V. Putin.

4. Problems and Challenges for Academic Rights and Freedoms in Russia (2000 - present)

The legacy of Soviet higher education is very important even 25 years after the collapse of the Soviet Union. A. Kuraev' diagnosis is quite right: "Sovietism in Russian academia dies hard" (Kuraev 2015, p. 190).

One of the reasons for its persistence is the changing policy of the Putin administration, especially starting with Putin's second presidential term. Since that time, the space for academic freedom that was beginning to form in the 90s began to shrink rapidly. This development was prompted by the change in the political climate and the overall curtailing of freedoms in Russia. It can be said that, especially when compared to the USSR, this shrinking freedom has specifically affected science and education to a greater degree than it did society as a whole. This peculiari-

ty can be explained as follows: at some point in the nineties academic freedom ceased to be a privilege that distinguished the Soviet scientist from a Soviet worker, and was simply folded into the general societal freedom. Once there came a certain rejection of political freedom by society overall, combined with drastically increased state control over science and education, the humanities in particular once again became the target of ideological control and dictatorship.

This change is related primarily to the increased role of the Russian Orthodox Church of the Moscow Patriarchate (ROC MP), especially its constant attempts to increase the level of "spirituality" in education with the help of the "Orthodox culture" - a term most often used as a stand-in for what is, in fact, religious education (Shnirelman 2012). This trend has recently culminated in the addition of theology departments to secular Russian universities, which, of course, feature no theology other than Orthodox Christian. This development was accompanied by the newly formulated ROC MP ideology of human rights, which of course has no place for LGBT rights, issues of euthanasia and other internationally recognized rights that are "unnatural" for the ROC MP human rights doctrine. It must be said, that these developments affect the educational programs, bringing a number of humanitarian disciplines under attack. As a result, we see newly formed departments, such as the Department of Theology at the Moscow Engineering and Physics Institute (MEPhI), or the Department of Orthodox Pedagogy of the Moscow State Medical University, or emergence of such exotic disciplines as "Orthodox sociology." (Dobren'kov 2012).

In connection with establishing a conservative-protective ideology, entire higher educational disciplines are beginning to mutate or even disappear as "irrelevant" to the unique Russian civilization. Thus, the subject of human rights has almost disappeared from the curricula (Obrazovanie 2015); research in the realm of queer theory has been banished. In many universities the place of religious anthropology has become occupied by aggressive anti-cult movement, which directly addresses its programs to Orthodox anti-cult activists. An overview of the situation with queer studies in Russian Universities was conducted recently (Kondakov

2016). An important point from this survey is as follows – currently the "globalized" part of Russian Academia still dares to teach queer theory, but in a rather Aesopian way (for example, under a neutral title, such as "Sociology of the Family"), but open communication with LGBT organizations or public comments on this topic could result in the loss of university affiliation (Kondakov 2016, p. 113).

A separate place among the challenges to academic freedom is occupied by the policy of the modern Russian state as pertains to the study of history, which has replaced "the memory of the victims by the memory of the executioners" (Khapaeva 2016). This phenomenon has a direct impact on history as an academic discipline and on specific historians. Although an attempt to create a commission to "counteract the falsification of history" (Linan 2010, pp. 169-170) was unsuccessful, the message from the authorities to academia was heard. Since then, for example, attempts, to research the Russian Liberation Army of Gen. Vlasov were met with accusations of extremism and lack of patriotism (Holdsworth 2016), and, at some point undesirable research also came to mean a possibility of criminal prosecution under the "Rehabilitation of Nazism" article of the Criminal Code (Kurilla 2014). Such treatment has already led to situations such as the official Military Historical Society (which is actively supported and fundned by the Russian state) standing in opposition to the Free Historical Society. The opposition to the new round of re-Stalinization includes other public initiatives in which academic historians play an important role, particularly the Last Address initiative, in which volunteers create and affix memorial plaques with the names and dates of the "last address" for victims of Stalin's purges on the buildings the victims lived in. It is significant that such a completely private initiative is extremely popular and directly opposes the official policy of a managed "positive" historical memory.

The second problem, directly related to academic freedom, is the violation of the principle of university autonomy. The educational reform that began in Russia led, among other things, to the emergence of federal universities, in which, by law, the candidate for the position of rector must be presented by the advisory board and then, after an election, must be appointed by the Ministry of Education.

De-facto, keeping in mind that the advisory board mostly consists of state officials, the current system provides no opportunity for any "non state-approved" candidate to be selected for election. In some universities, Rectors are not even elected but appointed by the president (Moscow and St. Petersburg State Universities). According to the official explanation, this was done to ensure responsibility for the serious investment into these Universities. This same practice has been extended to many other universities under the pretext of controlling state budget funds. Next, the appointed rectors try to minimize the degree of influence and resources of the academic councils, reducing their influence to a minimum and, instead of traditional faculties (departments), establish institutes the heads of which are appointed rather than elected. As mentioned above, electing deans and rectors was one of the few democratic practices in the Soviet university, which, despite tight control, created certain opportunities for changing policies within the university. In a sense, we can say that the logic of reformatting university management has been very similar to the logic of Putin's political reforms. If we compare faculties to republics and the university as a whole to a federation, then it can be safely asserted that such a reform has eliminated federalism within the university, introducing instead an actual autocracy, restrained to some extent by the academic council, often with exclusively "advisory functions." The St. Petersburg State University is an example of such a university.

At the same time, we see an ongoing "optimization" of the staff and, in general, a kind of corporatization of university life. Of course, this is a global phenomenon, which affects Russia along with other countries (Smolentseva 2003), but in Russia the advent of corporate ethics and neo-liberal reforms in the university was met with weakness of university independent trade unions (in fact, the country has only one independent university trade union, University Solidarity) and an extremely weak understanding of the form and possibilities of faculty and student resistance to the economic pressure from state and university management. Among the economic problems of the university, the leader of University Solidarity names an increased workload as well as an increase in the number of students and in class-

room hours. At the same time, the increased workload is accompanied by a reduction in the wages of the teaching faculty, while the salaries of the rectors, on the contrary, continue to grow. Finally, the introduction of the so-called "effective contract" results in situations such as instructors having to assume responsibility for receiving and managing external grants (difficult to plan in the conditions of overall reduction in science funding), producing an incredible amount of scientific work in combination with an increased everyday workload - all of this, more often than not, leads to a tragic decline in the quality of education, or in the depth and significance of publications, but apparently, this is not the main criterion by which the bureaucratic system evaluates education and science (Kudukin 2016).

Significantly, increased state control over universities under the slogans of scienctific and higher educational reform has, in fact, revived the Soviet practice of pathological control over all contacts with foreigners. The order "On Export Control", signed back in 1999 (About Export Control 1999), while pertaining, in general, to control over the export of nuclear weapons, military technology and so on, has nevertheless activated the work of the so-called "First departments" (in charge of ensuring secrecy) and generally invigorated the sphere of excessive control. This increased activity was invariably reflected in a number of so-called "espionage" cases against staff and researchers who had no access to classified information but who were nevertheless accused of divulging military secrets. Thus, Igor Sutyagin, a researcher at the Institute of the USA and Canada, and Valentin Danilov, a physicist from Krasnoyarsk, were accused of divulging military secrets (Solomon, 2005, 336). Since that time, espionage cases have been cropping up all the time, and the fact that in most cases the accused either had no access to state secrets or, as in the case of prof. Baltic State Technical University (St. Petersburg) Afanasiev and Bobyshev (Matt Congdon, 2012, viii), were charged for crimes without evidence.

Independent scientific and professional organizations have been particularly affected by the introduction of the so-called Foreign Agent Law. The famous Levada Center, which had been practically the only independent center for the study of public opinion, became the most prominent "Foreign Agent". It should be

obvious by now that the direct exclusion from the "foreign agency" law for organizations engaged in scientific research, as provided by the law itself, simply does not exist as far as the the Ministry of Justice of the Russian Federation is concerned. The latter interprets any public statement on the policy of Russia as political, and foreign funding that allows for the preservation of certain independence from this very policy it sees as a hostile bias. The Levada Center is not the first scientific organization on the foreign agents list - it has merely joined the Center for the Study of Social Policy and Gender Studies (Saratov), the Center for Independent Social Research (St. Petersburg), the Institute for Economic Analysis, the Panorama Center, The Russian Research Center for Human Rights, the St. Petersburg Memorial, SOVA Center for Information and Analysis and other independent research organizations.

