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Academic Freedom in Afghanistan Today

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L'articolo esamina il concetto e la declinazione della libertà accademica in Afghanistan dalla caduta dei Talebani nel 2001. Si definiscono gli elementi principali e la finalità della libertà accademica come diritto fondamentale, protetto dalla Costituzione Afgbana, nonché la sfida di aumentare il numero delle donne nelle Università. Si vogliono altresì indicare le misure che i politici e i legislatori afgbani dovrebbero adottare per proteggere e migliorare efficacemente la libertà accademica.

The article explores the concept and the development of academic freedom in Afghanistan since the fall of the Talibans in 2001. It sets out the main dimensions and the scope of academic freedom as a fundamental right, protected by the Afghan Constitution, as well as the challenge of increasing the number of female academics. It also aims to indicate how Afghan policymakers and legislators should take measures to effectively protect and optimize academic freedom.

1. Academic Freedom

Academic freedom is the indispensable requisite for unfettered teaching and research in institutions of higher education^[1]. Deeply compromised by wars and conflicts that have lasted for more than thirty years, Afghanistan's education system remains fragile.

Since the 2001 fall of the Taliban, however, reconstruction efforts have led to substantial progress. Lack of academic discourses regarding controversial and challenging social, historical, and political themes at Kabul University weakens the growth of academic freedom. Academic places are famous and well-known for analyzing, conversing, disagreeing, opposing, and solving the hardest political,

social, cultural, economic matters of the society.

Unfortunately, at Kabul University both instructors and students do not guts to talk about the hardest issues, because the authorities think that holding such discussion in the class may hurt the public mindset about the university. While discussing academically and impartially, about the argumentative matters, does not hurt the general peace and public tranquility; conversely, it will enrich the social tolerance and acceptance among the people.

States are firstly to respect academic freedom in all of its dimensions discussed above^[2]: also in international conventions explicit and separate references to academic freedom are on the rise.

Secondly, the State's duty to protect academic freedom requires that States take steps, by means of legislation or otherwise, that preclude third parties, in particular private individuals and entities, from interferences with any of the dimensions of academic freedom.

This paper sets out the main dimensions and the scope of academic freedom as a fundamental right. It also aims to indicate how Afghan policymakers and legislators can and should take measures to effectively protect, facilitate, strengthen and optimize academic freedom.

Academic freedom is a prerequisite for allowing scientific personnel in all disciplines and research sectors, to challenge established truths and expand the boundaries of our knowledge, and therefore also a prerequisite for trust, credibility and quality.

Academic freedom is generally considered a *sine qua non* for the proper functioning of modern universities. This central or natural character of academic freedom is indicative of the great significance that is attached to academic research and education.

2. What is academic freedom?

We must be confident that the knowledge on which we base our lives and actions is truthful.

We can only do this if the researchers who produce this knowledge are free and independent, and if research results are constantly subject to critical review by other researchers.

The requirement for researchers to pursue the truth, wherever it may lead them, is the very essence of academic freedom and is critical for society. Results of the scientific pursuit of the truth not only support but also correct existing interpretations and orthodoxies, and must therefore also be able to be freely communicated in the environments deemed appropriate by the researcher.

Academic freedom is consequently a prerequisite for scientific personnel in all disciplines to be able to challenge established truths and expand the boundaries of our knowledge.^[3]

This is only possible if we ensure that researchers are as independent, free and as aware of potential conflicts of interest as possible: in order to ensure that research is reliable, researchers must be independent of pressure and interests that could influence processes and results.

Science's knowledge-constitutive interests could lead to conflicts with and compound pressure from other interest groups, whether organisational, strategic, financial or political.

From this perspective, academic freedom is an ideal that must be defended and concretised in various contexts – and which will not necessarily be the same for scientific personnel at a university as for researchers in a health trust.^[4]

3. Academic Freedom as a Fundamental Right

Academic freedom can be considered to comprise the following three aspects:

- (a) Far-reaching individual rights to expressive freedoms for members of the academic community (both staff and students) mainly as free enquirers, including the freedom to study, the freedom to teach, the freedom of research and information, the freedom of expression and publication (including the 'right to err'), and the right to undertake professional activities outside of academic employment;
- (b) Collective or institutional autonomy for the academy in general and/or subsections thereof (faculties, research units, etc.). Said autonomy implies that departments, faculties and universities as a whole have the right (and obligation) to preserve and promote the principles of academic freedom in the conduct of their internal and external affairs;
- (c) An obligation for the public authorities to respect and protect academic

freedom and to take measures in order to ensure an effective enjoyment of this right and to promote it.

These three dimensions of academic freedom are not mutually exclusive, but on the contrary they mutually reinforce one another.

In case of conflict between the individual and the institutional rights, a careful balancing of rights and interests may be needed, in which special consideration is to be given to the former aspects.

Institutional autonomy should not be used by higher education institutions as a *pretext* to limit the individual rights of higher-education teaching personnel.

If restrictions on individual academic freedom are unavoidable, they should not go any further than necessary in order to achieve legitimate institutional academic aims, with means being proportionate to these aims.

The State's role is to guarantee academic freedom: freedom of any kind is not spontaneous state of affairs, and in order for academic freedom to exist in a meaningful sense it must be respected, protected, ensured and promoted by the public authorities. A failure to fulfil these obligations amounts to a violation of academic freedom.^[5]

4. Education in Afghanistan

Since the 2001 fall of the Taliban, however, reconstruction efforts have led to substantial progress: the number of students enrolling in colleges and universities increased progressively.

