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University Autonomy and Academic Freedom: Contrasting Latin American and US Perspectives

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Abstract
I compare the historical origins and current conceptions of university autonomy and academic freedom in Latin America and the US. I argue that the core distinction between the US and Latin America is the *locus* of autonomy. In the US, university autonomy is a bottom-up consequence of the academic freedom of the professors. Autonomy is the academic freedom of the university as a community of scholars. In Latin America, conversely, academic freedom is understood top-down as a consequence of the institutional autonomy of the university. Academic freedom is vested in the university, and the freedom of the faculty derives from that of the university. I explore the historical origins of this variance and the shortcomings of the Latin American version of autonomy: its blurring of the unique knowledge-based service of universities to society and the lack of scholarship on academic freedom in the region it begets.

Keywords: United States of America, AAUP, Cordoba, university reform

Introduction

About 15 years ago, Álvaro Romo de la Rosa, then at the US Hispanic Association of Colleges and Universities, published a paper comparing the notions of autonomy and academic freedom current in the US and the Latin American context. He noted that:

> In spite of the numerous books and articles written on the subject, there remains considerable confusion regarding the very meaning of the terms' university autonomy' and 'academic freedom' (…). The confusion exists in great part due to the variety of meanings and interpretations given to these concepts. This polysemy is often rooted not only in the diverse historical and cultural circumstances represented in each distinct region of the world regarding these concepts and their development, but, perhaps more importantly, on the different and even opposed ideological positions of the authors or scholars who write about them. (Romo de la Rosa, 2007, p. 275).

Romo de la Rosa states the problem, correctly, as I shall argue, as one emerging from the historical differences in the emergence of the notion of academic freedom and autonomy between The US and Latin America. However, he does not elaborate on those differences, except for recounting the relevance of the Córdoba movement of university reform (1918) for the current concept of university autonomy in Latin America.

Rather, he sees the debate on autonomy in Latin America, unlike in the US, as one hinging upon the reluctance of scholars in public universities to acknowledge the private sector of higher education as an equal. There is some truth to this contention in the sense that university autonomy in Latin America is, for juridical reasons, different in public universities and private institutions (Bernasconi, 2018). But in my view, he misses the most important differences, rooted in history, between the conceptions of autonomy in Latin America and in the US.

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I shall argue here that the core distinction between the US and Latin America is the *locus* of autonomy, that is, where it resides. In the US, university autonomy is a consequence of the academic freedom of the professors. The locus of academic freedom is the professor, and autonomy is, then, the projection of that freedom onto the university. Autonomy is the academic freedom of the university as a community of scholars. In Latin America, conversely, academic freedom is understood as a consequence of the university's institutional autonomy. The locus of autonomy is the university, and the freedom of the faculty derives from that vested in the university.

In this paper, I take Romo de la Rosa's inquiry into the present by examining more recent writings on academic freedom and autonomy coming from the Latin American region. My intent is to show how the core difference between autonomy in the US and Latin America is where it resides or to whom it is vested.

For reasons that will become apparent later on, autonomy in the context of Latin America cannot be written about without reference to the Córdoba movement of 1918. The ideological and symbolic force of the Córdoba reforms influences the Latin American discourse about the university to this day. Given that Córdoba is generally understood as the birthplace of autonomy in Latin America, it is obligatory to start our account with that event.

However, the Córdoba movement has been mythologized to a point where the current narrative about it has lost much resemblance with what really happened at the Universidad Nacional de Córdoba in 1918. Therefore, a reconstruction of what the student protests in Córdoba were about is necessary to set our inquiry onto autonomy in the right track.