There seems to be a separate track in the punitive policy of the modern Russian government aimed at the complete disappearance of research centers and organizations that retain a high degree of independence and academic freedom, as opposed to centers that are highly susceptible to state pressure and censorship. The current near-shutdown of the European University at St. Petersburg is very telling. (Dubrovskiy 2017) This is the second attack against the independent non-state University, organized by A. Sobchak in St. Petersburg. "Russia," admitted S. Guriev, "has become more suspicious of foreign influence…given the inefficient and rigid bureaucracy, deregulation of education is not very likely." (Guriev 2009, p. 718) Unfortunately, this prognosis appears to be accurate. In fact, the EUSP already had the experience of being shut down in 2008 due to "fire safety violations", while the obvious reason for its closing had been the state's response to a grant, given to one of the EUSP professors by the European Union for studying electoral behavior in Russia. At that time, the crisis was successfully resolved once the EUSP declined the grant (Volkov 2012, pp. 99-102).

It is indicative that, in addition to the active resistance of the students, international support made a great deal of difference, evidently due to the fact that at that time Russia still felt the need to explain its position and hoped for some under-

standing outside the country. The situation, apparently, changed dramatically after the annexation of Crimea. Currently, the European University loses one court case after another and, apparently, is preparing not only to surrender its state license, hoping to return it later, but also to leave the building – the one, in which the university was born and grew into a recognized leader in Russian education. Notably, the attack against the university was initiated by notorious Duma Deputy Milonov, the author and the moving force behind the law on "LGBT propaganda", who accused the University of financial fraud and of engaging in "fake sciences", such as gender studies. (Weir 2017) It is also significant that, unlike in 2008, the university's management has so far refrained from direct appeal to the international community; evidently feeling skeptical about its chances of positively influencing the situation. A journalist from the Chistian Science Monitor cites the words of political scientist Nikolai Petrov who notes that, paradoxically, starting from the era of Peter the Great, Russia has constantly tried to use Europe as a source of technology, but avoided borrowing political ideas in every possible way (Weir 2017).

Finally, the recent general civil protests of March 26 and June 12 have seriously affected the situation regarding the rights of students. High school and university students constituted the majority of the protesters, and currently find themselves under pressure in the form of all sorts of threats from the university administration and public statements about the impermissibility of "extremist actions" (that is, actions of civil protest). In some cities, examinations were scheduled on Sunday to prevent the participation of young people in the protest (Russia protest 2017). Post-Soviet Russia, has easily incorporated the neoliberal reform agenda while neglecting the social and humanistic aspects of higher education (Smolentseva 2017a, p. 13). We can add here "including academic rights and freedoms", which were sacrificed, on one hand, to the neo-corporate nature of the current Russian state, and, on the other hand, to its authoritarian tendencies. It can be said that Russia implemented the worst case scenario, combining its neoliberal reforms with a very aggressive foreign policy and with creating the image of an internal enemy. The latest scandal with the Doctoral Dissertation of Vladimir Medinsky - the minister of

culture of the Russian Federation - is quite remarkable in this regard – instead of evaluating the quality of his doctoral paper, most of his protectors preferred to juggle arguments built on conspiracy theories and "protection of patriotic values against Western aggression" (Balmforth 2017).

5. Conclusion

Increasing authoritarian tendencies, especially noticeable after the annexation of the Crimea, have put the academic community in Russia in a difficult situation. All protests, both political and civil, can result in job loss or even criminal prosecution, made easier by the new amendments to the law on rallies, marches and demonstrations. Moreover, the general financial crisis, the fear of losing one's job and the weakness of the trade union movement all make any serious resistance against direct violations of academic autonomy, or regular violations of academic rights and freedoms, almost impossible. Although corporatist logic now threatens the US and European universities generally, it seems that in Russia this is compounded by authoritarian power being transferred directly to the campus due to loss of autonomy and by the weakness of civil society and the professional community. Thus, the resulting picture is rather strange; in the USSR the academic community had relatively more freedom than society as a whole, then, during perestoika and the beginning of the 1990s, the conditions with respect to freedom were more or less the same throughout society and academia, and, finally, the neoliberal reforms of the 2000s and growing authoritarianism in the Academy led to greater limits on the actual freedom of teachers and students as compared to the society as a whole. Apparently, this development partially explains the promising picture of student protest mobilization in modern Russia, giving some hope for changing the situation with relation to democracy in general and academic rights and freedoms in the Russian Academy, in particular. Special attention should also be paid to the impact of the Soviet legacy on academic rights and freedoms in the post-Soviet space, where comparative research is also very much needed in order to find a way to improve the situation based on a real assessment of the current state of affairs.

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RESEARCH NOTE

Researching the Chechen diaspora in Europe

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ABSTRACT

This article presents the reflection on the fieldwork conducted in 2014-15. The research analyzed the link and interplay between Chechen demographic dynamics and Russo-Chechen conflict. The question was approached reflexively: the research population consisted only of Chechen refugees in Europe, who provided their opinion concerning the whole nation on the relevant topic. This article justifies the choice of doing reflexive research. The main reasoning is related to inaccessibility of informants in the Chechen Republic. Furthermore, the article describes the pluses and minuses of this approach and presents the methodological choices made during the fieldwork and before. In sum, it intends to turn the gained experience into a transferable skill advising future researchers on the advantages and disadvantages of applied research methods and warns about the traps that they might face during the fieldwork.

KEYWORDS: Chechen; diaspora; conflict; fieldwork; reproduction

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> *"Research – like life – is a contradictory, messy affair"*
> (Plummer 2011, in Denzin and Lincoln eds. 2011, p. 195)

1. Introduction

This article focuses on the steps undertaken while qualitatively researching reproductive motivations and intentions of the Chechens. The research aimed to answer the question why Chechens prefer large families and how this preference is related to the Russo-Chechen conflict.

The main research tool was the semi-structured interview, and the research public consisted of Chechen refugees living in Europe since the beginning of the second Russo-Chechen war of 1999. Despite this specific target group, research focused on the entire Chechen population. In other words, the questions were formulated in a way to prompt the answers concerning the whole Chechen nation.

In justifying this reflexive approach, this article assesses its advantages and disadvantages (i.e. the accessibility of the Chechen population). This article also evaluates the efficacy and applicability of the chosen research methods. In addition, it considers issues a researcher can encounter while working with the Chechen diaspora, the nature of being an insider, and ways to approach the public. Thus, the article presents accumulated knowledge concerning researching the Chechen diaspora.

I begin with analysis of the preparation for fieldwork. This part reviews the process of crafting interview questions. They had to be designed the way that allows circumventing restrictive Chechen cultural taboos. The questions had to be suitable for the various age and gender groups, which would minimize the risk of losing informants due to the culturally inappropriate for them queries.

The article further presents the testing of research methods. It overviews the testing stages, test outcomes, and describes the pilot study. The article also evaluates the success of the chosen methods when applied in the field. It defends methodological changes due to unexpected issues in the field and considers traps that were or could have been encountered during fieldwork. The article advises future researchers on avoiding these traps and thus ensuring success in research.

In sum, the article proposes undergone fieldwork as a transferable skill for the benefit of researchers interested in working with the Chechen diaspora/refugees or similar communities. It also summarises the experience of conducting 110 interviews and eight group interviews (each group was eight to ten people), collecting 43 questionnaires, and using the method of delegated interview/survey.

2. Thinking through the questions

As literature on qualitative methods suggests, a researcher should be well prepared for fieldwork (see Creswell 2003; Creswell 2009; Denzin & Lincoln 1994; Denzin & Lincoln 2011; Henn, Weinstein & Foard 2006; Wood 2006). Besides being familiar with literature on a topic, mapping the field, and contacting gatekeepers, preparation also includes crafting questions for future interviews. In this case, questions had to focus on the reproductive motivations and intentions of the Chechens, which was a daunting task. I had to design them in an acceptable to the public way in order to gather data successfully. Being raised in Chechen culture, I was aware of cultural taboos that restrict conversations on the intimate topics even among the members of the same family or close friends. Therefore, I was afraid that my questions can be interpreted as inappropriate by the future participants. Especially, this fear was relevant to interviewing Chechen women and the elderly, which could have been interpreted as disrespect and cause a refusal to participate in research. The same questions posed to other categories of informants (youth or peers) could have prompt less severe reaction and could have even gained some answers rather succinct (e.g. 'All plans depend on God's will') and of little value. Therefore, circumventing cultural taboos and finding the ways of encouraging discourses on the reproduction were among my primary concerns.

