The common good and academic freedom in Poland[1]

Krystian Szadkowski* & Jakub Krzeski*

*** Scholarly Communication Research Group, Adam Mickiewicz University in Poznań**

Abstract: This article addresses the inadequacy of the universal approach to academic freedom, which fails to account for the extent to which academic freedom can be exercised. Instead of considering the fixed meaning of academic freedom, the article proposes a relational approach. One that focuses on the relation between academic freedom and the common good, as particular articulations of academic freedom are legitimized through reference to the quasi-universal concept of the common good. To ground this argument, the article examines different historical meanings of the idea of the common good in the relations between the state and the university sector in Poland, and the effect they had on the content and extent of academic freedom. In doing so, it contributes to the discussion on the cultural and national specificities of both academic freedom and the common good.

Keywords: the common good, academic freedom, university autonomy, the state, Poland

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Introduction

The universal nature of vocabularies used by scholars is a powerful myth. Take Mertonians norms in science as an example (Merton 1973). Although subsequent works denounce the universalism of Merton's criteria arguing that the meaning of academic norms and values is only ascribed within a specific context (Mulkay 1976; Hackett 1990), they remain one of the most important points of reference when discussing the place of science vis-à-vis society. In that sense, we forget they were also an intervention in a specific historical conjecture. One in which relation of science to society was increasingly conceived through the concept of positive, i.e. science responsibility to fulfil social needs and contribute to social development, rather than negative freedom (Turner 2007), In that sense, Mertonian norms take the form of rhetorical or performative strategy (Godin 1998) since they can be devised as a mode of intervention in situations where science and academia are exposed and subjected to external pressures. If this is the case, what about academic freedom? Should we presume that its meaning is fixed and universal across different national systems and different periods in their history? Or just as with the case of values upheld by scholars, its content greatly differs depending on the specific context in which academic freedom is deployed? Those two answers are not necessarily contradictory once we acknowledge the performative and rhetorical aspect of academic freedom. In the first case, academic freedom appears as a universal regulatory idea, which can be called upon to question the legitimacy of external intervention in the sector's activities. However, as a performative strategy, it does not give any understating of the extent to which such a strategy is effective. Hence, a different approach is needed.

Consider the following case. At the end of 2020, the Ministry of Education and Science in Poland announced a package of measures for strengthening academic freedom, identifying it as an area in urgent need of change. While from the outset it may seem that such a declaration should have been enthusiastically welcomed, in fact, it sparked fears and protests among academics. Aimed at abolishing the disciplinary liability of academics for the expression of opinions and beliefs, it was seen by many as a means of strengthening the position of those sharing the worldview of the ruling party and ultimately of bringing the academic field closer to the centre of political power. In other words, the vocabulary used by scholars to protect their activities from external interference was used to opposite ends. In effect, we are confronted with two incommensurable meanings of academic freedom which clash with each other. Although it is easy to accuse the other side of only impersonating the true meaning of academic freedom, again, such a strategy is hardly effective from the epistemological standpoint. This is because we lack the means to understand conditions that determine which of these meanings will take hold of reality.

It is worth noting that restricting academic freedom or diminishing academic autonomy rarely if ever occurs by openly admitting to pursuing such actions. Rather, as Burhan Fındıklı observes about Turkey, academic freedom can be only "exercisable within the limits of official ideology" (2020, 7). Once we recognize this dependence, we have to acknowledge epistemological limits of the universal approach to academic freedom, i.e. pursuing a fixed meaning and normative regulatory aspect. In turn, the case in question encourages us to find a new approach. One that will account for the complex dynamics in which different groups attempt to inscribe their meaning into the concept of academic freedom and impose it upon the other social actors involved in the university sector. For this reason, contrary to the universal approach (Altbach 2001; Özkirimli 2017; Ignatieff 2018; Bárd 2020) we pursue a relational framework for understating academic freedom, by arguing that when discussing its meaning, one has to account for its relation with the broader sphere of power relations. We approach this connection through our focus on the concept of the common good, with which academic freedom is often

connected (Fink & Post 2010; Reichman 2019). This, in turn, allows us to shed light on how particular articulations of academic freedom are rooted and legitimized by reference to a seemingly universal and shared norm of the common good.

The premise for going beyond the universal approach to academic freedom comes from comparative higher education research. As Simon Marginson argues, despite the trend to speak of the global and universal space of higher education, national and cultural traditions do matter. In fact, they are crucial when it comes to ascribing meaning to such concepts as academic freedom (Marginson 2014, 25). As Guy Neave argued, one of the mistakes in applying the idea of academic freedom was the assumption "that we are all engaged in upholding the same cause; that this cause tends in the same direction; that it has the same purposes, draws on the same sources of authority and applies to the same individuals and constituencies." (2002, 332). Starting from such a position, we can therefore speak of the necessity to deuniversalize academic freedom, instead of pursuing its elusive nature. After all, part of the lexicon that is used in situations involving pressure on academic freedom are terms such as *raison d'état*, the public good, or the common good. However, these concepts, like the very concept of academic freedom, are never simply abstract ideas. They are filled with meaning in specific material, cultural and historical conditions (Marginson 2016; Szadkowski 2019; Carpentier & Courtois 2020). In this article, by offering an alternative framework, we bring these conditions to the fore in the context of the Polish higher education sector and its history.

Bringing together the two concepts in question allows us not only to answer how particular meanings of academic freedom introduce themselves as quasi-universal, i.e. nonconflictual and uncontroversial but also grasp the field of power that shapes this relation in a given context. Moreover, such an approach allows us to go beyond the formal guarantees of academic freedom and ask about the material conditions in which academic freedom is embedded (Hall 2018, 52). In this case, material conditions determine the form of power relations that are constitutive of academic freedom (Marginson 1997; Donmez & Duman 2020). In other words, academic freedom has to be understood through articulations among universities and other constituencies (Tierney & Lanford 2014, 6). This is crucial, as it permits us to overcome the shortcomings of the theoretical position holding that academic freedom is predominantly threatened by authoritarian and populists' governments. After all, there is also a different threat to academic freedom. With the advent of academic capitalism (Slaughter & Rhoades 2004), it has been argued that commercialization significantly diminishes the conditions for academic freedom (Tierney 2001; Lynch & Ivancheva 2015, 11; Donmez & Duman 2020). Therefore, instead of positing a dichotomy of absolute autonomy of academic community and an external threat from the side of the government, this article argues that academic freedom should be conceived as a nexus of social interactions that account for the different social forces involved in its constitution (Marginson 1997).

