

# How free are academics, really?



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In Germany, the [constitution](#) guarantees academic freedom in article 5 as a basic civil right. The main German funder, the German Research Foundation (DFG), routinely points to this article of the German constitution when someone suggests they should follow the lead of NIH, Wellcome et al. with regard to mandates requiring open access (OA) to publications arising from research activities they fund.

The same argument was recently made by Rick Anderson in his THE article entitled “[Open Access and Academic Freedom](#)”. When it was pointed out both in the comments on his article and on Twitter that the widespread tradition of hiring/promoting/rewarding scientists for publishing in certain venues constituted a much worse infringement, Mr. Anderson [replied](#) with a very formalistic argument: such selection by publication venue were mere “professional standards”, which, by definition, cannot impede academic freedom (even if they essentially force scientists to publish in certain venues), while only “official policies” actually can infringe on academic freedom (even if they are not actually enforced, such as many OA mandates, and thus have little/no effect on the choice of publication venue). This *potential* infringement is thus considered more of a threat to academic freedom than *actual* infringements, as long as the actual infringements due to ‘professional standards’ are not explicitly written down somewhere and labeled ‘policy’.

While one may take such a formalistic approach, I fail to see how such a position can be either valuable or convincing.

If everyone took that position, it would only mean that our institutions would make their policies less specific and called them “professional standard”. Then our institutions can fire us at will without ever touching our academic freedom: they just need to define professional standards loosely enough. Hence, there is no academic value in such a formalistic approach: an infringement of an academic freedom is always an infringement, no matter what you call it. The important aspect of such infringements (which may be unavoidable) is not whether or not they are written down as explicit ‘policy’, but that we must have very good reasons for them, such as tangible benefits for science and/or society.

I also doubt this argument will be very convincing, as it is just too plain obvious that such a formalistic approach is too far from reality to be worth seriously considering. Imagine two scholars, both working in the same field, collecting the same data, making the same discoveries and solving the same problems. One of them would feel forced to publish, against their own will, their work in a piecemeal fashion in the venues implicitly prescribed by their field on an ongoing basis, the other would decide to exercise their academic freedom and publish the exact same discoveries and solutions in one big text on their blog at the end of their career. From this example, it is clear that we already have a very tangible and real choice: either exercise your academic freedom or have a job in academia, both are incompatible.

Today, it seems unavoidable that the current society likely won’t accept the value of the “full academic freedom” of the [AAUP](#) that Rick Anderson [referenced](#), and hence won’t tolerate us exercising it. But this society better provide some pretty darn good reasons for curtailing our ‘full’ civil rights. I can see how forcing us to share our work with the society that funded us

would entail such a reason. I cannot see how forcing us to publish, e.g., in venues with a [track record for fraud and errors](#) would entail such a reason.