Students' academic freedom in Europe

A means to an end or an end in itself?

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Abstract

This thesis compares how students' academic freedom is conceptualised by student representatives from the European Students' Union (ESU), with how the concept is regulated in policy documents from the European and international level, using interviews and document analysis. Furthermore, it investigates how students' academic freedom is protected in practice by examining the threats identified by the student representatives. The analysis uses three approaches to understanding students' academic freedom. The first two are characterised as the societal and scholarly approach based on Searle's (1972) and Magsino's (1978) justifications for academic freedom, while the third transposes Sen's (1999) capability approach to the concept of students' academic freedom.

The findings point to a number of divergences between the approaches used in policy documents and those used by student representatives working to defend the concept on a daily basis. In policy documents the topic remains vague and underdeveloped, while student representatives view students' academic freedom as a means to developing individuals' capability to exercise their freedoms through fostering critical thinking and autonomy. Divergent approaches to students' academic freedom have led to a number of different threats identified by respondents, such as the changes in the perceived purpose of the university and its conditions, a growing indifference among students towards their own academic freedom, as well as challenges in defining the boundaries of academic freedom.

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1 Introduction

While discussions on the freedoms and rights of students have been gaining significance throughout the past years, research and work on defining the topic has been lagging. The purpose of this thesis is to bring more clarity to how students' academic freedom is characterised and practised in the European context. The study uncovers a number of discrepancies between how it is understood in policy-making compared with the approaches taken by student representatives that work with the topic on a daily basis. A further examination of how students' academic freedom works in practice is also conducted through an analysis of what student representatives identify as the threats to academic freedom.

With increasing regional and international cooperation in the field of higher education and the international scope of knowledge production, what happens to students in one country quickly affects what happens in others. The protection of students' academic freedom becomes an issue not only relevant at the national level, but also at the European and global levels. Across the world, students' academic freedom has been a pillar of the student movement as it forms the foundation for the entire learning experience. Throughout history and until today, students have often taken on a role as drivers of change. The student protests of the late 1960s and the role of students in the collapse of the Soviet Union are clear examples of instances where students have challenged the status quo, each of which gave rise to broad-sweeping societal transformations. As a result of their reputation as change agents, students are quickly stripped of their rights in the face of authoritarian regimes. In an effort to supress their voices, students risk everything from receiving lower grades to losing their financial or welfare support, to being expelled or imprisoned. Each of these forms of repression has the ability to render students unable to complete their studies.

However, despite the significance of students' academic freedom both in the field of higher education and broader society, little political or scholarly research can be found on the topic since the 1960s and 1970s. Conversely, freedom for academic staff is widely discussed and researched, and significant efforts are made to protect it. For instance, Scholars at Risk is a network of higher education institutions that has played an important role in rescuing academics whose freedom is threatened in their home countries and providing temporary research and teaching positions at member institutions. This network also initiates

investigations and conducts advocacy work in response to attacks on academic freedom around the world (Scholars at Risk Network, 2016).

The problem with this situation is that students' freedoms are often loosely defined, and in a number of instances, significantly restricted compared to the rights of their academic colleagues. Students' lack of a clear set of rights not only becomes problematic in actively engaging students in their academic lives and maintaining their sense of belonging in the university, it makes it difficult for students to make demands to improve their situation.

Though students generally comprise the largest part of the academic community in a university, they can often be considered inferior to other members of the academic community, and subsequently, students' voices go unheard. For instance, in 2006 a green paper on academic freedom published in Norway, the authors agree that students must be confirmed through academia's standards and norms as having the role of researchers to be entitled to academic freedom (NOU, 2006, 16). Addressing students' academic freedom in this manner is rather common not only in policy documents but also in contemporary research. The assumption follows that students do not posess the knowledge and experience to develop fully informed conclusions. Although students may be formally considered members of the academic community, they are dependent upon the will of their teachers and universities in the kinds of freedoms they are awarded (Macfarlane, 2011).

Students' academic freedom can also become a major subject of debate in diplomatic relations, as seen with the process surrounding the membership of Belarus in the Bologna Process/European Higher Education Area (EHEA), a voluntary higher education reform process amongst European countries. Belarus applied for membership in the EHEA during the Ministerial Conference in Bucharest in 2012, but was denied admission. Ministers agreed that Belarus did not "observe the principles and values of the Bologna Process, such as academic freedom, institutional autonomy and student participation in higher education governance" (Ministry of Higher Education and Science, 2012). Furthermore, the former Danish minister of education, Morten Østergaard, was quoted as saying that Belarus can only be included in the EHEA "only when academic freedom is secured, and the country has made university reforms and secured the basic rights of students" (Myklebust, 2012). Stakeholders critical of the Belarusian regime, such as the European Students' Union (ESU) and the European University Association (EUA), applauded this decision, having argued that

Belarusian membership in the EHEA would only serve as a propaganda tool for authorities and not to the benefit of staff and students (Wilson, 2016).

However, interest in the situation for staff and students in Belarus has since waned. A report by the Belarusian Independent Bologna Committee (2014) presented to EHEA member countries concluded that the situation for academic freedom and student rights had not improved since the previous ministerial conference. Despite this, ministers reacted differently when presented with a new application for Belarus' membership in the EHEA in 2015. At the Bologna Follow-Up Group meeting in March 2015, representatives were given several options for a proposal for ministers to decide upon at the Ministerial Conference. There was no support for either full inclusion or full exclusion. Representatives were then given the option to accept Belarus as a member of the EHEA and devise a roadmap for the implementation of EHEA reforms that must be followed, or alternatively, to create a roadmap towards accession, which would then be evaluated at the Ministerial Conference in Paris in 2018. The second alternative received little support, and the first proposal and roadmap was accepted at the Ministerial Conference in 2015 (Bologna Follow-Up Group, 2015).

Nonetheless, following decades of little discussion and research on the topic, this example tells us that discussions on students' academic freedom have been on the rise in recent years. This is exemplified by the launch of the Students at Risk programme[1], initiated by student organisations in Norway in 2012 and established by the Norwegian government in 2015. Like Scholars at Risk, the programme aims to rescue students that have been persecuted or face threats or expulsion due to political activism for human rights and democracy. Students at Risk allows these students to continue their studies at a Norwegian university. A similar programme exists in Poland, with the Kalinowski Scholarship programme[2] that provides financial support to study in Poland for Belarusian students who are unable to complete their studies due to their political activity. The Students at Risk initiative has also gained support on the European level. The European Peoples' Party of the European Parliament adopted a resolution in 2015 calling for the introduction of Students at Risk in the EU's Erasmus+ programme and for the European Commission to provide funding to higher education institutions that wish to participate in the programme (European Peoples' Party, 2015).

[1] http://studentsatrisk.eu
[2] http://www.studium.uw.edu.pl/?content/74

As discussions are reignited on the topic, the importance of empirical evidence is rapidly increasing. How the concept is defined says a lot about how it is defended. By evaluating three different approaches to classifying students' academic freedom, this thesis will look for similarities and discrepancies between how students' academic freedom is recognised on paper and how it plays out in practice. Special attention will also be given to its current threats and provide a set of policy recommendations to remedy the situation, ultimately aiming to contribute to the knowledge base in policy-making and open doors for further research.

1.1 Academic freedom as a concept

This section will provide an overview of the literature that can be found on academic freedom providing a basis for understanding the usage of the term throughout this study. As a starting point, it is important to differentiate between the freedom of the individual within the university, which forms the basis for understanding the concept of academic freedom in this study, versus the freedom of the university within society, which concerns the topic of institutional autonomy (Karran, 2009a).

As mentioned, the limited research on students' academic freedom makes for proposing a general definition nearly impossible. However despite the vast amount of literature on academic freedom in general, mostly applying to the academic freedom of staff, little agreement can be found on how it can be defined. According to Altbach (2001, 205), "Nowhere has academic freedom been fully delineated and nowhere does it have the force of law." Contradictions in interpretations also make it a challenge to agree upon a specific definition, for instance, how it can be used to both defend student activism and to inhibit it or to provide access to information regarding admission or hiring procedures and to deny it (Kaplan and Schrecker, 1983 in Tight 1988).

In existing literature on academic freedom, most definitions focus on academic freedom as a negative right, the freedom *from* or right to non-interference, citing for instance the freedom to research and discuss either in published works or in the classroom without facing interference from authorities inside or outside the university (Lovejoy, 1930 in Åkerlind & Kayrooz, 2003). As another example, Berdahl (1990) defines the term as the freedom for scholars "to pursue truth wherever it seems to lead without fear of punishment or termination

of employment for having offended some political, religious or social orthodoxy" (171-2). Other interpretations consider academic freedom as a positive right, or the freedom *to*, indicating the university's duty to provide sufficient support for academic activities that facilitate academic freedom, such as funding (Åkerlind & Kayrooz, 2003).

There are also a number of tensions regarding the limitations of academic freedom. Is academic freedom an absolute right that applies to any activity that a member of the academic community chooses to engage with, or does it only apply to certain activities (Tight, 1988)? This has been an area of contention, for instance in cases where academic staff participate in societal debates, related or unrelated to their area of expertise, or students form organisations with political interests.

Some definitions also view academic freedom not only as a goal in itself, but as a means to achieving a goal. In this case there is a certain set of responsibilities that accompany the rights covered by academic freedom, for instance, the responsibility that an academic has to pursue the truth. Rights can also be considered not simply as responsibilities, but also obligations, for instance entailing the obligation to communicate that truth to the public regardless of its controversy (Åkerlind & Kayrooz, 2003).

When it comes to addressing the role of students in discussions on academic freedom, as mentioned, there is little material to be found, though some attempts to conceptualise the term have been made. For instance, Monypenny's (1963) defines academic freedom for students as "a freedom to learn if it is anything" (625), and emphasises the role of students as members of the academic community. Students cannot be fully dependent on the will of teachers if they are to become capable of autonomous thought and action later in life. They must have the tools to contribute to expanding the borders of knowledge, which he deems the purpose of higher education as a whole. Not only academic staff, but also students must have substantial freedoms in order to learn how to acquire knowledge and apply it in making critical, independent judgements. This entails protecting and enabling students to use their freedom of expression and thought both on and off-campus, no matter the discomfort it may bring (ibid.).

Barnett (1990) also defines students' academic freedom as the freedom to learn, considering that the acquisition of knowledge is dependent upon ensuring that students have the freedom

to engage in conversation and the production of knowledge. Like a number of definitions on general academic freedom, Barnett (ibid.) also divides students' freedoms into negative rights, such as the right to be free from indoctrination or experience racial, sexual or religious bias, as well as positive rights, such as the right to follow one's academic interests, choose one's subjects to study and be assessed in a way that does justice to one's academic achievements.

In concluding this section, an acceptable definition for the purposes of this thesis should then combine each of the abovementioned aspects, considering aspects of both positive and negative rights, addressing the responsibilities of members of the academic community, while also signifying the inclusion of students. Therefore, the term 'academic freedom' in this study refers to:

> Academic freedom refers to the freedom of individual academics to study, teach, research and publish without being subject to or causing undue interference. Academic freedom is granted in the belief that it enhances the pursuit and application of worthwhile knowledge, and as such is supported by society through the funding of academics and their institutions. Academic freedom embodies an acceptance by academics of the need to encourage openness and flexibility in academic work, and of their accountability to each other and to society in general (Tight, 1988, 132).

1.2 The history of students' academic freedom[3]

1.2.1 Student power at the University of Bologna

Academic freedom is often considered a concept founded in Europe, which surfaced from and contributed to the development of the university during the eleventh and twelfth centuries. Student power and academic freedom were central to the emergence of the university in Southern Europe during medieval times. At the University of Bologna, students hired professors and elected their rectors, and with the exception of examining students for degrees, students had the final say in all other matters. University of Bologna students held much of the power largely because teachers were financially dependent on the teaching fees students paid. However, in comparison to today's undergraduate students, as well as students in northern countries at the time, students in Bologna and the rest of southern Europe were

[3] This historical overview draws on the works of Cobban (1971), Commager (1963), Magsino (1978), Metzger (1978), Tight (1988), Barnett (1990), Dirk Moses (1991), Seidman (2004) and de Boer & Stensaker (2007).

generally older, had experience working in positions of responsibility and with worldly affairs, and their studies often extended from five to ten years or more. According to Cobban (1971), their maturity arguably served to reinforce their power within the university.

By the second half of the 1500s, student power in Southern European had significantly waned. Their loss of power was largely due to the Municipality of Bologna progressively having taken over the payment of salaries to lecturers throughout the late thirteenth and early fourteenth centuries, which resulted in a loss of students' influence over the appointment of academic staff. Like that of Sorbonne in Paris, the so-called 'magisterial university', in which guild masters maintained authority over their apprentices, became the dominant mode of organisation in universities. Only since the later half of the twentieth century have students began challenging this model (ibid.).

1.2.2 The Humboldtian model and students' Lernfreiheit

Traditional conceptions of academic freedom are often based on the Humboldtian model of higher education in Germany from the nineteenth century and the concepts of Lehrfreiheit and Lernfreiheit. Literally translated to the freedom to teach, Lehrfreihet gave professors, as civil servants salaried by the state, the freedom to determine the content of their lectures and convey their research findings without facing censorship or reprimand from political or religious authorities (Metzger, 1978). Lernfreiheit, or the freedom to learn, meant that students could travel freely between universities, choose their courses. They were otherwise free from any form of control over their studies by the university, with the exception of the state examination at the end of their studies. As Commager (1963) wrote, freedom for students was a rite of passage after having graduated from high school, intended to develop students' intellectual independence. This meant the freedom from attendance policies, obligatory courses, grades and any other kinds of rules and regulations that students normally face in upper secondary school (ibid., 364).

With this model, universities were absolved from any responsibility over students' private conduct. In contrast, English higher education and what later would become a part of the American model of higher education, was based on the principle of *in loco parentis*, where the university took responsibility for the continued socialisation of students after having left their families. The Humboldtian model had no hierarchy differentiating between the teachers

and learners, both are learners with a common interest in the objective discovery of truth by way of open discussion (Barnett, 1990). Science had become an area of intense focus in the universities, and students could pursue their own interests, as well as conduct their own research in the same laboratories as professors.

However, there were also a number of negative effects that arose out of this model. Students were left with little guidance while staff conducted their own research, which ultimately led to the gradual separation between professors and students. Students were also responsible to ensure that they had the resources themselves to study, from housing to financial support, excessive slow- and non-completion rates were common, and the freedom to move from university to university meant little coherence in students' academic programmes (ibid.). Tight (1998) argues that students' academic freedom, understood solely based on the concept of Lernfreiheit, is insufficient in securing the freedoms students need or should be entitled.

1.2.3 Student unrest and the democratisation movement

Up until the late nineteenth century, higher education was seen as a privilege and an institution for training the societal elite. However, throughout the twentieth century, student numbers increased in Western Europe and the United States, and universities in a number of countries began admitting female students and students from a wider variety of socio-economic backgrounds. These students came equipped with different experiences and perspectives. Change within the university to reflect the inclusion of new population segments was lagging, and students increasingly felt that the university remained elitist, an institution that perpetuated unjust societal structures. Students reacted to what they perceived as an education based on the inoculation of bourgeois values and socialisation (Dirk Moses, 1991). They believed that universities should cultivate students' critical thinking abilities, provide an open space for discussing moral and social issues, but also work externally by playing a critical role in society (Dirk Moses, 1991, de Boer & Stensaker, 2007). This sentiment of the inaccessibility and unresponsiveness of universities ultimately led to a massive wave of student demonstrations in the late 1960s around most parts of the world.