This paper is structured as follows. First, the relation between academic freedom and the concept of the common good is discussed. Second, two meanings of the common good are derived from the Polish constitutional tradition, which when related to academic freedom produce a rupture within this concept and give it two conflictual meanings. Insight from the two sections is further used in the main part of the article that traces the historical relations between the Polish higher education system and the state in reference to the evolving meaning of academic freedom. The paper concludes by identifying how the Polish case and its conceptual framing may contribute to the ongoing discussion about academic freedom, arguing that calling upon the abstract idea of academic freedom ultimately fails as a performative strategy if it is not based on a persuasive narrative about universitys' contribution to wider society.

The common good and academic freedom

The link between the common good and academic freedom, between the wider societal referral of academic activities and the claim regarding the amount of freedom necessary to engage in the unrestrained pursuit of truth has a long history. Not only emphasising the necessary connection between academic professional values and the higher values of society, democracy, justice and freedom became part of the mainstream narrative on academic freedom (Fish 2014; Reichmann 2016, 2019; Tierney & Lechuga 2010; Tierney & Lanford 2014). Moreover, many universities around the world contribute to the expansion and strengthening of academic freedom, seeing it as a collective good that, while prevalent, benefits their actions substantially (Marginson 2016). Tim Ingold has recently reminded us about the deep historical roots of such a vision of academic enterprise, stating that, as early as in 1495 William Elphinstone, Bishop of Aberdeen and Chancellor of Scotland, referred to such an idea while declaring his desire to establish a university "which would be open to all and dedicated to the pursuit of truth in the service of others." (2020: 59). Furthermore, the idea of higher education as the common good was importantly echoed in AAUP's *Declaration of Principles on Academic Freedom and Academic Tenure* from 1915, where it formed the foundation and legitimation for the newly defined basic elements of academic freedom: freedom in the classroom, in research, and in extramural utterance (Nelson 2011; Reichman 2016, 2019).

It is this specific American point of view on the connection between academic freedom and the common good that has been a stable point of reference in the discussion on academic freedom (Scott 2019; Tierney & Lechuga 2010; Tierney & Lanford 2014; Reichman 2016; 2019). Fink and Post aptly outlined the contours of this connection, emphasizing that the principles of academic freedom presuppose a wider mission of higher education institutions in the service of promoting the common good, as well as the essential feature of the common good itself, which is visible only through an open, democratic debate and cannot be defined by a top-down claim of these or other extra-academic authorities (2010: 125).

The common good discourse in the conversation on academic freedom is used often to root the particular vision of academic freedom (tightly connected with the material and historical context of its development, like for example, with the AAUP *Declaration*-inspired US system) in a seemingly universal, normative concept. We agree with Marginson (2014), who insisted on the need to go beyond the abstract universalism of academic freedom. One of the components of such abstract universalism is the concept of the common good – it strengthens the semblance of the quasi-universalism of the conception of freedom maintained in its name. However, from recent empirical research on cultural variations in the understanding of the concepts of the public and the common good, we know that they tend to have different articulations, depending on the political, historical, and cultural context in which it is embedded (Marginson 2016; Tian & Liu 2019; Szadkowski 2019; Courtois & Carpentier 2020). The concept of the common good in the sphere of higher education policy, as a purely normative and political concept, tends to operate as an 'empty signifier' which is filled with meaning depending on the context and the particular political needs expressed in a given moment in history, as to present the particular interest in the form of a universal claim.

When thinking about the productive link between the concept of the common good and academic freedom, this paper looks at the context of Polish higher education to demonstrate how the relational approach to the problem of academic freedom can be successfully developed when applied to a given national system. We argue that, while over the last 30 years the system experienced the beneficial conditions for academic freedom (Karran 2007; Karran et. al. 2017), historically this was not always the case. Changes in these conditions often went hand in hand with changes in the role of the state in higher education, paralleled with the different formulations of the idea of the common good which the system should be serving.

Understanding the changing nature of these relations is crucial especially now when conflict around the extent of academic freedom starts anew (Łętowska 2021; Reykowski 2021).

Constitutional sources of Academic Freedom and Common Good

We follow the historical materialist path of examining academic freedom in a national context (Marginson 1997; 2014), and understand it "not as subtraction from government or power, but rather as 'aspect' of government and relations of power" (Marginson 1997: 362). Therefore, we look at the common good as the mediator between the realm of power and that of academic freedom. Speaking in relational terms about the common good and academic freedom requires finding the way that the former is expressed in the state-controlled regime of power. For this reason, we looked at the three Polish Constitutions (1935, 1951, 1997) as these documents stabilised relations of power in a particular national context and expressed the specific historical understanding of values in their opening paragraphs. Even if the constitution remains a dead document, the moment of its formulation gives an insight into the normative *zeitgeist.* Those documents shed light on what were (and still are) the core modes of understanding the idea of the common good in Polish political life. They expose a particular connection that has been historically made between the concept of the common good and the state/society.

In the first constitution in question, one passed in 1935, the state itself is conceived as a common good, something transcending all its individual citizens. It is something that needs to be protected, served and developed by each and every citizen. Second, in the opening lines of the first Polish socialist constitution from 1952 we see a clearly articulated idea of the proletariat-driven institution of the state subordinated to the realisation of socialism. In contrast to the document from 1935, here the state is a tool of a specific class, and the power excercised by it. Finally, for contemporary legal scholars the common good in the opening article of the current Constitution from 1997 remains "the constitutional enigma" (Strzelczyk 2009), as there is no legal tradition associated with this concept in Polish law; nor it is properly explained in the Constitution itself. It operates as *lex suprema* in the cases before of the Constitutional Tribunal. However, we managed to obtain an insight into its meaning from the transcripts of the Second National Assembly (Piechowiak 2012). In contrast to the two preceding Constitutional documents, the state is constructed as a sum of the social relations that stimulate the development of the individuals, families and associations. Here the concept of the common good is something relational, which occurs in-between the individuals forming a specific society. It is also open to the inclusion of non-national elements. These Constitutions express the two, dominant understandings of the common good in its relation to the state in its historical evolution. On the one hand, there is a common good as the Polish national state, while on the other hand there is the common good as the autonomous social relations that tie Polish society together. As such, they have powerful consequences for further articulations of different spheres of social and cultural life, including higher education.

