

Defending academic freedom: arts and humanities research as constrained writing

Abstract

This article notes that while there is a large literature lamenting increasing assaults on academic freedom, there is little address to ways in which it might be preserved. Sampling that writing, it finds some concern with protecting academic freedom in extreme scenarios, via discrete programmes, and generalised dissidence, but no discussion of determinate action applicable to all Arts and Humanities research. Defining academic freedom via the UK's legal framework and elaboration in Judith Butler's writing, the article inventorises significant assaults in recent times, noting the roles of government and the market in such. Following the literature review, it proposes a new, interventionist tactic for preserving academic freedom, suggesting that undue constraints should be annotated when research is written up, and that this space should also be used to suggest constructive alternatives. This strategy is demonstrated as the article acknowledges some of the constraints on its own production and suggests redress.

Keywords

Academic freedom; universities' autonomy; Arts and Humanities research; United Kingdom government: Higher Education; Judith Butler; Stefan Collini; government and market incursions; Prevent; REF; TEF; intervention; positive and negative critique; art as research; footnotes / the parergon as resistance.

Academic freedom: In an ideal world

In 1998, as a young lecturer teaching on a Fine Art degree, I purchased a small book: *An Ideal Syllabus: Artists, Critics and Curators Choose the Books We Need to Read*, edited by the American art-critic, Jerry Salz (1998).

Then, as now, the idea of insisting upon a syllabus was not in tension with the notion of academic freedom, providing prescription occurred from inside a disciplinary field in the interests of that field; by those involved in its delivery, as artists, critics and curators are for art-education. Time and again, in Salz's book, 'an ideal syllabus' is predicated on nothing more interested than the trajectory of a given intellectual project. So these booklists are 'ideal' in both the ordinary sense of the term (the 'best'), and in its philosophical inflection, as they are determined by the realm of ideas rather than material reality.

Twenty years on, and things have changed considerably following the rise of neo-

liberalism in the 1980s which started to reverse ‘eight centuries’ of universities’ ‘relative autonomy’ and which saw ‘[t]he corporatization of the university [...] around the world’ (Hearn, 2003). Or as Stefan Collini writes: ‘[m]uch of our contemporary discourse about universities still draws on, or unwittingly presumes [...] the idea that the university is a partly protected space in which the search for deeper and wider understanding takes precedence over all more immediate goals’ while adding that ‘we may be nearing the point, at least in Britain, where [that version of the university] is starting to give way’ because ‘[i]f “prosperity” is the overriding value in market democracies, then universities must be repurposed as “engines of growth”’ (Collini, 2016).

Now, questions of curricula are far more often subject to non-subject-based concerns, and in particular, determinations originating in political economy, ranging from the introduction of tuition fees which, in the UK, occurred in 1998, to government initiatives proscribing and prescribing certain kinds of speech. So when writing a new syllabus, or revising a curriculum, I frequently find myself being asked to refer to institutionally prescribed agendas; for instance, university strategies. Amongst other things, these agendas frame curriculum development with a set of abstract concepts – such as ‘practical wisdom’ – to be realised either as curriculum content and/or as teaching and learning strategies. And while these concepts are broad enough to be embodied in diverse ways, and may be addressed at any point in the process of curriculum design, e.g. as an over-arching scheme that sets other things in motion, or as a thread to be entwined with others, they nevertheless occupy curriculum-space. Certainly, it can sometimes seem that there is little room for academics’ chosen content once external agendas have been heeded.

To note this is not to say these schemes are not well-intentioned. Demonstrably, they are, and often specify ideas and values that are central to Arts and Humanities agendas. But the point remains: that this is an extra- disciplinary direction of curricula that is symptomatic of a host of initiatives that (also) impact research. As Robert M O’Neil writes: ‘[i]n an ideal world [...] legislatures, boards, and administrators would always recognize the need for independent thought and inquiry on a campus. But that is not the world in which we live’ (O’Neil, 2008: 1).

Academic discourse: Freedom, and legitimate constraints

In discussing academic freedom, I refer the concept to two frameworks. First, as a UK academic, I will look to the legal setting in which my academic freedom operates, and then to Judith Butler’s philosophical interrogation of the term in ‘Critique, Dissent, Disciplinarity’ (2009).

The legal framework in the UK

As the University and College Union ('UCU') notes, 'academic freedom' is enshrined in law: 'the 1988 Education Reform Act [in the UK] established the legal right of academics' to 'question and test' (UCU is now quoting the Act itself) 'received wisdom and to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs or the privileges they may have' (UCU, 2009). This frames 'academic freedom' as a 'negative liberty', entailing the 'absence of obstacles, barriers or constraints' (Carter, 2016) or freedom from punishment for what might be described as 'academic self-expression'.