Fortunately, that work has been done in a well-sourced but forgotten paper by Mark van Aken (1971). Forgotten indeed: the hundredth anniversary of the Córdoba reform brought us a good number of scholarly works on the legacy of Córdoba. I searched the Scopus database for recent articles on the Córdoba reform and the Córdoba movement, and found that not one of the more relevant papers retrieved reference van Aken (Abba & Streck, 2021; Carreño, 2020; Buchbinder, 2018; Donoso & Contreras 2017; Tcach & Iribarne 2019; Moraga Valle, 2014; Hoyos Vásquez, 2012; Navarro, 2012). The only exception is Natalia Milanesio's (2005) historical study of the generation that carried out the reform, from a gender perspective.

It is worth, then, recuperating the events of Córdoba as they happened instead of resorting to the myth that was construed in the decades that followed it. This is important not just to set the record straight but because the Córdoba reform was pointedly *not* about autonomy.

In what follows, I first summarize the findings by van Aken (1971) to lay the historical groundwork for my argument. I then move on to illustrate how recent statements and scholarly works on autonomy coming from the Latin American region draw from the notion that academic freedom is a by-product of university autonomy. This perspective is then contrasted with that of the US as expounded by US scholars of academic freedom. I close the paper by exploring these differences in perspectives on autonomy and submitting an explanatory hypothesis of the root cause of the diverging conceptual itineraries of both university communities.

Methodologically, this is a selective literature review. It is selective in the sense that it is not exhaustive. An exhaustive review of the enormous literatures bearing on my subject, which have accumulated over a century, is impossible within the limits of an article. Rather, I present selected works that bear on my central thesis on the different loci of autonomy in the two models under comparison. If my argument is wrong, the burden shall be on others to contradict me if other pertinent works point to a different direction.

As shall be apparent later on, in my view, the Latin American concept of autonomy, compared to that of the US, is a hindrance for nuanced explorations of the perennial and newer issues arising from the ideals of academic freedom.

From a comparativist point of view, it may seem odd to compare one country to an entire region. However, US higher education is influential as a model beyond the boundaries of one country. In turn, Latin American higher education, notwithstanding national variation, is nonetheless highly homogeneous concerning the matter of this article.

The Absence of Autonomy in Córdoba Movement of 1918

The main point of the van Aken (1971) piece is to demonstrate that most, if not all of the demands of the students striking in the Universidad Nacional de Córdoba in 1918 had been articulated previously at the First International Congress of American Students in Montevideo, Uruguay, a decade earlier.

The aspirations for reform of the Córdoba students, as recounted by van Aken (1971, p. 460), were as follows:

> (1) Representation of students, along with alumni and professors, on university councils (…); (2) selection of professors by competition with student participation, professors to serve limited terms subject to review (…); (3) complete elimination of required attendance (…); (4) curriculum reform to include new courses in art, physical education, and social science (…); (5) improvement of the quality of teaching by means of *docencia libre*, i.e., more than one professor teaching one course (…); (6) university extension and night courses for workers (…); (7) social welfare for students (…); and (8) university education without fees or tuition (…).

In van Aken's account, a comparison between the reform program emerging from the 1908 First International Congress of American Students (and subsequent congresses of the kind previous to 1918), and goals of the Córdoba reform shows that "the ideas of the 'Cordoba movement' constituted no more than a refinement and evolution of the program elaborated in the Montevideo Congress" (van Aken, 1971, p. 460). The only programmatic novelty was point 8 above, free tuition.

More to the point of this article, note that autonomy is not part of the Córdoba program. Nor was it present in its Montevideo predecessor. The sole item in the list that somewhat alludes to university governance is point 1 above, the representation of students, alumni, and professors on university governing councils, thereafter, known as *cogobierno* (co-governance) and vastly introduced in the governing structures of public universities in Latin America in the ensuing decades.

In fact, so much was Córdoba not about autonomy that the rioting students called upon de Argentine federal government in Buenos Aires to intervene in the Universidad Nacional de Córdoba to solve the impasse with the university authorities and faculty.