The increase in students, or massification of higher education, was becoming a major issue in many countries as it became clear that universities were unable to deal with the on-going student unrest between 1967-1969 (de Boer & Stensaker, 2007). Governments set up councils

and committees to review the issues and propose reforms, however up until 1967 students usually had played no role in these processes (ibid.). Their lack of representation in these processes and lack of ability to make changes within the university led to intensified student activism, adding demands for the democratisation of universities. Students argued that they should be entitled to direct involvement in decision-making structures, in other words be granted the so-called "one man, one vote".

Demonstrations grew ever larger and became violent in a number of countries. The year was 1968 when it all seemed to come to a head, and one of the most well known episodes took place in Paris that year. Violent protest broke out in early May, resulting in student expulsions and police use of tear gas, as well as a substantial number of injuries and arrests. Several days later, a group of 500 students occupied the Sorbonne of the University of Paris for over one month, declaring it the autonomous "Université populaire" or "The People's University." The occupation was a protest against the unjust structures in French society, and the university in particular for promoting unfair social selection and serving "only to exclude students who were victims of failed teaching" (Bulletin mensuel, 1968 in Seidman, 2004, 128).

Figure 1: A poster from the occupation of the Sorbonne, showing the candidates of the new "People's University" with industrial and agricultural tools. Image by unknown.

Western countries gradually began drafting new laws on internal university governance in the period 1968-1976, introducing different types of representative democratic structures[4], as opposed to direct democracy based on the concept of "one man, one vote" that students had demanded. Somewhat unsurprisingly, France was one of the first countries to do so, already in November 1968, followed by, for instance, Germany (1969-1973), Denmark and the Netherlands (1970), Belgium (1971) and Norway (1976) (de Boer & Stensaker, 2007).

1.2.4 Students' academic freedom post-1968

New student unions were established throughout the 1960s, while international student unions had been strengthened through their role in uniting students throughout the decade. The vigour for expanding students' freedoms waned throughout the 1970s, though in 1982, students formed an organisation on the (Western) European level called the West European Student Information Bureau (WESIB). Since then, the organisation has increasingly grown in size and influence becoming an organisation that represents and promotes "the educational, economic and cultural interests of students at the European level" (ESU, 2016). More information about the organisation's history and work will be presented in chapter four.

New pedagogical methods grew out of the massification of higher education and the issues brought forward during the 1960s. Paulo Freire's *Pedagogy of the Oppressed* was published in 1968 and brought about the concept of critical pedagogy, which aims to empower students through a liberating education that develops their awareness of freedom.

The concept of student-centred learning also grew out of the events and discussions in the late 1960s, with Carl Rogers' *Freedom to Learn: A View of What Education Might Become*, published in 1969. Student-centred learning uses teaching and learning methods based on the different needs and backgrounds of students. The hierarchy between teachers and learners is broken down, emphasising the autonomy of the student, as opposed to teacher control using conventional instructional methods. Additionally, through student-centred learning, students assume responsibility for their learning through an increased flexibility and influence over the content of their studies (Lea, et.al., 2010). Student-centred learning has especially played an important role in higher education research and policy-making throughout the past two decades. On the European level, the implementation of student-centred learning has been a

[4] For a list of necessary characteristics for a university to be called a representative democracy see de Boer & Stensaker (2007).

priority for the EHEA. The focus on increased student choice in study paths and modules, as well as student representation in decision-making structures has been relevant for furthering students' academic freedom in more recent times.

1.3 Research questions

Despite its long history, starting from the very dawn of the university, little empirical data can be found on how students' academic freedom is conceptualised, practised and protected. To attempt to fill that gap, this study aims to answer the following questions:

RQ1: *How is students' academic freedom understood in European and international policy documents?*
RQ2: *How do student representatives on the European level define the concept of students' academic freedom, and how does this compare with what can be found in policy documents?*
RQ3: *What do student representatives perceive as the major threats to students' academic freedom today?*

The first question (RQ1) aims at gaining an understanding of how students' academic freedom is characterised and regulated in European and international policy documents, such as treaties and communications from relevant bodies. In the second question (RQ2), the information gathered from RQ1 is then compared with the perceptions on students' academic freedom provided by student representatives on the European level. Finally, answering the third question (RQ3) will be based on gathering opinions from student representatives about the major threats to students' academic freedom today to gain an overview of the current situation of students' academic freedom. These three questions combined aim to contribute to the overall knowledge on the topic of students' academic freedom, what it means and where it stands, in a contemporary European context.

1.4 Thesis outline

This study began with an introduction to the topic of students' academic freedom. In the following chapters, an analytical framework using three different approaches for understanding students' academic freedom in order to understand the data collected in the study will be presented. The methods used in the study are then described in chapter three. As a case study specifically on the European Students' Union, a brief overview of the organisation and its work are presented in chapter four. Results collected from the research

are summarised in chapter five, followed by a discussion on these results in chapter six. The conclusions of this thesis are finally outlined in chapter six, in addition to suggestions for further research and policy recommendations based on the results of this study.

2 Analytical framework

Understanding how students' academic freedom is conceptualised in policy documents and by student representatives requires a framework for interpreting the material collected in this study and identify similarities and divergences. To gain a holistic grasp of the phenomenon, this thesis uses three different approaches to characterising students' academic freedom. These include the scholarly, societal and capability approach.

2.1 The scholarly and societal approaches

Although the student protests of the 1960s that paved the way for discussions on student freedoms had subsided, Magsino (1978), in "Student academic freedom and the changing student/university relationship," argues that they left a lasting impact on university development. However, both he and Searle (1972), in *The Campus War: A Sympathetic Look at the University in Agony*, maintain that still no coherent, agreeable formulation of academic freedom had yet been developed.

Both set out to analyse the approaches used in justifying students' academic freedom, dividing academic freedom into its relevance for the university in specific and it's relationship with the general freedoms maintained by citizens in a free society. Magsino (1978) calls the first category the institutional justification, while Searle (1972) refers to this as the special theory. More general freedoms make up Magsino's (1978) legal justification and Searle's (1972) general theory. Due to their striking similarities, Magsino's and Searle's theories have been integrated in this thesis, categorised as the scholarly and societal approach respectively.

2.1.1 The scholarly approach

The scholarly approach centres upon the role of the university as a special institution charged with working for the benefit of society by advancing and transmitting knowledge (Searle, 1972, Magsino, 1978). In order for the university to fulfil its purpose, teachers must be provided the right to teach, conduct and publish research, while students must be provided the right to study and learn without interference (Searle, 1972). This is considered necessary to ensure the objective search for knowledge and truth. The scholarly approach demands that

the validity of claims to knowledge be tested through free inquiry (ibid.). Questioning common beliefs and perceptions is essential in advancing society's knowledge base.

Unlike general human rights and freedoms, such as the freedom of expression, the scholarly approach focuses on the uniqueness of the university as institution (Magsino, 1978) and can be tied to the original Humboldtian conception of Lehr- and Lernfreiheit (Searle, 1972). According to this approach, academic freedom is not considered a right that any citizen maintains, but something necessary for participating in the objective search for truth as a member of the university (Hook, 1970). As such, certain freedoms are awarded students that may not be considered human rights, despite the fact that they may be considered reasonable within an institution dedicated to the search for truth. These can include the freedom for a student to choose courses or research topics, for instance (Magsino, 1978).

The approach is based on the notion that knowledge in itself is valuable. Accordingly, even in cases where citizens' right to the freedom of expression may be limited, the specific freedoms granted by the scholarly approach provide the means to the development of knowledge (Pincoffs, 1975). However, not all of what is commonly considered academic freedom is encompassed by the scholarly approach. The freedom to research, teach and learn concerns only engagement with knowledge. It does not provide professors with the right to actively engage in politics or for students to create associations outside of the university's official educational programme, for example. Searle (1972) presents an example of a student expelled from a university for beating up another student. Despite a high academic standing and that beating up another student may not violate the other student's academic freedom, from this approach, which considers their right to learn and study, the decision to discipline the student must be considered reasonable on other grounds.

2.1.2 The societal approach

The societal approach understands academic freedom as justified by academics'[5] as members of a democratic society. This approach holds that both staff and students maintain the same human rights and civil liberties as any other citizen, such as the freedom of expression, publication, association, inquiry and dissent, as well as the right to due process and equal treatment before the law (Searle, 1972, Magsino, 1978). Both the scholarly and the societal

[5] Herein both students and staff

approaches are based on the ultimate goal of contributing to the advancement and dissemination of knowledge, however their means to achieving this differ (Searle, 1972, Magsino, 1978). The scholarly approach emphasises the necessity of understanding the uniqueness of social institutions, such as the university, while the societal approach highlights the necessity to establish standards for all societal institutions in order to achieve a fully functioning democracy (Magsino, 1978).

The freedoms justified by the societal approach are shaped in accordance with the purpose of the university. Interference with the freedoms granted by the societal approach must be justified by the need to preserve the academic purposes of the university, in particular advancing and disseminating knowledge (Searle, 1972). For instance, a student cannot freely speak during a lecture but must wait to be called upon. Similarly, a lecturer cannot use the classroom to spread political propaganda (ibid.). While both maintain their freedoms as citizens, their freedom of speech is not unlimited, but must be regulated by the educational needs of the student. On the other hand, this grants students the right to form organisations, engage in political activity and freely discuss any topic both on campus and off, insofar as these actions conform to the rules designed to protect the specific purpose of the university.

Shils (1995) adds however, that although staff and students are citizens and have the same rights and obligations as any other member of society, they also have a responsibility as members of the academic community, which other citizens do not have. Both must speak the truth and never play the role of a demagogue, manipulating the public using methods to incite emotions and prejudices.

Yet because the societal approach covers only the civil freedoms enjoyed by any other member of society, Magsino (1978) argues that this type of approach provides an insufficient definition for students' academic freedom. Searle (1972) agrees that the two approaches complement one another, and any definition of academic freedom must encompass the freedoms contained within both approaches.

2.2 The capability approach

In an attempt to reawaken discussions on students' academic freedom, overshadowed by discussions on staff academic freedom throughout the past decades, Macfarlane (2011) applied the distinction developed by Sen (1999) between positive and negative rights to understand students' academic freedom. This approach views students' academic freedom as a way to develop students' capability to become autonomous, critical thinkers, empowered to make use of their rights as citizens. In this way, students' academic freedom serves as a means to achieving further freedoms.

Macfarlane (2011) argues that until now, students' academic freedom has concentrated mainly on the *negative rights* perspective, which he defines as the freedom from interference from other individuals or entities. Issues of students being denied their freedom of thought and expression as academic staff seek to indoctrinate students and politicise curriculum have taken over debates on students' academic freedom. Of much higher importance are students' positive, or what Sen (1999) calls, substantive freedoms and their capability sets. Individuals must develop a set of capabilities to exercise their negative freedoms, such as the freedom of expression in the classroom. Consequently, Macfarlane (2011) argues that students' academic freedom must be reframed, viewing it from a capability approach. Students should not only be protected from threats against their freedoms; their education should promote the development of their capability to form rational opinions and make independent choices.

Sen (2012) points out that the ability to make use of one's freedoms may be directly dependent on the education one has received. Because of this, further development of the educational sector has a vital connection with expanding individuals' capabilities. In developing the education sector, countries must ensure that higher education is an affordable right for all, focusing on the expansion of students' resources (Macfarlane, 2011). Regulated in the United Nations 2009 Universal Declaration of Human Rights, the right to higher education is well known, while the actual opportunity or access, is often restricted only to compulsory schooling. The opportunity for students to develop their full capabilities through higher education is often inaccessible even in the most developed countries due to cost and socio-economic barriers (ibid.), making case for the importance of resources in ensuring students' academic freedom.

In addition, the capability approach challenges the perception of students as in a position of dependence, subject to the will of the university, for instance through grading and awarding degrees, which Macfarlane (2011) defines as an education based on domestication. Much like the concept of in loco parentis presented in chapter 1.2.2, education based on domestication teaches students a particular sets of beliefs and attitudes, viewing education as a process of further socialisation. Instead, promoting students' academic freedom is dependent upon understanding that students are adults participating in higher education on a voluntary basis. The very purpose of higher education is to emancipate students, enabling them to be critical and self-critical in an informed way through participating in discussions oriented towards the truth (Barnett, 1990). For these reasons, the boundaries of the academic community itself must be recast to include students when determining the rights awarded to the academic community by way of academic freedom (ibid.).

2.2.1 Liberal education and the capability approach

In addition, a liberal education supporting breadth in curriculum is also necessary for developing students' capabilities as independent and critical thinkers (Macfarlane, 2011). Instead of learning specific skills and knowledge, a liberal education prepares students for a rapidly changing society by developing their human qualities. This involves forming a curriculum centred upon developing students' own voice and questioning habit and convention through rational argument. Allowing students to choose from an extensive set of courses via electives gives them more opportunities to develop a broad understanding of knowledge and context, a precondition for forming informed citizens that are able to exercise their negative rights to the fullest extent (ibid.).

According to Garnett (2009), this type of liberal education works to remove the different types of so-called 'unfreedoms' that inhibit individuals' choices and give them little opportunity to exercise reasoned agency as independent thinkers. Consequently, the relationship between academic freedom and liberal education is symbiotic; the expansion of academic freedom is a condition for liberal education, but liberal education also facilitates the expansion of academic freedom.

2.2.2 Student-centred learning and the capability approach

Geven and Attard (2012) also apply Sen's (1999) capability approach to analyse the concept of student-centred learning previously mentioned in chapter 1.2.4. They argue that policies

for student-centred learning should focus on the positive, or substantive freedoms aspect, providing resources to increase students' capability to choose, and enabling them to make informed, rational choices in their education.

The authors also stress Sen's essential point that resources will provide different options for choice for each individual. In turn, capability sets are translated into 'functionings', or "the various things that a person may value doing or being" (Sen 1999, 153), such as the actual choice that a student makes (Geven & Attard 2012). Developing students' capability sets to make informed decisions requires resources such as financial support, pedagogical methods, free time, information and flexible curricula. How these are translated into functionings will differ between each individual student. Geven and Attard (ibid.) provide an overview of how resources can translate into capabilities for students to choose. For instance, going beyond flexible curricula and the capability to choose different modules and subjects, resources such as diversity in assessment methods can entail the capability to choose the assessment methods for a certain module, while financial means can translate into the capability to study without financial burdens and being able to choose where to study.

2.3 Concepts for analysing students' academic freedom

The concepts listed below in table one summarise each of the abovementioned approaches, which will be used to analyse the data collected from the policy document analysis and the semi-structured interviews with student representatives. This overview will serve as the basis for coding the policy documents and interviews with student representatives[6], identifying the different ways students' academic freedom is characterised, answering research questions one (RQ1): *How is students' academic freedom understood in European and international policy documents?* and two (RQ2): *What do student representatives perceive as the major threats to students' academic freedom today?*. Which of the three approaches is emphasised in the material collected in this study indicates divergences and similarities between what is found in policy and how student representatives understand students' academic freedom.