And yet, this 'freedom' is relative. Even in legal terms, it is a 'qualified right' – subject to other laws – which may, in certain instances, over-ride academics' self-expression. As UK legislation states:

The exercise of these freedoms [of expression, including Academic Freedom], since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary. (United Kingdom Government, 1998: 10.2)

As this text proposes, even in a basic juridical framework, 'academic freedom' opens onto convolution, if largely for reason of its imbrication with responsibility. Judith Butler's essay usefully expands and explores the concept's complexity.

Judith Butler: Academic freedom and the state

Approaching the subject of academic freedom via Jacques Derrida among others, Butler addresses the way in which it involves an elaborate and potentially paradoxical exchange of power between University and state, which goes beyond a simple if qualified freedom.

As Butler writes:

[t]o make a strong case for academic freedom, we have to understand the kind of freedom we are defending and to be able to describe its permutations. If a certain kind of critical operation of thought is part of the very exercise of this freedom, then we have to specify the sense of critical that we consider worth defending. (Butler, 2009: 775)

For Butler, this 'sense of the critical' begins with 'its formulation in Kant' for whom it is 'bound up with the question of legitimate and illegitimate state interventions in academic life' (Butler, 2009: 776). For Kant, Butler notes, critique is identified with the discipline of philosophy. Philosophy, whose critical task is to

‘test public views and proclamations against the laws of reason, and to maintain autonomy in relation to public directives of all kinds’, is ‘thus defined as unconstrained [by the state] precisely through its critical function’ (Butler, 2009: 779). This sets philosophy apart from other disciplines ‘whose task is to expound and maintain the public good’ and which are therefore understood as ‘legitimately governed by politics (Butler, 2009: 779).

However, proceeding via Derrida, Butler then proposes, deconstructively, that in several ways, (Kant’s) philosophy is *not* free of the state. First, ‘state power operates to support philosophy’ when ‘the form that support takes is to withdraw supervision over the paths that philosophy takes’ (Butler, 2009: 780) and second, ‘philosophy comes to be defined by what it is not’, when ‘its lack of constraint depends upon the constraint imposed upon other disciplines or faculties’ (Butler, 2009: 779). While most working understandings of academic freedom look towards the first point (it is realized in the ‘Haldane principle’¹), the second is more abstruse, in referring an outmoded understanding of ‘the disciplines’ to a form of structuralist analysis.

Certainly, in this political-institutional account of academic freedom, the idea of an ‘uncontaminated’ realm for such appears less simple. And there is more. As Butler goes onto note:

conversely, philosophy [underwritten in its ‘freedom’ by the state] names the moment in which reason, defined as the power to judge autonomously, establishes the possibility for political dissent, that is, for refusing to accept certain commands or sanctions from the state as legitimate. (Butler, 2009: 780)

Thus philosophy, permitted by the state to critique is, by virtue of that licence, permitted to critique the state with a ‘sort of questioning, which is not necessarily grounded in existing convention or established norm, but which takes existing conventions and norms as its objects’ (Butler, 2009: 786). And invoking Michel Foucault, whose essay ‘What is Critique?’ (1997) informs her article more than deconstruction, Butler proposes that academic freedom enables the expression of ‘how not to be governed’ (Butler, 2009: 791).

This understanding of academic freedom opens on to all sorts of issues and scenarios. One, which is pertinent to this discussion, concerns the reflexive return of academic freedom so construed. For in threatening the existence of the state, when that underwrites academic freedom, academic freedom comprises the potential to remove the conditions of its own existence. As Butler writes:

But the very granting of the right of dissent, although an act of power, is also an act in which power checks itself. In other words, the state derives its own legitimacy through granting rights of dissent, but to the extent that it cannot control the terms of dissent, it also allows for a deterioration of its own claims, a suspension of its own mandate, and

even a withdrawal or compromise of its own sovereignty. (Butler, 2009: 793)

When critique (as an aspect of academic freedom) has such tremendous power, two things must be noted. First, that for Butler, critique does not appear to need the university because it occurs ‘every time and any time the question of what constitutes a legitimate government command or policy is raised’ (Butler, 2009: 780). And second: that pursuing her critique of Kant via Derrida, Butler queries the exclusive identification *within the University* of philosophy with critique. Seeming to refer this to the problem of Kant’s ‘translation’, i.e. application to ‘the present’, Butler proposes that ‘the operation of critique takes place [not only] within the discipline of philosophy’ but also ‘every place and any place its distinguishing questions get posed’ (Butler, 2009: 780). From this it follows that critique belongs ‘as Derrida has insisted, throughout the university’ (Butler, 2009: 780). This understanding of critique defines the current scope of academic freedom: as encompassing all disciplines. And as others have noted, it may also include the inter-disciplinary, except in its instrumental form ‘as a problem-based practice governed by determinants outside the walls of the university’ (Hearn, 2003).

