

### Academic freedom and its enemies: Lessons from Sweden

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FOR SCIENTISTS AND RESEARCHERS TO FULFIL their purpose of understanding and explaining the world, they have to be free to work without concern for short-term political, ideological and economic interests. Situations in which political or economic interests dictate research priorities, findings or conclusions are not only contrary to the fundamental principles of science, but also to those of open and democratic societies. That such conditions lead to stagnation is one of the historical lessons to be learned from the Soviet Union, where scientists had to work under a state-imposed ideological straightjacket.

To prevent such conditions from arising again, organisations such as UNESCO and the Council of Europe have set down some basic recommendations with regard to governance of the higher education sector (see Council of Europe 2006; UNESCO 1997). Accordingly, member states and their universities committed themselves to upholding academic principles, including that universities should enjoy a high degree of autonomy and collegial governance. This is based on the idea that the science and research community is best placed to assess and determine: what constitutes good science; which researchers are best qualified and most suited for particular positions; which research questions are most pressing and prominent; which methodologies are most suited to exploring those questions, and so on. Besides the freedom of inquiry, academic freedom also includes freedom of speech, and the freedom to disseminate research findings, as well as institutional autonomy, collegial governance and security of tenure. In essence, academic freedom is both a vaccine against totalitarianism and unwarranted political influence; at the same time, it helps to guarantee the quality of educational provision and research practice.

While the struggle for academic freedom is undoubtedly linked to development and emancipation in lower-income countries and in authoritarian

or semi-authoritarian states such as Turkey, it remains highly pertinent in the liberal democracies of Europe and North America. In fact, academic freedom is arguably under more pressure today than at any time in the last 150 years. Paradoxically, much of this pressure, and even direct threat, emanates from within the liberal democracies and is exerted precisely via their apparently liberal governing practices. Indeed, it can be argued that the current form of liberalism and its advocates constitute the major threat facing academic freedom and freedom of speech within the academy. In addition, forces across the political spectrum – that is, from both the left and the right, are behind this threat.<sup>1</sup> The academy – and especially the humanities and social sciences – has few friends these days.

In this chapter, we discuss major trends and threats facing academic freedom. While we are aware that these trends are applicable to many countries, we mainly cite empirical evidence from Sweden as the basis of our study because we both monitor and promote academic freedom through Sweden's Academic Rights Watch (ARW).<sup>2</sup> We begin by outlining the pressures exerted by neo-liberal ideology to create a research and education market, and show how this is the undercurrent steering specific reforms and policies that are both attacking academic freedom and undermining quality in education and research. We then identify and comment briefly on some of the reforms and changes that we see as the major threats to academic freedom, using some examples from ARW's detailed database of cases, rulings and policies. For reasons of space, we have limited ourselves to outlining the trends and threats and summarising their effects, and we refer readers to the ARW website and database for further documentation and richer analyses of cited cases and principles.<sup>3</sup>

### **The demise of academic freedom: major threats**

The gradual demise of academic freedom in the West has been ongoing for some time and is related to the broader trend of neo-liberal influence on public policy and 'public management', as well as on reforms that have targeted the higher education and research sectors. Even a cursory glance reveals that academics are held captive by three major discourses. The first is the general trend of neo-liberal reforms implemented in the public sector since the early 1980s often labelled 'new public management' (NPM). This has been a major factor reshaping the governing mentality within the public sector, which has a direct and strong impact on universities. The second is the Bologna Process in Europe, which set out to streamline all fields of education and research using the natural and health sciences as models. The result has been the replacement of the ideals of the classical Western

university and the notion of *Bildung* that have informed the liberal arts and humanities for centuries<sup>4</sup> with specific chunks of knowledge and packages of skills that are more measurable and interchangeable within what is conceptualised as a global education *market*. The third discourse includes a set of country-specific reforms related to university governance and higher education, which, as shown later in the chapter, are directly linked to neo-liberal ideology. In Sweden, the Autonomy Reform, implemented in 2011, is the primary document (Sveriges regering 2010); in Norway, for example, it is the University Reform, also effective from 2011.