[6] Further explained in chapters 3.3.1 and 3.3.2.

Table 1: Indicators for the capabilities, societal and scholarly approaches

Scholarly approach	Societal approach	Capability approach
Freedom to choose a discipline	Freedom of expression	Flexibility and choice in studies
Freedom to choose curricula	Freedom of association	Engagement, empowerment, emancipation
Freedom to choose topics of research	Freedom to organise	Students as members of the academic community
Access to information	Freedom from indoctrination	Independence and autonomy
Freedom of movement	Right to due process	Critical thinking
Freedom to learn	Freedom from discrimination	Resources
Freedom to pursue knowledge	Freedom to publish research	Access and opportunity in higher education
	Freedom from interference	Student-centred learning
	Academic freedom as a human right	Liberal education (breadth, interdisciplinarity)
		Citizenship

As can be seen in table one, the scholarly approach shares a number of similar concepts with capability approach, however it focuses on the internal functions and uniqueness of the university in the production of knowledge. The societal approach contains what can be considered negative freedoms, while both the capability approach and the scholarly approach form a set of positive rights. However, the capability approach not only focuses on the production of knowledge, but also the development of individuals and how higher education prepares students for life outside of the university. In this case, academic freedom is considered a means to do so. Because of this, it will also be important to decipher the purpose of students' academic freedom in order to understand which of the approaches is emphasised in the material collected.

3 Methodology

3.1 Research design

Since research on students' academic freedom is limited, gaining an in-depth grasp of the phenomenon through the use of qualitative methods can create an initial foundation for further studies. The results of this qualitative study could for instance be tested using quantitative methods, which would subsequently focus on generalisability within an entire population.

By specifically focusing on student representatives from ESU, this type of study employs a *critical, embedded case study design*. According to Yin (2014), a case study aims to explore a specific phenomenon in detail, where its contextual conditions are essential in understanding the phenomenon. Perceptions of students' academic freedom today will vary based on context, for instance whether the focus is on the opinion of academic staff versus students within a higher education institution versus an interest organisation or the perceptions of student representatives on one continent versus another, giving reason to narrow the population in this study to one specific group, or case, ESU.

This study can also be considered a *critical* case study. In a critical case study, in order for a theory to be considered true, a certain set of conditions must be defined (Yin, 2014). ESU fits the critical characteristics defined as working actively with the topic both on the European and international level and representing students from its member national unions of students. Comparing the perceptions of student representatives from the organisation that operates on the European and international level with documents from the same levels also allows for the single case to be used in developing a suitable analytical framework for understanding students' academic freedom.

Finally, as an *embedded* case study, the unit of the single case in this study was divided into several subunits and analysed at the different levels (ibid.). Student representatives from ESU have different roles in the organisation that can impact their standpoint, which makes it important to divide them into subgroups based on these differences.

3.2 Case definition

In setting out to better understand the concept of students' academic freedom, student representatives were selected as the population of the study. This was considered as an appropriate starting point for collecting empirical data on the topic, as student representatives have a larger likelihood of having worked closely with the concept, and may therefore have more articulated perceptions of students' academic freedom than the average student. Interviewing students themselves would likely give different results, among others because their academic freedom is lived on a daily basis, whereas student representatives are involved with the topic on a meta-level working with formulations and methods of defending it. Nonetheless, making comparisons between the responses from student representatives and the contents of the policy documents is made feasible because student representatives work with the development of the policies in official documents regulating the issue,

However, selecting a target group within the broader population of student representatives was necessary in order to gain a detailed of the phenomenon at hand. This entailed narrowing the scope of the study by defining a specific set of student representatives, or in other words, selecting a case.

Therefore, the selection of the case was made based on a specific set of criteria:

- Articulated policy on students' academic freedom,
- Active work on the topic and experience in political processes, and
- Represent students on the European and international level so as to be able to compare documents from the same level.

Based on these criteria, the European Students' Union (ESU) was chosen as the case as it represents students from a large number of European countries. It also has well-articulated policy on students' academic freedom, among others in their Student Rights Charter (2008) and policy papers. These documents form the basis of their advocacy work on the topic, which is conducted through their involvement in numerous platforms and political processes on the European and international level.

3.3 Method of data collection and analysis

To answer the three research questions, two sources of qualitative evidence were used, document analysis and semi-structured interviews. In order to answer research question one, (RQ1): *How is students' academic freedom understood in European and international policy documents?,* a qualitative document analysis was conducted on binding and nonbinding general declarations and covenants covering issues of freedom and rights, as well as education-specific policy documents from the European and international level were used. Answering research question two (RQ2): *How do student representatives on the European level define the concept of students' academic freedom, and how does this compare with what can be found in policy documents?,* required collecting student representatives' perceptions of students' academic freedom, and as such, semi-structured interviews with student representatives from ESU were conducted. The results of the interviews were then compared with the results of the document analysis. The semi-structured interviews also formed the basis for collecting student representatives' opinions on the current threats to students' academic freedom; answering research question three (RQ3): *What do student representatives perceive as the major threats to students' academic freedom today?*

3.3.1 Documents

There are a substantial number of documents that directly or indirectly relate to students' academic freedom. Not all documents chosen for analysis in this study exclusively cover education, however, each of the chosen documents were selected on the basis of their relevance to freedoms and rights in education. A differentiation was also made as to whether or not they are legally binding documents as this can influence their political impact.

As with any document analysis, the quality of the documents must be assessed, which according to Scott (1990) involves guaranteeing their authenticity, or certifying that the origin of the documents is known, as well as their credibility, which is secured by ensuring that the documents are accurate and free of distortion. Additionally, all versions of the documents must be available in order to certify their representativeness. Since all of the documents were readily accessible and downloaded directly from the public webpages of the organisations and authorities responsible for each document, their authenticity, credibility and representativeness ensure the quality of the documents.

Table 2: Document overview

Document name	**Binding/Non binding**	**International/ European**	**Education-specific**
The International Covenant on Economic Social and Cultural Rights (ICESCR)	Binding	International	No
The International Covenant on Civil and Political Rights (ICCPR)	Binding	International	No
Charter of the Fundamental Rights of the European Union	Binding	European	No
Convention for the Protection of Human Rights and Fundamental Freedoms	Binding	European	No
UNESCO Communiqué 2009 World Conference on Higher Education: The New Dynamics of Higher Education and Research For Societal Change and Development	Nonbinding	International	Yes
Council of Europe Recommendation CM/Rec(2012)7 of the Committee of Ministers to member States on the responsibility of public authorities for academic freedom and institutional autonomy	Nonbinding	European	Yes
Magna Charta Universitatum	Nonbinding	International	Yes
Bologna Process/European Higher Education Area Ministerial Communiqués: - Bologna Declaration - Prague Communiqué - Berlin Communiqué - Bergen Communiqué - London Communiqué - Leuven/Louvain-la Neuve Communiqué - Budapest-Vienna Declaration - Bucharest Communiqué - Yerevan Communiqué	Nonbinding	European	Yes

After selecting and collecting the policy documents, they were initially read simply to gain a general overview. A coding system was developed based on the analytical framework in chapter two using the table provided in chapter 2.3. The coding process ensued and was repeated several times to control for accuracy while continuously controlling for mutually exclusive and exhaustive categories (Bowen, 2009).

3.3.2 Interviews

Following the document analysis, semi-structured interviews were conducted in order to compare how students' academic freedom is understood in documents with how it is perceived by student representatives (RQ2), as well as identify the current threats to students' academic freedom as observed by respondents (RQ3). Semi-structured interviews are used to uncover the process, or the thought sequence of respondents, gaining a detailed perspective on their points of view and what they find relevant (Bryman, 2012). Another advantage of using qualitative interviews is that they tend to be more flexible, allowing the answers of the interviewee to influence the direction of the interview. New questions can be asked directly in response to the interviewee's answers, and the order and wording of questions can also be changed during the interview (ibid.). Therefore, student representatives involved in the organisation were interviewed to gain a more personal insight into the perceptions that individual student representatives have on the topic of students' academic freedom, as well as their reflections on the threats to students' academic freedom today.

A set of criteria for selecting respondents was developed to ensure the inclusion of as many different perspectives as possible. Each of the student representatives interviewed had varied experience in ESU. The first criterion was based on their role as either a part of the leadership or as a content coordinator. The leadership in the organisation is an important criterion as they are those that are responsible for coordinating efforts and advocacy work and likely work with the topic on a daily basis. Content coordinators have a special role in the organisation. As opposed to the Executive Committee, which is elected by the highest decision-making body to work with all policy areas and the organisation as a whole, content coordinators are selected by the Executive Committee and are responsible for daily work with a specific topic, such as human rights or equality issues.[7]

A differentiation was also made as to whether respondents were currently active in ESU at the time of the interviews or if they are now considered alumni of the organisation. Alumni can reflect on the work that has been done over time, while active members of the organisation can provide perspectives on the current work that is being done. Their status as either active or alumni was established based on the time of the interviews, meaning that some of those marked as active may have become alumni since.

[7] An in-depth overview of the structures of ESU can be found in chapter 4.2

Another criterion was if the respondent could be considered an expert because of their focused efforts on the topic. For instance, human rights and solidarity coordinators within the organisation have a specific responsibility for working with issues related to students' academic freedom. Other criteria considered were both their region of origin and gender, so as to ensure a balance in representation in an organisation with members from all across Europe, each with different contexts that can influence their perceptions on students' academic freedom.

First, thirteen current and former student representatives were individually invited via a messaging service on social media, explaining the background for the study and requesting for an interview. Invitees were ensured their anonymity and the confidentiality of any notes and recordings. Some had time constraints and were unable to participate. Out of the thirteen invited from Macedonia, Romania, Poland, Latvia, Switzerland, Italy, Denmark, Sweden, France, Finland and the United Kingdom, seven representatives were interviewed. Below, table three shows an overview of the respondents. The names of the respondents have been withheld, and the order (R1, R2, etc.) has been randomised so as to protect their anonymity.

Table 3: Interview respondent overview

Position in ESU	Country	Expert	Active/Alumni
Leadership	Romania	Yes	Alumni
Leadership	Macedonia	No	Active
Leadership	Latvia	Yes	Active
Coordinator	France	Yes	Alumni
Leadership	Poland	No	Active
Leadership	Denmark	Yes	Active
Coordinator	Italy	Yes	Active

An interview guide was developed based on the results of the document analysis, which was piloted with a former ESU representative to ensure the appropriateness of the tool, as well as the order and wording of the questions. Following the pilot interview, a more in-depth explanation of the aims of the study and an overview of the analytical framework was provided for the respondent, a discussion ensued as to what was missing from the interviews, the level of difficulty in understanding and answering the questions and suggestions for

additional questions. The interview guide was then readjusted based on the feedback received, and the final version can be found in appendix 1.

All interviews were conducted in English via Skype, due to geographical and travel limitations. Prior to the start of each interview, a consent form was read explaining the context and rationale for the study, how their responses would be utilised, the confidentiality of all material they provide and their anonymity in the study. They were then asked to give their consent to participate in the interview, as well as their consent for the interview to be recorded, following the Norwegian Social Science Data Services. All interviewees agreed to be recorded, and each interview lasted between fifty to ninety minutes. The interviews were then transcribed, which produced 110 pages of text for analysis. Finally, the transcriptions were coded using the same methods used in the document analysis found in chapter 3.3.1, again using a coding system based on the list of indicators from the analytical framework presented in chapter 2.3

3.3.3 Criteria for analysing the results

Before being able to accept the study, an assessment of criteria for ensuring the quality of the study must be made. This involves testing the construct validity, internal and external validity, as well as reliability to confirm the overall transparency necessary to replicate the study and that any inferences made are valid.

Internal validity

Internal validity in *quantitative* research involves the ability to make causal inferences based on the data collected in the study, where certain conditions are considered to precede another set of conditions (Yin, 2014). In contrast, in *qualitative* research, internal validity takes a different form, which focuses on establishing credible phenomenon by matching patterns through the use of pattern matching. More specifically, pattern matching compares empirically observed patterns with predicted patterns or patterns found in previous research (ibid.). Internal validity is then considered strong if the patterns observed in the data collected are similar to the predicted patterns. In this study, this meant comparing the patterns of the empirical evidence collected in this study, for instance, with the list of concepts from the analytical framework provided in table one in chapter 2.3.

External validity

External validity is concerned with generalisability, or the ability to make inferences beyond the specific case to a wider context or contexts (Kleven, 2008). Generalisability differs from quantitative methods and qualitative methods, whereby in quantitative research, it entails measuring how well the results based on a sample can be generalised to apply to a population (Yin, 2014).

Qualitative research focuses on analytical generalisability, which refers to the generalisation from empirical evidence to a specific theory (ibid.). In this case, external validity involves determining whether the research findings in the interviews and document analysis can be generalised to broader theoretical constructs on students' academic freedom. If so, these could then be applied to reinterpreting results of other studies or conducting new research (ibid.).

Strengthening external validity in this study was done by clearly defining the scope and boundaries of the case, for instance by setting criteria for interview respondents, providing a clear rationale for the selection of the case, as well as a description of the empirical setting which can be found in chapter four.

Construct validity

According to Kleven (2008), construct validity affects the validity of inferences made in the study. It involves coupling the correct indicators with the concepts being studied in order to be able to make an acceptable inference between them. A researcher must test for construct validity to ensure that data is interpreted in a logical and impartial manner, not based on the researcher's own preconceived notions (Riege, 2003).

The construct validity in this study has been strengthened through the use of theory triangulation. Theory triangulation involves using different theoretical perspectives to analyse a phenomenon. In this study concepts and indicators to analyse the data collected have been developed based on MacFarlane's (2011), Searle's (1972) and Magsino's (1978) theoretical schemes.

Reliability

Finally, reliability deals with the ability for a researcher to replicate a study and arrive at the same conclusions if the same procedures used in the study at hand are followed (Yin 2014). This can be challenging in case study research, which is based on peoples' real-life, non-static experiences. Even if all procedures are strictly followed, differences may appear, but these can also provide valuable information for the case at hand (Riege, 2003). In this study reliability has been strengthened through full transparency. For instance, the interview guide is provided in appendix 1, the thought processes, theories and methods used have been fully described and consultations were conducted with supervisors and peers to check for errors and uncertainties.

3.4 Ethical concerns

3.4.1 Avoiding bias

Although qualitative research is not value-neutral, meaning that the researcher cannot separate him/herself from the context/people being studied, steps must be taken to ensure that a case study is not used simply to confirm a researcher's preconceived notions.

Firstly, being straightforward about any potential bias and how this may affect the research is essential. I was a student representative for over five years, and from 2013-2015, I was also a part of the leadership of the focus of the case study, ESU. I have also had a personal passion and been involved in political processes surrounding the topic of students' academic freedom. Because of this, issues related to the study's reliability were necessary to thoroughly consider, as a researcher without experience in the organisation and topic may encounter different answers should the study be replicated.