In summary, for Butler then, ‘academic freedom’ as an attribute of academic speech that exists throughout the university, is disturbed in its simple being, in a range of ways; for example, as it threatens the conditions of its own existence. Typically these disruptions demonstrate that, deconstructively, freedom of speech and critique are imbricated in non-freedoms not only constitutively, but also causally and consequentially. That said, it is clear that as soon as the state withdraws its withdrawal of ‘supervision over the paths that philosophy [and any other discipline] takes’, academic freedom, as Butler understands it, has been compromised (Butler, 2009: 780). But as she reminds us, ‘in our contemporary predicament, it is not only the state that exerts consequential pressure on the course of academic and intellectual life (so do political lobbies, alumni associations, the media, and other funding agencies)’ (Butler, 2009: 776).

I now turn to look at these ‘pressures’, as manifest in the UK, and as they pertain in broad terms to Arts and Humanities research.

An inventory of incursions on academic freedom

The list that follows, which is not exhaustive, but which may be the first inventory of its kind, is informed by my experience as a Higher Education teacher and researcher in dialogue with key reading in the field: for instance, Stefan Collini’s *What Are Universities For?* (2012), ‘Who are the Spongers Now?’ (2016), and *Speaking of Universities* (2017). And while some of the initiatives discussed below are specific to the UK, they are seldom atypical of governmental or market originating interventions into Higher Education in other liberal democracies. In

concentrating on the idea of a loss of rights in academic freedom I am not overlooking the fact that the latter ‘also comes with the responsibility to respect the democratic rights and freedoms of others’ (UCU, 2009); an end that many academics are at pains to acknowledge, and which is often precisely a motivation for defending academic freedom as a principle.

The role of deterrent in academic speech: ‘Prevent’

In recent times, one of the most controversial challenges to UK universities’ autonomy and academic freedom has been the government’s ‘Prevent’ agenda. ‘Prevent’ is a term taken from the wording of The Counter-Terrorism and Security Act 2015, which ‘provide[s] a general duty on a range of organisations to prevent people being drawn into terrorism’ (United Kingdom Government, 2015a). One such body comprises most UK universities – referred to as ‘RHEBs’ (‘Relevant Higher Education Bodies’) because, as the government argues,

[a]lthough it is vital that universities and colleges must protect academic freedom [. . .] Universities and colleges – and, to some extent, university societies and student groups – have a clear and unambiguous role to play in helping to safeguard vulnerable young people from radicalisation and recruitment by terrorist organisations. (United Kingdom Government, 2011: 72)

So ‘[e]ncouragement of terrorism and inviting support for a proscribed terrorist organisation are both criminal offences. RHEBs should not provide a platform for these offences to be committed’ (United Kingdom Government, 2015b: 4). Compliance with the duty is monitored, by HEFCE (Higher Education Funding Council for England) for example, ‘at the Government’s request’ (HEFCE, 2017b).

At its 2015 Congress, the UCU ‘passed policy’, which, among other things, objected that Prevent ‘seriously threatens academic freedom and freedom of speech’ (UCU, 2015), answering questions put elsewhere by such as David Palfreyman: ‘is academic freedom within UK universities challenged by recent terrorism legislation?’ (Palfreyman, 2007). In thinking about the implications of this programme, which is one of the most overtly ‘political’ in this inventory, for research-as-academic freedom, there is of course the title. This resonates ironically, given Butler’s understanding of critique as the potential for ‘political dissent’.

In the academic literature responding to Prevent, there is some discussion of the way in which the duty serves to *stop* speech (Allen, 2017; Scott-Baumann, 2017; Thompson, 2017). But speech is also actively *commissioned*, in the name of freedom: ‘RHEBs’ commitment to freedom of speech [. . .] means that they represent one of our most important arenas for challenging extremist views and

ideologies’ (United Kingdom Government, 2015b: 3). This is notable not the least because it radically revises the current legal understanding of academic freedom. Speech is, by implication, legally commanded. And when ‘freedom of speech’ is deployed to ‘challenge’ (anything), then speech is no longer free, but duty-bound, albeit in the name of the principle of free-speech. Whether by commission or omission, Prevent- inflected speech exemplifies the other side of Butler’s paradox, as free-speech’s threat to government is governmentally, threatened.