These concerns proved legitimate. During fieldwork I faced polite refusals to elaborate on the topic of reproductive intentions, even though my questions adhered to the logic of the dialogue. For example, the reaction of one of my informants: 'I do not want to compromise our mutual respect by answering this question' (interview N 28). The informant preferred to avoid talking about personal repro-

ductive intentions because such conversation would have violated Chechen etiquette, which establishes distance between younger and older by limiting vocabulary and topics of a conversation.[1] This example demonstrates how easy an unprepared researcher might undermine research.

In order to minimize these risks, I intended to exclude from my pool the most sensitive category of informants - women. It seemed logical because family planning in Chechnya is uncommon – as my experience and existing literature suggested (see Baiev et al. 2004, p. 260; Lieven 2001, p. 131; Mamakayev 1973).[2] Nevertheless, discussions with scholars and colleagues about the project convinced me that it would render this study incomplete. I therefore added gender related considerations to the process of crafting interview questions.

To sum up, the questions about Chechen reproductive motivation had to be formulated using appropriate language acceptable to the public and sensitive to cultural, age, and gender specifications. The considerations over possible interview questions in researching this sensitive topic led to different methodological solutions, which are discussed later.

3. The first tests, pilot study

The process of systematizing research questions led to designing a questionnaire and encouraged the idea of conducting survey to gather data. I presumed that surveying potentially could help to reach a wider pool of informants including those who reside in Chechen Republic, because it does not require a researcher in the field (Lenth 2001). Moreover, surveying would provide freedom for the researcher to ask and for the participants to answer 'inacceptable' questions, thus helping to circumvent cultural taboos.

Another argument for using surveys is related to the feasibility of fieldwork in Chechnya. As it was identified by Albert (2014), the access to the research public

[1] This was a reaction of a person 10-12 years older than me.
[2] This research revealed that family planning is becoming more common for the Chechens.

in the republic can be disrupted by local or Russian authority.[3] Surveying could overcome the necessity to obtain an official permission, because the questionnaires could have been distributed using social networks such as VKontakte, Odnoklassniki, Facebook, which are quite popular among Chechens.

Moreover, surveying could have been considered as a less suspicious activity by the potential informants, unlike interviews as the example of the Canadian researcher Ratelle (2013, pp. 219-20) illustrates. Most probably, people avoided sincere answers considering him as not trustworthy and thus dangerous. This is absolutely normal in Chechen Republic, where people are terrified by the current Ramzan Kadyrov[4] regime.

In sum, surveys could be considered as a safer option and, therefore, to my mind, were superior to interviews. However, data collection using surveys from the very beginning raised two issues, one of which appeared to be unsolvable due to my limited funding and time.

Firstly, there was the question of a language. Knowing that majority of Chechens use Russian as a working language, I had prepared questionnaires translated into Russian. The English version of the questionnaire I intended to distribute among the younger generation of the Chechens in Europe, who rarely possess writing skills of Russian or Chechen. I also had the questionnaire translated into Arabic and Georgian, which are the working languages of the Chechens in Jordan and Georgia - two diaspora communities I could have potentially included into my research. Eventually, only Russian version of the questionnaire was used by the 'European Chechens.'

Secondly, the initial idea to distribute questionnaires in the Chechen Republic via social networks appeared to be problematic. Although the vast majority of Chechens have access to the Internet, it is usually limited to mobile phones, which restricts possibility to conduct survey due to technological difficulties. Nonetheless,

[3] Even Chechen scholars are not willing to contact researchers associated with foreign Universities. I did not receive a reply to my second email from one of the Chechen scholars once she realised that I am not a student who had been delegated to study abroad by Kadyrov government.
[4] The Head of Chechnya Ramzan Kadyrov had been a ruler of the republic *de facto* since 2004, and he was assigned for this post *de jure* in 2007.

this problem also seemed resolvable since my gatekeepers' promised me assistance in distributing hard copies of the questionnaire. However, this strategy failed.

Additional weaknesses of surveying, which appeared during fieldwork, eventually prevented me from using it as the main tool for gathering data. These weaknesses are discussed later, after the presentation of the testing process.[5]

The initial testing of the questionnaire was aimed to evaluate the comprehensiveness of the questions and the time necessary to complete in. Four of my friends volunteered for this. All are of different ethnicities, social statuses, gender, educations, and ages. However, seeking to approach closer to the field, I also tested it on three people of Chechen ethnicity, who were of different social backgrounds, educations, and ages. This last group was excluded from the informant list later. Feedback provided by both groups indicated areas where the re-formulation of questions and re-structuring of the questionnaire in more precise ways were possible. For instance, a note about the variety of primary identities people might have led to a reformulation from: 'Do you consider yourself a Muslim or a Chechen in the first place?' to 'Give several answers to the question of: Who am I?' I also removed some optional answers, clarified the assessment system, and specified terminology. Both tests provided that sufficient time to complete the questionnaire averaged between 40 minutes and one hour.

The questionnaire was also sent to contacts (gatekeepers) in Jordan and Georgia, who were keen to facilitate my research of long-established Chechen communities (150 and over 200 years respectively) in their countries. Their feedback varied: Georgian gatekeeper did not see any necessity to adapt the questionnaire for local consideration; whereas the Jordanian gatekeeper (of Chechen origin) asked me to remove all questions relating to politics, emphasizing the neutral political position of the Chechen diaspora in Jordan. Eventually, I complied with the Jordanian gatekeeper's recommendations and adopted the questionnaire for the final test.

[5] In spite of my failure, surveying still seems as a good option for this kind of research. Therefore the strengths and weaknesses of the questionnaire are discussed further.

In spring 2014, I was invited to spend several days in the company of my compatriots, who were gathering in Belgium for a social meeting. The three days spent with them were fruitful. I conducted the pilot test interviewing 20 people and collecting 18 completed questionnaires. Two informants promised to return the questionnaire later and never did, which was the first alarm that the questionnaire is too long. This was not immediately apparent during the pilot. Most informants willingly agreed to complete the questionnaire and to be interviewed. To some extent, it was due to the friendly and trusting atmosphere at the gathering. Moreover, most of them knew me personally and those who did not were reassured by my rapport with the others. This also fostered positivity towards me and my work. Some participants even wished to refuse the University's policy of anonymity; however, some others (mostly representatives of Salafi Islam) were concerned about a possible data leak.

Overall, only one person refused to be interviewed, but agreed to complete the questionnaire, which justifies the strategy of having both options available. His refusal also demonstrated that a researcher should be very cautious when using research vocabulary. I realized it later that the word 'interview,' which was the main reason for the refusal, reminds to refugees of their first (often negative) experience after their arrival to a safe country: 'interview' run by immigration officers. Journalistic interviews also proved to be disappointing to Chechens, because the interviewee's words would often be misinterpreted. Moreover, disclosure of the interviewees' identities would happen on a regular basis, which raised security concerns and undermined trust in journalists, whilst simultaneously associating the word 'interview' with negativity. Therefore, I believe, researchers who work with refugees should consider replacing the word 'interview' with the more neutral 'conversation' or 'dialogue,' whilst formulating requests for interviews.

In sum, the pilot was successful. It confirmed that both methods (survey and interview) were effective in gathering data and to some extent compensated for each other's weaknesses – in the interview it was vocabularic misunderstanding, and in the questionnaire, its length. The time required for completing the questionnaire differed from 40 minutes to one hour and this length was too demanding for the

participants. An additional weakness to the questionnaire was too many open questions. The informants tended to skip them or to answer orally, which necessitated recording/writing down their answers after or during the interaction. These weaknesses became very obvious in the field.

Testing the interview method provided opportunities to elaborate on the crafted questions. The initial questions were revised and adjusted in accordance with the participants' reactions, making them comprehensible to a wider range of people. It further provided opportunities to formulate clarifying questions, which were sometimes necessary with less talkative informants.

During the pilot I had the possibility to interview twenty people of different ages (30-65 year olds),[6] educations, social backgrounds, religious denominations, and political views. The underrepresentation of younger cohorts, the supporters of the pro-Moscow Chechen government, and women was not considered problematic. The adaptation of the questionnaire to the needs of these categories of informants seemed unnecessary.

4. New and unexpected issues in the field

After the data-gathering tools were crafted and tested, I was ready to go into the field. Unfortunately, reality is frequently cruel to researchers even if they choreograph situations in advance. Once in the field, researchers can discover that their expectations are not met in practice. Therefore, practical application of research methods often requires adjustments and re-designs. This was exactly the case with my research.