### New public management: neo-liberal ideology and the public sector

Christopher Hood (1991) coined the term ‘new public management’ to describe an array of reforms introduced across the public sectors in liberal democracies from the early 1980s. While individual reforms vary across countries and sectors, sometimes with contradictory effects, NPM can denote an underlying philosophy that aims to ‘remake’ public administration and the public sector ‘in the image of the market’ (see also Hood and Dixon 2015). As such, the reforms provide a recipe for a neo-liberal redesign of the public sector and a neo-liberal governing mechanism for those parts of the public sector that cannot be privatised. The whole NMP package is sometimes summed up with reference to the ‘three M’s’: markets, managers and measures.

The idea is simple. The public sector produces services which are consumed by citizens and, in this sense, the public sector can be thought of as a producer and citizens as consumers. Although compelling, this conceptual shift away from a model of state and citizen to a market-based model brings with it new associations and a rationality shaped by market-led thinking that is fundamentally opposed to notions of public interest, shared goods and common property (or ‘the commons’). The concepts of public interest and the public good have a long history in political thought, dating back to Aristotle, Thomas Aquinas and John Locke, but they have all fallen out of favour in recent decades (Bozeman 2007). This philosophical shift can, as Michael Sandel suggested, be conceptualised as a move away from a market *economy* and towards a market *society*. In the former, the state embraces a market economy but reserves important spheres for other forms of collective governance; in the latter, the principle of competition inherent in the market colonises all spheres of society (Sandel 2013).

#### *The results and ramifications of NPM*

With citizens construed as ‘customers’ or ‘users’ (the actual customer may be a municipal agency, etc. that provides services to ‘users’), even the language

we use reflects this market-based philosophy or ideology, signifying the break made with the classical model of public administration. The classical model was founded on rule-governance and public funding. Based on a conviction that the public sector had a special and unique role in serving citizens, and ultimately democracy, each service or agency received an estimated budget lump sum. This combination of a legislative foundation and public spending formed the very architecture of the democratic state, enabling it to be governed by its own principles and rationality that is quite different from those of the market (Lundquist 1998, 2012; see also Rothstein 2014).

A further result of NPM is that all public-sector activity must now be measurable in economic and numerical terms. To make this work, measurements have to be developed and introduced into all kinds of activities, and managers have to be employed to design these measures and then monitor progress made in relation to them. In general, this leads to an expansion rather than a reduction of the administrative sector.

A related problem is that measurements, evaluations and administrative controls tend to take precedence over professional assessments and judgements, with teachers, medical professionals, police officers and civil engineers often being discouraged from using their professional initiative. The need to tick boxes and fill in forms leads to both an increase in bureaucratic red tape and the de-professionalisation of individuals. To the extent that managers and administrators are, directly or indirectly, politically appointed, there is also more or less room for political goal scoring via the setting of specific targets within a variety of areas. For example, staff at a particular institution might be expected to achieve certain political goals while carrying out their tasks. These could include achieving 'gender parity' or quotas related to 'diversity' of staff, or the directing of an institutions' services at a particular demographic or geographical area. Certification relating to 'sustainability' or other forms of 'environmental certification' might be added to the existing work of hospitals, museums or universities. Paradoxically, even left-wing parties hail neo-liberal governance reform as an instrument to implement their own agendas through increased political control over academia. This paradoxical alignment of the new left identity politics and neo-liberalism is central to what Nancy Fraser has called 'progressive neo-liberalism' (see Fraser 2017). From a democratic perspective, the most problematic aspect of all this is that public institutions and agencies gradually begin to emulate private companies. This includes focusing on issues such as profitability and 'brand identity', while allowing these to form the rationales against which they develop and implement policy.

At a more specific level, an academic career in many countries now includes having to divide work time into detailed and continuously supervised points or hours that are pre-allocated to specific tasks such as teaching, student supervision, research, and so on. For academics in universities across Europe and many other parts of the world, this is a new and unwelcome feature of the scholarly life.