While Prevent is symptomatic of a research landscape newly dotted with constraints, it is atypical in working by deterrent: such is the nature of the law, which supports its strictures with the threat of punishment. Other impositions on academic freedom use, to varying degrees, incentive, sometimes in conjunction with the threat of penalty for actions not performed. Habitually, incentives to occupy academic content in a given way involve financial reward (e.g. research awards, promotion, funding for departments or research groups), when sometimes these arise as a consequence of the marketisation of Higher Education. In this scenario, ‘use of government intervention to establish and regulate markets’ (Letizia, 2015, quoted in McGovern, 2016: 49) is often overlooked, with governmental agency ‘masked by the rhetoric of the free hand of the market’ (McGovern, 2016: 49). However, recent initiatives economising UK academic discourse in various ways are almost always underpinned by legislation. Two such relate to the state’s funding of research, more specifically referred to as the ‘dual support system’. As Collini notes, ‘[a]t present, the basic funding for research goes directly to universities, in line with their REF performance, while funding for particular projects is distributed, on a competitive basis, through the research councils’ (Collini, 2016). The latter is addressed first.

The role of incentives: Dual support: Research Council funding

Here, constrained academic speech most obviously occurs when Research Council funding is ring-fenced, and its agendas inflect or fail to enable academics’ work. As Collini writes:

The degree to which large elements of research funding are now confined to so-called ‘national priorities’ – topics which the government itself, not researchers in the relevant fields, deems it ‘worth’ researching – constitutes a level of direct interference that simply would not have been countenanced twenty years ago. (Collini, 2012: 196) (His ‘twenty years’ extends mine by five.) Often ‘national priorities’ – known as ‘thematic research’, ‘priority areas’ and the like – are closely aligned with what Collini defines as ‘instrumental goods’ (Collini, 2012: 137) designed to ‘increase economic competitiveness’ (Collini, 2012: 138). In more recent terms, such priorities also facilitate demonstration of ‘Impact’ when that requires (RCUK funded) research to ‘achieve demonstrable benefits to the economy and society’ (Collini, 2012: 169). Just such a vector of priorities can be seen in the Arts and

Humanities Research Council's declaration that it 'will support and advance [...] targeted initiatives in Heritage, Design, Languages, and the Creative Economy' (RCUK, 2016: 7). And this text continues: 'we will advance our priority areas. The role of **Design** research in policy, entrepreneurship and public service innovation will be enhanced. New international initiatives in **Heritage** will secure the UK's place at the cutting edge of this dynamic multidisciplinary field' (RCUK, 2016: 7).

In this way, research is prescribed both at the level of its content, and its purpose, or at least, the former for the latter. And while this constraint is indeed incentivized by the promise of funding, perhaps in turn incentivized by possible career-advancement, it might also hinge upon the 'negative incentive' or possibility of penalty, when securing funding might be seen to militate against redundancy.

There is another level to agenda-setting for research: seen in universities' adoption of strategic themes that also reward, or otherwise encourage certain kinds of work. Combined to produce often-complex overlays, there is a danger that these two grids leave very little room for academics' self-determined projects, and in the worst-case scenario, no room at all. This is the research-equivalent of universities' 'strategic' determination of curricula.

The role of incentives: Dual support: The Research Excellence Framework

Defined as a mechanism for distributing 'funds for research on the basis of research quality' taking 'into account the volume and relative cost of research in different areas' (HEFCE, 2017a), the Research Excellence Framework ('REF') is the second means by which the UK government funds research, and in doing so, has a stake in its trajectory. In the 'Bibliometry' chapter of *What Are Universities For?*, Collini makes the case against its early incarnations, especially as the RAE – Research Assessment Exercise – when principally concerned with measuring. My concern with the REF is somewhat different, but preserves the idea that the REF is an instrument for finding out (about research), which in the process constructs its objects.

And REF-assessment has a doubly constitutive affect. For not only does it construct the field by identifying certain activities as research rather than others, as Collini, again, points out (Collini, 2012: 123; see also Harley, 2010), but more extremely, if routinely, it becomes the matrix by which new research is produced, as assessment is 'gamed' (Gibney, 2016; Holmwood et al., 2016). The emergence of the term 'REFable' – to indicate 'REF-assessable' research – is telling here.

While REF is a complex apparatus, not the least because the rubric changes with

each iteration, its constitutive work – which inflects and excludes expressions (Gibney, 2016) – can be broadly conceived to bear upon the form as well as content of academic writing. This extends the compass of concern in respect of academic freedom. So the emphasis, for instance, on a certain quantity of publication within a given period has implications for the mode that takes. A Taylorist analysis proposes that insistence on more (units of) production risks poorer and smaller outcomes, such that ‘slight articles and premature “syntheses” are encouraged over the ‘major project’ which ‘might not yield any entries for the annual return for several years to come’ (Collini, 2012: 127). And various distinctions within academic writing further formalise this effect, most notably privileging journal articles over books, when the former are habitually the shorter form. (This privilege is then compounded by a perceived preference for double blind peer-reviewed texts, when that tends to favour journal articles over books – see University of Gloucestershire, n.d.: 6–7.) At least, these were the formative conditions as I write; they may well change when the guidance for the REF 2021 has been finalised.