Historical relations between the higher education and the state in Poland

From the historical perspective of a century, the years spanning 1918-2020 (from regaining national independence until the present day), changes in the modes of governance of the Polish higher education system, and the conditions for academic freedom that emerge from it, can be seen as an ongoing dialectic between the state and academic self-rule. On the one hand, we see the attempts aimed at having a strong state presence in the sector (in line with the conception of the state as a transcendent common good to which the social fabric needs to be subordinated); while on the other there were the attempts to secure the greatest possible academic freedom, autonomy and self-rule of the academic community (in line with the more relational

understanding of the common good). There is a Humboldtian spirit haunting the system from its modern beginning in 1918, where the relations between the system of higher education and the state resemble those grasped by Karl Jaspers in his *The Idea of the University*, where he expressed his vision in the following way: "Having exempted the university from interference by its own power, the state respects the university and protects it against all other forms of interference." (Jaspers 1959: 121). On the other hand, there were periods in Polish history when the state grew stronger and subsumed the higher education system under itself, as if it were a transcendent entity, whether it was the emanation of the nation or the working class.

We can reveal this dialectic by tracking the historical development of Polish legal acts on higher education throughout the century (1918-2020). The two parallel timelines are presented in Figure 1. This dual track of development – wider societal and internal higher education dynamics – can help us understand the relation between a more relational understanding of higher education's role in contributing to the common good, and the state-oriented one. The first mode was historically dominant when, as a result of a specific social mobilization, societal freedoms were expanded. For example, at the moment of regaining national independence in 1918, fighting against the crisis form of the communist power in 1980 and 1981 by the Solidarity movement (*Solidarność*), or organizing the democratic transition in 1989/1990. The other mode, the transcendent ideal of the common good, came to the fore as a result of the factional movements that took control over the state apparatus, fought against the societal democratic tendencies, and started to reshape the wider societal reality in line with its ideals. Examples include the higher education reforms after the May Coup of 1926 (the reform of 1933), the reform after the 1968 students' movement, or the Law from 1985 that reversed the achievements of the Solidarity movement. Below we will discuss this dialectic in more historical detail.

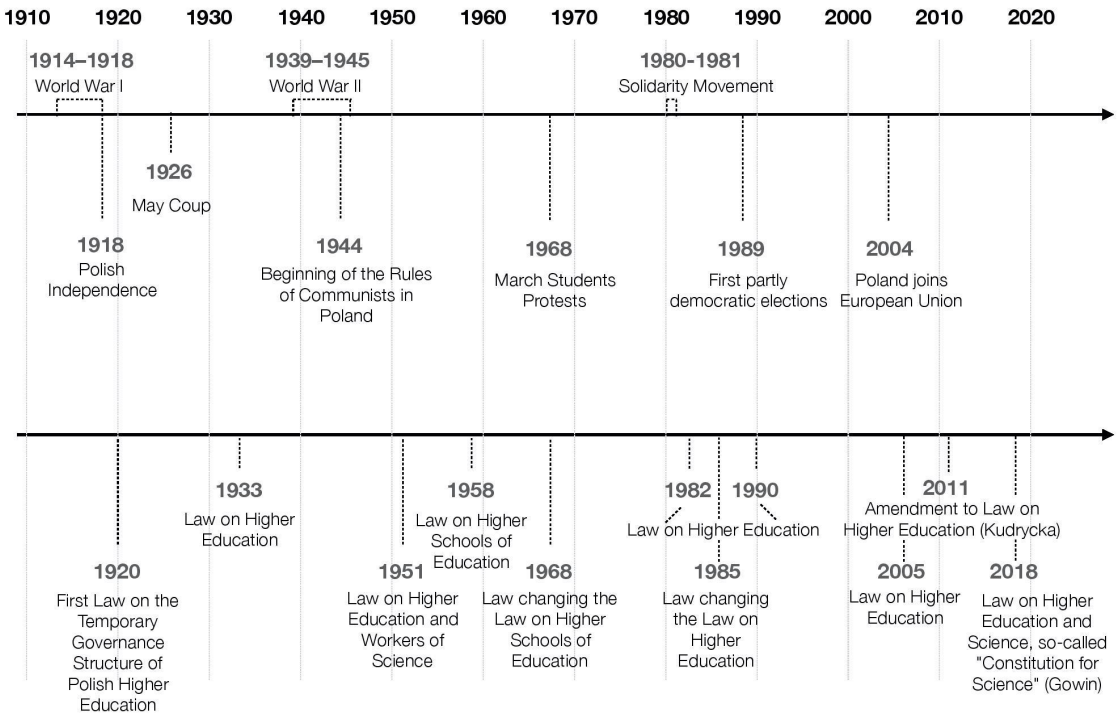

Figure 1. The Historical development of Polish law on higher education 1918-2020 – the history of Poland (upper line) and of its higher education sector (lower line). Source: the authors' own elaboration.

Between the nation and the state – higher education in the newly independent Poland

The new chapter of the Polish higher education system opened after the country regained its independence on the 11th of November 1918. While the universities had functioned before on the partitioned territories that were now brought under control of the newly formed Polish nation state, they fell under multiple, different cultural spheres of influence. Therefore, one of the most pressing problems was to provide a common legal framework for the internal governance of institutions that for more than 123 years had operated in the three different national and legal settings. The First Law on the Temporary Governance Structure of Polish Higher Education from 1920 was responsible for this and modelled the organisation of the system on Humboldtian ideals, granting substantial autonomy and freedom through the expansion of the chair-system, where a single professor had nearly full autonomy to decide on the content of teaching and the direction of research. One of the tangible missions of the existing and newly established higher education institutions was, however, to cultivate and spread the Polish national identity in the newly born state-organism. The tasks included developing the Polish modern language, initiating research on various aspects of Polish history, forming cadres for the new state, but also to encourage and instil patriotism.