However, having this background has also given me better insight into the case at hand, which can ease the process of gaining approval from gatekeepers, as well as in identifying and obtaining access to key informants. Informants could also trust that because I have knowledge on the subject, I could more easily understand the language used to convey their viewpoints. Experience working with the subject also led to an interest in expanding the knowledge in the field. Additionally distancing myself from both ESU and all forms of

political activity with the topic, as well as a turnover both in representatives and policy in the organisation has served to increase my disinterestedness.

Reducing the impact of bias in this study necessitated constant reflection about how values, beliefs and opinions possibly affected the research process, from the study's design to analysis and finally its outcomes. Although the document analysis is mainly used to compare the evidence collected in the semi-structured interviews, it also served as a method of crosschecking results to ensure that conclusions drawn from the interview analysis are not far from objective reality. The use pre-existing theory in the analysis of the research also served as a method of grounding the research to limit bias.

During the interview process, ensuring that respondents tell their perspectives without seeking approval from the researcher was essential, for instance by asking more open-ended questions that wouldn't steer the participants to answer in a certain way. Additional steps taken included having the interview guide reviewed by a supervisor, as well as conducting a pilot interview and obtaining feedback from the respondent from that interview.

Finally, as Yin (2014) stresses, openness to conflicting evidence is another test to limit the impact of bias. Conflicting responses to interview questions are documented in the analysis and contribute to enriching the discussion and conclusions, which also opens doors for exploring different perspectives and topics in further research on the topic.

3.4.2 Protecting human subjects

Since this study involved human subjects, ensuring sensitivity to their situation and taking steps to protect their credibility were essential. This included ensuring the participants informed consent prior to their participation in the study. To do so, the objectives of the study were presented at the beginning of the interviews. Participants were then guaranteed that all efforts would be taken to ensure protect their anonymity. All data collected would remain confidential and be deleted within three months after the research was published. Their explicit verbal consent was then requested to participate in the interview and have their responses audio recorded. No personal data that could be used to identify respondents was collected in the recordings.

4 The empirical setting

This chapter will focus on the case of this study, the European Students' Union (ESU), providing an overview of the organisation's history, structures, current work and policy on students' academic freedom. This will assist in understanding the context that the student representatives work in and how they attempt to influence the political processes and documents analysed in this study.

4.1 The history of ESU

The West European Student Information Bureau (WESIB) was established on October 17, 1982 by the national unions of students in Sweden (SFS), Norway (NSU), The United Kingdom (NUSUK), Iceland (SHÍ), France (UNEF-ID), Denmark (DSF) and Austria (ÖH) (Sundström, 2012). A seminar on student participation in higher education decision-making bodies was held in conjunction with the meeting, already then focusing on issues closely related to student rights and students' academic freedom. The organisation was originally established simply as a platform for exchanging information, and in its first years this was carried out largely through seminars and the use of newsletters, handbooks distributed to WESIB's member unions.

With the political changes in Eastern Europe towards the end of the 1980s and the fall of the Berlin Wall, WESIB became the European Student Information Bureau (ESIB) in February 1990, and began building relations with student organisations in Eastern Europe (European Students' Union, 2016). Gradually, as new members were accepted from all over Europe, less focus was placed on the internal structures of the organisation and more on the on-going political processes on the European level (Grogan, 2012). There was a growing realisation that European Union was gaining influence in the field of higher education, and while still maintaining its acronym ESIB, the organisation's name was changed to the National Unions of Students in Europe in 1992. The change signalled a transition from an organisation dedicated to sharing knowledge and expertise to one representing the political views and interests of its member unions.

The organisation moved from Stockholm to London, to Vienna, and in 2000, the organisation moved its headquarters to Brussels in order to intensify work with the European structures.

Work with the Bologna Process intensified, and ESIB was accepted as a consultative member in 2003. Finally, in May 2007, the organisation changed its name to the European Students' Union to emphasise the organisation's work on the European level and strengthen its voice as a unified organisation representing students across all of Europe. Today, ESU represents over 15 million students through its 45 member national unions of students in 38 countries (European Students' Union, 2016). In their statement of aims, they emphasise their work in representing students on the European level towards all relevant bodies and in particular the European Union, Bologna Follow Up Group, Council of Europe and UNESCO," with the mission to "represent, defend and strengthen students' educational, democratic, political and social rights" (ibid.).

4.2 Structures

As previously stated, ESU's member base consists of national unions of students, organisations that represent and work in the interests students on the national level. According to their statutes, membership in ESU is dependent upon the fulfilment of the following criteria:

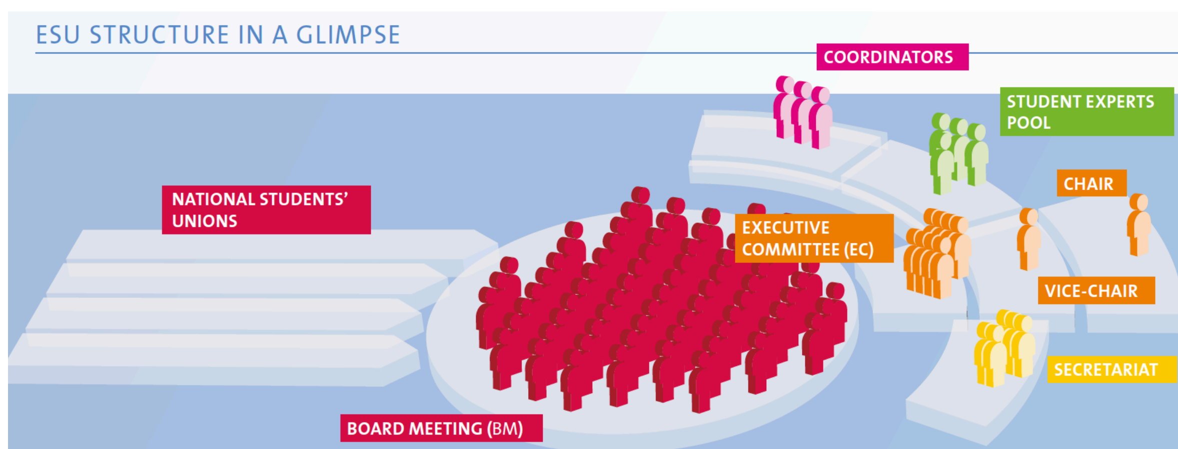
- That the union is representative, student-run and independent of any other authority in decision-making;
- That the union is open to all students in their country regardless of their political or religious beliefs, ethnic or cultural origin, sexual orientation or social background;
- That the union holds democratic elections and is run based on democratic principles. (ESU, 2016c)

The members of ESU meet at least twice each year at Board meetings to adopt new policies, decide on the organisation's internal affairs and elect its leadership (ibid.). As the highest decision-making body in ESU, the Board is made up of representatives from each of the organisation's member national union of students selected by the unions themselves in the manner of their choosing. Each country has two votes, meaning that in the case that a country has more than one member national union of students in ESU, the votes are divided equally between them (ibid.).

ESU's leadership is elected on one-year terms, starting in July and finishing at the end of June each year. The organisation is led by an executive committee, which consists of three

members of the Presidency and five to seven executive committee members. The Executive Committee as a whole is responsible for representing and promoting the views of the organisation and executing the tasks determined by the Board in the organisation's Plan of Work (ibid.). The Presidency is comprised a president and two vice-presidents that work full-time based in Brussels, Belgium, responsible for the overall coordination of the work of the organisation and the daily tasks that ensue. Three policy coordinators are selected by the Executive Committee to work in the areas of membership issues, equality issues and human rights and solidarity, supporting the work of the Executive Committee. The work of the organisation is also supported by a Brussels-based secretariat that consists of a Head of Office, Project Manager, Communications Manager, two Project Officers and an Executive Assistant (Antonescu, et.al. 2015). Figure two provides a diagram showing how the organisation is structured.

Figure 2: ESU organisational diagram. Image by European Students' Union.



4.3 Current work

According to ESU's statutes (European Students' Union, 2016c), ESU works to collect and disseminate information on higher education developments among its member unions, organise conferences, seminars, trainings and campaigns, as well as develop and promote policies among stakeholders in the field of education on the European and national level.

One of the main arenas that ESU works extensively with is the Bologna Process/EHEA. Currently they are represented as consultative members in each of the structures of the Bologna Process, for instance including a specific advisory group for following up on the

Belarus roadmap.[8] The organisation also participates in the tri-annual meetings of the ministers to decide upon the priorities for the coming years. Prior to each of these meetings, the organisation produces a study on its member unions' perceptions on the implementation of the Bologna Process commitments, entitled Bologna With Student Eyes. The aim of the publication is to generate attention around the progress made throughout the previous three years, as well as impact future commitments.

ESU is also involved in a number of partnerships and projects, for instance co-funded by the European Union, Council of Europe and the Open Society Foundation. Through this work, they are involved in conducting research on higher education and produce a variety of publications for students, policy-makers and higher education staff and leadership (ESU, 2016a). ESU has led projects on the topics of student-centred learning, quality assurance of higher education, higher education funding and equality, for example.

In addition, ESU cooperates with a number of institutions that work directly with academic freedom, such as the Council of Europe and the Observatory of the Magna Charta Universitatum. The organisation also has a formal partnership with Scholars at Risk, which, as mentioned in chapter one, rescues persecuted scholars. Discussions have been underway regarding the integration of the Students at Risk programme into Scholars at Risk's existing network (Antonescu, et.al., 2015).

Their work also expands to the international level with their involvement in the United Nations' Sustainable Development Goals, representation in a number of UNESCO forums and committees and a history of efforts in developing a stronger cooperation between student organisations on the global level. In 2016, ESU also became a consultative member of the United Nations Economic and Social Council (ESU, 2016a).

4.4 Policy on students' academic freedom

In addition to their general mission and aims statements, ESU has a number of documents outlining their policies and priorities. One of the most relevant documents that cover the topic of students' academic freedom is ESU's Students' Rights Charter. Adopted in 2008, the

[8] See p. 3.

rights and freedoms listed in the charter are intended to elaborate upon the fundamental human right to education. In the preamble, ESU states that:

> Every student is entitled to all the rights and freedoms set forth in this Charter, free from any form of discrimination, including discrimination on the basis of political conviction, religion, ethnic or cultural origin, gender, gender expression, sexual orientation, age, socio-economic standing or any disability they may have. (ESU, 2008)

The charter provides a set of 35 rights divided into five components: access to higher education, student involvement, social aspects of studies, academic aspects of studies, the right to privacy and access to knowledge and information. First on the list is the right to an education free of charge, in addition to a social support system adapted to students' individual needs that supports financial independence. Additionally, the document stresses students' right to organise, and to be considered as equal partners in the governance of higher education. The freedom of expression is emphasised throughout the charter not only in regards to academic affairs, the freedom of thought and to challenge existing knowledge, the freedom to access and disseminate knowledge. The provision of flexible study programmes in learning environments that support critical thinking, autonomous learning, personal development is also included, emphasising students' freedom of choice. Finally, ESU stresses the freedom from discrimination and the right to evaluation based solely on academic performance, as well as the right to free and fair appeals (ibid.).

5 Analysis

5.1 Students' academic freedom in policy documents

This section provides an analysis of policy documents on the European and international level in order to better understand how students' academic freedom is characterised and regulated in an official manner. The analysis will form the basis for comparison with how student representatives from ESU perceive academic freedom, and will be further discussed in chapter six using the three approaches to students' academic freedom from the analytical framework provided in chapter two: the scholarly, societal and capability approach.

While not all documents are directly related to education, each of them contains material relevant for issues of students' academic freedom, such as the freedom of expression and association. Documents are divided based on whether they are binding or nonbinding. A willingness to commit to legally binding policies with consequences for transgression can potentially indicate the impact policies will have.

5.1.1 Binding documents

The United Nations' International Covenant on Civil and Political Rights (ICCPR) and Economic, Social and Cultural Rights (ICESCR)

The ICCPR (The United Nations General Assembly, 1966a) and the ICESCR (The United Nations' General Assembly, 1966b) provide a framework for the basic rights that can be considered essential components of academic freedom.

The freedoms listed in the ICCPR are negative in character focusing on individuals' freedom from interference. Although not mentioned specifically for either students or staff, most relevant for the protection of academic freedom is article 19, which includes the freedom of expression (Vrielink, 2011), or to "seek, receive and impart information and ideas of all kinds" (The United Nations General Assembly, 1966a).

The negative freedoms in the ICCPR are complemented by the positive freedoms listed in the ICESCR. The Covenant directly recognises academic freedom as a human right in article 15 §3, necessary for research and the arts (The United Nations General Assembly, 1966b). However, it is unclear as to who is entitled this right. Additionally, the right to education is

also provided for in the Covenant's article 13. This article focuses on the purpose of education as a way to promote individual development and strengthen respect for human rights and freedoms (ibid.). Equal access to higher education is also specifically mentioned in §2(c), together with the aim to progressively implement free higher education.

The UN Committee on Economic, Social and Cultural Rights (CESCR) devoted a specific section to academic freedom in paragraphs 38, 39 and 40 of General Comment No. 13, The Right to Education, article 13 of the ICESCR (1999). In it, the Committee states that the right to education is contingent upon academic freedom, and specifically mentions for both staff *and* students (ibid.). They argue that staff and students are more susceptible to political and external pressures that limit their academic freedom (ibid.).

Although it is unclear who members of the academic community are, the General Comment secures members of the academic community the freedom of teaching, research, learning, as well as the freedom of the production, transmission and discussion of knowledge and ideas and discussion (ibid.). The General Comment also addresses the negative freedoms and responsibilities specifically related to their status as members of the academic community, but also their fundamental freedoms and rights as individuals in society:

> Academic freedom includes the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfil their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction. The enjoyment of academic freedom carries with it obligations, such as the duty to respect the academic freedom of others, to ensure the fair discussion of contrary views, and to treat all without discrimination on any of the prohibited grounds (CESCR, 1999, 9).

While this document provides a detailed interpretation of the right to education as connected to the issue of academic freedom, general comments issued by the United Nations are considered not legally binding. Certain paragraphs of general comments must be reported for to monitoring bodies, and can therefore have a quasi-legislative character (Ando, 2010). However, the articles pertaining to academic freedom are not listed in the guidelines for reporting on treaty-specific documents of the ICESCR (CESCR, 2009), which in effect weakens their significance.

The Charter of the Fundamental Rights of the European Union

In addition to listing negative freedoms, such as the freedom of expression and information, as well as the freedom of assembly and association, the Charter of the Fundamental Rights of the European Union specifically addresses academic freedom, as well as the right to education. Article 13 ensures that "the arts and scientific research shall be free of constraint. Academic freedom shall be respected" (2012, 11). However, it does not specify as to whom academic freedom pertains. It is also unclear if the freedom from constraint in the arts and sciences is what defines the term "academic freedom" in this context. Additionally, it is debatable if "the arts and scientific research" covers the educational processes that students undergo, and would thereby be protected by this article.

Finally, article 14, the right to education, refers to "access to vocational and continuing education training" (European Union, 2012, 11). However this article does not specifically refer to higher education, and any relationship between academic freedom and the right to education is unclear.

