
The Principle of Academic Freedom and Its Peculiarities in the Context of Globalization

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Abstract

Purpose – implementation of a comprehensive historical, theoretical and comparative legal analysis of features and patterns of understanding, structuring, legal consolidation and practical implementation of the principle of academic freedom in the context of globalization processes in the educational sphere. *Methodology*: in the process of research, methods of historical-theoretical and comparative analysis, interdisciplinary integration, theoretical modeling and forecasting, as well as other methods of scientific cognition were used. *Basic content*. On the basis of a rational legal approach to understanding freedom as a socio-legal scale setting the boundary of behavioral activity of two or more formally equal and mutually responsible entities that independently determine and realize corresponding rights and obligations, the principle of academic freedom is formulated, its genesis and features of modern perception are shown. The practice of legislative consolidation and practical embodiment of academic freedom in the modern Russian educational environment is analyzed. The most significant problems associated with the "entry" of Russian education into an international educational format are highlighted, recommendations are made to optimize this area of public relations. *Conclusions*. The definition of freedom as a means and space of social communication based on the formal equality of the actors involved and the corresponding nature of mutual rights and obligations is formulated. The stages of the genesis of freedom in relation to the cyclogenesis of the Western state are considered. The pattern of the transformation of the collective freedom of the political organization into the individual freedom of bourgeois society is revealed and analyzed. The definition of academic freedom is developed as a subjective possibility of independent voluntary choice of the educational format, implemented both at the individual (academic freedom of teachers and students) and at the collective (academic freedom of educational institutions) levels. Prospects are defined for the introduction and practical implementation of the principle of academic freedom in the modern Russian educational system, which demonstrates on the one hand the desire to integrate into the global globalization process, and on the other hand, which maintains a tendency to localization, due to the tradition of opposing Russia and the West inherited from Soviet education.

Key words: educational sphere, educational format, educational services, university, academy, academic freedom, academic capitalism, entrepreneurial university, educational and scientific migration, international cooperation in the field of science and education.

1. INTRODUCTION

The understanding of academic freedom is impossible without the initial definition of freedom as a socio-cultural phenomenon, filled with various semantic connotations, in various national cultures.

For Western, and primarily for American legal culture, freedom is one of the fundamental social values that set the vector for development in economics, jurisprudence, and politics. The basis of "Western" freedom is the dialogue of equal subjects, in the process of which subjective freedoms that act in relation to each other as mutual restraints are distinguished, and a joint scale of the implementation of these freedoms in the framework of legal relations is developed. In this sense, positive law acts as the "scale" of subjective freedom, and the State appears as the guarantor of compliance with such "scale" by all participants in social communications (Rybina, 2017).

In the Russian legal-linguistic tradition, freedom is identified with will and represents, in the final sense, irresponsibility - "freedom from" all kinds of burdens and prohibitions. In this sense, freedom/will can be assessed both positively ("freedom of thought"), demonstrating the movement of the subject of freedom beyond the rigid framework of outdated conservative ideas that "inhibit" social progress, and negatively ("freethinking"), showing a destructive potential beyond the rigid framework of social prohibitions of behavior.

In Chinese culture, personal freedom is identified with selfishness and perceived as a purely negative phenomenon.

The difference in the semantic perception of freedom imposes a certain imprint on the extrapolation of this category into the sphere of educational activity and the formulation of the definition of the phenomenon of academic freedom.

Given the fact that the educational system in modern Russia arose as a result of borrowing Western European experience, it seems advisable to propose the following definition as a working definition: *Academic freedom is the principle of organizing and functioning the educational system, which is based on the idea of universities (academies) as autonomous institutions, "differently organized in accordance with the features of geography and historical traditions; which create, study, evaluate and transmit culture from generation to generation through research and training. In order to meet the requirements of the world, these studies and training must be morally and intellectually independent of all political authorities and economic pressures."* (Magna Carta of Universities).

It is significant that the document defining the content of the principle of academic freedom and being the normative framework of the Bologna educational process is called the "great charter," which allows us to see the "connection of time" between it and the famous "Great Charter of Liberty" signed in 1215 and "raising" personal freedom to the level of state value (Magna Carta of Universities).

The principle of academic freedom in modern conditions implies the presence of several factors, on each of which the current state, functional efficiency and sustainable progressive development of the educational system, which goes beyond the local sphere of state jurisdiction and under the influence of globalization processes, is transformed into an effective structural and functional element of international interaction.

Such factors include:

- the autonomy of universities acting both as instruments for the implementation of public education policies and as institutions of civil society, guided by interests not contradictory to the state, but at the same time not absorbed by them;
- free scientific and educational migration of faculty and student-graduate community representatives;
- independence of scientific and educational activities from "power preferences" and "political conjuncture";
- a combination of public support and private investment in terms of logistics for research and training;
- the focus of scientific and educational activities on obtaining the product demanded by public and private practice subject to a specific economic assessment and, as a result, capitalization and commercialization of the university complex, which acts as an instrument for the provision of scientific and educational services.