According to USAID (United States Agency for International Development), over 9.2 million students are currently enrolled in a higher education institution, and 39% of those students are female. Public and private universities (excluding technical or secondary schools) enroll around 300,000 students. Of that number, about 100,000 are female students.^[6]

Afghanistan has one of the youngest populations in the world, making quality education particularly critical for the rapidly growing numbers of school aged boys and girls. As more Afghans attend school and seek skilled employment, there is a growing demand for textbooks, learning spaces, trained teachers, and innovative approaches that prepare young Afghans to join the workforce.

Female academics is a challenge in Afghanistan: the government has been working to increase the number of female faculty members from zero in 2001. The total had grown to 14% of all faculty in 2016 with a goal of 20% by 2020.

The problem is especially difficult due to the small number of women with masters or PhDs and very limited numbers in graduate studies. It is also difficult for women to obtain a PhD since they must go abroad, unlike for masters, which are now available in many fields in Afghanistan. The percentage of women faculty members with PhDs is only 1.4% and has stayed relatively constant since 2008. Only 4.1% of men have PhDs.

Now that master's degrees are available in Afghanistan, the percentage of women with masters has grown from 22% in 2008 to 35% in 2015 compared to 33% for men. At the professorial level, only 9.2% of women are assistant professor or above, while 90% are only teaching assistants. Part of that is a consequence of the recent receipt of master's degrees by most women and therefore little time to climb the promotion ladder.^[7]

There are serious problems at Afghanistan Universities, which block the entire discourse of academic freedom:

- (a) the judicial system is weak, and in some cases corrupt;
- (b) there is a weak rule of law in Afghanistan;
- (c) there are not a lot of active and influential pro-academic freedom and university and college instructors' organizations to defend from the academics in situations where they do not receive the necessary legal protection. Therefore, the instructors know that in case they act against the drift status quo, they may lose either duty or even their lives.

5. Academic Freedom in the Constitution of Afghanistan

A paper entitled «*Kabul University and Academic Freedom*», by Hamid Bamik^[8], clarifies that the concept of academic freedom is interpreted in a different fashion in the academic culture of Kabul University, and the real essence of academic freedom does not exist at Kabul University.

Generally, administrators, authorities, faculty and, students think that academic freedom means: (a) not disrespecting others' ideas, (b) not imposing one's ideas on others, (c) not hurting somebody's religious feelings or mocking them, (d) not

discrimination between students in the class, (e) while discussing or talking about an issue, the professors should judge the conclusions impartially, not stereotypically.

In fact, all the above-mentioned points must be observed even in the absence of academic freedom, because those things are pertaining to the mutual understanding of students and instructors, and they are the basic principles of academia. Usually, a wise and professional instructor/student will never say or do something that may regret later. Thus, analysts and observers believe the notion of academic freedom is deeper and more serious than the above issues.

The real construct of academic freedom is manifested when instructors are free: (a) to say the truth even if it may hurt the external political circles sentiments or may jeopardize their benefits, (b) to discuss political, financial, cultural, and social issues for the purpose of expanding and enhancing the knowledge and understanding of students without censorship by the administration, and fear of revenge and prosecutions by concerned authorities, (c) to express their opinion impartially and unbiasedly about the matters regardless of how much the matters are contentious or uncontentious, and finally (d) to have unconditional academic freedom, so that they can carry out their career perfectly and without being afraid of its consequences.

6. Brief conclusion

Academic freedom is not only a goal in itself. It makes it possible for universities to serve the common good of society through searching for and disseminating knowledge and understanding, and through fostering independent thinking and expression in academic staff and students.

Academic freedom is therefore important both for universities and researchers. Academic freedom is the freedom of teachers and students to teach, study, and pursue knowledge and research without unreasonable interference or restriction from law, institutional regulations, or public pressure. Its basic elements include the freedom of teachers to inquire into any subject that evokes their intellectual concern; to present their findings to their students, colleagues, and others; to publish their data and conclusions without control or censorship; and to teach in the manner they consider professionally appropriate. For students, the basic

elements include the freedom to study subjects that concern them and to form conclusions for themselves and express their opinions. This freedom comprises individual and institutional rights, and entails various obligations for the public authorities. A nepotistic and partisan situation at Afghanistan Universities makes academic freedom exist only in theory, not in practice.

As long as we have the intrusion of political circles among the authorities, students, and faculty at Kabul University, lack of awareness regarding the importance of academic freedom among the faculty, lack of constructive academic debates among the faculty and students about the hard, bitter and challenging issues either past or present, we may not experience the flavor of real ethos of academic freedom at Afghanistan Universities.

1. See American Association of University Professors, *Journal of Academic Freedom*: <https://www.aaup.org/reports-publications/journal-academic-freedom>.
2. Constitution of Afghanistan, art. 47: «*The State shall devise effective programs for fostering knowledge, culture, literature and arts. The State shall guarantee the copyrights of authors, inventors and discoverers, and, shall encourage and protect scientific research in all fields, publicizing their results for effective use in accordance with the provisions of the law*».
3. See R. Kirk, *Academic Freedom. An Essay in Definition*, Chicago, 1955.
4. The Norwegian Association of Researchers, *Academic freedom under pressure*, in *Skriftserien* 1, 2017.
5. J. Vrielinka, P. Lemmensa, S. Parmentiera, LERU Working Groupon Human Rights, *Academic Freedom as a Fundamental Right*, in *Procedia Social and Behavioural Sciences* 13, 2011.
6. USAID Afghanistan Education Fact Sheet, 2019, available at: <https://www.usaid.gov/afghanistan/education>.
7. F.M. Hayward, *Progress on gender equity in Afghan higher education*, 2017, available at: <https://www.universityworldnews.com/post.php?story=20170111130351745>.
8. H. Bamik, *Kabul University and Academic Freedom*, November 15, 2017, available at: http://www.outlookafghanistan.net/topics.php?post_id=19449.