It is important to note that while the Charter is binding for EU member states, the EU only has supporting competences in the field of education, meaning that the EU can only intervene to support, complement or coordinate the actions of the member states (European Union, 2010). The primary responsibility for higher education remains reserved for EU member states, which means that the EU cannot pass directives, i.e. binding legislation, within the field of education. The Charter secures academic freedom, but the lack of competence in the field of education entails that the EU's only method of elaborating on the educational component of academic freedom in Article 13 is through case-law in the European Court of Justice. Only one case pertaining to Article 13 can be found, however this case does not deal with the academic freedom of students.

The Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)

The ECHR (1950) of the Council of Europe also ensures the freedom of expression, assembly and association, and in a 1952 protocol the right to education is addressed. Although academic freedom is not addressed specifically, the European Court of Human Rights has dealt with cases related to academic freedom, often under the ECHR's Article 10, which grants the freedom of expression (Vrielink et al., 2011). However, the question can be asked

if the freedom of expression, assembly and association provide the protection members of the academic community need to carry out their duties.

5.1.2 Nonbinding documents

UNESCO Communiqué 2009 World Conference on Higher Education: The New Dynamics of Higher Education and Research For Societal Change and Development

In 2009 national policy-makers, leaders of higher education institutions, academics, students, among others representatives ESU, and societal stakeholders met to discuss the future of higher education on the global level. The end result was a communiqué agreed upon by the participants, which lists key action points for both UNESCO member states and UNESCO itself.

The communiqué stresses issues such as the social responsibility of higher education, access, equity and quality. Academic freedom is considered essential for the quality of education, however the communiqué gives the impression that the term is understood only in relation to academic staff citing that “For the quality and integrity of higher education, it is important that academic staff has the opportunities for research and scholarship. Academic freedom is a fundamental value that must be protected in today’s evolving and volatile global environment” (UNESCO, 2009, 6).

However, the Communiqué also points to the purpose of higher education arguing that through research, teaching and community outreach, and “in the context of institutional autonomy and academic freedom” higher education institutions should promote students’ critical thinking abilities and active citizenship (UNESCO, 2009). In this way, higher education plays a critical role in developing students’ capability to be an active member of society and utilise their rights, and achieving this requires academic freedom.

The communiqué also highlights the link between participation in the academic community, students’ fundamental human rights and their resources for successful learning. They call upon action by the member states to ensure their freedom of expression and association, or their negative rights. However, they also point to a number of positive freedoms, such as the right to student participation in academic life and the provision of student support services (UNESCO, 2009). Students’ resources are also reiterated in the context of ensuring equitable

access to higher education. For the conference participants, access is about both participation and completion and requires resources—student welfare and both financial and academic support—that will enable them to benefit from higher education.

Council of Europe Recommendation CM/Rec(2012)7 of the Committee of Ministers to member States on the responsibility of public authorities for academic freedom and institutional autonomy

In 2012, the Council of Europe's Committee of Ministers adopted a recommendation on academic freedom and institutional autonomy, prepared by the Council of Europe's Steering Committee for on Educational Policy and Practice, of which ESU is an observer. The recommendation is accompanied by an explanatory memorandum, which provides detailed information about each of the points of the recommendation.

The recommendation begins by defining the academic community as consisting of both students and staff. As such, like the UNESCO communiqué, there is an overall strong emphasis on student participation in deliberations and decision-making throughout the recommendation. According to the Explanatory Memorandum, the distinct character of higher education demands even stronger dialogue and consultations with staff and students than any other education sector (Council of Europe, 2012b).

This is followed by a clear description of what the committee defines as academic freedom, identifying both positive rights, as well as negative rights, such as the freedom from outside interference. Academic freedom is delineated as a set of specific freedoms granted to individuals due to their status as members of the academic community and the uniqueness of the university as an institution dedicated to the "search for tr'uth" (Council of Europe, 2012a). This includes the freedom to teach, study and research, as well as the freedom of access to research in furthering the development of knowledge. The Explanatory Memorandum elaborates on this point by justifying academic freedom as a part of each individual's human rights and the rule of law (Council of Europe, 2012b).

The Recommendation also points to the relationship between funding and academic freedom. Academic freedom, according to the committee, is dependent upon sufficient financial means. Interestingly, the Explanatory Memorandum also goes into how the pressure on higher education institutions to find alternative sources of funding and the drive for prestige

may compromise academic freedom (Council of Europe, 2012b), a threat that interview respondents also identified, further discussed in section 5.3.

Magna Charta Universitatum

Although the Magna Charta Universitatum focuses on the university's role in society and the importance of academic freedom, the document focuses heavily on academic staff and their research and teaching. Students' freedoms and learning processes are only mentioned under one point in the document: "Each university must—with due allowance for particular circumstances—ensure that its students' freedoms are safeguarded, and that they enjoy concessions in which they can acquire the culture and training which it is their purpose to possess" (European University Association, 1988, 2). The document also does not define which student freedoms are to be safeguarded. Note that this point is made conditional using the clause "with due allowance for particular circumstances," without going into detail on what these circumstances may be.

Three of the fifteen members of the Magna Charta's governing body, the Obervatory, have previously been active in ESU, though none are active students and are elected as individuals, not as representatives of ESU. However, students are also playing a more prominent role in Magna Charta Universitatum conferences, and in 2014, the creation of a student Magna Charta was discussed at the Magna Charta Symposium.[9] This may have an effect on the Magna Charta's policy on students' academic freedom.

The Bologna Process and European Higher Education Area

Established in 1999, the Bologna Process aims to ensure greater compatibility and comparability between higher education systems in Europe through voluntary membership and nonbinding cooperation between countries. In 2010, ministers of the Bologna Process declared that they had succeeded in establishing the European Higher Education Area (EHEA), which today is comprised of 48 countries, together with the European Commission and consultative organisations, which has included student representatives from ESU since 2003. Minsters of education have met every two to three years to agree upon commitments by way of adopting so-called 'Ministerial Communiqués'. Since the Bologna Process' establishment, eight ministerial conferences have been held (EHEA, 2014).

[9] http://www.magna-charta.org/resources/files/the-program-1

Academic freedom was first explicitly mentioned as one of the core principles of the Bologna Process in the London Communiqué (2005). Ministers recommitted to it in the Budapest-Vienna Declaration (2010), as well as in the Bucharest Communiqué in 2012 in conjunction with their commitment to staff and student participation in governance structures, it was left unclear as to whom academic freedom applies. This was demarcated in the Yerevan Communiqué, adopted at the most recent Ministerial Conference in 2015, where ministers committed to "support and protect students and staff in exercising their right to academic freedom and ensure their representation as full partners in the governance of autonomous higher education institutions" (Yerevan Communiqué, 2015, 2). Not only was representation in decision-making structures once again seen in conjunction with academic freedom, but academic freedom was also defined as a right for both students and staff and not only a principle of the Bologna Process. Still, what ministers defined as academic freedom was left unclear.

Although a clear definition of academic freedom for students cannot be found in the documents, student involvement and participation, membership in the academic community, student-centred learning, students' personal development and other values and purposes of higher education have been central in nearly all of the documents.

In 2001 students were recognised as "competent, active and constructive partners", and ministers welcomed their involvement in the development of the EHEA (Bologna Process, 2001). In 2003 ESU was recognised as a consultative member and the sole representative of the students. Though ESU does not have formal decision-making rights as consultative members, provided the consensual based nature of the Bologna Process, student representatives have gained significant influence in practice (Klemenčič, 2012).

Student participation in higher education governance became a policy objective of the Bologna Process also in 2001. Ministers affirmed that students "should participate in and influence the organisation and content of education at universities and other HE institutions" (Prague Communiqué, 2001). Since then, student participation has been mentioned in each of the documents, in which ministers committed to "fully support staff and student participation in decision-making structures at European, national and institutional levels," (Bucharest Communiqué, 2012) recognising students as "full partners in HE governance" in as early as

2003 (Berlin Communiqué, 2003). The emphasis on student participation in decision-making in higher education can indicate the influence that ESU's presence has had within the Bologna Process.

Student-centred learning was also first mentioned in the London Ministerial Communiqué in 2007. However, it was first defined in the Leuven/Louvain-la-Neuve Communiqué in 2009 as a method for empowering students by using new methods of teaching and learning, providing support and guidance systems and developing curricula based on individuals' learning processes. In each of the documents that have followed, students' autonomy and the provision of flexible education paths as part of student-centred learning have been stressed, underlining the importance ministers place in supporting students' freedom of choice in their education.

However, the Bologna Process has not only focused on the development of an autonomous citizen, but it has also emphasised the economic dimension and the development of specific skills for the labour market. For instance, both increasing Europe's competitiveness through higher education and employability have been a part of the underpinnings of the Bologna Process since its establishment (Bologna Declaration, 2001). By 2009 ministers had agreed that, "higher education should equip students with the advanced knowledge, skills and competences they need throughout their professional lives" (Leuven/Louvain-la-Neuve Communiqué, 2009, 3). This stands in contrast to the focus on the development of students' citizenship skills, critical thinking abilities and the university's role in democratic development; values emphasised in the very same documents.

In conclusion, the results of this document analysis are summarised in table four using the indicators in table one from the analytical framework found in chapter 2.3. These results will be discussed in the following chapter.

Table 4: Overview of documents and their approaches to academic freedom, according to indicators from table 1. Green = closely aligned, yellow = somewhat aligned and red = non-alignment

	Societal approach	**Scholarly approach**	**Capability approach**
The International Covenant on Economic Social and Cultural Rights (ICESCR)	Freedom of expression, freedom to publish research	Access to information	
The International Covenant on Civil and Political Rights (ICCPR)			Access and opportunity in higher education, citizenship, resources
Charter of the Fundamental Rights of the European Union	Freedom of expression, freedom from interference, academic freedom as a human right		
Convention for the Protection of Human Rights and Fundamental Freedoms	Freedom of expression, freedom to organise, freedom of association		Access and opportunity in higher education
UNESCO Communiqué 2009 World Conference on Higher Education: The New Dynamics of Higher Education and Research For Societal Change and Development	Freedom of expression, freedom of association		Access and opportunity in higher education, critical thinking, citizenship, independence and autonomy, right to representation, resources
Council of Europe Recommendation CM/Rec(2012)7 of the Committee of Ministers to member States on the responsibility of public authorities for academic freedom and institutional autonomy	Academic freedom as a human right	Freedom to teach, study and research, access to information, freedom to pursue knowledge	Students as members of the academic community, right to representation
Magna Charta Universitatum		Freedom to learn	
Bologna Process/European Higher Education Area Ministerial Communiqués: - Bologna Declaration - Prague Communiqué - Berlin Communiqué - Bergen Communiqué - London Communiqué - Leuven/Louvain-la Neuve Communiqué - Budapest-Vienna Declaration - Bucharest Communiqué Yerevan Communiqué		Freedom to learn, freedom to choose curricula, freedom to choose a discipline	Right to representation, students as members of the academic community, student-centred learning, autonomy and independence, flexibility and choice in studies, citizenship

5.2 Students' academic freedom in practice

5.2.1 How do student representatives define students' academic freedom?

Freedom of expression

The freedom of expression was one of the first elements mentioned for many respondents when asked how to define students' academic freedom. One of the representatives emphasised that the freedom of expression is secured for students because of its status as a human right (R3). However, this respondent also agreed with other respondents that the freedom of expression is also tied to the purpose of the university as an institution for the production of knowledge. Fulfilling this purpose, for respondents, is contingent upon being free to challenge common norms, beliefs and constructs. However unconventional or unfavourable for certain individuals, authorities and/or other actors, students must be able to present new theories and outcomes they find through their studies and research in order to advance society's knowledge base. Students' opinions must be exposed, analysed and challenged in a safe environment to further their learning and develop their autonomy and reasoning skills.

However, two respondents stressed that the freedom of expression is not unlimited (R4, R6). It carries with it an important qualifier that the opinions expressed by students must be reasoned, and that the opinion of one's partner in dialogue is respected. Students' freedom of expression also carries an "intellectual responsibility" towards fellow citizens, which was identified as a key difference between students' academic freedom and the general freedoms and human rights in society (R4). Another respondent echoed this view, arguing that students must consider their audience when expressing their viewpoints in the broader society (R5). Inside the university, there is more room for discussing controversial issues as students are exposed to knowledge that challenges these issues and given the tools to reason and question assertions. However, those outside of the university may not have the tools to understand nuances and apply source critique to analyse debates and form their own opinions. This demands that students take a different approach than that of which is taken inside the university, for instance to avoid fuelling harmful debates and hateful ideologies.

Also relevant to students' academic freedom is the importance of being able to give feedback and challenge teachers' viewpoints without facing reprimands, such as lower grades or not being permitted to complete courses or exams. One respondent brought up how some

universities, for instance in the United States and China have methods for reporting students for expressing certain viewpoints or ethics committees that review the content of exams and assignments and have the potential to reject critical material (R3). This respondent also warned about prohibiting discussions on specific controversial topics or banning certain speakers, one of the identified threats to students' academic freedom analysed more in depth in section 5.2.3.

The freedom to organise and students as members of the academic community

It may come as no surprise that the student representatives interviewed stressed the freedom to organise as the most fundamental component of students' academic freedom. This was also mentioned explicitly, referencing it also as a basic human right that must also be afforded to students (R1). For student representatives, the freedom to organise was understood as ensuring student participation in decision-making and having an independent and democratic body elected by the students to represent their interests.

Restricting student representation was also mentioned as one of the prime examples of how students' academic freedom is curtailed. Those in power may simply ignore students, shut down student organisations or create "puppet" organisations, or organisations fully controlled by an external authority, claiming to represent students (R3). This respondent had worked with an issue in which the president of a university in Serbia had threatened to cut funding and representation for the student parliament due to student protests against tuition fee hikes. Another incident involved an ESU member union's loss of membership after having been deemed no longer independent of the country's government.

Students' right to representation was viewed as justifiable by the fact that they consider themselves a part of the academic community. A majority of respondents disagreed that there are any substantial differences or contradictions between staff and students' academic freedom. As equal partners and members of the academic community, students should share the same freedoms and rights as their academic colleagues. One respondent pointed out that treating students as members of the academic community and maintaining a culture of academic freedom also means valuing and utilising feedback from them, like that of the peer review process in research (R4). The current hierarchical relationship between students and professors must be dismantled in order to promote academic freedom for both (R6).

Another respondent also pointed out that the growing trend of perceiving students as customers directly contradicts treating students as members of the academic community (R1). This was an issue that respondents raised in discussions regarding the current threats to students' academic freedom, which will be further examined in section 5.3.

Student-centred learning and the freedom of choice

Respondents were asked as to whether they found that there was a relationship between student-centred learning and students' academic freedom, and informed that the term student-centred learning was defined in this context according to ESU's own interpretation:

> The paradigm shift towards a student-centred learning approach relates to both a mind-set and a culture within a given higher education institution. It is characterised by innovative methods and interaction between teachers and students to support the achievement of intended learning outcomes, where the students are viewed as corresponsive and active participants in their own learning process. Through the use of active learning and linking learning and teaching with research, students develop transferable skills, such as problem-solving and critical and reflective thinking (ESU, 2013).