Research content, on the other hand, is more affected by the REF’s concern with measuring quality. Leaving to one side the pervasively constitutive effects of evaluation, there is a particular aspect of the latest REF that may be little short of programmatic: the ‘Impact’ agenda, as discussed above. Accounting for 25% of a REF-rating, this risks the extra-disciplinary determination of disciplinary and inter-disciplinary enquiry, and worse, exploitation-driven exploration. As Collini asks ‘will scholars [...] be encouraged to work on topics that have [...] “market” potential?’ (Collini, 2012: 172). But while the rhetorical question points to the way in which research is in danger of becoming a function of economic capital, it should also be noted that the recent Stern Review proposes measures that reduce the force of ‘Impact’. One such is the idea of relaxing the number and spread of submissions required to demonstrate contribution to ‘society and economy’ (United Kingdom Government, 2016: 21).

So in the ‘dual support’ system, and considered in relation to the two conceptual frameworks that this article invokes, ‘academic freedom’ in research is clearly compromised, as the state intervenes (if at one remove) to support some agendas, some of which are also marketised, and by omission, to discourage others.

I now turn to look at a third significant incursion on academic freedom in the UK.

The role of incentives: The ‘TEF’

The value of research to teaching has long been acknowledged; likewise, the value of researchers to Higher Education teaching. Or in the words of a Higher Education Academy blog, ‘[e]xcellent teaching goes hand in hand with excellent research’ (Burgum and Stoakes, 2016), implying that research informs teaching

but not vice-versa. The ‘TEF’ (Teaching Excellence Framework) alters that.

While demonstrably directed at teaching, the TEF – another framework for assessment – links teaching to research by more than just a rhyming acronym. The measurement of teaching – which, in the UK 2017 Higher Education Bill, is tethered to reward – explicitly compels research in stating that ‘[t]he learning environment is enriched by linkages between teaching and scholarship, research or professional practice’ (Department for Business Innovation and Skills, 2016: 12).

With the TEF in view, the canny academic might be tempted to review any new research projects against the TEF criteria – all 10 of them – and inflect their endeavours accordingly, considering, for example, the impact of their research on their own students’ post-university employment. And however the relationship between the TEF and universities’ ability to raise tuition fees is constituted, there are still incentives for academics to consider the ‘marketing-value’ of their research. When recruitment is a cutthroat business, staff profiles doubtless make a difference. Arguably, some topics speak to applicants more than others. And arguably too, a judiciously orchestrated suite of research interests might boost application, conversion and retention rates across the board, not just at the level of postgraduate research, though this might happen with less force than other matters often privileged by prospectuses, such as lifestyle opportunities. Hence the measurement of teaching is yet another way in which academic freedom in research is constrained.

The freedom of constrained writing: What must be done

In ‘Critique, Dissent, Disciplinarity’, Judith Butler notes that first term in her title is ‘not merely or only a sort of nay-saying, an effort to take apart and demolish an existing structure’. But

[r]ather, critique is the operation that seeks to understand how delimited conditions form the basis for the legitimate use of reason in order to determine what can be known, what must be done, and what may be hoped – the three aims of critique as Kant formulated them. (Butler, 2009: 787)

Likewise, concerned as I am with knowing the incursions on academic freedom, I am still more concerned with ‘what must be done’ to resist those, as something more than hope that things might change. Next, I elaborate on one way forward for the writing of research.

It is informed by ideas about the way in which power works, and hence how change might come about. Crucially, while I recognise the possibility of pushing past constraints to say and do something truly new, I also recognise the authority of the established order and know that the ‘truly new’ can also be the space of

exile and invisibility. When the threats to academic freedom – government and marketization – are waxing strong, this approach to power would seem to be essential. So I commend a more interventionist approach, which recognises the value of the status quo as it enables speech, and yet seeks to challenge what may be said and done from within, drawing strength from the currency that this affords. This theory of power, which might be described as pragmatic, also underpins Judith Butler’s version of academic freedom.

However, before I elaborate on my proposed strategy, I first want to look at the way in which recent writing that protests incursions on academic freedom also proposes strategies for resisting such. This sets the scene for my contribution to the field.

Preserving academic freedom: The literature

Given that the topic touches every academic, it is not surprising that the writing on academic freedom is extensive. My university’s online library revealed that around 8,000 journal articles had been published on the subject in the last decade. A sample was required. So I qualified ‘academic freedom’ with ‘preserving’ – rather than the more-often used ‘defending’ – in order to capture an address to actions taken to protect the concept, i.e. over and above (just) declarations of support, which the idea of ‘defence’ might imply. And I restricted results to journal articles published in the last 10 years. I also decided against refining the review geographically, or subject-wise, on the hunch that inventive ideas for resistance could come from any area. I did however limit the results to the first 10 entries.