However, this period of relative autonomy and academic freedom, by-products of the national independence that operated along the lines of the relational idea of the contribution of higher education to the common good, did not last for long. Appearing a few years after the so-called May Coup of 1926, a *coup d'état* carried out in Poland by Marshal Józef Piłsudski, who overthrew the democratically elected government, the new set of reforms was designed and implemented for the system under the supervision of Janusz Jędrzejewicz in 1933. The academic community perceived it as a political attack on its independence and freedom, and especially on the freedoms of the political opponents of the newly formed government. In fact, one of the consequences of this reform was the partial removal of the chair-system. This impacted the material conditions of academic self-rule, and the parallel political pressure undermined the freedom of expression.

Higher education under real socialism

The first few years (1944-1948) after World War II were devoted to the reconstruction of the fabric of Polish higher education. It was an intensive period of hard work and rebuilding the country from the ruins left by the Nazis, who had shut down all Polish higher education institutions, which forced academics to go underground. The sector was not of primary importance for the newly installed communist government. For that reason, it remained relatively open to various, even liberal, developments that started to emerge within it. Competing views of the university were proposed and discussed. One of the heated debates of that time polarised between a liberal, social, and socialist stances on the roles and the shape of the university (Zysiak 2015). However, with the First Congress of Polish Science in 1951, the political course got tightened and it pointed clearly to the Soviet model of higher education (Connelly 2000). This year marked the birth of the Polish Academy of Science and the delegation of basic research to this newly constructed sub-sector. This structural change cast a long shadow over the universities' capacity to perform research. It also tightened the ideological control over what kind of research could be done and communicated to the public. However, soon after the death of Stalin in 1953, and the change in power in Poland in 1956, the process of Sovietisation was stopped and even partially reversed. This resulted in the re-establishment of some academic freedoms.

The mass protests of March 1968, which took Polish universities by surprise, were different

than those that were to begin two months later in the West (Bielesiak 1988). Their overlap in time is, however, not coincidental – it was also the rebellion of the first generation of students raised in the new, post-war reality. It was, however, a different reality – the reality of real socialism, economic planning, and the party's control over intellectual, cultural and social life.

There was no "1968" in Poland, at least in the Western sense of the term (Mohandesi et. al. 2018). The authorities used the student protests as an excuse to pacify unruly lecturers and, then, in the anti-Semitic purge, pushed many to flee abroad (prominent academic figures who left Poland include Leszek Kołakowski and Zygmunt Bauman). In addition, the conservation process that was initiated in response to students' protests at universities led to even greater rigidity in the organizational structures, to stronger subordination of universities to the socio-economic needs of the country, and to enabling professors who were loyal to the party apparatus to take comfortable positions within the university structure (so-called "March docents"). In the long term, the conditions for academic freedom were severely undermined. The state entered the landscape of higher education and controlled both the institutional conditions of autonomy and freedoms of expression, reintroduced stricter practices of censorship, continue to politically appoint the rectors, and expand the party rule over the internal life of the universities. The contributions of higher education to the common good were seen nearly entirely through the prism of aligning with the state ideology and contributing to the development of state socialism.

Democratic opposition and the transition period

The "Solidarity" movement, one of the biggest organized workers movements in history, dramatically influenced all the areas of social life in the Polish People's Republic, higher education included. 1982 was marked by the implementation of the Law on Higher Education that included some of the proposals of academic "Solidarity" organisations, and resulted in the installation of self-governance and democratic procedures at higher education institutions. However, it quickly became clear that this was just a Pyrrhic victory, since as a result of various geopolitical and economic factors the country entered a decade of economic crisis. Higher education was one of the victims (Tittenbrun 1990). Furthermore, politically progressive achievements were reversed in 1985 with the introduction of the "Law changing the Law on Higher Education". It reintroduced the tight state control over the sector and re-established the direct connection with the ideals of state socialism, as well as stricter party rule over the internal academic life. Therefore, while Solidarity marked a brief moment when higher education became a part of a wider democratic social movement fighting for the common good, and the academic freedom granted to academics was part of the wider social pact aimed at deeper transformation, the communist apparatus quickly backlashed and brought the system back where it stood before.

The landscape of relations between the state and higher education got complicated when market forces were set loose at the end of the 1980s. The transformation of the country's political and economic structure, which started in 1989, was not supposed to put an end to the severe financial crisis that higher education experienced. Leszek Balcerowicz, who assisted Jeffrey Sachs, the architect of the "shock doctrine" neoliberal reform of the economy in Poland, said during one of the initial governmental meetings that in the newly constructed reality "science and culture will have to feed themselves on their own". What he meant was that the sector would be left on its own, as the Law on Higher Education from 1990 opened the period of the "policy of no policy" towards higher education (Kwiek 2010). This period is still referred to as the golden era of the autonomy and freedom of the academic oligarchy in Poland. As the state had withdrawn from higher education, the contribution of the system to the common good was reformulated as well. It took the shape of universalisation of access; not controlled or regulated by the state. In the context of this new priority, the autonomy of higher education institutions in establishing the levels of enrolment was granted by the Law on Higher Education of 1990.

Together with the introduction of fee-based part-time programmes in the formally public sector, massification – through the commercialization of access to higher education – achieved its goal.

The Law on Higher Education from 2005 was aimed at adapting the system to the broader requirements of the Bologna Process, and it was issued shortly after Polish admission to the European Union. Thus, it introduced the division of the study cycle into three categories and stages: bachelor, master and doctoral. It had an impact on the relations between higher education and the state, as it opened up the system to the transnational sphere of influences.