Possibly the most ominous shift attributable to NPM is the emergence of what can be called shadow management. On the one hand, the public sector is governed by laws and regulations, while, on the other hand, governments issue directives, often on an annual basis. (In Sweden, these annual directives are known as *Regleringsbrev* or letters of regulation.) During the twentieth century, the core legislation governing the public sector, such as administrative law, developed alongside the democratisation of the state. Across liberal states, in countries such as Sweden, such legislation emphasises values associated with the 'rational state model' as outlined by Max Weber. These include notions of equal opportunity and equal treatment, meritocracy, accountability and transparency. In Sweden, this rational model actually predates democratisation and wider popular participation, with meritocratic recruitment formalised in the 1809 Constitution. When NPM adds market values, such as competition, profit making and economic individualism into this context, the two value systems come into conflict with one another.

What happens when they clash? Where an NPM-inspired government directive clashes with the more traditional principles set out in a country's laws or its national constitution, the managers of public agencies have to choose whether to follow the old values (i.e. the law) or the new (i.e. the directive). If they follow the more traditional values, they risk being seen as obstructing government policy, which could have a negative effect on their careers. If they follow the NPM model, they risk violating state law and facing exposure by political rivals, whistle-blowers, lobby groups or the media.

In response to this dilemma, a third option has emerged. This involves removing sensitive issues from the usual formal channels and introducing a 'shadow management' process. By this we mean administrative practices that allow for issues that might be sensitive in relation to laws and regulations to be managed in parallel to the usual measures that ensure accountability but in ways that are neither transparent nor subject to the standard levels of scrutiny. This parallel structure or set of practices is rendered invisible to outsiders, and deals with all errands and projects that do not fit the relevant legal requirements, or which are in direct or possible violation of the law, especially constitutional and administrative law. By dealing with such cases

internally, external auditors rarely become aware of them and the systems can operate without being subject to independent scrutiny. In this way, a range of informal practices, networks and routines are cultivated but not recorded or regulated; the public sector ceases to be transparent or to conform to the rule of law despite giving the outward impression that it is doing things 'by the book'.

In Sweden, all the major political parties represented in parliament have been enthusiastic proponents of NPM,<sup>5</sup> and Sweden ranks among the countries in which NPM reforms have been most diligently pursued (Hood and Dixon 2015). One aggressive advocate of NPM and the marketisation of Sweden's university and higher education sector is the neo-liberal lobby group Svenskt Näringsliv (the Confederation of Swedish Enterprises).

### The Bologna Process

The Bologna Process is the label given to a series of reforms and initiatives to streamline course content and course credits and make them more transferrable between European universities and countries. Like NPM, the general idea appears sensible, in that it promises to promote student mobility and streamline qualifications. However, just like NPM, such streamlining has created major problems by forcing universities to squeeze many dimensions of their work that are specific and particular to education and its disciplines, into a model that does not fit all, or even most, course programmes. For example, the Bologna Process, and its policy on research, is modelled primarily on the natural and medical sciences. This is highly problematic for the humanities and many of the social sciences. The strong focus on instrumentality and measurable skills, as demonstrable via examination processes, has left little room for the encouragement of knowledge-seeking in its broader sense or for the humanist and classical ideal of higher education as *Bildung*.

Increasingly, the role of the university is being challenged by narrow and short-term political, economic and administrative interests typical of NPM. The free exploration and testing of ideas, and the open search for knowledge guided by professional teachers and researchers, is being replaced by chunks of predetermined and assessable 'skills' and 'competencies'. These are articulated as 'learning goals' and 'outcomes', which students are expected to attain so that they can be ticked off in a strictly behaviourist fashion. An integral part of the problem is the introduction of a continuous auditing process that uses these same preset criteria and thus encourages the de-professionalisation of academic staff. In the words of Inger Enkvist, a Spanish language professor who is highly critical of the demonstrable regress in the Swedish education sector, the system is now

more concerned with economy and politics than the search for knowledge. For teachers and researchers, the changes are about bureaucratisation and control, and for students, they are about standardisation, learning through technology and declining standards of education. (Enkvist 2013, our translation)

The tragedy of the Bologna Process is that the result of European states coming together around a set of principles and reforms for the higher education and research sector turned out to have very little connection to the ideals of free enquiry, independent knowledge and *Bildung* that have shaped the idea of university education in Europe for the last two centuries. For those working in the humanities and the social sciences, these reforms have been particularly disruptive and troubling.