While these addressed a range of aspects of the topic, all can be identified with one of three broad approaches: first-hand accounts of violations of the author’s academic freedom (Gottfredson, 2010; Peterson-Overton, 2011); examinations of particular features of the topic, e.g. academic freedom as ‘thought-time’ (Noonan, 2015), but see also Andreescu (2009), Coetzee (2016), Orenstein and Stoll-Ron (2014), and Schrecker (2012); and lastly: rationales for academic freedom (Bernstein, 2008; Karran, 2009; Tierney and Lechuga, 2010).

Across these approaches, 9 of the 10 texts clearly expressed support for academic freedom as their author(s) had defined it, with the one exception being Carli Coetzee’s review of John Higgins’s *Academic Freedom in a Democratic South Africa* (Coetzee, 2016). Crucially, quoting Amina Mama and Ayesha Iman, Coetzee contends that ‘freedom is always relative, and determined by the social relations and political economy of the academic world and of the wider society’, such that in South Africa it ‘needs to be theorised in favour of black South Africans, who are represented as cleaners, gardeners and students but rarely professors’ (Coetzee, 2016: 207). In other words, academic freedom is not a social

good if it also reproduces social inequality.

However, only 6 of the 10 texts consider strategies for resisting the erosion of academic freedom: (Bernstein, 2008; Coetzee, 2016; Gottfredson, 2010; Karran, 2009; Peterson-Overton, 2011; Tierney and Lechuga, 2010). (Schrecker suggests that resistance is futile in proposing that ‘when they have not been passively acquiescing in their own marginalization, American professors have been fighting and losing a rearguard action against the structural changes of the past forty years that have undermined the power and autonomy of the faculty’ (Schrecker, 2012: 4).) In reporting on the more optimistic responses to the question of how academic freedom may be actively defended, I will start with sweeping calls-to-arms and progress to more specific propositions.

Comparing and contrasting support for academic freedom in two different kinds of US university (‘non-profit’ and ‘for-profit’), and hence the role of both in the ‘development of a democratic society’, Tierney and Lechuga are not primarily concerned with defending academic freedom. However, in noting the particular erosion of academic freedom in for-profit institutions, they quote Henry Giroux to propose ‘the need for academics, students, parents, social activists, labor organizers, and artists to join together and oppose the transformation of higher education into commercial spheres’ (Tierney and Lechuga, 2010: 119).

Alison R Bernstein proposes ‘joining together’ of a slightly different kind, but also in broad terms, as a means of protecting academic freedom. Writing in her role as vice-president of the Ford Foundation, she presents the organisation’s ‘Difficult Dialogues’ programme, which ‘asked for deeper engagement on the part of campus leaders, including faculty, with threats to academic freedom and pluralism’. Yet in this very short text, Bernstein does not indicate how dialogue is practised as a strategy, instead focussing on its role in making ‘diversity a more powerful priority on campus’ (Bernstein, 2008: 8).

Somewhat more specifically, and reviewing John Higgins’ *Academic Freedom in a Democratic South Africa*, Carli Coetzee notes the effectiveness of ‘the student-led protest movement’, ‘Rhodes Must Fall’ – ‘the statue’s “fall” iconically representing the need to decolonize the university, the curriculum and knowledge’ (Coetzee, 2016: 201). Coetzee appears to identify this action with a defence of academic freedom.

Direct action as resistance is also mentioned in Linda Gottfredson’s ‘Lessons in academic freedom as lived experience’ (Gottfredson, 2010) though, as someone else’s protest, it does not comprise one of the lessons of her title. Of those, however, the last of the six addresses ‘what individual academics can do’ (Gottfredson, 2010: 280) to safeguard their professional freedoms, informed by her observations that academic freedom has ‘maintenance costs’; ‘is not self-enforcing’ and is ‘not

often defended by academics themselves' (Gottfredson, 2010: 273). Gottfredson advises attention to 'low-stakes decisions' and challenging these when they are 'suppressive'; and speaking up when '[f]allacious reasoning impedes enforcement of academic freedom' (Gottfredson, 2010: 280). And she concludes that 'all [academics] can contribute to safe-guarding academic freedom' whether that is via actions 'to encourage free speech and protest ideologically-slanted research'; 'giv[ing] voice to ideas with which they disagree' or 'refus[ing] to feign disapproval of "controversial" research they privately respect' (Gottfredson, 2010: 280). This shapes up as a useful guidance for day-to-day dissidence – at the other end of the spectrum from 'legal redress', which she also discusses, noting that such 'redress is arduous and costly' (Gottfredson, 2010: 276).

