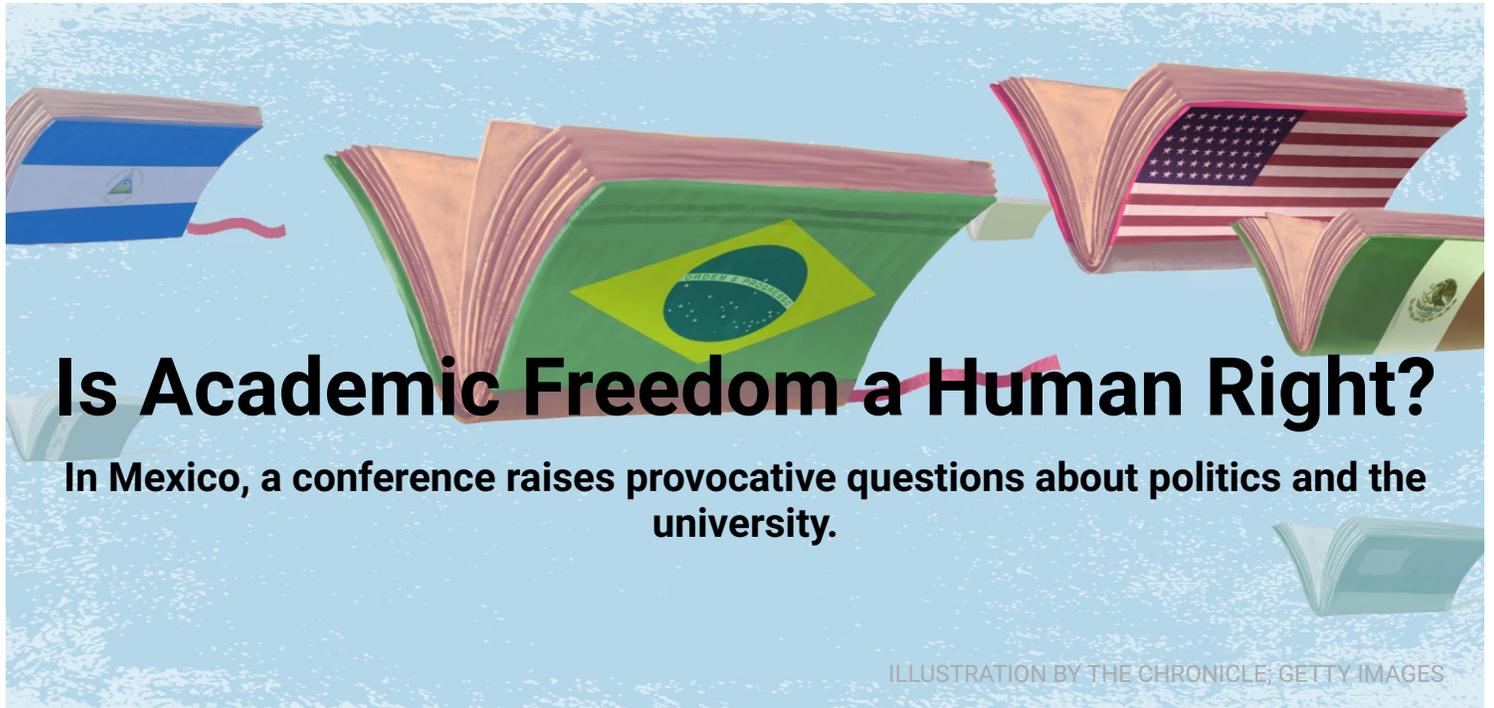


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THE REVIEW | ESSAY

By *Jeffrey Aaron Snyder*

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Is academic freedom a basic human right? This was just one of many provocative questions I had never considered before attending a [conference](#) on Academic Freedom in the Americas a couple of months ago in Monterrey, Mexico. Organized by [Scholars at Risk](#), the [Human Rights Education and Research Centre](#) at the University of Ottawa, and the [University of Monterrey](#), the conference featured participants from more than a dozen countries, speaking on topics ranging from university funding and governance to student protests and human-rights violations.

The threats to academic freedom in many countries across the Americas are deadly serious. Consider the cases of Nicaragua and Venezuela.

In April 2018, Nicaraguan students took to the streets to protest against the authoritarian policies of President Daniel Ortega. Police and paramilitary groups [killed](#) more than 300 people and arrested [more than](#) 1,600. In the wake of these protests, some 150 students were expelled, many of whom had their academic records erased. The Ortega government shuttered eight universities and thousands of Nicaraguan students fled the country, forced to live in exile in Mexico, Costa Rica, and elsewhere. Ortega and his cronies now effectively [control](#) public higher education. A recently issued government directive ordered universities to monitor and report on professors' academic travel.

In Venezuela, the higher-education sector has been [starved and politicized](#) under President Nicolás Maduro. The government approved less than 10 percent of the funding requested by autonomous universities to cover their operating expenses for the 2020-21 academic year. (Faculty salaries are a paltry \$7 to \$11 per month.) Last spring, the National Assembly passed legislation stipulating that university researchers in STEM fields must carry out their research programs in accordance with Venezuela's official Economic and Social Development Plan.

While paramilitary violence and exiled students felt quite distant to me, many of the attacks on academic freedom hit closer to home. Listening to the different kinds of threats to academic freedom faced by countries across the Americas, I thought of Florida.

Academic leaders appointed without vetting, transparency, and appropriate input from stakeholders? See the recent [appointment](#) of Ben Sasse, a Republican senator from Nebraska, as president of the University of Florida, which prompted UF's faculty union to pass a vote of no confidence in the search.

State efforts to silence the voices of faculty members speaking on issues of public concern? Note [repeated attempts](#) to prevent faculty members at Florida's public colleges and universities from offering expert testimony in politically sensitive cases.