Conditions for academic freedom in contemporary Poland

In his 2007 survey on the conditions for academic freedom in 23 European Union countries, Terence Karran (2007) indicates that those for Poland could be described as highly favourable. Using five parameters to determine the health of academic freedom in a given system – constitutional protection, specific legislative protection, self-governance, the appointment of rectors, academic tenure – Poland received the highest score in each category, except the second. In the 2017 extension of this study, Poland continued to maintain the status of a system with relatively favourable conditions for academic freedom, reaching a final score of 54.5% – the European average being 52.8% (Karran et al. 2017, p. 229), despite a slight decrease due to changes in job security in the Polish system, due to the abolishment of tenure conditions under the 2011 Act. However, if the two studies provide a broad panoramic view of the formal and legal conditions of academic freedom, what exactly is behind this picture? The analysis of the relationship between academic freedom and the common good requires a closer look at these conditions in the period preceding the controversy surrounding the proposed changes. After all, the time between these studies was a period of intense reforms in the Polish higher education sector, which are not irrelevant for the shape of academic freedom.

On the map of European higher education, Poland is one of the most collegial systems, a system in which, since 1990 (Kwiek & Szadkowski 2018), the academic community has had a significant voice in deciding on its affairs. Following the liberal democratic and capitalist transition of the early 1990s, Polish universities were largely unreformed, and the academic estate was left undisturbed. However, the end of the expansion period in 2005 and the decline in student enrolment called for a reorganization of the sector, which was primarily focused on teaching. The first wave of reforms, initiated in 2009 by the Ministry of Science and Higher Education, led at that time by professor Barbara Kudrycka, aimed at the re-institutionalization of the research mission (Kwiek 2012) and the reorientation of Polish universities towards cooperation with the socio-economic environment. The core of the changes related to increasing the university's formal autonomy, widening the use of quality mechanisms in teaching and research and the introduction of competitive funding (Kwiek 2014; Kulczycki et al. 2017). Partially inspired by the New Public Management framework (Czarnecki 2013), these reforms initiated the process of transforming the traditional form of the autonomy of the academic community into its institutional form. They were, however, only partially successful, mainly due to the resistance of the academic community (Shaw 2019). In effect, the Polish higher education system maintained a low centralization, low top-down formalization and the low standardization of procedures within individual institutions. The second wave of reforms, the most important of which was the 2018 Act on Higher Education, was to bring this process to its conclusion.

When placing the second wave of reforms in the context of Karren's studies, one might conclude that they only strengthen the guarantees of academic freedom. It underpinned the very process of reforming and communicating the reforms. From the outset, not only did the academic community participate on an unprecedented scale in discussing the proposed changes (Antonowicz et al. 2020), but more importantly, the guarantee of academic freedom in sector-

specific legislation took on significant importance. Within the new law on higher education from 2018, it was now placed as the overriding value, guiding the functioning of the sector and establishing a clearly defined relationship between the university and the state. However, if we look at these changes not from the perspective of legal and formal guarantees of academic freedom, but as the next step in transforming the way autonomy functions in the sector, the issue ceases to be obvious. The new managerial paradigm takes the form of stronger leadership, strengthening the top-down approach. It subordinates universities to the control of advisory boards, along with an intensification of competition within the system via further vertical stratification. All these changes undermined collegiality as the principal value (Kwiek 2015) associated with traditional autonomy and the Humboldtian tradition.

Therefore, the question arises as to how changes in autonomy translate into the functioning of academic freedom. The two terms are often conflated and have a similar range of meaning. When differentiated, academic freedom seems to refer mainly to the individual, while autonomy is associated with the institutional level (Berdahl 1990; Neave 2012; Nokkala & Bladh 2014), as they ultimately both serve as a condition of mutual possibility. However, the relationship between the two concepts becomes more complicated. Usually, when speaking of autonomy, we mean so-called institutional autonomy. The advent of market-oriented reforms and managerial culture paved the way to a long tradition of critique of intuitional autonomy. As has been argued, using the term autonomy is at best misguided (Davies 2015), because under its guise sectors are brought under external and tight control. Thus, institutional autonomy is merely a "rhetorical camouflage" (Neave 2012, 214), that has little to do with the autonomy of the academic community. Recent reforms and their importance for academic freedom in Poland should be placed precisely in the context of such a critique of institutional autonomy. This is because the changes to the university's governance introduced in the recent reform sparked new life into the debate around the distribution of power and autonomy within Higher Education institutions. When opponents of the reform demanded greater autonomy of the academic community, seeing the increasing role of the rector as a threat in the form of centralization of power at universities, the legislator argued that the new law would increase the scope of autonomy, allowing universities to self-organize in a far-reaching manner. In other words, the two incommensurable notions of autonomy clashed in this debate with very different understandings of power and agency. While the latter conceived autonomy as the freedom to choose the means to achieve externally defined goals, the former perceived autonomy as retaining full control over both means and ends of one's activity.

The aforementioned resistance to the changes introduced in the recent reform on the side of the academic community is already a testimony to the refusal to give up control over one's activity. Now, in light of the recent ministerial proposal, which we discuss in the next section, the threat to academic freedom not only has the familiar face of the neoliberal imperative of productivity and the subordination of individual activities to external requirements and criteria, but it appears from a new side. Not only the faceless authority of the market but now also from the declared face of the right-wing political authority. Thus, while the formal and legal conditions for academic freedom seem favourable, in fact, the discussion over academic freedom sends us back to a more fundamental dispute over the scope and way of defining academic autonomy. This is because the question about the ends to which universities serve can be answered insofar as we grasp the dimensions of power that constitute those ends in the first place. Here, again, the ability to define the common good and impose it on the sector comes to the fore.

Recent controversies over academic freedom in Poland

In the light of the disputes over the scope of autonomy during the last reform, it can be seen that despite the existence of several formal guarantees, the question of the scope of academic

freedom remains open. This is because the last wave of Polish reforms breached the previous compromise formed during the period of "policy of no policy" (Kwiek 2010) and were seen by many as putting new external pressure on the sector's activity. In line with what we referred to as the performative aspect of academic freedom, this type of vocabulary was used to negotiate the extent of changes and question more far-reaching interventions. However, it is only through the most recent events, namely the ministerial proposal for strengthening academic freedom, that the dispute over academic freedom took on the new meaning.