In another first-hand account of violated academic freedom, Kristofer J Peterson-Overton tells of how an offer of employment was rescinded when 'a student contacted the department expressing concerns about [his] political views' (Peterson-Overton, 2011: 257). He responded by generating huge publicity for his dismissal, and the University involved 'reversed its decision' (Peterson-Overton, 2011: 259). While the story is not told to give a 'lesson', it does work by example to propose that in such scenarios, mobilising a 'groundswell of support' (Peterson-Overton, 2011: 259) can lead to effective redress.

And finally, there is the specificity of martyrdom as protest. In a text justifying academic freedom, Terence Karran writes: '[h]istorical analyses reveal that academic freedom [in the early university] was hard won [...] with some academics (like Giordano Bruno) paying for their beliefs with their lives' commenting that '[t]he disinclination for contemporary academics to protect their academic freedom with similar vigour is disheartening' (Karran, 2009: 278).

Turning to assess the relationship between these strategies and my concern with methods for defending academic freedom in research-writing, I will first declare that I do not condone the ultimate self-sacrifice. Beyond that, it may be noted that none of these texts is focussed on the issue of action against eroded academic freedom, which is symptomatic of the wider paucity of writing on this aspect of the field. (In his recent book, *Speaking of Universities*, Stefan Collini devotes only one chapter – 'Speaking Out' – to 'strategies' for protesting the 'damage currently being done to British universities' (Collini, 2017: 206) – a subject that is much wider than the issue of academic freedom.) And reasons for that absence could be proposed: if not agreeing Karran's point about the 'pavidity' of academics (Karran, 2009: 279), then it might be conceded that it is often easier to demolish ('say "no"'), than rebuild.

But importantly: the scope of application in these strategies varies. Some offer responses *in extremis* (Coetzee, 2016; Karran, 2009; Peterson-Overton, 2011); some constitute discrete programmes (see Bernstein's 'Difficult Dialogues'

initiative, which is moreover, dependent on the Ford Foundation's funding); and others take the form of calls to general dissidence (Gottfredson, 2010; Tierney and Lechuga, 2010 – looking to Henry Giroux).

With Gottfredson, in particular, I am concerned with strategies that can be deployed in a day-to-day capacity, but specifically for research, and at the point of writing (up); research-as-text, and textuality. Further still, and in contradistinction to Gottfredson, I am more programmatically concerned with critique in its dual aspect: not just 'saying no' but crucially, the issue of 'what can be done'. And unlike Gottfredson, I am less concerned with the 'consistent' performance of 'small acts of support to prevent incursions' (Gottfredson, 2010: 273) but rather with one simple gesture. When the sampled literature supports my combination of concerns as a contribution to the field, it is this I now address.

A new use for footnotes

In constrained academic writing the concept of the 'rule' is a central motif. Such writing is, perhaps, 'over-ruled', both in being subject to too many rules and in that excess, regulated from outside; by external interests. And in thinking about resisting this excess, a literary movement concerned with the emancipatory quality of rules offers a way forward: OuLiPo, which counted the radical artist Marcel Duchamp among its members. Contracting 'Ouvroir de Littérature Potentielle', ('workshop of potential literature'), OuLiPo included writers such as Raymond Queneau and Italo Calvino, who variously deployed a range of eccentric constraints to explore the possibilities of literary expression. Famously, George Perec's novel, *La Disparition* (1969) was written without recourse to the letter 'e'. When literary modernism is traditionally identified with breaking rules, even as it depends on those for its transgressive power (see Woolf, Eliot, and Joyce), OuLiPo contrived to produce new forms in literature by recourse to a hyper-rule. The generative capacity of this is emblematised in Queneau's *Cent Mille Millions de Poems*, which, horizontally, cuts through a book of 10 sonnets, line by line, liberating in the possibility of their recombination, 100,000,000,000,000 poems.

Likewise, I propose a new rule for research-writing that, in being laid over existing rules, aims at a related liberation. It takes as its starting point the idea of academic referencing, or the professional requirement for academic authors to acknowledge the origins of their ideas in other authors' work. And it extends this to encompass the other 'authors' who are now involved in academic discourse: extra-disciplinary agencies; hence a new use for footnotes, which would enable such 'authors' to be acknowledged. And if the footnote is a marginal device – literally – Jacques Derrida reminds us that the marginal ('parergon') is never trivial, and never outside the main body of the text ('ergon'). Rather, for Derrida, the margins are always coming into the inside, in order to reveal the inside's

complexities. In the case of my proposed annotations, no less is at stake than the question of the ‘truth’ of research’s authorship (Derrida, 1987).