Each of the student representatives agreed that student-centred learning was a defining component in their understanding of students' academic freedom. Emancipation, participation, independence and the freedom choice were key descriptors for respondents.

Respondents pointed to the importance of using a variety of teaching methods, or an "empowerment style of teaching" (R4). Teachers should work to engage students and function as a facilitator of learning in order to develop students' ability to form independent, reasoned opinions and choices. The ultimate goal should be to emancipate students to seek their freedoms, not only in the university, but also in society in general (R3).

In conjunction with this, several respondents pointed to the relationship inherent in students' academic freedom between student-centred learning and access to education. Through higher education, students develop tools to express themselves rationally and openly discuss their viewpoints. Using pedagogical methods based on students' different needs then allows for a more diverse group of students to experience these benefits (R5). Not only will this expose students to a variety of opinions, but it will also lead to more comprehensive societal

development when a wider population is educated in critical and rational thinking, enabling them to participate in society and take advantage of their rights (R2).

Student-centred learning was also seen as a mechanism for fostering student participation by giving students responsibility for their learning process. In this way, students can also contribute to the production of knowledge alongside academic staff. Treating students as equal partners in the academic community and ensuring their participation in decision-making processes regarding their surroundings also contributes to the development of their democratic skills and enable to them to make independent choices, according to one respondent (R6).

Students should also have the freedom from interference (R6), or the right to flexibility (R1), in making choices about their study paths, course literature, assessment methods and curricula as a method of giving students ownership over their learning processes (R7). This type of freedom empowers students to discover new relationships between different fields and topics that can lead to new knowledge, as well as develop their ability to synthesise information and make reasoned choices in society (R5). In contrast, providing students with less choice gives them less of an opportunity to be creative and learn how to inform themselves. Ultimately this will undermine the development of their critical abilities and merely reproduce existing knowledge (R4).

The freedom of choice was cited as an area where infringements on students' academic freedom are often witnessed, as one respondent mentioned, often in a subtler manner (R3). The respondent from Denmark referred to a national reform that will serve to reduce the size of the humanities field while increasing the size of the natural sciences and engineering fields. The field of humanities and social sciences are also underfunded in Latvia, as authorities prioritise hard sciences, and reductions in funding have led to fewer study spaces in these fields. According to these respondents, in effect, these types of mechanisms serve to limit students' freedom of choice by directing them to choose certain studies over others.

However, giving students the full freedom of choice was not considered entirely unproblematic for some respondents. One respondent stated that providing students the freedom of choice is dependent upon ensuring that students have the right to access the information necessary to make an informed choice (R7). Additionally, each of the

respondents agreed that students' freedom to choose study paths, learning methods and materials must be provided within a set framework to ensure that students learn the fundamental knowledge and skills in their field. Finally, accounting for each individual student's learning style and preferred assessment methods can also present logistical issues (R2).

Access to education

Similar to a number of the documents in the above document analysis, access to education was also an important issue for the student representatives. However, many linked the topic directly with students' academic freedom. One respondent emphasised that access to higher education as a human right, in combination with the freedom from discrimination (R7). This respondent also specified that access to higher education not only involves the ability to enrol in education, but also to succeed during and after completion. Another respondent argued that access to education gives individuals the tools use their freedoms in society, citing for instance higher voting rates among those with higher education (R5).

Another respondent disagreed, stating that students' academic freedom is an elitist term in itself, designated for those that have already entered the university (R3). However, it can be linked with issues pertaining students' academic freedom if individuals are prevented from accessing education because of particular thoughts. In this manner, the respondent demarcates students' academic freedom as the *freedom from* exclusion, rather than what he defines as the *right to* education.

Student resources - welfare systems and tuition fees

According to respondents, student welfare systems and tuition fees also constitute a component of students' academic freedom by providing a framework for the development of students' capabilities to make use of their freedom and rights. Although many focused on financial support, respondents were informed that in this context, welfare systems also include health care, mental support and academic guidance.

According to one respondent (R4), if students lack financial support they will not want to take the time or risk to criticise their university or teachers. They will want to complete their studies as fast as possible and not endanger their current situation or future opportunities. One respondent clarified that while a lack of financial support does not directly strip students of

their academic freedom, it does not serve to facilitate it as students focus on economic and social survival over participation in student life (R6). Ensuring students sufficient resources offers the freedom for more meaningful engagement in their learning and to explore beyond the set curriculum. This is important in fostering their contribution to development of knowledge and their membership in the academic community (R4).

Providing students with a broad set of resources was also considered important for access to higher education, which was previously mentioned as a component of students' academic freedom for a number of respondents. Students from less privileged backgrounds, for instance lacking parents that can provide financial assistance, should be given the necessary support to attend and complete their education. As one respondent pointed out, this is important for broadening the perspectives in the classroom and improving social cohesion (R5). In this way, students' freedom of choice is also expanded, for instance as they can more easily choose their field of study not based on employment outcomes, but rather their academic interests (R7).

Welfare conditions and costs of tuition were also highlighted as tools that can be used as to suppress students' academic freedom. One respondent mentioned instances where students have been expelled from their dormitories because of political engagement, other students have been offered a reduced stipend because their field of study is critical of authorities and others forced to pay higher fees because they study humanities and not hard sciences (R3).

5.2.2 What is the purpose of academic freedom for students?

When asked about the purpose of academic freedom for students, respondents pointed to a combination of what can be divided into three focus areas: the development of the individual and their capabilities; societal development; and academic development and the production of knowledge.

Individual development

In terms of individual development, student representatives focused on students' academic freedom as a method of empowering students and developing their abilities to form and express their own opinions through critical and independent thought. Through higher education, students become aware of their options and define their own set of values and

goals in life. These respondents stressed that the purpose of students' academic freedom is to ensure that students form their opinions based on knowledge, as opposed to common convention.

Societal development

Often the focus on individual development was interrelated with the focus on the development of society as one of the purposes of students' academic freedom. Creating an open environment where students can express themselves and challenge ruling ideologies was key for a majority of respondents. One respondent stated that the freedom of expression in the universities, being able to expose and discuss ideas, stimulates economic, social and cultural progress (R3). Some respondents also pointed to the fact that restricting discussion can lead to the spread of harmful ideologies. The purpose of academic freedom for students according to them is to ensure a population that can take the lead in conveying their knowledge, for instance, challenging unsubstantiated statements.

Respondents also stressed how students' academic freedom was important in developing students' democratic values and empowering students to take responsibility for society. As one respondent stated, through this, students would then leave university motivated to work for more cohesion and equality in society (R5).

Academic development

The ties between students' academic freedom and academic development also became clear throughout the interviews. Student representatives emphasised how being a part of the academic community, engaging with students and ensuring their right to express their opinions would lead to development in their academic fields. According to these respondents, the purpose of academic freedom for students is to enable them to participate in creating new knowledge and challenge existing research and theory in their fields. Another example included how allowing students the freedom to choose within their studies would give them the opportunity to see new linkages between academic fields, and how this could lead to innovation in academia.

However, most often, all three of the focus areas were equally highlighted. One respondent (R7) emphasised that the purpose of academic freedom was to empower individuals with knowledge and skills to make their own decisions. The respondent immediately linked this

with how this would then contribute to the production of knowledge, as well as secure sustainable, democratic and social development for the society as a whole.

In sum, the results of the interviews are classified in table five using the indicators from table one of the analytical framework. Results will be discussed and compared with the analysis of the policy documents from the proceeding sub-chapter in chapter six.

Table 5: Overview of the concepts from table 1 in chapter 2.3 used by student representatives, which demonstrates that respondents' answers are closest aligned with the capability approach.

Scholarly approach	**Societal approach**	**Capability approach**
Freedom to pursue knowledge	Freedom to organise	Right to representation
Freedom to choose a discipline	Freedom from interference	Students as members of the academic community
Freedom to choose curricula	Freedom from discrimination	Student-centred learning
Freedom to choose topics of research	Academic freedom as a human right	Engagement, empowerment, emancipation
Access to information	Freedom of association	Liberal education (breadth, interdisciplinarity)
		Access and opportunity in higher education
		Flexibility and choice in studies
		Resources
		Citizenship
		Independence and autonomy

5.3 Threats to students' academic freedom

Finally, respondents were asked to identify current threats to students' academic freedom. Many of the threats are interconnected, and their relationship will be discussed in the following chapter. However, in this analysis, the threats identified are divided into the following categories: student apathy towards academic freedom, threats to the freedom of expression with no platform and safe space policies, society's changing perceptions of the

purpose of the university and the resulting changing conditions that the university finds itself in, and finally the improper implementation of policy on the national level.

5.3.1 Student apathy towards academic freedom

Student representatives pointed out that while the conditions surrounding students' academic freedom vary from country to country, but in many countries students take their freedom for granted. A majority of respondents expressed a concern for what they identified as an increasing sense of apathy towards students' academic freedom in countries where students do not directly observe violations. In contrast, in countries such as Belarus, where the situation is "much worse" (R2), and students are expelled for protesting or given a lower grade for contradicting their professor, student representatives work significantly more intensively with defending academic freedom. Respondents stressed that even in countries where violations may not be directly recognisable, students must work to maintain their academic freedom and not simply react to infringements.

Respondents indicated that a lack of information could be one of the causes of their apathy. Many students go directly from upper secondary school to university, and accept the current situation surrounding students' academic freedom without considering that their rights are different, and in many cases, expanded. Providing students with information about their rights and what academic freedom is could serve to engage students in working to uphold and/or strengthen their freedoms. Respondents placed the responsibility to do so on a number of different bodies, for instance the university (R7), a student ombudsman (R1) or student representatives themselves (R2). Transparency is also essential in motivating students to use their rights, for instance, by publishing the results of quality assurance evaluations and the actions taken based on the results of these evaluations (R1).

5.3.2 Changing perceptions on the purpose of the university

The perceived purpose of the university has also been changing, which a number of respondents cited as a threat to students' academic freedom. According to these respondents, a university education is increasingly understood as a tool necessary for gaining employment, and the purpose of the university as a whole is progressively focused on economic development. This has led to changes in the curriculum, now focusing more on professional

training, as opposed to personal development, empowerment, citizenship skills and critical thought, like that of which is found in a liberal education, according to one respondent (R2).

A number of respondents drew a link between students' apathy and the absence of cohesion in the university. Without feeling like members of the academic community, students view the university as a place to rush through in order to earn a diploma and gain employment, rather than a place for engaging in university affairs to maintain academic freedom and improve their situations.

5.3.3 Changing conditions for the university

Connected to the threats originating from changing perceptions of the purpose of the university is the changing conditions that universities face today, a topic on which ESU has extensive policy[10]. Thus, perhaps unsurprisingly, all seven respondents cited threats related to changes in funding, the influence of external actors, and the marketisation of higher education as threats to students' academic freedom.

Respondents saw the issue of funding as an overarching threat, in that increasing pressure is being put on universities to find alternative sources of revenue, especially due to austerity measures set in place in many countries following the recent financial crisis. Countries have also claimed that funding cuts are made to stimulate university autonomy. This has resulted in an increased reliance on external funding, which, respondents state, has had negative effects on the "real," or substantive, autonomy of the university and academic freedom.

First and foremost, funding from any source comes with a set of conditions that impact the research and curricular priorities of a university. Student representatives asserted that whereas public funding aims to serve the interests of society as a whole, funding from private entities is often channelled to profitable fields and discoveries. For instance, businesses can demand that research is conducted on a specific subject, which then limits the choices that students have in deciding what they research (R2). This may also influence the results of the research conducted, and students may hesitate to speak out against the interests of the external sources (R6). Additionally, curricula may be altered to focus more on professional

[10] For instance, see The European Students' Union (2016b): https://www.esu-online.org/?policy=2016-policy-paper-on-on-public-responsibility-governance-and-financing-of-higher-education. Retrieved 21.09.2016.

training in a specific field than the development students' critical voices and active participation in society (R5).

The increasing funding pressure is also threatening students' academic freedom by limiting access to education. As one respondent (R2) stated, most private funding is not directed to student support services or diversity, which has led to funding cuts in these areas. Funding issues have also led to an increased reliance on cost-sharing measures, or student fees, which also threaten students' academic freedom by restricting access to education, according to several respondents.

As mentioned in chapter 5.2.2, the freedom to organise and students as members of the academic community, a number of respondents also expressed concerns regarding how tuition fees changes the dynamic within the university. Rather than treating students as members of the academic community, academic staff provide a service to paying customers—students. One respondent claimed that this can infringe upon students' right to representation, as market-like mechanisms, such as basing decisions on the principles of supply and demand, steer study content and design, in contrast to equal partnership (R2). According to this respondent, these market-like mechanisms, as a consequence of students paying fees and the increase in private funding, also pose as a threat to students' academic freedom. A higher education curriculum shifts from focusing on the development of students' critical thinking abilities and citizenship skills to providing professional training and what directly benefits the individual.

Another threat related to the changing conditions of the university cited by respondents is the increase in external representatives and actors in the governance of higher education. This was seen as a threat to students' right to representation, as some governing bodies replace seats once reserved for student representatives with external representatives, or shift the balance entirely between representatives of the academic community and external representatives. As a result, external representatives then become equals in deciding upon the development of the university and study programmes, while taking away the power to influence university matters from students and scholars, according to one of the respondents (R3).

5.3.4 Improper implementation of European policy on national level

Nearly all ESU respondents also reported that although policy was relatively defined on the European level, implementation on the national level was non-existent, incorrect or inadequate. Respondents found that often, national policy on higher education is prioritised over European policy (R2), and although policy is agreed upon on the European level, it may not reflect the discussions taking place on the national level, leading to divergences between policy and practical implementation (R4). Additionally, many of the higher education policy commitments are made through soft diplomacy and nonbinding agreements, which can become "glossy words" that carry no real impact on the local or national level (R3).

While the Bologna Process has been an essential tool for ESU in gaining influence on European higher education policy, some respondents questioned the effect that it has had on the actual situation for students' academic freedom. In some cases the Bologna Process has been used to implement unrelated, and sometimes unpopular reforms, such as funding cuts to higher education, according to one respondent (R5). In the monitoring process, some countries also report that they have implemented reforms, but one respondent (R1) mentioned that in practice there are a number of these countries that clearly do not respect any kind of freedom. Another respondent found it ironic that while student representation in the Bologna Process itself has significantly improved, many countries have created a "façade" that they engage with student unions, but students are ignored in practice (R3).

Improper implementation and non-implementation pose as threats to students' academic freedom, as students get confused about their rights and what they should fight for when one country implements reforms in one way and others in a different way (R5). Countries also lose interest in implementing agreed-upon reforms when they observe that other countries do not fulfil their responsibilities, leading to perpetually less effective policy-making on the European level (R4).

However, some respondents had a more positive look at implementation and developments throughout the past 10-20 years. One respondent (R2) stated that student participation has especially improved in Eastern Europe with the introduction of the Bologna Process, and a another respondent cited major advancements in the realisation of student-centred learning (R7). Additionally, although developments have been slow, the agreements made on the

European level, such as the Magna Charta Universitatum and Council of Europe recommendations have been important in working with students' academic freedom. This is due to the fact that student representatives more easily can make demands, referring to the obligations signatories of these documents have made (R2).