The first engagement with my informants happened in Lithuania – so chosen by my experiences of living there. While working there, I also had contacted my gatekeepers in Chechnya, Jordan, and Georgia, asking them to distribute the questionnaire. The Chechen and Georgian gatekeepers (both university lecturers) planned to employ their students to assist in conducting the survey. The Georgian

[6] The fieldwork proved that younger informants (20-25 year olds), who were raised (not born) in European countries had different reproductive motivations/intentions than those, whose identity was formed in Chechnya.

gatekeeper formed a research team, which conducted a multiday fieldwork in the Pankisi gorge.[7] I had proposed a different strategy to the Chechen gatekeeper: he could involve his students as assistants, with an aim of 10-15 filled questionnaires for each student in their own neighborhood across the republic. The printing costs of the questionnaires would be covered by me. The Jordanian gatekeeper decided to create a special Facebook group, in which all potential informants (123 members) were included. The questionnaire was uploaded to this group, so everyone was able to download it and to submit the filled form via email or Facebook.

Work began effectively, but the results were disappointing. The Chechen gatekeeper eventually refused to work on the project due to security concerns. 'It's not a good time to do this type of research here,' he stated. The Jordanian group was not very active either. Despite the fact that the questionnaire was translated into Arabic, only ten Facebook group members completed it. Only the Georgian team, who actually went into the field, succeeded in collecting data from 104 informants. This suggested that qualitative surveys (lengthy and with many open questions) can be effective if the researcher supervises data gathering directly. Furthermore, the Georgian team's report stated that people demonstrated both, interest in the research and a willingness to collaborate. This positive outcome was achieved due to the fact that many informants knew me personally (I visited the Pankisi gorge several times in 2011-2013), as my Georgian gatekeeper stated later.

Meanwhile, I contacted my informants in Lithuania. Unfortunately, most of the Chechens in Lithuania I knew had left the country. Over two weeks in Lithuania, I managed to interview only eight people.

The following month I worked in Norway with even more disappointing results. I managed to interview seven people over a month. I compensated for this by carrying out five unplanned interviews with the visitors of my host in London, where I had stopped for three days en route to St Andrews. This gave me the idea that being a guest in a Chechen house can increase a researcher's chances to gather data and to network.

[7] Pankisi gorge is a Georgian territory mainly populated by the ethnic Chechens.

The inefficiency of my fieldwork shows the importance of another aspect of the preparation. It is always better to have agreements with potential informants in advance. The snowball sampling for personal interviews can fail because potential informants are busy. The researcher should bear in mind the time of day and year (working hours, Ramadan, etc.) as well as the necessity to travel (to the interview point and back home).

All respondents in Lithuania, Norway, and London were not just interviewed, but also asked to complete questionnaires. In some cases, I had to read the questions and write down the answers myself due to poor literacy or laziness of my informants. This also underlined the fact that time-consuming questionnaires with many open questions require the presence of the researcher in the field. Moreover, such supervision is needed because sometime informants tend to misinterpret the questions and provide irrelevant answers. As a result, these two separate tools – the interview and the survey – gradually merged into a form of semi-structured interview, which became the main tool for research. The questionnaire turned into a set of the questions for interview.

It is notable that the failure of the surveys in Chechnya removed any possibility of access public in the republic. Since the region is considered not safe, alternative ways to access the public there would be by using a phone or Skype.[8] However, these are not safe options for respondents either; as has been demonstrated by several infamous cases in 2013-16. The authors of some critical notes concerning the Chechen government, circulated via Messengers, were tracked down and publicly humiliated after.[9] People are therefore very cautious about media of communica-

[8] On the risks and difficulties of conducting research in Chechnya see Ratelle (2013, pp. 200-6). For the researchers of Chechen origin it is even more dangerous, because even being citizens of other countries (like myself) they are more endangered and less protected than those of non-Chechen origin. In the case of abduction or incarceration, the Chechen researchers have fewer chances to receive support from other governments, as it is shown by several cases that I know.

[9] The method of public humiliation for the critique of the government in Chechnya is described in an article published 23 December 2015 on the website "Kavkazskiy Uzel". "Eksperty zayavili o sistemnom priminenii metoda unizheniya zhitelei Chechni za kritiku Kadyrova" ("The experts claim – the inhabitants of Chechnya are being humiliated systematically for the critical notes about the Kadyrov's government"). Available online http://www.kavkaz-uzel.ru/articles/274817/ Accessed on December 24, 2015.

tions. Thus, by pain of circumstance, the ultimate decision to restrict research to the Chechen diaspora was made.

Three more factors informed this decision. Besides relative ease of access, the Chechens of the diaspora are less concerned with their security and were eager to participate once their anonymity was guaranteed. Participants would have to be advised that all gathered data was stored and coded properly, which guaranteed limited access to it. I also had to reassure them that I was not connected to the Russian or Chechen authorities, or to law enforcement agencies. Snowball sampling guaranteed this assurance, and proved most ideal. Those who recommended an informant to me consequently introduced me to the informant, which served as a credible reference. In some cases, this kind of recommendation was insufficient, and I had to give extensive answers to questions such as: 'Who pays for your research?' 'Why the University is interested in this research?' 'How did you get to Scotland?' Keeping all of the above in mind, I inferred that researchers of a different ethnicity would probably have had an easier time accessing the public, because they are not immediately associated with the possibility of inflicting troubles on an informant or his/her relatives in Chechnya.[10]

The second reason for researching Chechen diaspora was possibility to pursue reflexive research, which was possible due to the technological progress, 'young age,' and large size of the Chechen diaspora in Europe. The young age of the diaspora together with modern means of transportation and communication implies a tight connection that Chechens maintain with the homeland. As was stated by one of my informants (interview N 31), 'The Chechens of the last wave of emigration [1994-…] differ from those who left the homeland earlier (meaning those who left for the Ottoman Empire in the nineteenth century) by maintaining connections with their relatives and friends in the republic.' These connections allowed my informants to observe and analyze/compare behavioral patterns of Chechen families

[10] Szczepanikova (2014) presents an example to suggest that Chechens in Europe keep a distance from one another. "For example, since 2009, they have explicitly requested not to have a Chechen translator for their [asylum] interviews, which was not the case before. They worry that their personal information might be misused in some way."

in the republic and Europe. In addition, the young age of the diaspora suggests that both entities follow the same pattern of family size and identity based behavioral models. This assumption was strengthened by the fact that the majority of the interviewees expressed tenacious attachment to ethnic identity, which, as research demonstrates, plays a significant role in shaping Chechen preferences towards family size. In turn, this finding was supported by the previously conducted studies of Abbasi-Shavazi and McDonald (2000), Duncan et al. (1965), Goldberg (1959), Freedman and Slesinger (1961), Little and Rogers (2007), Rosenwaike (1973), and Stephen and Bean (1992).

The numerical size of the diaspora in Europe suggests a wide range of the views that exist in Chechen society, which allows gathering of all necessary information without travelling to the republic. Therefore, my findings have a possibly useful hypothetical extension – I argue that very similar results would occur if the research had been conducted in Chechnya, having security factor eliminated.

Thirdly, issues regarding researching the diaspora were not numerous and were easily solved. Besides the aforementioned security concerns, there was an issue of travelling across a vast territory, which required time and money. The lack of both necessitated a change of tactics in my research by moving fieldwork online. I installed a program on my computer that allowed me to record the conversations with my informants, and enabled me to continue my fieldwork without travelling. Interviewing online proved much more efficient and convenient for both researcher and respondent.

It also opened the possibility of another method: that of the group conversation. Questions posed to my online informants sometimes caused a similar reaction: 'You should talk to…,' directing me to a key figure. Eventually, I managed to gather several of them and some random Chechens (10-12 people in total) of different ages for a Skype group-conversation to discuss the themes of my research. This became a routine meeting that took place every Saturday and lasted for two months. Each conversation was two to three hours long and was recorded, which informants were aware of. Some of the informants (mostly the key figures) attended

every meeting regularly; another half would constantly change. A person of respectful age (and unquestionable reputation) volunteered to moderate the meetings, gather questions for a discussion beforehand and give the opportunity (and sometimes urge) participants to express their opinions. These gatherings, hardly a focus group, nonetheless performed the function of one, confirming the prevalent views in society with regard to Chechen identity and demography.

In summary, by merging the initial tools into a semi-structured interview, I eventually consolidated a research method suitable to my field. At the same time, by moving the field online, I modified this method with additional benefits, such as the possibility to conduct group interviews.

5. Traps and pitfalls in the field

Although I lost the opportunity to observe my informants by moving the field online, the pilot and first interviews conducted during the personal meetings (30 percent of all interviews) gave me an idea what kind of traps I should avoid. I identified three of them.