The above makes it possible to consider the educational environment as a sphere of business activity aimed at providing and receiving educational services that represent a form of special social communication, the goals of which are:

- formation of professional competencies among trainees defined by educational standards;
- implementation of educational impact aimed at cultural improvement of participants in educational relations;
- the emergence of scientific schools and the implementation of thematic scientific studies with the subsequent introduction of the obtained scientific achievements into educational and practical activities.

Academic freedom was conceptualized within the framework of German university culture, having received its formal fixation in the Declaration of the Foundations of Academic Freedoms and Powers, prepared in 1915 on the instructions of the Association of American Professors (Golovko, 2017), under the influence of globalization processes, penetrates into the non-national cultural and educational spheres, including the sphere of Russian education, mutating in it and adapting to its conditions.

The study of the principle of academic freedom involves the use of complex methods of comparative analysis and interdisciplinary synthesis, which make it possible to logically connect the achievements of various humanities (history, pedagogy, jurisprudence, etc.) in order to integrate them into a theoretical model that allows an objective assessment of the current state of the educational system of Russia, as well as with a fairly high degree of probability predict its promising future.

2. ANALYSIS AND DISCUSSIONS

The formation of academic freedom becomes possible as a result of the emergence of two specific socio-cultural phenomena that play the role of the prerequisites of this phenomenon. We are talking about social freedom and the university system. Both, according to the author, are products of Western culture, which in the course of globalization processes acquire worldwide importance.

The understanding of freedom in the context of the subject involves its perception as a property (parameter) that determines the belonging of the individual to a distinguished and separate social group in a dominant position in relation to representatives of other "lower" social groups. In this view, freedom is initially a class privilege, implying the inequality of free and non-free members of society, gradually transforming into universal law, the very fact of possession of which acts as a condition for social equality of human persons, regardless of their social status.

Just as in the conditions of archaic, pre-state cultures, humanity did not know what private property was, the primary models of state organization were not connected with the concept of freedom. In the states of temple culture (Mezhdurechye, Ancient Egypt, Mycenaean kingdom), people, as carriers, simply do not have collective or individual freedom. The supreme ruler is the human embodiment of God "descended from heaven," all other inhabitants, equally his slaves, regardless of their official status and position in the social hierarchy.

Freedom arises in the cultural context of the ancient policy, where it represents the collective right of citizens of the policy, distinguishing them from both slaves and foreigners, which is the basis for the possession and realization of derivative civil rights: It is important to defend with arms your own policy, to participate in political life, to engage in free labor, which differs from the slave work precisely by its voluntary nature, to carry out official cultural and religious activities, etc. It is important that freedom in the ancient era represents an exclusively collective right. A citizen is free only as long as he is a citizen of the policy. It is no coincidence that one of the most severe punishments of an apostate, along with the death penalty, is expulsion from the community (ostracism), depriving a person of the status of a free citizen.

The transition to the feudal era marks the transformation of the understanding of freedom and its transformation from a social category to a corporate one. Already at the end of the ancient era, in the Roman Republic (empire), there were two prerequisites for differentiating freedom into "urban" and "elitist (aristocratic)."

The transformation of the semantic image of the policy, originally considered by free fellow citizens as the center of the universe and the only oikumena (intelligent universe), into the image of one of the (italic autus) cities of the Roman Empire, in which Rome itself is a metropolis, and all other urban entities are civitas, uniting free Roman citizens, different in their urban status from rural residents, military personnel and

A prerequisite for the separation of elitist freedom is the social stratification of the free civil community into two separate groups: patricians (noble) and plebeians (simple). Subsequently power-governing structures are formed first - political power, the second act as an object of power.

The destruction of the Roman Empire entailed the formation in the post-standard space of a number of empires (kingdoms), whose rulers, having destroyed a centuries-old ancient tradition, nevertheless tried to recreate models of the imperial structure, naturally adapting them to their modern life realities.

The weakening of centralized state power in the early stages of the formation of feudal culture entailed the "exaltation" of both individual cities and city unions (Hansa, Magdeburg law), which for a fairly long time successfully competed with feudal kingdoms and principalities in the political, economic, military spheres, and

local aristocratic clans (chivalric orders), the formation and activities of which were carried out on the principle: "Vassal of my vassal, is not my vassal," which excluded the through management hierarchy characteristic of the "State vertical of power."