5.3.5 No platform and safe space policies

Three respondents brought up the issues of no platform policies and safe spaces (R3, R4, R5). No Platform is a policy most well known through the National Union of Students in the UK, a member of ESU, but also in some universities in the UK (Parekh, 1988). This policy prohibits a set of people and organisations holding racist or fascist views from being given a platform to speak at any NUS event. Safe spaces are arenas in which individuals from marginalised groups can go to avoid facing stereotypes, or where participation requires a particular political stance. These three respondents meant that these types of policies threaten students' academic freedom by limiting students' freedom of expression.

One respondent pointed out that exposing students to differing viewpoints is especially essential today, considering how social media has allowed students to filter and avoid discussions with people with differing opinions (R3). Students should be provoked by a diversity of opinions and build a knowledge base through higher education to discuss and form counterarguments. Although students may not agree with the extreme opinions of male chauvinists or racists, the university "of all places" is where these discussions should take place (R3). This respondent meant that in this way, students themselves are curtailing their own academic freedom.

Another respondent argued that as long as individuals are not promoting "hate speech," there should be no other reason to curtail academic freedom (R4). Hate speech, according to this respondent, infringes upon the freedoms of others, by creating a space where students feel that they cannot express themselves freely. The boundaries between hate speech and infringements upon the freedom of expression are unclear, which problematises the discussion. This has also been a subject of considerable debate, for instance in both American and British media,[11] as well as ESU, according to one respondent (R3).

[11] For instance, see Huffington Post, 19.11.2015: www.goo.gl/WVj2o6, Huffington Post, 10.06.2014: www.goo.gl/SNwJAA, and BBC, 25.04.2016: www.goo.gl/ufwNa4, retrieved 20.09.2016.

6 Discussion

This chapter will discuss the findings presented in the previous chapter in light of the societal, scholarly and capability approach presented in chapter two. This will help in answering research questions one and two by further exploring the overarching concepts found in the policy documents and comparing these with the concepts put forward by the student representatives. Mapping patterns of convergence and discrepancies between policy and practice will bring us one step closer to clarifying what students' academic freedom entails. However, one of the major challenges with this exercise is that in general, the analysis has shown that policy is both vague and underdeveloped, an issue that will be further discussed in this chapter. Finally, understanding the approaches to students' academic freedom can also help in evaluating the threats presented by student representatives in the previous chapter.

6.1 Conceptualising students' academic freedom

6.1.1 The societal approach

Many of the policy documents analysed focused extensively on the societal approach, emphasising the fundamental human rights enjoyed by every citizen and the freedom *from* interference. The explanatory note on Article 13 of the ICESCR is a clear example that translates academic freedom directly to human rights: "Academic freedom includes the liberty of individuals...to enjoy all the internationally recognized human rights applicable to other individuals..." (CESCR, 1999).

The freedoms mentioned in the policy documents aligning with the societal approach included the freedom for individuals to express their opinions, publish their research and form organisations and a number of others. The societal approach was especially prevalent in binding policy documents, for instance, in which academic freedom itself was not a term used, but was rather considered protected through the basic rights and freedoms otherwise listed in the documents, as was found in the Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe, 2012a).

When students were asked to briefly provide a definition of students' academic freedom, student representatives also highlighted general human rights as a basic cornerstone of

students' academic freedom and the importance of discussion in the creation of knowledge, thereby the freedom of expression, as well as the freedom of association and to organise. However, representatives began elaborating and were later asked specifically about the relationship between students' academic freedom and the indicators developed in the analytical framework[12], as well as the purpose of academic freedom. Their answers pointed rather to the protection of students' human rights as a method of ensuring their development as autonomous individuals. In other words, safeguarding students' human rights was not seen as a goal in and of itself, but as a means to achieving the goal of developing critical individuals that know how to exercise these rights. For instance, respondents emphasised the importance of the freedom of expression in the classroom and being able to challenge the ideas of their professors as an essential element in fostering their reasoning and critical skills to feel empowered and practise their freedom of expression.

Students representatives' divergent perceptions on the freedoms included in the societal approach point to the necessity of complementing this approach with other approaches in order to fully comprehend students' academic freedom. Karran (2009a) also problematises the issue of defining academic freedom as exclusively synonymous with the human rights awarded each citizen. Although the terms are "symmetrical and overlapping" (Olivas 1993, 1838 in Karran 2009a), academic freedom provides a specific set of rights for those who perform academic activities in order to successfully undertake these activities, which Shils (1995) for example, defines as teaching, research and reflection on the results of published research results.

6.1.2 The scholarly approach

This leads us to the discussion on the scholarly approach, which understands students' academic freedom as a special set of rights earned by participating in the objective search for truth. Common to both the responses from the student representatives as well as a number of the nonbinding policy documents, the right to learn, access information, enjoy the freedom of movement and the freedom of choice, which characterise the scholarly approach, were cited as elements of students' academic freedom. However, only access to information was identified as a freedom specific to members of the academic community in the binding documents.

[12] See table 1 in chapter 2.3.

While a number of respondents considered the importance of specific freedoms dedicated to members of the academic community, like the societal approach, these freedoms were considered essential in the creation of knowledge not only for academia's sake, but also for societal development and empowering students to exercise their freedoms. For instance, the freedom of choice and access to information were considered elements of students' academic freedom equally as essential as the freedom of expression and the freedom of association; the latter not protected by the scholarly approach.

The discrepancy between the data collected and the concepts characterising the scholarly approach suggest that this approach is not adequate in explaining the notion of students' academic freedom. Based on the Humboldtian model of Lehr- and Lernfreiheit, which originates from the nineteenth century, the scholarly approach appears to no longer provide a comprehensive overview of what students' academic freedom entails and must be complemented by other approaches. The university is much more than a place that simply trains new researchers (Tight, 1988). As Tight (ibid.) states, "Times have changed" (121).

6.1.3 The capability approach

The capability approach recognises that the utility of the negative freedoms found in both the societal and scholarly approach, such as the freedom of expression and the freedom of choice, are contingent upon the development of students' capabilities required to exercise these freedoms. In other words, securing students' academic freedom is not only a goal in itself, but a means to a goal. For instance, the freedom of expression in the classroom is necessary, however as a tool to engage students in order to stimulate their critical thinking, challenging common perceptions and fostering their ability to develop reasoned opinions.

This was the most common approach taken by student representatives interviewed in this study. Mainly documents that are nonbinding also take this approach, focusing on elements such as student-centred learning, access to education, individual autonomy, participation and empowerment. However, the relationship between these characteristics and students' academic freedom was indirect in the policy documents employing the capability approach, with the rights of students generally scattered throughout the texts. One binding document, the ICESCR, for instance, stressed the relationship between the right to education and both

individual development and the advancement of human rights (The United Nations General Assembly, 1966b).

In contrast, student representatives often took a sharper stance on each of the elements, which they considered *direct* methods of securing students' academic freedom. In general, the issue for respondents was that students' academic freedom remains intangible, only on the conceptual level, if students do not know how to practise their freedoms. The purpose of higher education is to teach, or more specifically, empower students to do so.

First, observing one of the most common rights found in the policy documents, the right to education: any direct relationship between students' academic freedom and access to higher education was not found in the policy documents. However, some policy documents did address the issue of access to education in conjunction with ensuring students' resources, for instance through the provision of student welfare services and both financial and academic support, as was found in the UNESCO communiqué. Student representatives, on the other hand, saw a direct link between students' academic freedom and access. A number of the nonbinding policy documents coincided with the views of student representatives in that the right to access higher education is not simply granted upon admission to the university. Still, respondents stressed that the freedom of expression, the right to representation and the opportunity to choose different course modules—truly participating in the academic community and taking responsibility for their learning—is dependent upon having the time to study and the guidance, or resources, to make conscious decisions. In other words, resources ensure students' substantive academic freedom, the genuine freedom to choose what, where and how to study.

Both student representatives and a number of nonbinding documents also stressed the importance of considering students as members of the academic community and ensuring their right to participate as equal partners in the governance of higher education. The purpose of students' academic freedom is not only for the development of knowledge, like that of the scholarly approach, but also for the development of a democratic, participative society. These issues were raised in the UNESCO Communiqué, the Council of Europe Recommendation and the Bologna Process—policy documents developed in arenas where student representatives have been officially represented and particularly active, indicating successful alignment between these policies and the views of student representatives.

6.2 Comparing paper and practice

After having evaluated the different approaches used in understanding students' academic freedom, some general remarks must be made in order to complete the discussion on related to research question one *How is students' academic freedom understood in European and international policy documents?*, and research question two, *How do student representatives on the European level define the concept of students' academic freedom, and how does this compare with what can be found in policy documents?*

First, some overarching observations on the document analysis must first be provided to grasp the context of the comparison in answering research question two. In general, specifically what students' academic freedom entails and the rights that accompany it were either omitted or left vague in each of the policy documents, supporting Macfarlane's (2011) assertion that concept has largely been overlooked and underdeveloped.

In addition, the policy found in the nonbinding documents generally coincides with the perspectives presented by the student representatives to a much larger extent than that of the binding documents. However, specific references to academic freedom are seldom made in binding documents, and it appears that the more detailed the rights of students are in a policy document; the more likely the document is nonbinding. Still, no *direct* links between students' academic freedom and students' right to a flexible education, access to education and providing students with the resources for students to exercise and expand their freedoms were found in any of the policy documents. Even nonbinding documents provide significantly more imprecise definitions of the term than those presented by the student representatives interviewed in this study.

In other policy documents, students' academic freedom is not granted as an absolute right in and of itself, but conditional upon particular circumstances, taking the Magna Charta Universitatum as an example. Without clearly defining the set of circumstances required for academic freedom to be applicable to students, safeguarding their rights becomes problematic, the natural consequence being that the freedoms awarded to students are subject to the will of other authoritative bodies or figures. Determining specific circumstances for when students' academic freedom can be guaranteed also serves to divide the academic community and allows for the provision of a weaker set of freedoms for students than staff.

Additionally, in several of the documents, it is unclear as to whom is entitled to academic freedom, while in other documents, the rights of staff are significantly more detailed than those of students. In contrast, student representatives believed that as members of the academic community, like academic staff, they should be entitled to the same rights and freedoms as their equal counterparts. Barnett (1990) and Macfarlane (2011) argue that students have remained excluded from the debates on academic freedom, due to the fact that students are often considered novices that do not possess the necessary knowledge to make informed decisions. Despite the increased focus on using pedagogical methods that increase student choice and reinforce their role as co-producers of knowledge, excluding students from discussions on academic freedom seemingly reflects a continued hierarchical relationship between teacher and students, an issue student representatives expressed concerns about. Students' freedoms then become a by-product of the freedoms awarded staff, once again placing students in a position of dependence on the will of their teachers to award them their freedoms. In these scenarios, staff then have the potential to take advantage of the situation, for instance by giving lower grades to students that disagree, as respondents mentioned.

Ultimately, leaving students' freedoms vague or undefined makes it difficult to protect them. Looking at the case of the EU's Charter on Fundamental Human Rights, where "The arts and scientific research shall be free of constraint. Academic freedom shall be respected" (European Union, 2012), only one case concerning academic freedom, unrelated to students' academic freedom, has been brought to the European Court of Justice since the Charter came into force. Both what academic freedom is and to whom it applies is left undefined, making it difficult for individuals to understand their rights and bring cases to the court. Other articles may protect certain elements of academic freedom, such as the freedom of expression, however ensuring academics' general freedoms that all citizens enjoy, thereby applying the societal approach, is not always enough to protect the role of academics in their special task of producing knowledge, as discussed in chapter 6.1.

Nonetheless, as mentioned, what can be noted is that by and large the views of student representatives are represented in the documents developed in arenas where ESU is present, the Bologna Process in particular. Although students' academic freedom is not explicitly defined, the Bologna Process has generally applied the capability approach to students' academic freedom, focusing extensively on developing students' ability to make rational

choices and form critical, reasoned opinions, and ministers recently committed to protecting students' right to academic freedom.

Though the views of student representatives arguably are best represented in policy documents originating from the Bologna Process, this is not unproblematic. As Vukasovic, et.al. (2015) found, while the Bologna Process remains an important arena for stakeholder organisations such as ESU, it appears to be losing its importance for the member countries. This has been observed by negative changes in rank and size of national delegations at the ministerial meetings, particularly among EU member states. This may be due to the increasing significance of the EU in higher education policy (ibid.), despite their lack of formal competence in the field. Comparatively speaking, however, the document analysis indicated that EU policy on students' academic freedom is significantly less defined than that of the Bologna Process, making the potential decline in the significance of the Bologna Process a challenge for student representatives to ensure that their views are reflected in European policy.

6.3 Threats

Having reached a better understanding of the convergences and discrepancies in the approaches to students' academic freedom between policy and the views of those who work with the concept in practice will now assist in identifying the sources of the threats presented by student representatives, and how they can be addressed in order to nurture students' academic freedom.

To start, as discussed in the previous section, the lack of a clear understanding of what students' academic freedom entails may be contributing to the improper implementation of students' academic freedom. One of the potential sources of improper implementation may be related to the indication that nonbinding policy documents often provide more detailed descriptions of the freedoms and rights that should be allotted to students, while binding documents remain considerably more vague. Often, the ratification of nonbinding policy documents by elected bodies is not necessary, and countries may reject any legal responsibly or sanctions for non-compliance (Schachter, 1977), meaning that these documents may lack the type of political force necessary to commit to full and prompt implementation. Countries'

reluctance to develop more detailed binding policy may be a reflection on their level of commitment to the protection of students' academic freedom.[13]

The lack of clear policy on students' academic freedom may also be a contributing factor to students' apathy towards their academic freedom, identified as a threat by each of the respondents. Though ESU has clear policy on the issue by way of their Students' Rights Charter, respondents pointed out that even ESU struggles with engaging their members at the national level and communicating their message to the everyday student, which can lead to challenges in empowering students to exercise their rights and generate a combined effort to protect and expand their academic freedom.

Respondents also pointed to an increasing focus on employability and the economic benefits of higher education as a threat to students' academic freedom, which has been categorised in this thesis as the changing conditions and perceptions of the purpose of higher education. This was detected in policy documents from the Bologna Process for instance, and can also be found in a number of other policy processes, such as the European Union's Europe 2020 (EU 2020)[14], Education and Training 2020 (ET 2020)[15] and the most recent Skills Agenda for Europe[16]. Instead of emphasising the development of the human being as a whole, like that of the capability approach, discourse on higher education policy is increasingly based off of human capital theories and emphasises the development of job-specific skills (Slaughter and Leslie, 1997; Hinchliffe, 2002; Walker, 2003 in Lozano, et.al., 2012). This may be influencing society's perceptions on the purpose of higher education, leading to students' lack of interest in engaging in university life, exercising and expanding their academic freedom—yet another threat identified by respondents. Barnett (1988) attributes students' apathy towards their academic freedom to the students themselves, who are focused solely on their individual interests—the economic return on their academic endeavours. However, the political discourse focusing on employability and the instrumentalisation of higher education arguably not only affects and reflects individuals' perceptions of the purpose of higher education, but also affects their perceptions and attitudes towards students' academic freedom.