### *Autonomy reform: transforming university governance*

In line with NPM's managerial philosophy, major reforms were introduced in Sweden and Norway in 2011, with classical forms of university governance being transformed to resemble those used in the private sector. Sweden's reform process has been instructive in terms of how immediately it acted against the core principles of academic freedom.

The central feature of the reform process is that university governing structures introduced a so-called 'line of command' that concentrates power in the hands of the (essentially politically) appointed vice-chancellor, who, in turn, appoints all deans and heads of departments. The principle of collegial governance – whereby faculty members elected the best person to lead a department, normally on a rotating basis, and the various disciplines elected the deans of their faculties – has either been completely abolished or reduced to a merely advisory role. In effect, Swedish universities are now governed much like its army.

In addition, university boards, as the top management structures in Swedish universities are called, are dominated by non-academics who are selected primarily to ensure the correct levels of political and private-sector representation. Ironically, the term given to Sweden's university reform directive was the Autonomy Reform, as if to denote an increased level of autonomy for universities, but this was pure spin doctoring. Its effect has been to consolidate the 'rule by rectorate' system while considerably decreasing academic freedom for university staff and students. Historically, similar university governance systems operated in the former Soviet Union, and in Germany between 1933 and 1945 where the so-called Führer principle came into effect (Seier 1964).

A further irony is that, in the private sector, this form of governance is being phased out of knowledge-driven organisations. The more prescient and cutting edge-companies, such as Google, are beginning to emulate the forms of academic governance practised at Stanford University in the US. According to Schmidt and Rosenberg (2017), Google's management team have realised that knowledge-driven enterprises require decentralised decision-making processes that enable professionals to play key roles in their respective fields.

### The centralisation of research funding

In addition to exerting increased political control over the universities and utilising them to promote the interests of regional businesses and meet the needs of the job market, the Swedish government – like those of many other countries – has not only reduced the influence of academics within university governing bodies but also the autonomy they have in relation to their own research. Allocated research time and funding that used to be guaranteed as part of every academic appointment has been reduced at nearly every level – especially for lecturers, but also for professors. The expectations of academics to conduct research has not decreased, however, thus pressurising them to apply for external funding and research grants. Here, national research councils play a significant role, designing budgets for particular research areas or themes as selected by policy-makers. Just one effect of this is that researchers are spending much more of their limited time assessing research grants, and then writing grant proposals and research reports.

While it is difficult to calculate the waste of research time and energy this engenders, Agneta Stark, an economist and former vice-chancellor of Dalarna University in Sweden, made a rough assessment for the application year 2003. She estimated that the time and cost to Sweden alone was equivalent to 417 years and SEK230 million (equivalent to approximately US\$34 million) (Stark 2004; see also Songur 2015). Given a decrease in the research projects actually funded, the relative costs may well have increased since then (Songur 2015).

While having less time and resources to direct towards research, academics are now expected to focus more on anticipating the assessments done by research councils, and be prepared to adapt or conform to whatever the councils might find attractive. Arguably, this promotes conformity over exploration and streamlining over diversity. In essence, the centralisation of funding, combined with the hollowing out of academics' research function is both a threat to academic freedom and, more generally, to the quality and diversity of research.



## Algorithmification

Another threat to academic freedom is the general shift in how knowledge and knowledge production are viewed. Arguably, the focus on measurable and quantifiable results and outputs, as well as the bibliometric system, with its pressure to publish in peer-reviewed journals, rather than write monographs or contribute to edited volumes, is having a negative impact on academic freedom. While publishing in peer-reviewed journals is highly suited to the health and natural sciences, it is arguably less useful for disciplines such as history or literature. For the latter, the broad and deep reading, combined with extended reflection on a theme, that tends to be a signifier of quality is often more appropriately encompassed in a monograph or an edited collection. Thus, in a field such as literature, short articles on a single idea, in the style of one variable per article, can contribute to shallowness and cluttering of discourse.<sup>6</sup>

Further, the systems that are used to rank universities and journals, while driving quality in some respects, are creating a similar pressure towards conformity. A key challenge implicit in the focus on these measurable units is that the rankings can take on a life of their own. Rather than being seen as useful albeit limited indicators of quality, they are mistakenly viewed as defining it. The result is a kind of pseudo-quantification of qualitative values. Citation cartels, strategic referencing for political purposes and excessive self-citations are other distorting consequences of these systems.