Urban and aristocratic freedom is a phenomenon characteristic of corporate culture that arises in "late" antiquity and "arising" at the stage of feudalism. Within the framework of corporate culture, freedom and equality are ensured by belonging to a social corporation (professional workshop, aristocratic family, religious order), belonging to which, distinguishes its member among the rest of the mass of the "uninitiated" and gives a complex of intra-corporate privileges towards them. On the other hand, within a local corporation, a rigid hierarchy of statuses and corporate discipline is established, which makes corporate freedom in relation to the outside environment, at the same time, not free in relation to members of the corporation.

The formation in the bowels of the feudal society of the "third class" - the bourgeoisie, uniting people endowed with personal qualitative properties (entrepreneurship, courage, rational thinking, selfish worldview), but at the "lower stage" in the social structure of feudal society, pushes the bourgeois to barricades. The revolutionary slogan "Freedom. Equality. Brotherhood," marks a kind of code of freedom in the bourgeois sense, within the framework of which freedom is a set of powers associated with personal independence from anyone; abolition of class privileges (formal social equality); priority of economic principles of social activity (freedom of movement of labor and capital, market relations based on free competition of goods and services) in relation to political and legal; Tolerance and pluralism in the religious sphere (freedom of conscience and religion). It is bourgeois transformations focused on the recognition of human rights and freedoms as a primary and priority social value, on individual (personal) freedom as an inalienable natural right of the individual, in its formation and exercise independent of the State.

The emergence of academic freedom is connected with the phenomenon of medieval urban culture, represented by corporate freedom as the city itself, considered as an independent subject of law, located with the owner of land (on which the city, and therefore the university, is located), feudal lord, in a kind of contractual relationship (the city pays tribute to the feudal lord, and the latter organizes his military defense against external aggression) and social groups forming the urban population represented by trade unions (workshops). The appearance of the first universities occurs as a result of a triple union of students, professors, city magistrates. At the same time, each side in the concluded union is guided by its own interests, for the implementation of which the university complex is intended.

The very historical fact of the emergence of European universities should be considered as a consequence of the manifestation of freedom expressed in the voluntary actions of all stakeholders organizing the university as a self-governing and, equally importantly, self-financing structure. European, and subsequently American and similar universities are autonomous entities, which in the full sense of the word are civil society institutions that interact with state institutions but are not administratively subordinate to them.

As a conceptual basis, the principle of academic freedom was enshrined in the German educational system, the flagship of which, undoubtedly, was the University of Berlin.

In its most general view, academic freedom was presented by German researchers both as two-sided *Lehrfreiheit* - the freedom of professors in choosing both forms and methods of teaching, and in determining the teaching disciplines themselves and *Lernfreiheit* - the freedom of students in choosing the subjects studied and the heads of educational and practical classes (Paulsen, 1906). Both professors and students on the university campus were free from the traditional rules and prohibitions of the immutable in the out-of-university environment. In this case, it is significant that in Germany the right of a university corporation to interfere with the student's personal life was limited to library premises and audiences for seminar and laboratory classes. There was no official supervision of the "moral appearance," the care of the "purity" of which was entirely entrusted to the conscience of the students themselves (Zemlyakova, 1860-1910).

The state in the German educational system acted as guarantor of academic freedoms and trustee (but not the owner) of universities, which allowed professors in their educational and scientific activities to be sufficiently independent (free) and focus not so much on the management corporation of a particular university, but on the state as a whole (Metzger, 1955).

At the same time, the "union" with the state had a "reverse side" for the professorship community, primarily related to the requirement of "apolitical" educational and scientific activities carried out within the university walls. "The freedom of scientific research went side by side with the prohibition of political statements within the campus" (Zemlyakova, 1860-1910).

The introduction of the principle of academic freedom in the German educational environment, among other circumstances, among which, first of all, the formation of a centralized German state, led to the scientific and technical "breakthrough" of the German nation in the second half of the XIX century. and the entry of the German Empire into the list of world leaders. By the way, according to the authors, it was that factor that the outbreak of World War I is largely associated with, which was the result of the contradictions between the "traditional/old" and "young" empires in their mutually exclusive aspirations to preserve and redistribute the existing world order.

The advanced positions taken by the German entity led to interest in it not only from the side of European "neighbors," among which was the Russian Empire, but also the American continent. According to the President of Clark University, Stanley Hall, a twenty-year-old American who entered a German university, he felt as if he got in the freest place on earth (Hall, 1923).

However, being extrapolated into the American educational system, the principle of academic freedom received a content that is qualitatively different from the German counterpart. Unlike German universities, in their "national spirit" inextricably connected with a single German state, which acted as the socio-historical basis of the national German tradition and culture, American universities have always acted as corporate entities, in their organization and functioning more connected not with the state (represented by the bureaucratic apparatus of the relevant state and the federal government), and with local business structures and religious denominations.

Unlike continental Europe, the United States in principle does not have a single education system based on legislation common to all educational institutions and state educational standards. Each university, in each area of professional training, uses its own, different from the others, admission rules, qualification requirements for the preparation of students, educational and evaluation parameters, educational and scientific methods, systemic approaches to measuring the academic load of teachers and students, terms of study, forms of intermediate and final educational documents (Grebnev & Popov, 2004).