The first trap I faced was related to the informants' partiality. It is common for members to highlight their own group in a positive way. Therefore, a researcher should have a solid knowledge of the subject before going into the field, so s/he will notice lies or attempts to distort information.

Most of my informants were sincere because it would be difficult to 'improve the image' of the Chechens without me (a person of the same origin) noticing. The probability of deceit would be higher with a less prepared researcher of a different origin. In such cases, a researcher can either confront the lying informant or continue interviewing whilst bearing the deception in mind, as Wood (2006) suggests. Being of the same origin, I had the luxury of indicating the biases of my informants without offending them. There were a few cases when my informants tried to present normative Chechen behavior (the way it is supposed to be) as actual (the way it is). As was explained by one informant after interview, he did not want 'to spoil the image of the Chechens.' The conversation we had off-the-record dif-

fered from the one that I have recorded. I noted that his examples opposed to previous ones. 'The work that you are doing…,' - was his answer, - 'Someone will read it…' He meant that only a positive image of the Chechens was 'permitted to the outsiders.' After that, he reassured me that all his examples were nevertheless truthful, but represented opposite poles of Chechen society. He said: 'Besides those who are trying their best to live according to Chechen ethics, there are always those who will spoil this image because of their unethical behavior' (interview N 5). This was the dominant view held by nearly all my informants, most of whom cited examples of both positive and negative Chechen behaviors throughout the study.

The second trap I tried to avoid was my personal biases. I sought impartiality the way proposed by fieldwork experts. The most common way to do so is to acknowledge own preferences, which prevents from the biased selection of information (see Henn, Weinstein, and Foard 2006, pp. 153-4). Another type of impartiality, which I also faced, is 'becoming/being native' or identifying yourself with research public. In my case, I was native from the very beginning due to my ethnicity. Keeping this aspect in mind, according to Creswell (2009, p. 192), Denzin and Lincoln (2011, p. 11) is an effective way confronting the possibility of falling into this trap. Moreover, being native may render research deeper, the quality that I sought during my fieldwork.

The third trap I faced was pressure from my respondents. In my case, they expected me to write a 'correct study' of Chechnya. These expectations stemmed from the dissatisfaction with the literature on the Russo-Chechen wars. The dominant view of most participants was that there it is only a small segment literature reflects the Chechen perspective. Therefore, some participants would 'greet' me as one who will 'finally write a correct study' implying concealment of negative or sensitive information, 'because otherwise our enemies will learn about us and will be able to destroy us.' 'The Chechens managed to survive because they kept their identity well hidden. Your research will make us more vulnerable for globalization and Russification' (interview N 6). Similar sentiment was expressed to Lieven (2001, p. 352) by a Chechen in Moscow: 'We Chechens keep our secrets, and none of our

people will talk about them to an outsider.'

Summing up, as my fieldwork proved, a researcher should constantly be aware of his own position in order to avoid the analyzed traps. These traps are usually set by informants; however, a 'native' researcher can also be trapped by the desire to present the investigated group in better colors. Acknowledgement of the personal position helps to avoid this trap and also adds validity to a conducted study.

6. Conclusion

This article observed practical decisions taken in researching Chechen reproductive motivations in relation to the Russo-Chechen conflict. It presented and justified the choices made in methodology and information gathering.

It analyzed the advantages and disadvantages of the considered methods, the interview and survey. The survey proved inefficient. Interviews, despite their limited capacity due to the requirement of a physically present researcher, turned out to be a successful tool in researching Chechen reproductive motivations.

The article also presented the process of crafting and testing these tools and fieldwork. It described the process of applying research methods step by step whilst presenting their advantages and disadvantages. This was considered necessary to achieve two objectives: 1) to illuminate the way of validating the decisions concerning methodology; 2) to inform future researchers of possible traps and pitfalls and by doing this to attain impartiality as far as possible.

The first goal was achieved through detailed description of the process of crafting and testing research tools, as well as the strategy of approaching the field. The designed questionnaire (despite its inefficiency) was useful, as it constituted the background for the interviews. It was also preferred form of participation for some informants which justified the strategy to have the questionnaire as an additional tool.

The experience gained during fieldwork, which was presented as a transferable skill, helped to achieve the second goal. This article was written to provide other researchers with practical advice. It suggested these lessons: 1) to bear in mind

the time and place for interviews, 2) to think through appropriate language for use in terms of vocabulary and communication, and 3) to remove any possible security concerns that informants might have. The latter is especially important for those who would consider conducting research in Chechnya.

The search for impartiality – was pursued as recommended in cited literature (see Creswell 2009, p. 192; Denzin and Lincoln 2011, p. 11; Henn, Weinstein, and Foard 2006, pp. 153-4). The article demonstrated that the acknowledgement of the researcher's place and the discussion of possible biases help to achieve impartiality and to avoid pitfalls that a researcher might face during fieldwork.

In sum, the recommendations provided in this article should not be considered universal; solutions that worked here might be less efficient for others. Therefore, as Creswell (2003, p. 201) suggests, it is best to be flexible and adapt in accordance with the situation.

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BOOK REVIEWS

Through a Glass Darkly: The Social Sciences Look at the Neoliberal University, edited by Margaret Thornton. Acton: Australian National University Press, 2014, pp. 334

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The 'neoliberal university' and its contestation are increasingly featuring as common topics in academic debates (Canaan & Shumar 2008; Ball 2012). Academia is itself subject matter of growing scrutiny to understand its role in the neoliberal social order – as both shaped by neoliberal policies and shaper of 'know-how' and applied knowledge for market economy. In this regard, this collective volume is a timely and welcomed enterprise to shed light on such processes affecting the Australian university system.

The book, edited and introduced by Margaret Thornton, hosts fifteen essays by scholars from a wide array of social sciences ranging from feminist studies to political theory, economics and sociology, history and law studies; and it is organized in six sections that tackles with the neoliberal university from different perspectives.

Thornton's introduction is effective in raising several critical points about the neoliberal trajectory of Australian university. First, the Author aptly stresses that

within the all-encompassing dominancy of neoliberal economic rationality, the social sciences and their critical role in society are mostly discarded, for universities are expected to produce know-how and applied knowledge to serve industry and markets. Second, Thornton introduces what she terms the 'users-pays' regime. Due to incremental processes of privatization of higher education, students are requested to pay higher fees, indebting themselves and turning into students-consumers interested in the economic return of their 'investment'. The third point goes straight into the core question of the neoliberal governance of universities. The Author remarks that, on the one hand, the neoliberalization of education has implied massive disinvestments and budget cuts to higher education funding. On the other, that the overall bureaucratic control over university increased as a strategy to enhance productivity and competitiveness, namely the mantra discourse of neoliberalism. Moreover, universities, caught into processes of funding cuts/restructuring, are requested to act as enterprises for attracting new investments after budget cuts. Thus, the predominance of market rationality, processes of privatization, commodification and cuts of public funding, the creation of user-payers regime, and increased bureaucratic control immediately affect social sciences and weaken their overall critical/emancipatory role in society (Slaughter & Leslie 1997; Gilde 2007; Frank & Gambler 2006).

Meaningfully, it stands out the sharp division between economists and other social scientists. This latter group's essays generally prove to have a wider breath and to be more attentive to societal dynamics as a whole - sign, on the other hand, of a still patent lack of critical reflections, by economists, of the role of economic knowledge in society.

For instance, on the side of the economists, Brennan (ch. 4) frames the problem in terms of rising bureaucracy, while Aspromourgos (ch. 5), criticizes the

managerialist governance of the university that, especially due to the ranking obsession, prompts unethical behavior. The essay of Corbett *et al* (ch. 12) stands out as the most enthusiastic of current higher education reforms, stressing the manifold possibilities concerning, for instance, funding and/or improved management capacities. Whiters (ch. 7), in a more nuanced position, advances a middle-way stance laying emphasis on the role of the university in the tertiary economy.

Critical essays outnumber the others. Among others, Forsyth (ch. 1) and Jayasuriya (ch. 6) offer two long-term critical reconstructions of the 'idea of university' and the relation between academia, knowledge and society. Jenkins (ch. 3) discusses the relation between market rationality and philosophy, while the impact of managerialism, market and consumerism on academic governance is discussed by Lindsay (ch. 9) and Thornton and Shannon (ch. 10). The essay of Kenway, Boden and Fahey (ch. 15) closes the volume on a positive tone through exampling cases of intellectual resistance against the despotic dyad market-bureaucracy.