## Monitoring academic freedom in Sweden

In 2012, a group of Swedish academics formed Academic Rights Watch (ARW). By mid-2017, using UNESCO's (1997) recommendations for higher education as a 'gold standard', some 120 violations of academic freedom, involving most of the universities and higher education institutions in Sweden had been documented. In 2013 alone, 25 violations at 15 universities were documented. For example, several scholars have been dismissed or silenced after criticising university management. This violates Article 31 of UNESCO's recommendations, which states that 'higher education teaching personnel should have the right and opportunity...to criticize the functioning of higher education institutions, including their own' (UNESCO 1997). In addition, in contravention of Article 32 of the recommendations, several higher education institutions have reduced or abolished collegial governance. These violations have been consistently accompanied by a reduction in quality as evaluated by the Swedish Higher Education Authority and various international accreditation agencies.

ARW's findings are consistent with other studies conducted elsewhere in Europe. For example, a study by Terrence Karran (2009) found that

compliance with UNESCO's recommendations is generally low in the EU, and particularly so in Sweden and the UK.

However, by 2016, the situation in both countries had deteriorated even further. In the perhaps largest comparative study of academic freedom in Europe to date, Karran et al. (2017) rated 28 countries according to 37 parameters. Sweden and the UK rank near the bottom along with Hungary, Malta, Denmark and the Netherlands. Several of the former communist countries including Bulgaria and Croatia are rated most highly, perhaps indicating that they have drawn some lessons from their authoritarian pasts. The 2017 study by Karran et al. confirms the trend evident in ARW's documented cases, and the European University Association (EUA) arrived at similar results in a study updated to 2016.<sup>7</sup> However, the EUA study assessed university autonomy in relation to organisational, financial, staffing and academic criteria. It does not include legal protection, collegial forms of governance or security of tenure for academic staff.

### The character of violations

In ARW's documenting of cases since 2013, some clear trends have emerged. The most frequent violations of academic freedom relate to:

- Reprisals against staff and students who critique the university.
- Internal regulations that infringe academics' civil liberties or freedom of speech.
- Irregular recruitment and other discriminatory practices.
- A lack of institutional autonomy, collegiality (dismantled collegial governance) and transparency.

Cases of direct censorship have also occurred, including the removal of documents from databases and academics being pressured to present certain findings rather than others at conferences.<sup>8</sup> Almost all cases directly violate one or more Swedish laws, including the national constitution, as well as UNESCO's (1997) and the Council of Europe's (2006) recommendations.

While these violations and infringements have been fairly evenly distributed and continuous since monitoring began, some patterns have been identified. In 2013, the first full year of documentation, a malpractice evident in many cases was the introduction of restrictions on freedom of expression. It was common for university leaders to punish academics for any criticisms they raised against management, including when professors attempted to defend their research areas against cutbacks. Another common practice was the introduction of communication policies at various universities; 10 out of 18 of these policies violated the Swedish constitution. The silencing of critics

and the enforcing of communication regulations have since continued, with little or no judicial intervention, even though complaints were filed with the Chancellor of Justice.<sup>9</sup>

Another trend that emerged after the Autonomy Reform took effect in 2011, was the rapid dismantling of collegial governance across most universities. By 2014, two kinds of violations were common to many of the cases documented by ARW. The first is that internal policies (or guidelines) violate freedom of speech and the second is a form of discrimination directed against male academics.<sup>10</sup> The latter involves particular regulations and restrictions that effectively block the careers of male academics with the expressed purpose of favouring female academics. This violates Swedish law, yet it remains a common practice. This is in fact in line with NPM which, as we noted, leads to increased political control through a line-of-command style governance in combination with the political appointments of vice chancellors. NPM facilitates the flourishing of short-term political interests, whether these originate from the left or the right.