The educational management system in the United States is "distributed" (decentralized) in nature, which involves a combination of public administration and self-government of universities, with the exercise of socio-professional control over the content and quality of educational and scientific activities (Grebnev & Popov, 2004).

Academic freedom in relation to the American educational environment, similar to business freedom, the content of which includes as inextricably linked elements the freedom of educational labor, which is a form of providing/receiving reimbursable educational (scientific) services; freedom of academic capital, which involves treating educational institutions as business structures ("entrepreneurial universities"), together forming a dedicated system of "academic capitalism"; freedom of movement in national and international educational environments of teachers and students (academic migration).

Internationalization of educational activities and taking them "beyond the limits" defined by the rules of the national regional and corporate rulemaking, allows us to consider academic freedom as an effective tool of "educational globalization," which is driven by commercial interests related to the expansion of the spheres of influence of leading American universities and their actual "capture" of foreign areas of educational services, and the desire to increase the educational and research capacity of individual universities in order to strengthen and disseminate their image assessment as "flagships" of education and science of global importance (Altbach & Knight, 2007).

In relation to the Russian educational environment, the principle of academic freedom was legally established in the context of the rejection of the unified State educational system established at the stage of the "construction of communism," during which two socio-economic formations (socialist and bourgeois) were opposed, with the ensuing consequences manifested in almost all spheres of public life, including in the field of education and science (Ginzburg, 2015).

The Constitution of the Russian Federation (1993), in Art. 43, establishes the right to education and determines that: "Everyone has the right to receive a higher education free of charge from a state or municipal educational institution and an enterprise on a competitive basis" (part 3). Therefore, freedom in the educational sphere is understood by the authors of the Constitution as the right of the individual to independently determine the need and opportunity for higher education, as well as to attempt to obtain free higher education on a competitive basis. For comparison, any form of education in the USSR was carried out on a free basis, which made it possible to speak of the right to education as really popular.

Part 5 of the same article establishes the provision in accordance with which: "The Russian Federation establishes federal state educational standards, supports various forms of education and self-education." Noting the declarativeness of the thesis on State support for "various forms of education and self-education," mindful of the pronounced negative attitude of State officials towards so-called "non-State" educational institutions, attention should be paid to the desire of the State to tightly regulate the educational process, squeezing it into the "procrusto box" of State standards emanating from State power and the same authority permanently changed. Speaking about the legislative foundations of academic freedom, we should refer to the already mentioned law, in which this principle is indicated, along with the autonomy of universities, but it is not disclosed in detail, which gives it a declarative character that is not filled with effective life content.

Russian education, in all its forms and levels, starting from the primary stages of its development was a state, initially regulated by numerous regulations and administrative orders that effectively excluded as much as any significant degree of freedom as with respect to teachers and students, and the universities themselves, acting as essentially disenfranchised executors of the will of higher managers, which, on the one hand, were officials from ministries and departments who "oversaw and directed" the educational process as a whole, and on the other hand - representatives of the university bureaucracy, in their activities dependent and accountable not to the university community, but to the higher "educational power" of the state.

3. CONCLUSIONS

The analysis of the genesis of the principle of academic freedom allows us to distinguish two areas:

- The formation and development of academic freedom, representing a type of corporate freedom, the emergence of which is connected with the phenomenon of the medieval city and the emergence of the first European universities, the emergence of which was the result of a free (voluntary) agreement of three interested students: professors - students - city authorities (magistrates);
- the transformation of academic freedom as a principle of the organization and activities of European and Anglo-American universities, considered as comparable, but qualitatively different from each other educational systems.

As a normative principle of the organization and functioning of the university, academic freedom receives legal registration in the German educational system, and is the dual unity of *Lehrfreiheit* - the freedom of professors in choosing the subjects taught and determining the forms and methods of teaching and *Lernfreiheit* - the freedom of students in choosing the subjects studied and heads of educational and practical classes.

The introduction of the principle of academic freedom in the activities of American universities entailed its meaningful change. Academic freedom "in American terms" involves considering educational and scientific activities as specific reimbursable services, the provision and receipt of which is associated with such a phenomenon as academic capitalism, in which universities act as business entities.

In the context of the Russian State legal system, all reforms were carried out and implemented on the initiative and under the control of the State bureaucracy. Russian universities, having originally arisen by royal will, later developed under "inauspicious state control" which excluded academic freedom as a phenomenon and the principle of building a domestic educational system.

In modern Russia, under the influence of globalization processes, the principle of academic freedom has received official recognition and legislative consolidation. However, in practice, it is possible to talk about its implementation, taking into account the substantive uncertainty and lack of material and procedural guarantees, only in a promising way.

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