Further, the Córdoba reform could not have been a cry for academic freedom, at least not the academic freedom of the professors, as it was a movement against the professoriate. As van Aken recalls (1971), through the 1900s and 1910s, there was student's restlessness across many universities in the region directed at the faculty's outdated teaching and examination practices and the oligarchical concentration of power among rectors, deans, and conservative sector of the professoriate. Students became increasingly intent on modernizing curricula, introducing freedom to choose courses and professors, abolishing mandatory attendance, revising the system of year-end oral examinations, and instituting periodic evaluation of faculty performance instead of lifelong appointments. Access to teaching positions, they argued, ought to be provided after open contest of applicants instead of direct appointments by faculty or deans.

What caused the 1918 crisis in Córdoba was the stubborn opposition of the University's leadership to the reforms demanded by the students and the student's deployment of forceful acts of protest to break the stalemate. Córdoba was first not in demanding change in outmoded curricula, rote teaching, and unqualified professors, but in students' willingness to strike, occupy university buildings, and clash with the police to buttress their claims. It was these methods that made the fame of the Córdoba movement, together with the sense of epic of the protesters, much more than the content of their demands.

Insistence of student participation in governance was more a matter of practical expedience than of principle: only through students' role in governance would the reforms have a chance to be actually enacted. The power of the professors would have to be curtailed for the winds of change to enter the university.

Córdoba did spark a wave of reform initiatives led by students' associations and national and regional students' congresses throughout the region (Abba & Streck, 2021; Buchbinder, 2018). Eventually, the notion of university autonomy, tightly coupled with student participation in university governance, became commonplace in the reform menu (Donoso Romo, 2020; Tünnerman, 2008). In turn, governments granted autonomy to public universities since the 1920s and into the 1950s, in legislation sponsored by progressive governments or by not so progressive ones forced by university activism (Tünnerman, 2008).

I turn next to the notion of autonomy current in the Latin American discourse about the university.

University Autonomy: The Latin American Version

On the occasion of the hundredth anniversary of the Córdoba movement, the UNESCO International Institute for Higher Education in Latin America and the Caribbean (IESALC, for its acronym in Spanish) convened the III Regional Conference on Higher Education (CRES 2018) in Córdoba, Argentina. CRES 2018 was attended by over 3,000 regional actors of higher education: scholars, administrators, students and student organizations, professional associations, unions, government agencies, and non-government organizations (UNESCO IESALC, 2018a, p. 25).

The event's final *Declaration* (UNESCO IESALC, 2018b, p. 32) has this to say about the notion of autonomy:

> The autonomy that is being demanded is that which allows the university to exercise its critical and proactive role vis-à-vis society, without restrictions and limits imposed by the governments of the day, religious beliefs, the market or particular interests. The defense of university autonomy is an inescapable and highly relevant responsibility in Latin America and the Caribbean and is, at the same time, a defense of the university's social commitment. (p. 50).
>
> The higher education to be created should fulfill its cultural and ethical calling with full autonomy and freedom; thus, contributing to practical, political definitions which shall influence the changes needed and desired by our communities. Higher education should be the emblematic institution symbol of the national critical awareness of our Latin American and Caribbean region. (p. 35).
>
> The results of debates and discussions on university autonomy must have an impact on its legal status and should be developed within the framework of the Constitution of each of the region's countries.
> The processes of design, formulation, and application of higher education public policies must guarantee academic and financial autonomy and, consequently, the sustainability of higher education institutions. (p. 47).
>
> Autonomy is an essential condition if the institutions are to play a critical proactive role in the society. This is based on the right to have access to decision making, to representation and full democratic participation expressed in the co-governance as well as in the transparency and accountability of their actions. (p. 49)

The *Declaration* is worth citing in length because it represents today's conceptions of the regional higher education community about autonomy and the role it plays in the social mission of the university. Also, it is quite telling about the point we are making in this article: academic freedom is nowhere to be seen. Indeed, the *Declaration* never uses the concept of academic freedom. It once mentions freedom of teaching as a tradition, in this context: “Thus, they [the higher education institutions of Latin America and the Caribbean] shall contribute, with social responsibility and commitment to new proposals which recreate the traditions of autonomy, social transformation, anti-authoritarianism, democracy, freedom of teaching, and specifically a political influence based on knowledge and reason” (p. 49).