[13] Reaching any type of conclusions related to this issue, however would require further research, for instance by conducting interviews with state representatives involved in these processes.
[14] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:2020:FIN:EN:PDF
[15] http://ec.europa.eu/education/policy/strategic-framework_en
[16] http://ec.europa.eu/social/BlobServlet?docId=15621&langId=en

As previously mentioned, in many respects the policy of the Bologna Process converges with the views of the student representatives interviewed in that it emphasises many elements of the capability approach. However, it may simultaneously be a contributing factor to the threat of changing conditions and perceptions of the purpose of higher education that student representatives identified. What Lozano, et.al. (2012) calls the competencies approach has been guiding the development of higher education policy within the EHEA, standardising curricula based on training students in 'workplace skills,' solving specific problems to meet the demands of employers in an effort to increase compatibility. In contrast, the capability approach serves to fulfil what a number of respondents perceived as the mission of higher education, namely to contribute to society as a whole by giving students their academic freedom and rights to further develop their autonomy and critical and reflective capabilities.

According to Macfarlane (2011), the Bologna Process has also led to a diminished focus on liberal education, an important component of the capability approach. In order to increase compatibility and efficiency, the Bologna Process has reformed the degree structure, compressing undergraduate degrees from what was customarily four years in a number of countries, to three years. European universities have reported that, "the change has not led to meaningful curricular renewal, but rather to compressed Bachelor degrees that leave little flexibility for students" (Sursock & Smidt, 2010). Degrees contain little emphasis on breadth, interdisciplinarity and overall human development, as students are rushed through highly specialised programmes with few options to add breadth by choosing courses outside of the core curricula (Macfarlane, 2011). Despite the emphasis on providing students flexibility in their education programmes, the changes in the perceived purpose of higher education as witnessed in the policy documents of the Bologna Process may simultaneously be diminishing the freedom of choice student representatives identified as a key element of students' academic freedom.

Furthermore, universities are accountable to increasingly diverse funding sources: the public, students and external sources, each expecting universities to be more efficient and effective in delivering education that suits their needs. Student representatives defined this as the threat resulting from the changing conditions of the university. As Love (2008) pointed out, the customerisation of teaching and learning due to the marketisation of education and cost-sharing mechanisms is changing the relationship between students and staff, where the teacher is a service provider expected to satisfy the demands of students. Student

representatives agreed; this ultimately limits students' academic freedom as seen from the capability approach. The conditions of the university should work to enable a learning process in which, "The teacher is not there to satisfy the student but to dissatisfy; not to provide but to demand. To expose the student to the question to such a degree that the student is able to question the contented knowledge of pedagogy and of self; to elicit from each student a question that opens that student to an exteriority within herself" (ibid., 28).

One final issue that three respondents brought up is the no platform and safe space-policies. Identifying these policies as threats can be considered more closely aligned with the capability approach. In this case, these respondents stressed the importance of the freedom of expression as a method of encouraging students to challenge existing knowledge and theory in their discipline, as well as their professors, fellow students and others in order to develop their capability to build reasoned, autonomous arguments. Parekh (1988) defines this as the open door policy, which argues that because the academic community consists of individuals trained or being trained to critically analyse unfounded values and ideas, the university, as R3 agreed, "of all places," should ensure an even greater freedom of speech than any other societal institution and welcome anyone who has something to say.

Conversely, the use of no platform and safe space policies could also be considered a method of securing students' academic freedom from a perspective closer to the societal approach, in the students' freedoms are limited to fit with the purpose of the university, which is to develop knowledge. In this case, one could argue that hateful language supresses other students' freedoms to freely express themselves by way of intimidation and ridicule.

Parekh (1988) argues that while the open door policy that the respondents closely aligned themselves with, as well as the no platform policy each have valid arguments, both draw invalid conclusions. Ultimately, an age-old philosophical dilemma, the question is how the freedoms of one group can be balanced to ensure the freedoms of another, demonstrating that the boundaries of students' academic freedom are difficult to reconcile and present yet another challenge to defining students' academic freedom in policy. Parekh (ibid.) presents a solution in which the freedom of speech should be ensured for those who are willing to participate in and make a relevant contribution to the academic discourse on the subject matter. How well this works in practice remains to be seen.

7 Conclusions

In contrast to the extensive amount of material on the topic of academic freedom for scholars employed by the university, academic freedom for students remains an underdeveloped concept in the field of higher education research. The purpose of this case study has been to examine different ways students' academic freedom is conceptualised on paper and investigate how it plays out in practice through an analysis of how student representatives define the term and the types of threats they threats identify. The ultimate aim is to contribute to establishing a comprehensive overview of the phenomenon.

The study began by delving into the processes that formally regulate the concept, answering the first research question (RQ1), *how is students' academic freedom understood in European and international policy documents?* The findings indicate that the concept remains undefined, at best vague, in the policy documents examined, and those that are considered legally binding in particular. In certain documents, academic freedom is not addressed at all, leaving students only indirectly protected by way of the human rights all citizens in a democratic society are entitled to, such as the freedom of expression and association. These types of freedoms arise from the use of what was identified in this study as the societal approach, generally considered as the freedom *from*. In contrast, nonbinding documents provide more detail on students' rights yet still offer no explicit definition of academic freedom. A number of these documents also emphasise elements taken from the societal approach, focusing on freedoms necessary for fulfilling the task of the university. However, some also apply the capability approach, such as student-centred learning, developing students' critical thinking abilities and ensuring students' freedom of choice.

Several policy documents confirm the assertion that academic freedom largely remains reserved for academic staff, while the importance of students has been ignored (Barnett, 1990, Macfarlane, 2012). In these documents students occupy a different role with a separate set of freedoms, which may even be conditional based on undefined circumstances. In general, students' academic freedom is not as well defined and institutionalised in policy documents on the European and international level as that of academic staff, which presents challenges in being able to defend it.

Based on these results, student representatives from ESU who work with the concept in practice were then interviewed, providing the data to answer research question two (RQ2): *How do student representatives on the European level define the concept of students' academic freedom, and how does this compare with what can be found in policy documents?*

The findings of this study conclude that there are a number of divergences in perceptions of the student representatives interviewed versus the policy documents analysed. For student representatives, students' academic freedom has a much broader definition than what was found in the policy documents. Academic freedom is not simply a goal in itself, but part of a bigger picture. In other words, the freedom of speech, common to the societal approach, and the freedom of choice, found in the scholarly approach, are not enough on their own to fully grasp how student representatives understand students' academic freedom. Instead, the freedoms identified using these approaches are a means to developing students' capability to use these freedoms in the classroom thus achieving the goal of greater freedom in society *following* their education. Student representatives saw the importance in understanding that students are members of the academic community, and as such, entitled to be treated as equal partners in developing curricula and other decision-making processes. Once again, this was also echoed indirectly in several of the policy documents, though unclear in most.

The right to education was also addressed in nearly all of the documents, however it was only the student representatives that identified access as a *direct* component of securing students' academic freedom. Once again applying the capability approach, student representatives emphasised that students' academic freedom entails not only entering the university; it is also dependent upon ensuring that students have the sufficient resources to fully participate in and complete their education. Resources include, for instance adequate academic guidance, affordable education and financial support, all of which enable students to reach their fullest potential in developing their independence as learners and thinkers (Macfarlane, 2011).

The findings also indicate that the views of the student representatives are often better reflected in documents originating from platforms where ESU is represented; ESU's presence in policy development appears to have had an effect. However, in answering research question three (RQ3), *What are the perceived major threats to students' academic freedom today?*, yet another interesting finding was that a number of the policy documents most compatible with the views of student representatives and using the capability approach to

academic freedom, also contain policy that promotes several of the threats respondents had identified. This was the case especially for the documents originating from the Bologna Process, which on the one hand emphasise student-centred learning, student choice, equal partnership and protecting students' academic freedom, while on the other hand promote the attainment of employable skills and adapting education to the needs of the labour market. The Bologna Process also appears to be losing its significance as the EU expands its influence in the field of higher education (Vukasovic, et.al., 2015). However, as the document analysis showed, the EU, through its Fundamental Human Rights Charter, formally protects academic freedom, but neither defines its content nor specifies whether it pertains to students, leaving a gap in policy that can present challenges in protecting students' academic freedom.

Understanding the different approaches to interpreting students' academic freedom and identifying discrepancies between policy and those who work with the concept in practice can assist in the further assessment of threats students face regarding their freedoms. In summary, student representatives reported additional threats related to students' apathy to their academic freedom, changing conditions and perceptions of the purpose of the university, improper policy implementation, followed by what some representatives identified as threats to the freedom of expression, or no platform and safe space-policies.

Again, a number of threats were identified on the basis of student representatives' use of the capability approach in understanding students' academic freedom, and most of threats are interrelated. Students' indifference towards their freedoms and rights may be a result of the changing perceptions of what the role of the university is in society. For instance, aiming at increasing the efficiency of higher education, the introduction of shorter degrees through the Bologna Process entails less breadth in courses, less student choice in selecting electives and increasingly specialised education (Macfarlane, 2011). As policy focuses on education for employment and less on participating actively in their academic life, students become progressively more concerned with simply finishing their degrees as quickly as possible.

The changing perceptions of the purpose of the university have also developed amidst a number of changing conditions for the higher education sector. Throughout the past decades, accountability, the evaluation of academic performance and increasing marketisation and commercialisation of teaching and research have been accompanied by pressures on funding (Åkerlind & Kayrooz, 2003), issues each of the respondents identified. According to

respondents, the growing dependence on cost-sharing mechanisms is transforming the relationship between students and academic staff from one based on membership in a community with the common goal of knowledge production, to a situation where students are treated as customers and universities as service providers, known as the 'customarisation' of higher education.

Investigating the issue of no platform and safe-space policies has also shown a tension between the different approaches to students' academic freedom and the difficulties in drawing its boundaries. The capability approach stresses the freedom of expression in an effort to challenge ruling ideologies and develop students' ability to reason, a view that several respondents shared. However, the societal approach also secures the freedom of expression, but also permits limiting certain freedoms in order to ensure that the purpose of the university—the production of knowledge—is fulfilled. The challenge remains in resolving how students' academic freedom can be defined and protected while ensuring that the freedoms of one student do not infringe upon the rights of others.

Based on the overview of differing interpretations of students' academic freedom as well as its status in practice, several policy recommendations can be made. First, the lack of a solid definition appears to be contributing to what many student representatives identify as a major threat to students' academic freedom, in that existing policy on the European level is either insufficiently, incorrectly or simply not implemented at the national level. As has been demonstrated by this study, academic freedom comes in many forms, which is why, "courts and scholars alike should resolve that when they speak of academic freedom they will define their terms, ask the difficult questions and follow the argument where it leads" (Stuller, 1998, 342 in Karran, 2007, 291). Without a comprehensive definition, a common understanding and unified action to protect academic freedom is difficult to achieve (Altbach, 2010). From the European context as a whole, as the EU increases in activity in the field of higher education, creating a consistent definition of students' academic freedoms and rights will be especially important considering the current policy gap and priorities conflicting with the perspectives of student representatives uncovered in this study.

Tools for evaluating the status of students' academic freedom across Europe must also be developed. Through further research and data collection, criteria could be developed for assessing the level of freedom for students in different countries, creating a "world academic

freedom barometer," as has been developed for human rights, corruption and even happiness (Altback, 2010, 210). An attempt at assessing the level of academic freedom for staff in the EU was conducted by Karran (2007), however, he suggests that a parallel assessment of the level of academic freedom students experience should also be conducted. After having defined academic freedom for staff and students as a commitment of the Bologna Process in 2015, this could feed into the work of the EHEA in monitoring implementation on the national level.

This case study has contributed to the limited literature available on students' academic freedom, as well as a comprehensive overview of its current status and potential outlook, followed by a set of policy recommendations on how to address the issues that have been uncovered in this study. Although the study has been small in scale, it has opened doors for further areas of research. A quantitative study with a much larger sample could improve possibilities for generalisation and in attempting to formulate a concrete definition of students' academic freedom. In addition, while the focus of the study has been on the views of student representatives, those who experience academic freedom on a daily basis, namely students themselves, may have contrasting views worthwhile to explore. A comparative analysis could also be conducted based on a sample of students from different countries or regions to attempt to gain an understanding of how historical and cultural background, which may uncover further variations in the perceptions of students' academic freedom. Do students in Romania define academic freedom for students differently than students in Spain? A related study could also involve selecting a sample of student representatives from different regions around the world to explore possible commonalities and divergences in the sources of threats facing students in each of the regions.

Finally, investigating the perspectives and roles of academic staff could provide for valuable insight and a deeper understanding of academic freedom as a whole. This could be done in several ways. For instance, data could be collected on how academic staff from a specific university or country perceive the concept of students' academic freedom. A case study on Education International, the trade union for staff on the international level, could also be conducted and compared with the results of this study. Finally, placing students' academic freedom in a broader context, one could examine how it is conceptualised in comparison with the rights of staff. In other words, a question many student representatives interviewed in this study pondered, is academic freedom for staff the same as academic freedom for students?

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Apendix

Apendix 1: Interview guide

- Introduction of the research objectives
- Ensure anonymity and confidentiality
- Confirm consent to participation and recording

1. **Background questions**
    1.1. Name
    1.2. Country
    1.3. Educational background - study field, level and number of years as a student
    1.4. Originating student organisation
    1.5. Title/role in the organisation
    1.6. Number of years in the organisation
    1.7. Role in ESU?
    1.8. Number of years in ESU?

2. **Defining students' academic freedom**
    2.1. How do you define students' academic freedom?
    2.2. What is the relationship between the following elements and your idea of students' academic freedom?
    - Student welfare conditions
    - Student financial support
    - Tuition fees
    - Student representation/participation/governance
    - Student choice and autonomy (e.g. study paths, assessment methods, literature)
    - Student-centred learning
    - Freedom of expression
    - Freedom to organise

    2.3. What is the purpose of academic freedom for students?

3. **Delineating students' academic freedom**

3.1. Do you believe that the academic freedom of staff can come into conflict with the academic freedom of students?
3.2. Are there any limitations to students' academic freedom that you find reasonable or do you believe that students' academic freedom is an absolute right?
3.3. What kinds of limitations on students' academic freedom the universities must set? Do you believe that the responsibilities of the university (to set grades, setting rules, awarding diplomas, create a curricula etc.) can come into conflict with students' academic freedom?
3.4. Is there a difference between students' academic freedom and the freedoms enjoyed by citizens?

4. **Experience in the field**
    4.1. What kind of experience do you have working with students' academic freedom?
    4.2. Have you ever received complaints about academic freedom violations in your role as a student representative? If yes, what are they about? How are these dealt with?

5. **Threats and developments**
    5.1. How much do you believe that students care about their academic freedom?
    5.2. What would you say are the biggest threats to academic freedom today?
    5.3. How do you think the conditions of students' academic freedom have changed throughout the past 10-20 years?
    5.4. There are laws, treaties or documents on academic freedom on the European or international level, even on the national level, how well do you believe that ESU's views are represented in these?
    5.5. What kinds of initiatives would you say are relevant for students' academic freedom on a European and/or national level to promote students' academic freedom?