So I propose that every time an academic author knows their writing to be compelled by extra-disciplinary concerns, they note the source of that. By way of demonstration, I will annotate the means by which one aspect of this text – its form – has been determined by external forces. (And before I do, I will note that the very act of writing on the subject – of academic freedom – is the first surrender to extrinsic influence, when it typically becomes a subject only when imperilled.) But because I have committed to critique in its double, positive and negative condition, I will also use the space of the footnote to propose a way of enabling the freedom that has been frustrated.²

Although I have no means of proving it, the idea of a REF-alternative for art was prompted by my self-set rule. The space of the footnote, with its requirement to devise a constructive response to other kinds of constraint, brought something into being. Or conceptualised in Jeff Noonan’s terms, the space is (also) time, when academic freedom, for research, requires ‘thought time’ to take precedence over ‘money-time’; ‘time free from externally imposed routines and deadlines’ (Noonan, 2015: 111).

In offering this discussion by way of an example for a footnote as a kind of ‘calling out’ *and* ‘calling for’, I would also note three further points. First, that the annotation need not be so long. Second, that the absence of constraint does not need noting, except perhaps, when constraint has been ignored, and therefore might incur future penalty. And third: that this kind of annotation might be used by any discipline although its identification with critique and its literary origins make it most apt for Arts and Humanities research.

Of course it can be argued that academic journals ask for something very similar to what I am proposing, in requesting ‘full disclosure’ of authors’ ‘conflicts of interest’. But in practice it is not the same, when journals’ requests take a very narrow view of what could constitute influence. Certainly, in naming, as I propose, those interests that conflict with academic freedom, there are a range of benefits.

Most importantly, in revealing the external determinations of the writing of research, this additional referencing would make those more available for debate and therefore, for contestation. And the gesture would demystify, in bringing to light the forces of academic discourse that are, at present, lurking in the shadows. In doing so, it would challenge both ‘arm’s length’ governmental power and the power of capitalization.

And for posterity, it would enable interpretation in supplying a context that might be otherwise overlooked. At a point in history when academic writing looks in

opposite directions – to external and internal goals – for its agendas, such annotation should mitigate future readers’ confusion. There would also be an element of poetic justice. As the academic is instrumentalised by externalities, the instrumentalised (academic) would be academicised.

And yet: precisely as that extra-referencing took place, power’s demands would be realized. In that way, all those aspects of academic life, including careers, that are underpinned by tactical and strategic addresses to power’s desire would, at the very least, be unimpeded and, at best, progressed. Or at least, that is a possibility. It is surely worth a try, when attempts at change are in such short supply.

Notes

1. ‘The Haldane Principle is popularly used to describe the notion that “decisions about what to spend research funds on should be made by researchers rather than politicians”’
(<https://www.publications.parliament.uk/pa/cm200809/cmselect/cmdius/168/16807.htm>; accessed 26 May 2017).
2. To note that this text takes the form of an academic, double peer-reviewed journal article may seem to be an odd place to start a claim about constraint on academic freedom. Such a means of expression is, after all, the academic’s stock-in-trade. But not for every discipline. For those of us who work in Fine Art, and have ‘academic’ and art-practices as an aspect of our teaching and research roles, there is often a dilemma: article or artwork? Of course, a given topic may determine one above the other, but when this is in favour of the latter, or both options have equal merits, then there is a danger that external factors settle the debate. One such factor is the formal, governmental, measuring and assessment of research, which is the REF in the UK. In this framework, artworks are non-standard items, which are often seen as problematic. This ‘exceptionality’ stems largely from the idea that the artwork ‘does not embody a form of knowledge’ (see Scrivener, 2002; and McArthur, 2004, for the Arts and Humanities Research Board). And so for REF purposes, the artwork requires a written, 300-word supplement that locates its role in a process that does produce knowledge over and above the artwork as, say, affect or ‘apprehension’ in Scrivener’s term. For the purposes of REF submission then, an art- work is both more burdensome and reduced and marginal. Moreover, it often comes without the gold standard of the double blind review; that which makes the journal article the privileged written form. So metrics-wise, these circumstances make the journal article the more attractive option. And it is these circumstances that prevailed when I wanted to address the topic of academic freedom. I could have responded with an art- work in the genre of Institutional Critique.

What is to be done?

As the scenario that I describe above proposes, academic freedom is not just a

matter of ‘free speech’ at the level of an academic’s (self-)expression, but also depends upon a set of apparatuses that allow that speech to register and freely circulate. Clearly, the REF hinders the latter in respect of art: it makes art production the less attractive option for research assessment purposes, and requires it to circulate as something it is not, in short curtailing art as quantity and quality. If art must be measured and assessed as an academic output then the obvious response is not to change the object but to change the metric. If, following the REF, the TEF and the proposed ‘Knowledge Exchange Framework’ (KEF), in the UK, then why not a framework for creative practice, even if the acronym does not readily extend the suite? At the very least, this would start to recognise the specificity of art, which is specific in ways far beyond other disciplinary differences.

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