Rather, freedom is used as a synonym for autonomy in one of the quotes above: "with full autonomy and freedom".

In its Latin American mode, autonomy has two faces: freedom from and freedom to. Freedom from external interests and powers: "the governments of the day, religious beliefs, the market or particular interests". Freedom to exercise its critical and proactive role vis-à-vis society, to contribute to practical, political definitions which shall influence the changes needed and desired by our communities, to be the emblematic institution symbol of the national critical awareness.

The actor here is always the university as a whole, not its scholars. Autonomy is not the enabler of the freedom of research, teaching, or opinion on campus, but the distance that universities take from the government and other societal forces to be able to exercise a critique of the works of power in society. The self-assigned social role of universities is overtly political. Herein resides the emphasis on autonomy as corporate freedom: a political role removed from the daily hustle of politics reclaims certain independence from the external political actors, albeit at the cost of internal politicization. Knowledge comes in only as the basis for the political mission of the university: "a political influence based on knowledge and reason", as stated above. As Lamarra and Coppola (2014, p. 127) put it: "autonomy has ended up condensing the meaning of the political struggle against the State will to control the universities politically and ideologically" (my translation).

If we turn now to scholarship on autonomy by Latin Americans, we find a canonical formulation of university autonomy with three elements: academic, administrative (or normative), and financial. It runs something like this (Serrano Migallón, 2020, p. 193-194):

> University autonomy cannot be understood without academic freedom, administrative freedom, and financial freedom. Academic freedom entails the authority to teach and to learn, and it manifests itself in the search for truth without restriction or coaction. The administrative and normative freedom is expressed in the right of self-determination through the institutions' bylaws and regulations and in the power to designate its own authorities without external intervention. Financial freedom allows the university to develop through the organization and administration of its own patrimony. (My translation).

We see now that academic freedom is considered as one of the aspects of autonomy. In other words, the Latin American concept of autonomy does not ignore academic freedom but fails to put it at the centre of the purpose of autonomy. Academic freedom derives from autonomy, in the same manner, and equal standing as the other freedoms of the university.

In another rendering (Casanova, 2020, p. 76):

> Thus, autonomy is constituted in an element that defines the complex relationship between the university and the state. This is a prerogative essentially deposited in the universities, but which defines the margins of the action of the state as well as a series of benefits for the universities, within the state, and inevitably within society. Autonomy refers to the government of the universities and their capacity to make and execute the main decisions in substantive matters: the academic dimension, the financial dimension, and the election of its academics and leaders. (My translation)

There are juridical grounds for the initial tense relationship between state and universities in Latin America, well exemplified in the history of autonomy in Mexico. During the nineteenth and early twentieth-century statesmen could not conceive of public services, such as the university, being autonomous of government control. If universities were to provide a public service, they needed to be under the direction of the government. Under this logic, in 1933, the Mexican federal Congress, responding to pressure for autonomy from the federal *Universidad Nacional de México*, answered by withdrawing funding to the university, changing its name to *Universidad Autónoma de México*, and turning it into a private institution (Martínez Rizo, 2020, p. 40). The university recuperated its public character and received autonomy in legislation passed in 1945 (Martínez Rizo, 2020, p. 43). Much has changed in administrative law since the 1930s. Public entities with autonomy within the state are now commonplace in public administration in Latin America.