The proposal was announced on December 9, 2020, by the Minister of Education and Science, Przemysław Czarnek, on behalf of the Law and Justice party. Although it took many by surprise, it can be viewed as a ministerial response to the problem of disciplinary hearings resulting from using the university platform by academics to promote personal opinions. The immediate impulse was the disciplinary action brought against Professor Ewa Budzyńska. A Polish sociologist who was accused by her students of disseminating unscientific views on reproductive rights and human sexuality during her classes. As such, the proposal put forward by the ministry introduces several changes to the Law on Higher Education from 20th July 2018. Namely, *a*) releasing academic teachers from disciplinary liability for expressing religious and philosophical beliefs; *b*) assuring that every member of the academic community must be informed of the initiation of an investigation into his or her case; *c*) assuring that an academic cannot be suspended at the stage of an investigation; *d*) the possibility of submitting a complaint against the proceedings if it concerns the matters of academic freedom (to a special commission at the minister, as well as to the Supreme Court of Appeal); and *e*) assuring that all pending proceedings (in the sphere of academic freedom) are cancelled. All these prescriptions were presented in line with the main premise, namely that science calls for pluralism.

Despite the formal declaration to strengthen academic freedom, the response of the representatives of the broad academic community was overwhelmingly negative. Both the Conference of Rectors of Academic Schools in Poland (CRASP)[2] and the Committee of Ethics in Science of the Polish Academy of Sciences (CES)[3] presented comprehensive analyses questioning the legitimacy of introducing new regulations in the field of academic freedom. Several important concerns were raised, such as: this proposal cannot be perceived as an improvement in guarantying academic freedom; it should be perceived as interference in the autonomy of the academic community; it differs in the understanding of academic freedom with the interpretation recognized within the European Higher Education Area (EHEA); there are no premises for new regulations in this respect. However, one issue comes to the fore. Both CRASP and CES pointed out that the new proposal blurs the distinction between two incommensurable issues – academic freedom and freedom of expression. When scientists play the role of a citizen, they can enjoy the latter kind of freedom, but when they use the authority of science, they are forced to submit their judgments to the methodological rigours of the discipline. Blurring these boundaries may lead, in effect, to the legitimization of unscientific or anti-scientific views through appeals to the authority of science itself. These concerns can be further justified when we take into account the fact that when presenting the "academic freedom package", the ministry referred directly to civic freedoms, namely two articles from Constitution of Poland – the impartiality of the state towards the worldview of its citizens (Art. 25, section 2), and the constitutional guarantee of freedom of expression (Art. 54, section 1).

[2]https://www.krasp.org.pl/pl/Aktualnosci/?id=21487/Korespondencja_Przewodniczacego_KRASP_do_Ministra_Edukacji_i_Nauki_w_sprawie_tzw___Pakietu_Wolnosci_Akademickiej_

[3] http://www.ken.pan.pl/images/KEN_stanowisko_1_2021.pdf

It is also worth noting that one of the members of the Ethics Committee expressed a dissenting opinion on this matter. While agreeing with the necessity of separating scientific from pseudoscientific views, he claimed that science prospers only when uncensored, and that in contemporary academia we can find majorities that dominate and censor minorities[4]. This view seems to be proof that the ongoing discussion around academic freedom is primarily about the social sciences and the humanities. That is, these disciplines where it is particularly difficult, if not impossible, to maintain the strong distinction within the dual identity of academic as a scientist and as a citizen (Shapin 2009). Similarly, these are disciplines of particular importance for the political authority, which is interested in creating a specific politics of history and promoting a specific set of values in the public sphere.

Looking at this controversy, we can see the traits of the specific concept of the common good that academic freedom should be serving. There is a growing presence of the state as the regulator that will stand up to defend the values that the ruling party finds dear (Reykowski 2021). This attempt is visible in not only supporting different academics who are currently undergoing disciplinary trials for conservative or homophobic comments, but also in postulating the creation of a state-influenced commission that will decide what cases of infringement of academic freedom are legitimate. In that move it is the state, in the hands of the ministerially appointed officials, that is supposed to demarcate the borders of academic freedom. This controversy reveals there has been a shift from the understanding of academic freedom as serving the relational common good, to one that is focused on serving a common good understood as a nationally defined set of values. The role of the state in defining the normative level in which academic freedom operates nationally is something that may indeed raise questions about the consequences of such actions.

Discussion: In praise of the common good?

By following the consecutive periods in the history of relations between the Polish higher education sector and the state we brought the shifting dynamic of political power to the fore, as it was within moments of political changes that the concept of the common good was re-articulated. In turn, each re-articulation of the common good entailed far-reaching consequences for the extent to which academic freedom could be exercised. This dynamic is not only a vivid testimony to the reliance of power and agency within academia on the wider political structure and ruling ideology but it also exposes the scope to which political power has to secure its rule through intervening in the balance of forces within the academia. Moreover, the historical account shows that extent of academic freedom was greater during periods where the common good was conceived as an autonomous relation rather than equated with the State and citizens' obligations towards it. This is where a particularly interesting relationship emerges. Although academic freedom has to be grasped as a form of negative freedom, that is freedom from external pressure, this negative freedom and ability to self-organize has stronger foundations the more academia forms autonomous ties with society and the more effective it is in persuading others to its wider contributions.

From this perspective, we can finally revisit the relations between two modes of understanding academic freedom – universal approach (Altbach 2001; Ignatieff 2018; Bárd 2020), which we referred to as rhetorical and performative in scope (Godin 1998) and relational approach developed in our argument. If the former is to prove rhetorically effective, the academy cannot renounce its obligations towards the rest of society. On the contrary, it needs to draw other social forces to its cause and form alliances (Łętowska 2021). This task is even more urgent as

[4]http://www.ken.pan.pl/images/Zdanie_odrebne_do_Stanowiska_Komitetu_Etyki_w_Nauce_Polskiej_Akademii_Nauk.pdf

universal notions of academic freedom seem to have "(un)intentionally reinforced authoritarian discourses and policies by reproducing conceptions of society as an allegedly non- and anti-intellectual domain" (Donmez & Duman 2020: 2). However, in the contemporary conjuncture defined by both ecological and pandemic crisis, reproducing divisions between enlightened academic elites and the ignorant masses hardly produces satisfying results in terms of strengthening the authority of science. If the recent controversy sparked the discussion about the academic freedom in Poland anew and opened the possibility of defining its future extent, the way to renounce ministerial proposal leads not through calling upon the abstract right of negative freedom, but rather grounding this right in constructing a persuasive narrative about broader contribution academia makes.