In conclusion, the volume is a worth reading initiative to learn more of the current practices and governance of Australian academia and higher education. Especially the apparatus of critical essays of the volume is rich in terms of themes and perspectives, and challenges the market orthodoxy of the economic knowledge. In this regard, despite its somehow overstretched heterogeneity, the book turns to be an interesting initiative to unveil the actual neoliberal practices concerning higher education.

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BOOK REVIEWS

Organizational Transformation and Scientific Change: The Impact of Institutional Restructuring on Universities and Intellectual Innovation (Research in the Sociology of Organizations, Volume 42), edited by: Richard Whitley and Jochen Gläser. Bingley: Emerald, 2014, pp. 406.

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During recent years, an increasing number of academics have focused on analyzing formal changes in the governance of higher education and scientific research systems in developed Western societies. These changes concern research funding systems, state-university relationships, university management, and research commercialization. Against this background, in line with their previous cooperation, editors Whitley and Gläser (Whitley & Gläser 2007; Whitley et al. 2010) in their 2014 volume propose going one step further to analyze how these changes are affecting universities as strategic actors, the conduct and content of research, and how the latter contributes to organizational change of universities and research organizations. Labeling their approach as "bringing work back in" (Barley & Kunda 2001) to the organizational analysis, the main idea of the volume is to link the theory of or-

ganizational sociology with the sociology of science. Twelve contributions are divided between two parts of the volume.

The first part of the book addresses the question of organizational transformations: how they are shaped by and how they shape the nature of scientific work. The opening chapter by editors compares universities with organizational forms of enterprises and concludes that the former differs from the latter through delegation of authority over the conduct of research and teaching granted to academics. Subsequently, Musselin formulates an original theoretical approach on the example of French universities by connecting the literature of institutionalism and organizational theory with the concept of professional norms. She shows how the utilization of external peer-reviews as management tools could legitimate university leaders' formal power, which they gained due to the introduction of managerial norms. The following three contributions concentrate on actor analysis in organizational contexts. Edler et al. outline tension between organizational interests of universities as strategic actors and the individual logic of the European Research Council. Laudel and Wayer take the perspective of authority relations and investigate how increasing State pressure for Dutch universities to build their profiles affects scientific communities and generates shifts in scientific disciplines. Finally, Barrier, while linking the concepts of institutional myths, organizational structures and practices, shows through the example of a merger of two French research units how symbolic responses to institutional pressures may have consequences on research practices through the agency of actors who strategically use their empirical interests. The second part analyses the impact of changing authority relations in the public sciences on conditions supporting the development of different scientific innovations. Empirical examples concern four innovations corresponding to the main scientific branches: the Bose-Einstein condensates, the evolutionary developmental biology,

the large-scale assessments of student performance, and the computerized corpus linguistics. Innovations in these areas are analyzed on the example of Dutch, German, Swiss, Swedish, and Spanish research organizations and universities. While the first six contributions mobilize these empirical examples in different configurations for studying causal links between authority relationships and intellectual innovation, the concluding chapter proposes the overall framework for analyzing changes. Building on previous analysis, he proposes two variables: the level of 'protected space' and the 'flexibility' of dominant intellectual standards for explaining how changing authority relationships in research government affect the development of different intellectual innovations.

By aiming an articulation of different research objects and literature, notably organizational change and scientific practices, the book provides theoretical innovation in the sociology of organizations by showing the importance of the work of actors. Second, it offers an original approach for better understanding ongoing changes in academic systems that should be analyzed, not only through their formal changes, but also in the context of scientific work. Chapters cover a wide range of methodological approaches, inductive case studies, or more deductive large-N analysis and theoretical considerations. Nevertheless, a more transversal analysis of this rich variety of contributions has been left to the reader. The limit of the book lies in its weak operationalization of some important contextual factors described as important. While the academic context was integrated to analysis by most authors, others, such as political, economic, or international global context and their impacts on discussed developments remained subsidiary. These factors are addressed in some recent works relying on a more sociological approach of public policy analysis (Benninghoff et al. 2017). It now remains to take another step towards even more active interdisciplinary considerations.

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BOOK REVIEWS

The Capitalist University: The Transformations of Higher Education in the United States since 1945, by Henry Heller. London: Pluto Press, 2016, pp. 252.

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The neoliberal counterrevolution which began with the collapse of the Bretton Woods system has touched all aspects of American life, including university. Henry Heller in *The Capitalist University: The Transformations of Higher Education in the United States since 1945* aims to put these developments into context by investigating the link between American capitalism and the American university system. Inspired by the intensification of managerialist governance of academia, Heller seeks to understand the context behind these shifts through a study of the post-war history of the social sciences and humanities and of how trends in teaching and research activities are linked to the political-economic environment of the time. Heller's book is an accessible critical history of the American university system from World War Two until the present, though its breadth often prevents it from making deeper insights.

Heller's main argument is that the American university is best understood in terms of its relationship with the United States' role as post-war hegemon and the associ-

ated requirements of American capital and the American state. He argues that the capitalist university exists as a contradiction between a site of critical knowledge and as an adjunct to capitalism. It exists within capitalism, and so must facilitate general capitalist reproduction, but at the same time purports to fulfill a more universal function beyond the scope of capitalism – to increase the general welfare of citizens and to generate 'pure' knowledge. While this contradiction has been more or less suppressed for much of American post-war history, it erupted in the 1960s and, Heller suggests, we may be on the cusp of yet another crisis.

Heller begins with the early 20th century, where Universities essentially acted as a "finishing school" for the upper and upper-middle classes and served to reproduce class, race, and gender dynamics across the country. Universities were driven from above by the demands of private foundations financed by the largest American capitals, who sought to finance production of knowledge required for their activities. However, during the depression, universities experienced funding problems and shortly thereafter, World War Two marked a fundamental change as the government replaced private capital as the largest funder by financing war-related projects.

After the war, the university system was designed to facilitate American imperialism and American businesses and was particularly attuned to the needs of the Cold War American state. He characterizes the university of this time as focused on defending liberalism and capitalism through an embrace of value-free knowledge, methodological individualism and positivism. Overall, knowledge produced by the Universities helped facilitate the golden age of US capitalism, but restricted freedom of thought. However, this, combined with increasing enrollments, led to a backlash from below in the 1960s as students demanded an opening of the intellectual space. This re-

vealed the contradiction between the university as a capitalist 'knowledge factory' and as a site for pure knowledge. However, Heller argues that the mobilization of reactionary forces, as well as the splintering of the student radical movement into smaller groups focused on identity politics, meant that this revolution was short-lived.

From the late 1970s onward, Heller analyzes the university system in the context of the shift from productive to financialized capitalism. At the same time, budgets were being cut back and academics embraced the *en vogue* theories of postmodernism and neoliberalism. These paradigms laid the intellectual groundwork for neoliberal university reforms which aimed to run universities as 'knowledge factories' by increasing the role for administrators and disciplining academics through quantitative performance assessments. However, Heller argues that neoliberal university reforms risk undermining their very foundations by eroding their capacity to generate positive thought and critical knowledge, which in turn threatens to undermine capitalism more broadly. While Heller sees modern university students as passive and individualistic, buying into the 'student-as-consumer' model of the neoliberal knowledge factory, he argues that universities are likely to be a key location for ideological and class struggle in the near future.

Heller's main strength is his accessibility. The book is grounded in Gramsci's understanding of the non-coercive state apparatus, but largely eschews complex theory in favour of providing an easily digestible critical history of the American university system. At the same time, this prevents the book from providing a more incisive theoretical contribution and those already familiar with the topics covered are unlikely to get much from the book. The book offers a very well-done literature re-

view, and the various themes he covers in each epoch – influences on faculty, major research paradigms in each field, and the political-economic context –and this weakens some of the causal arguments. Overall, the book is an interesting and approachable history that does necessary work in grounding the university within the broader dynamics of American capital accumulation and should be of interest to undergraduate and postgraduate students not only in the American university system, but abroad.

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BOOK REVIEWS

From Class to Identity: The Politics of Education Reform in Former Yugoslavia, by Jana Bacevic. Budapest–New York: Central European University Press, 2014, pp. 235.

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The debate on the nexus between education, conflict and peace has received growing attention in the past two decades. Scholars such as Bush and Saltarelli (2000) have shed light on the 'two faces of education' (i.e., education can prevent war but also foster conflict), delving into its multifaceted relationship with social (in)justice and social change in peacebuilding (Novelli and Smith 2011). At the same time, research has drawn attention on the globalization of education policies and the role of international organizations (Verger et al. 2012; Dale 2000).