Indeed, throughout the 20th century, the autonomy of universities was introduced in the constitutions of almost every country in Latin America. In my survey of the treatment of higher education in Latin American constitutions (Bernasconi, 2007), I came to the following conclusion (p. 521):

> Autonomy is generally defined in the constitutions examined here as the sum of the rights of self-governance (including the selection of authorities and the right to dictate the institution's bylaws and regulations), free administration of the institution's resources, and liberty to create programmes of study, define their curriculum, grant valid degrees, undertake research, admit and teach students, and hire faculty and staff. In other words, autonomy has governance, academic and administrative implications. Also derived from the autonomy principle is the responsibility of the government to assure the financial sustainability of the university.

It is no surprise, then, that the academic definitions of university autonomy would follow its constitutional standing. The three elements of autonomy: administrative or normative, academic, and financial, with equal importance, enshrined in constitutions, are hard to ignore.

The grip of this conception of autonomy is so tight that often the academic side of autonomy is presented as two distinct features: the individual freedom of academics to teach and do research, on the one hand, and the institutional freedom to define programs of study, and entrance and graduation requirements, on the other (Casanova, 2020 p. 78; Ríos, 2016), as if the latter were not the consequence of the former.

Another foundation of the Latin American notion of autonomy is etymological. Autonomy comes from the Greek: autós (from itself) and nomos (law or norm). Thence the association of autonomy with self-governance and the prerogative of autonomous entities to define their own regulations (Serrano Migallón, 2020, p. 192).

The "Napoleonic" model of the university, underlying the foundation in the nineteenth century of the national universities in the region after independence (de Figueiredo-Cowen, 2002), could be another source for the concept we are examining. In Simon Schwartzman words (1993, p. 9):

> Latin American universities are said to be Napoleonic, which means to be controlled and strictly supervised by the central government according to uniform, nationwide standards (…) They were meant to be part of the effort to transform the old colonies into modern nation-states, with professional elites trained according to the best technical and legal knowledge available at the time, and educated in institutions controlled by the state and freed from the traditional religious thinking.

In fact, the Córdoba movement was a somewhat belated effort to transform a national university that was steeped in scholasticism, conservative Catholic religion, and an oligarchic spirit. The notions of a university in service of the state, and at the same time autonomous, were hard to reconcile. From this viewpoint, we can better understand the perplexity of governments in the first part of the 20th century at the idea of autonomous universities, as attested by the Universidad Nacional de México, now the Universidad Nacional Autónoma de México (UNAM). The point successfully made by university reformers in the region after 1918 was that universities could be at the same time national and autonomous.

Schwartzman (1993) goes on to point out that an important legacy of the Napoleonic model (as opposed to the Humboldtian ideas) was the slow and late reception in Latin American universities of the practice and ethos of scientific research. The political predominance of professional schools within the universities, Law, Medicine, Engineering, which persists to this date, also has its foundation in the model of the French Imperial University.

Having outlined in the previous sections the Latin American concept of University autonomy, it is now appropriate to contrast it with the US notion anchored in academic freedom.

University Autonomy in the US

Unlike Latin America, where autonomy was the handicraft of university leaders and politicians, in the US, autonomy is a consequence of academic freedom as defined by the academic profession. The basis for this notion is the American Association of University Professors (AAUP) 1915 *Declaration of Principles on Academic Freedom and Academic Tenure*. The *Declaration* was made widely influential by the academic profession that endorsed it, as well as the organizations that have agreed to abide by it. The *Declaration* was revised in 1940 in the *Statement of Principles on Academic Freedom and Tenure*, jointly formulated by members of the academic profession and the Association of American Colleges. It remains the most consequential set of guidelines on academic freedom in the US, its contents, and its limitations.

The drafting of the 1915 *Declaration* was prompted by cases in which professors were fired by the trustees of their universities, unhappy with the ideas the professors were teaching or publicly supporting. At stake was the question of whether faculty members, who were employees of an organization, were free to speak their minds or had to abide by a code of speech deemed acceptable by their employers, such as any other employee (Finkin & Post, 2009, pp. 30-33).