In that sense, the presented framework offers a move beyond universalism in understanding academic freedom, in line with Marginson (1997; 2014). We propose making the concept of academic freedom more culturally sensitive and read against the broader dynamics of power relations. When we use the relational approach to academic freedom and connect it through the concept of the common good with the broader mechanisms of power relations, then we can see a more nuanced picture than just a clash between the authoritarian power, on the one side, and the endangered academic community on the other. Therefore, if academic freedom is to be understood in its relationship with the common good, we suggest always asking the question: what kind of the common good is that? How is it conceptually designed? What kind of ontology does it presuppose? What kind of relationships between the actors and the sector does it assume? And what kind of relationship with the state? Answering those questions within the context of different national systems and developing them further through comparative research has the potential to provide a much richer notion of academic freedom than the one which emerges from the universal perspective.

Conclusion

This article contributes to the effort to deuniversalize the concept of academic freedom and read it beyond its universal understanding (Altbach 2001; Ignatieff 2018; Bárd 2020). While seeing academic freedom as traditionally linked to a broader claim about the social usefulness of higher education, as something granted to academics in exchange for their wider commitment to societal causes, we have asked the question about what it means to contribute to the common good in the specific national context of higher education in modern and contemporary Poland. We have provided examples of the different understandings of that concept and linked it with the historical presence of the state in the higher education sector. Therefore, we read the academic freedom as conditioned by a broader social dynamic, something that cannot be universalized and abstracted. Through developing the relational approach we also contributed to the discussion on the cultural specificities of quasi-universal concepts, like the common good (Marginson 2016; Tian & Liu 2019). We have shown that throughout Polish history we can identify more than one effective concept of the common good that could be the point of reference for the social actors in the current higher education system, and it may offer a meaningful perspective in analysing its historical dynamics. When approached from this perspective, academic freedom is not an abstract idea but a key for understanding the complex interplay between the state, society and higher education.

References

Altbach, P. (2001). Academic freedom: International realities and challenges. *Higher Education*, 41(1-2), 205-219. doi: https://doi.org/10.1023/A:1026791518365.

Antonowicz, D., Kulczycki, E., & Budzanowska, A. (2020). Breaking the deadlock of mistrust? A participative model of the structural reforms in higher education in Poland. *Higher Education Quarterly*, 74(4), 391–409. doi: https://doi.org/10.1111/hequ.12254.

Bárd, P. (2020). The rule of law and academic freedom or the lack of it in Hungary. *European Political Science*, 19(1), 87-96. doi: https://doi.org/10.1057/s41304-018-0171-x.

Berdahl, R. (1990). Academic freedom, autonomy and accountability in British universities. *Studies in higher education*, 15(2), 169-180. doi: https://doi.org/10.1080/03075079012331377491.

Bielasiak, J. (1988). Social Confrontation and Contrived Crisis: March 1968 in Poland. *East European Quarterly*, 22(1), 81-105.

Carpentier, V. & Courtois, A. (2020). Public good in French universities: principles and practice of the 'republican' model, *Compare: A Journal of Comparative and International Education*. doi: https://doi.org/10.1080/03057925.2020.1722943.

Connelly, J. (2000). *Captive University: The Sovietization of East German, Czech, and Polish Higher Education, 1945-1956*. Chapel Hill, NC: UNC Press.

Czarnecki, K. (2013). Nowe Zarządzanie Publiczne a reforma szkolnictwa wyższego w Polsce. *Praktyka Teoretyczna*, 1(7), 85–106. doi: https://doi.org/10.14746/prt.2013.1.8.

Davies, M. (2015). Academic Freedom: A Lawyer's Perspective." *Higher Education*, 70 (6): 987–1002. doi: https://doi.org/10.1007/s10734-015-9884-8.

Dönmez, P. E., & Duman, A. (2020). Marketisation of Academia and Authoritarian Governments: The Cases of Hungary and Turkey in Critical Perspective. *Critical Sociology*. doi: https://doi.org/10.1177/0896920520976780.

Fındıklı, B. (2020). A republic of scholars or scholars of the republic? Reflections on the predicaments of academic freedom and university autonomy in Turkey. *Higher Education Quarterly*. doi: https://doi.org/10.1111/hequ.12287.

Fink, M. & Post, R. C. (2011). *For the Common Good: Principles of American Academic Freedom*. New Heaven: Yale University Press.

Fish, S. (2014). *Versions of Academic Freedom: From Professionalism to Revolution*. Chicago: University of Chicago Press.

Godin, B. (1998). Writing Performative History: The New *New Atlantis*? *Social Studies of Science*, 28(3), 465-483. doi: https://doi.org/10.1177/030631298028003004.

Hackett, E. J. (1990). Science as a Vocation in the 1990s: The Changing Organizational Culture of Academic Science. *Journal of Higher Education*, 61(3), 241–279. doi: https://doi.org/10.1080/00221546.1990.11780710.

Hall, R. (2018). *The alienated academic: The struggle for autonomy inside the university*. Basingstoke: Palgrave MacMillan.

Ignatieff, M. (2018). *Academic freedom and the future of Europe.* Centre for Global Higher Working Paper. London: UCL Institute of Education.

Ingold, T. (2020). On Building a University for the Common Good. *Philosophy and Theory in Higher Education*, 2(1), 45-68. doi: https://doi.org/10.3726/ptihe.2020.01.03.

Jaspers, K. (1959). *The idea of the University*. Boston: Beacon Press.

Karran, T. (2007). Academic Freedom in Europe: A Preliminary Comparative Analysis. *Higher Education Policy*, *20*(3), 289–313. doi: https://doi.org/10.1057/palgrave.hep.8300159

Karran, T. & Beiter, K. & Appiagyei-Atua, K. (2017). Measuring academic freedom in Europe: a criterion referenced approach. *Policy Reviews in Higher Education*, 1(2): 209-239. doi: https://doi.org/10.1080/23322969.2017.1307093.