In 2017, clear cases of recruitment and employment on essentially political and ideological grounds were documented, at both Stockholm University and Stockholm University of the Arts.

Through reprisals, declining collegiality, discriminatory employment practices, silencing, and censorship, a strong trend that threatens academic freedom and university autonomy has become established in Sweden.

## Conclusion

Academic freedom and university autonomy are in as dire a state in Sweden as they are in many other European countries that have long been perceived as core liberal democracies. The major threat is marketisation and its neo-liberal governing philosophy that has become hegemonic in many European governments, institutions and mainstream political parties. The liberal values that once lay at the core of the concept of academic freedom are now being threatened by liberalism itself. In terms of policy, this ideology is expressed in the wide array of public sector reforms subsumable under the NPM label. In Sweden, as elsewhere, heavy lobbying from private enterprises and professional bodies is a major driver of these reforms.

The undermining of academic freedom is clear and well-documented. Freedom of expression, probably the most fundamental aspect of academic freedom, is directly threatened as retaliation against internal critics becomes commonplace, and locally formulated codes of conduct are introduced to regulate and restrict communication. Diminished or dismantled collegial governance, and increasing line-of-command-type management, is widening

the gap between core academic activities and the work of managerial leaders who are appointed rather than elected. Lack of transparency, discriminatory recruitment and employment practices, other forms of discrimination or promotion based on political and ideological grounds, and sometimes direct censorship, are well-documented. Although many of the principles of academic freedom are protected in fundamental Swedish and European law, these are often contravened while a form of shadow management gives the impression that all laws are being scrupulously followed. In addition, Sweden is blatantly violating the recommendations issued by both UNESCO and the Council of Europe, while auditing institutions, such as the Swedish Chancellor of Justice, are largely failing to exercise effective control and act as a corrective force.

Amid these trends, academics must stand together to defend the fundamental conditions of our working environment that are essential to our professional activity and to the survival of an open and democratic society. We must combine our efforts and energies to promote open and creative universities, where independent and critical intellectuals are seen not as a threat to universities freely invented 'brands', but treasured and rewarded for their ability to ensure quality in intellectual inquiry and the democratic function of higher education.

## Notes

- 1 It may seem paradoxical, but both the Social Democrats and the Green Left have embraced new public management (NPM) in the public sector as it provides direct instruments and space for policy development on a range of identity-related political programmes that these groups wish to pursue. Moreover, in Sweden, many neo-liberal reforms were first introduced by the Social Democrats, unlike in Britain, for example, where they were implemented by the Conservative Party under Margaret Thatcher.
- 2 For similar problems in Europe more generally see Karran et al (2017); for the United States, see, for example, Mirowski (2011).
- 3 The url is [www.academicrightswatch.se](http://www.academicrightswatch.se); note that most of the detailed documentation is in Swedish.
- 4 For more on the concept of *Bildung* and its influence in European and North American educational traditions, see Horlacher (2015), Luth (1998), Wulf (2003) and Humboldt (1792/2000).
- 5 At the time of writing, in mid-2017, this comprised four opposition parties in a centre-conservative alliance, and a ruling coalition made up of the Social Democrats and the Green Party. The, hitherto marginalised, Sweden Democrats have been critical of NPM.

- 6 Inger Enkvist, pers. com, Lund University, 26 June 2017.
- 7 The EUA's 2016 ranking of university autonomy is available at <http://www.university-autonomy.eu/> (accessed 8 August 2017).
- 8 See the case at the Swedish University of Agricultural Science (SLU), published on the ARW database on 1 July 2013 and on the SLU website on 7 Feb 2015.
- 9 See, for example, the Chancellor of Justice's decision regarding Uppsala University, documented on the ARW website on 31 July 2017: 'Justitiekanslerns beslut i Haverling-affären: chefer vid Uppsala universitet missförstod yttrandefriheten'. Other cases involving the Chancellor of Justice are documented on the ARW website.
- 10 For an overview of cases in 2014, see the ARW's 2014 annual report, *Årsberättelse 2014* (ARW 2014).

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