Jana Bacevic's *From Class to Identity: The Politics of Education Reform in Former Yugoslavia* is an ambitious, interdisciplinary and empirically-grounded work that makes an important contribution to the existing scholarship. Bacevic moves away from the 'education gospel' that has informed much of the policy and scholarly assumptions about education in the post-Yugoslav region (p. 1). She does so by problematizing the structuring role of education, both as a cause and consequence of social and political dynamics in the post-Yugoslav

space. The study aims to contribute to the understanding of the role of education in social, economic and political processes that led to the break-up of Former Yugoslavia (chapter 2); the continuing ethnic and social fragmentation of the region in the aftermath of the Yugoslav wars (chapters 3 and 4); most importantly, however, it helps us unravel the interaction between education and reform policies, aiming to provide new insights on the ways in which "education can contribute to emancipation without necessarily reproducing the existing social divisions or creating new ones." (p. 3)

The book's ambition is fourfold, as it is deployed at the theoretical, methodological, empirical and policy level. While incorporating some of the theoretical approaches that have highlighted the reproductive role of education for social and class inequalities, the analysis, however, seeks to capture the more nuanced, dynamic and ultimately constitutive role of education in shaping, defining, changing and challenging political subjectivities, group identities, demands and social struggles in the region. Dichotomous arguments such as good vs. bad education are overshadowed by the consideration of why and how education can be both a reproductive force and a socially transformative and emancipatory tool.

Bacevic tries to overcome the categories of nationalism, communist legacy, conflict, European integration and modernization that to different degrees have characterized the study and practice of post-Yugoslav education policy-making. The analysis sheds light on a double shift in discursive emphasis that occurred already during the 1990s – i.e., during the nationalist revival that characterized the crisis of the Yugoslav system: the shift from class to identity and the shift from government to governance (chapter 5). In these passages the sphere of education played a crucial role, becoming the arena where such shifts

were first observed, reflected and reproduced. The analysis of the cases of Kosovo, Sandzak and Macedonia, shows how where the international community intervened to stop the conflict and supervise the post-conflict phase, it further reinforced and consolidated the ethnic discourse while attempting to shift the focus onto (multi-) ethnic identity (p. 123-188).

From both a methodological and theoretical viewpoint, the book represents the first attempt to apply Dale and Robertson's Critical Cultural Political Economy (CCPE) approach to the study of education policies and politics in Former Yugoslavia (see Robertson and Dale 2015; Dale and Robertson 2009). It does so by empirically comparing and contrasting a number of post-Yugoslav case studies where education is put at the centre of social, economic and political processes. Nonetheless, the author does not engage in an explicit dialogue with political economy analysis, although the book speaks to it.

The different country-cases are studied before, during and after the dissolution of Yugoslavia, and they are grouped according to three instances of education reform: vocational education, religious vs. civic education, and the fragmentation of higher education along ethnic lines in the post-conflict phase. The analysis is conducted on the meso level that focuses on policies and the policymaking process – which Bacevic claims is under-researched compared to the macro level based upon broad statistical comparisons and the micro-scale of ethnographic research, the latter being rich in details but sometimes blind to broader political structures and processes. The focus on the role of education in shaping political subjectivities and *vice versa* is in line with a CCPEE framework, and emphasizes the role of agency within the politics of education reform. How much of the transformative potential of education the book brings in through its empirical analysis remains an open question that the author

leaves to future research: the emancipatory function of education remains more of an envisioned possibility rather than something empirically grasped throughout the analysis.

The book speaks to students, scholars and practitioners interested in the changing role of education, and contributes to our understanding of its changing relationship with the state, a relationship embedded in broader transitions, such as from communism to capitalism and from nationalism to European integration. Moreover, it is relevant for International Relations, peace and conflict scholars interested in the role of education between conflict and post-conflict and its location within the hybrid and post-liberal governance of countries in transition and/or frozen conflicts. For this purpose, it would have benefited from the inclusion of Bosnia and Herzegovina as an additional case study, whose exclusion is not articulated. Scholars and students of education studies will find the book an extremely important source as it advances the debate and scholarship on the reform and policy-making of education by incorporating the critical and theoretically cutting-edge framework of cultural political economy into its analysis.

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BOOK REVIEWS

University in Chains: Confronting the Military-Industrial-Academic Complex, by Henry A. Giroux. Boulder: Paradigm Publishers, 2007, pp. 223.

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Drawing from President Eisenhower's almost prophetic 1961 speech on the risks of building an armed democracy, *University in chains* calls out to the military-industrial-academic complex as interlinked dimensions that contribute to the ongoing crisis of American democracy by shifting the freedom vs. security trade-off in favor of the latter.

Giroux develops a four-fold argumentation, starting from the transformation of universities into hypermodern militarized knowledge franchises that reinforce the intelligence-academic partnership. The collective paranoia that followed the 9/11 attacks initiated an endless War on Terror, which allowed for the disappearance of the state of exception legitimized by a permanent state of emergency, to the extent that conflict turned into a common tool of state policy. As a consequence, the blurring lines between military and civilian functions resulted in the paramilitarization of civil society including the most powerful setting where minds of generations are shaped, namely higher education institutions. Indeed, under the

cover of ethics of responsibility and patriotic correctness, dissent is systemically silenced and instrumentally labeled as un-American in a disturbing witch-hunt against alleged evil doers.

The militarization of knowledge meets the demands of a continuous scramble for research funding, as the lack of adequate financial aid is a recurrent issue that afflicts academia. According to the author, the American tendency to privilege military sectors of society is allegedly fostering the imperial ambition of a global empire that is diverting money from crucial domestic programs. Besides the army, also multinational corporations take advantage of this situation and impose a market-driven model of education, in which academics are downsized and outsourced to contract and part-time labor. Hence, the faculty loses its bargaining power and becomes subjected to corporate control of entrepreneurs who privilege short-term returns, with consequences for the quality of inclusive and critical learning, reduced to a subordinate function of job training. The lucid dissertation conducted in the second chapter transcends from a merely American setting, with the possibility to apply its contents to the whole international academic environment whose value is reduced to grant-getting skills and the 'publish or perish' imperative.

The third chapter denounces the right-wing assault on the pedagogic infrastructure that brings to mind a revival of the McCarthy era. Education is currently being reshaped according to a form of content manipulation that narrows the political spectrum and censors uncomfortable positions. The new dynamism of the right-wing attack opts for a strategy that is both explicitly defensive, by complaining that conservatives receive an unfair treatment within university, and subliminal, since it adopts the liberal lexicon of affirmative action, in order to disempower opposition by recurring to their same means. Giroux stresses that politics, education and citizenship are closely related and thus, to silence an open debate implies not

only the failure of the role of pedagogy, but also that of democracy, whose functioning rests upon engaged and informed citizens.

The final chapter warns about the perils of the instrumentalization of knowledge within American society and calls out for further commitment in 'breaking the chains' and re-thinking the future of higher education. Overall, *University in chains* is a ground-breaking book on a neglected issue, as Giroux provides a passionate argumentation that is definitely not neutral. On the contrary, the author invites everyone to take a side and act straightforwardly upon it for the sake of the public good. However, the outcome is a lucid analysis of the situation of higher education that transcends the United States, as for instance the impoverishment of curricula due to marketable prerogatives and precarious life of researchers.

Ten years have passed since its publication, but the book still strikes for how well it tackles present day problems, which seem especially suited to the current Republican administration. Finally, a remarkable learning outcome is that despite the many challenges brought by globalization, universities are one of the few remaining public spaces able to raise meaningful questions. Therefore, as embedded in the proper functioning of democracy, some ambiguity must be tolerated, for these questions to be raised freely and contribute to the goal of educating individuals to become engaged agents of positive change within democratic societies.

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BOOK REVIEWS

Academic Identities in Higher Education: The Changing European Landscape, edited by Linda Evans and Jon Nixon. London: Bloomsbury Academic, 2015, pp. 276.

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The shifting boundaries between the state, the market, and institutions of higher education (Henkel 2007) have displaced the university from its 'free-floating' position in society, with implications for the exercise of academic practice that used to be centered on collegiality and scholarship (Nixon 2008). This edited book provides a complex, layered, and plural perspective, reflecting on the changes, 'ambivalences and aspirations of academic identity' (p. 24) in times of radical transformation and crisis in Europe.