Karran, T., Beiter, K., & Appiagyei-Atua, K. (2017). Measuring academic freedom in Europe: A criterion referenced approach. *Policy Reviews in Higher Education*, *1*(2), 209–239. doi: https://doi.org/10.1080/23322969.2017.1307093

Kulczycki, E., Korzeń, M., & Korytkowski, P. (2017). Toward an excellence-based research funding system: Evidence from Poland. *Journal of Informetrics*, *11*(1), 282–298. doi: https://doi.org/10.1016/j.joi.2017.01.001

Kwiek, M. (2010). *Transformacje uniwersytetu: zmiany instytucjonalne i ewolucje polityki edukacyjnej w Europie*. Poznań: Wydawnictwo Naukowe UAM.

Kwiek, M. (2012). Changing higher education policies: From the deinstitutionalization to the reinstitutionalization of the research mission in Polish universities. *Science and Public Policy* 35(5): 641–654. doi : https://doi.org/10.1093/scipol/scs042.

Kwiek, M. (2014). Structural changes in the Polish higher education system (1990–2010): A synthetic view. *European Journal of Higher Education*, *4*(3), 266–280. doi: https://doi.org/10.1080/21568235.2014.905965

Kwiek, M. (2015). The unfading power of collegiality? University governance in Poland in a European comparative and quantitative perspective. *International Journal of Educational Development*, 43, 77–89. doi: https://doi.org/10.1016/j.ijedudev.2015.05.002

Kwiek, M., & Szadkowski, K. (2018). Higher Education Systems and Institutions, Poland. In *Encyclopedia of International Higher Education Systems and Institutions*. Springer Netherlands. doi: https://doi.org/10.1007/978-94-017-9553-1_375-1

Lynch, K., & Ivancheva, M. (2015). Academic freedom and the commercialisation of universities: a critical ethical analysis. *Ethics in Science and Environmental Politics*, 15(1), 71-85. doi: https://doi.org/10.3354/esep00160.

Łętowska, E. (2021). Fałszywe paradoksy ochrony wolności nauki. *Nauka*, 2, 87-101. doi: 10.24425/nauka.2021.136317.

Marginson, S. (1997). How free is academic freedom?. *Higher Education Research & Development*, 16(3), 359-369. doi: https://doi.org/10.1080/0729436970160309.

Marginson, S. (2014). Academic freedom: A global comparative approach. *Frontiers of Education in China*, 9(1), 24-41. doi: https://doi.org/10.1007/BF03397000.

Marginson, S. (2016). *Higher education and the common good*. Melbourne: Melbourne University Press.

Merton, R. K. (1973). *The sociology of science*. Chicago: The University of Chicago Press.

Mohandesi S Risager B S and Cox L. (2018). *Voices of 1968: Documents from the Global North*. London: Pluto Press.

Mulkey, M. J. (1976). Norms and ideology in science. *Soc. sci. inform.*, 15(4/5), 637-656. doi: https://doi.org/10.1177/053901847601500406.

Neave, G. (2002). Academic freedom in an age of globalisation. *Higher Education Policy*, 15, 331-335. doi: https://doi.org/10.1016/S0952-8733(02)00053-3.

Neave, G. (2012). *The evaluative state, institutional autonomy and re-engineering higher education in Western Europe: The prince and his pleasure*. Hampshire: Palgrave MacMillan.

Nelson, C. (2011). *No university is an island: Saving academic freedom*. New York: New York University Press.

Nokkala, T., & Bladh, A. (2014). Institutional autonomy and academic freedom in the Nordic context—similarities and differences. *Higher Education Policy*, 27(1), 1-21. doi: https://doi.org/10.1057/hep.2013.8.

Özkirimli, U. (2017). How to liquidate a people? Academic freedom in Turkey and beyond. *Globalizations*, 14(6), 851-856. doi: https://doi.org/10.1080/14747731.2017.1325171.
Piechowiak, M. (2012). *Dobro wspólne jako fundament polskiego porządku konstytucyjnego*. Warsaw: Trybunał Konstytucyjny.
Reichman, H. (2016). Academic Freedom and the Common Good: A Review Essay. *AAUP Journal of Academic Freedom*, 7, 1-19.
Reichman, H. (2019). *The Future of Academic Freedom*. Baltimore: JHU Press.
Reykowski, J. (2021). Konserwatywno-prawicowy radykalizm jako dążenie do kulturowej hegemonii. *Nauka*, 2, 103-130. doi: 10.24425/nauka.2021.136318.
Scott, J. W. (2019). *Knowledge, Power and Academic Freedom*. New York: Columbia University Press.
Shapin, S. (2009). *The scientific life: A moral history of a late modern vocation*. Chicago: University of Chicago Press.
Slaughter, S., & Rhoades, G. (2004). *Academic capitalism and the new economy*. Baltimore: JHU Press.
Strzelczyk, K. (2009). Dobro wspólne jako naczelna zasada Konstytucji RP z dnia 2 kwietnia 1997 r. *Środkowoeuropejskie Studia Polityczne*, 1-2, 245-272.
Szadkowski, K. (2019). The common in higher education: a conceptual approach. *Higher Education,* 78, 241–255. doi: https://doi.org/10.1007/s10734-018-0340-4.
Tierney, W. (2001). Academic freedom and organisational identity. *Australian Universities Review*, 44(1): 7–14.
Tierney, W. G., & Lechuga, V. M. (2010). The social significance of academic freedom. *Cultural Studies <-> Critical Methodologies*, 10(2), 118-133. doi: https://doi.org/10.1177/1532708609354316.
Tierney, W. G., & Lanford, M. (2014). The question of academic freedom: Universal right or relative term. *Frontiers of Education in China*, 9(1), 4-23. doi: https://doi.org/10.1007/BF03396999.
Turner, S. (2007). Merton's `Norms' in Political and Intellectual Context. *Journal of Classical Sociology*, 7(2), 161-178. doi: https://doi.org/10.1177/1468795X07078034.
Zysiak, A. (2015). Modernizing Science: Between a Liberal, Social, and Socialistic University – The Case of Poland and the University of Łódź (1945–1953). *Science in Context*, 28(2), 215-236. doi: https://doi.org/10.1017/S0269889715000083.