Government interference in the classroom? That would be House Bill 7, or the “Stop WOKE Act,” which restricts what professors can teach about race, sex, and U.S. history. Not to mention House Bill 233, which allows students to record class sessions without a faculty member’s consent.

As Eve Darian-Smith, a professor of global studies at the University of California at Irvine, explained at the conference, we shouldn’t be surprised to see so many overlaps between the United States and other countries. What’s happening in Florida and other red states, she argued, must be understood in the context of rising authoritarianism and right-wing populism worldwide. Gov. Ron DeSantis of Florida is cut from a similar cloth as politicians in places like Hungary, Poland, Venezuela, and Brazil, striving, as Darian-Smith put it, to “control what is taught in universities, push repressive ideological perspectives, and curb student and faculty protest against those in power.”

Before attending this conference, I had a sense of the basic affinities between former President Donald J. Trump and Jair Bolsonaro, former president of Brazil and the so-called [“Tropical Trump.”](#) But I was amazed to discover just how much the United States and Brazil have in common with respect to “culture wars” over education.

Academic freedom includes “the freedom to seek, receive, and disseminate information and ideas of all kinds, regardless of borders.”

Like the anti-CRT [movement](#) in the United States, the [“School Without Party”](#) movement in Brazil rails against “indoctrinating teachers” at all levels of education. Turbocharged during the Bolsonaro administration, with the support of many Christian evangelicals devoted to defending the “traditional family,” this movement [helped to generate](#) widespread anxiety about “Marxist ideology” and “gender ideology” in schools. (The latter term refers to virtually any content that touches on sexuality and LGBTQ issues.) Echoing the parental-rights dimension of the anti-CRT

crusade in the U.S., one of the key slogans of the “School Without Party” is “my children, my rules.”

According to Brazilian academics Amanda Mendonça and Pâmella Passos, many K-12 and university educators in Brazil have to contend with harassment and persecution, from online trolling that weaponizes unauthorized classroom recordings to physical violence and the threat of lawsuits. “Filming/recording in schools,” Bolsonaro’s son [tweeted](#) in 2019, “is an act of legitimate defense against ideological predators who are disguised as teachers.”

The conversations that most stretched my mind at the conference were about the very meaning of academic freedom itself. In the United States, academic freedom is understood and defended as a guild right, grounded in credentialed expertise and adherence to disciplinary standards. The American Association of University Professors articulated this vision of academic freedom in two now-canonical documents, the [1915](#) and [1940](#) AAUP declarations on academic freedom and tenure. Professors, the AAUP asserted in these texts, should be free to carry out their research and teaching “[without fear or favor](#)” because they are experts whose truth-seeking work advances “the sum of human knowledge” and contributes to the “[common good](#).” This general view has been affirmed by Supreme Court cases such as *Sweezy v. New Hampshire* (1957) and *Keyishian v. Board of Regents* (1967).

In Monterrey, I encountered a radically different conception of academic freedom articulated in a declaration called the [Inter-American Principles on Academic Freedom and University Autonomy](#). The [Inter-American Commission on Human Rights](#), a key body within the 35-member [Organization of American States](#), released this document in December 2021. It’s an aspirational text, intended to help develop stronger normative and legal frameworks to support academic freedom in the Americas.

Like the AAUP declarations, the Inter-American Principles embrace the common good as the ultimate justification for academic freedom, asserting that academic freedom “enables the consolidation of democracy, pluralism of ideas, scientific progress, [and] human and societal development.” Also in line with the AAUP’s approach, the Inter-American Principles uphold

autonomy and self-governance as hallmarks of academic freedom. But here autonomy doesn't just refer to decision-making about teaching, research, hiring, and so on — the Inter-American Principles also include a section on the “inviolability of academic space,” which pronounces that the intervention of state security forces on campuses “violates their autonomy and has a chilling effect on the academic community.”

In comparison to the AAUP model, the Inter-American Principles offer a far more expansive and flexible definition of academic freedom. It is presented as a basic human right, inextricably linked to the right to education, and part of a broader package of human rights, including freedom of expression and association, equality before the law, and the right to the benefits of culture and scientific progress.

Accessibility is central to the Inter-American Principles. Academic freedom, the Principles state, includes “the freedom to seek, receive, and disseminate information and ideas of all kinds, regardless of borders.” Access to the internet is a core component of academic freedom, according to the Principles, as is the right to travel across international borders.

Drawing inspiration from the Universal Declaration of Human Rights, the Inter-American Principles advance a notion of academic freedom that is meant to be universal, applicable to everyone seeking to acquire or broadcast knowledge “inside and outside educational institutions.” On campuses, everyone should enjoy academic freedom — not only faculty members but also “workers, employees, and students.”

This capacious notion of academic freedom challenges the fundamental premise behind the AAUP paradigm, which I would describe as the *membership has its privileges* model. On this model, academics comprise a special class who, on the basis of specialized expertise, enjoy special entitlements, chiefly the right to decide what we research and teach. There is a basic conflict, it seems to me, between the egalitarianism at the heart of the Inter-American Principles (and human-rights declarations more broadly) and the credential-based hierarchy that is an essential feature of academe.

Expanding the conception of academic freedom in the United States would likely diminish academic-freedom protections in practical terms. Without appeals to expertise, for example, I'm not sure how we would resist attacks against tenure in Florida and elsewhere. When DeSantis claims that professors need more state oversight because they are indoctrinating their students, faculty members must be able to pull rank and assert that they are professionals whose teaching has to remain free of political surveillance.

We welcome your thoughts and questions about this article. Please [email the editors](#) or [submit a letter](#) for publication.

ACADEMIC FREEDOM

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