The assembled essays based on self-reflective narratives of academic identities, which are interlinked with academic profession and academic practice, explicate the trajectories, formations and re-formations of academic identity under the pressure of global competition and the internationalization of higher education. The contributors to this edited volume, whose own academic trajectories and identity formations belong to different hierarchies, institutional settings, and places, delineate implicit theoretical constructs that reveal the paradoxes of internationalization and standardization of higher education, despite the apparent absence of theory in this volume, as Nixon explains (p. 16). The book, structured in

three parts, aims to capture the particular processes of changes in the higher education sector that mingle with and affect academic identity. Nixon, using the notion of 'modularity' (Gellner 1994) to characterize academic identity, argues that 'academic identity is a bricolage, an assemblage, a pragmatic accommodation to contingent events' (p. 10).

The first part, titled 'Frameworks and Perspectives', articulates and describes the processes that take place within the institutions of higher education in the European context. Niilo Kauppi, positioned at the intersection of the French national educational system and globalized academia, shows the unintended consequences of standardization, which can be observed in 'a weakening of the national systems through a bifurcation into first- and second-class institutions inside national systems' (p. 42). Long-standing values, such as academic autonomy, collegiality, and freethinking, seem to be fractured due to existing porous institutional legacies and traditions. Kauppi suggests that what is required to respond to the contradictory transformations is 'a more politically organized academe' (p. 44).

Finnish scholars Tero Erkkila and Ossi Piironen observe 'ideational shifts in the higher educational policy, and discuss their implications for academic identity' (p. 47). The dual processes that characterize these changes include the autonomization of institutions of higher education and the individualization of scholarship. One wonders how the distinctive academic and institutional traditions are effaced, as the authors claim. A sweeping erasure of academic legacies might not be called for. Rather, what might take place is a process of local and international realignments among academics towards a 'global research community' (p. 60). The European tradition of higher education that had affected Australia, according to Terri Seddon, is now being reframed. Seddon, emphasizing the changing spatial dimension of education, introduces the concept of 'educational spaces' (p. 74). For

quite some time, educational spaces have been nationally bounded. According to Seddon, being an academic demands that one navigate 'a polyglot boundary zone' (p. 65) if one wants to make knowledge claims in the context of '[a] repositioned twenty-first-century public education within global human capital supply chains' (pp. 74–75).

The second part, titled 'Academic Trajectories', comprises five chapters that inform the reader about the vulnerability and fragmentation of the academic identity in the current 'academic condition', to borrow a term coined by Kauppi. Nicole Reget Colet addresses the effects of the Bologna reforms in Switzerland that require scholars 'to adopt dual identities – as researchers and teachers' (p. 89). Štefan Beňuš provides a narrative of his academic identity in Slovakia from an insider/outsider position. Liana Beattie traces her trajectory from Soviet Georgia to the United Kingdom as a scholar of education. Both Beňuš and Beattie, having experienced a communist past, have become supportive of the neoliberal reforms. Eva M. Brodin, reflecting on the academic condition in Sweden, 'depicts the vulnerability of today's academic identity formation through the lens of [her] personal perspective' (p. 116) and warns that 'academic entrepreneurship is on its way towards obliterating scholarship and hence itself' (p. 122). In her chapter, Linda Evans explicates the role of academic traditions, such as the Russell group institutions, as not hampered by global competition.

The third part, 'Formations and Reformations', discusses the interaction of diverse institutional settings with academic practice. Romuald Normand's chapter delineates the intrinsic linkage between academic autonomy and ideological position-taking as an effect of institutional culture in France, limiting multiple academic identities. Oili-Helena Ylijoki and Jani Ursin's chapter on the formations and reformations in the Finnish educational system 'seek[s]to illustrate how differently the

apparently same changes in higher education are interpreted, resulting in dramatically distinct academic identities' (p. 189). Both Darlinda Moreira, Susana Henriques, and Luísa Aires's chapter on Lisbon Open University and Antigoni Papadimitriou's chapter on Greece reveal the difficulty of transforming academic identities tied to the nation-state and social prestige. Carol O'Byrne's thoughtful piece on the formation of academic identities at the Irish Institute of Technology shows the role of re-alignments and collectivities.

Altogether, this insightful book presents the actual importance and space of possible re-formations of academic identity, as acknowledged by Evans in her conclusion. The path to further research, building upon these reflections on the academic condition, is still open.

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BOOK REVIEWS

Who's afraid of academic freedom?, edited by Akeel Bilgrami and Jonathan R. Cole. New York - Chichester: Columbia University Press, 2015, pp. 428.

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The book edited by Akeel Bilgrami and Jonathan R. Cole offers a collection of seventeen essays written by distinguished scholars, aimed at shedding light on the concept of academic freedom, examining it from different disciplinary perspectives, in order to reflect on the concept's historical development, on its current philosophical and legal definitions and on its empirical manifestations. Overall, the essays provide the reader with a many-sided, informative and challenging overview of the main alternative definitions of the concept. They explain the terms of some recent American and international debates which have revealed the irreducible tensions between alternative understandings of the meaning and implications of academic freedom. Moreover, the variety of the positions presented shows that there is no agreement on the scope, purpose and instruments for the protection of academic freedom. This conclusion is supported by the evidence presented in the last contribution (pp. 343-389), which presents the results of a sociological survey of Columbia University full-time faculty members from different disciplines. The survey's

main finding is that scholars' understandings of academic freedom are different; when confronted with hypothetical situations of academic freedom's infringement or abuse, their reactions diverge considerably.

In his contribution, David Bromwich proposes a libertarian definition of academic freedom as 'a category of political freedom' and sees it as a specification of citizenship rights (p. 27); while Michelle Moody-Adams sees it as 'a robust right of self-regulation' for individuals, groups and institutions of the academic world, understood as a bastion of free thought (p. 101). Rather than a fully-fledged concept or norm, Joan W. Scott sees academic freedom as 'a complicated idea with limited application' (p. 56) and traces its origins back to the Progressive era of US history, when the model of the research university prevailed on the obsolete model of universities as institutions entrusted with a (narrower) education-providing mission – a process which is briefly analysed in Robert J. Zimmer's contribution (pp. 246). Throughout the book, there are frequent attempts at highlighting the legacy of the 1915 *Declaration of Principles on Academic Freedom and Academic Tenure* issued by the American Association of University Professors on current conceptions of academic freedom.

Another thread which innervates the rich texture of this collection of essays is the contextualization of academic freedom within the democratic state *vis à vis* other liberal freedoms, such as democratic equality, neutrality and inclusion (pp. 106-114). According to Robert Post, even a cursory overview of recent cases shows that the US lacks a coherent constitutional doctrine of academic freedom, despite the Supreme Court's proclamations in favour of considering it under the light of the First Amendment as a protection of the pluralism produced within the so-called 'marketplace of ideas' (pp. 123-141).

Several analytical essays – especially Bilgrami's and Moody Adams' – focus on the distinction between internal and external challenges to academic freedom and aim to distinguish the concept of academic freedom from correlative or contradictory concepts such as academic responsibility and academic abuse. In a stinging and sharp essay, Jon Elster identifies the deadly threats to academic freedom interpreted as 'the spirit of free inquiry' in the practices of hard and soft obscurantism that he sees ubiquitous within the current academic environment, particularly in the social sciences. On the one hand, soft obscurantism manifests itself through *bullshitology*, i.e. the tendency of scholars to indulge in building biased theories through the search for flashy literary devices rather than through the sound logic of their argumentation – and hard obscurantism – that is, the methodological obsession of those scholars who adopt deterministic quantitative models for researching social phenomena.

Some essays focus on the current threats to academic freedom caused by the tension between power and knowledge, whose dramatic manifestations have included cases of censorship of academic researches or discriminatory policies targeting scholars or Universities undertaken by (non-democratic as well as democratic) governments. If Scott's analysis shows that clashes between governments and academia are recurrent in history, the diverging positions of Stanley Fish and Judith Butler on the political convenience of actions of academic boycott toward Israeli Universities and on their implications for the enjoyment of academic freedom by Israeli, Palestinians and US scholars prove that today the power/knowledge divide is a topical and divisive issue. Both John Mearsheimer and Noam Chomsky – looking at the actions of lobbies and mass media, respectively – address the issue of the infiltrations of power throughout the rifts produced by academic divisions. The authors encourage the quest for effective forms of resistance, in order to elaborate

meaningful and context-specific re-articulations of the concept of academic freedom.

This collection of essays fills a gap in the literature on an understudied and yet very relevant concept. It investigates the historical roots of academic freedom and it attempts at grasping its current real meaning as well as practical implications for scholars and for academic institutions. Though it lacks an effort at comparing the US scholars' understandings of academic freedom with those of scholars from different academic environments, *Who's afraid of academic freedom?* is a helpful starting point for envisaging future avenues of research.

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INTER DISCIPLINARY POLITICAL STUDIES