The *Declaration* confronted this problem by distinguishing between appointment and employment. Faculty were appointees, not employees of the universities. The key point is that once appointed, the appointing authorities "have neither competency nor moral right to intervene" upon the exercise of professional functions by the scholar (Finkin & Post, 2009, p. 33). The *Declaration* states that "the responsibility of the university teacher is primarily to the public itself, and to the judgment of his own profession" and compares the relationship of the professors to the trustees to that between judges and the executive appointing them. The appointing executive cannot exert control over a judge's opinion, and for the same reason, the appointing executive cannot be made responsible for the judge's opinions, nor can it be presumed that she shares them. The same rationale holds for faculty opinions and teaching (Finkin & Post, 2009, p. 34).

But why should professors be entitled to this privilege? Because of the nature of the university as an institution and because of the professional expertise of the faculty. The *Declaration* asserts, in Finkin and Post's account (2009, p. 35):

> that an essential objective of the university is to 'promote inquiry and advance the sum of human knowledge.' What constitutes true knowledge is not to be determined by the private views of individuals, even those individuals who happen to own universities. Knowledge is the result of the public disciplinary practices of professional experts. Because faculty are professional experts trained in the mastery of these disciplinary practices, they are appointed to discharge the essential university function of producing knowledge. In this task they are answerable to the public at large rather than to the particular desires of employers.

Academic freedom is thus necessary for universities to accomplish their mission. It includes "complete and unlimited freedom to pursue inquiry and publish its results", and "the university teacher's independence of thought and utterance" (Finkin & Post, 2009, p. 35).

The *Declaration* views faculty as "professional experts in the production of knowledge". I draw on Finkin and Post, again (2009, p. 37): "Universities can advance the sum of human knowledge only if they can employ persons who are experts in their disciplines and only if universities liberate these experts to apply freely the disciplinary methods established by their training".

The notion of professional standards is, therefore, key. Academic freedom needs to be distinguished from freedom of speech, which is standard-less:

> The *Declaration* conceives of academic freedom not as an individual right to be free from any and all constraints but instead as the freedom to pursue the 'scholar's profession' according to the standards of that profession. Academic freedom consists in the freedom of mind, inquiry, an expression necessary for proper performance of professional obligations (…) the *Declaration* necessarily and explicitly rejects the position that 'academic freedom implies that individual teachers

> should be exempt from all restraints as to the matter or manner of their utterances, either within or without the University.' (Finkin & Post, 2009, p. 38).

This is why universities can and do establish and enforce norms of professional scholarly practice, evaluate the performance of the academics, and establish requirements for tenure. None of these can be construed as limitations to academic freedom. "Academic freedom, therefore, does not protect the autonomy of professors to pursue their own individual work free from all university restraints. Instead, academic freedom establishes the liberty necessary to advance knowledge, which is the liberty to practice the scholarly profession." "Academic freedom protects the interests of society in having a professoriate that can accomplish its mission" (Finkin & Post, 2009, p. 39). In turn, freedom of speech protects the right of any individual to speak as they wish.

Note that what universities claim from society is not freedom of speech. Freedom of speech is not a special attribute of universities or of scholars, for that matter. Rather, it is a universal right for all people regardless of the truth, merit, or intrinsic value of their opinions. In scholarship, by contrast, not all statements are of equal value. They are weighed on the basis of their conformity to the standards of professional practice of each academic community.

The privilege of self-regulation by the professoriate, as opposed to external regulation, rests on the expertise of professional scholars –absent in laypeople—and the interest to avoid non-scholarly criteria for the assessment of the professional work of scholars.

As to the substance of academic freedom, the 1940 *Statement of Principles on Academic Freedom and Tenure* declares:

1. Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
2. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.
3. College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

I ask for the indulgence of the US readers of this article for citing at length paragraphs that they so well know, but, again, it is Latin American readers that I have in mind. These propositions are not common knowledge in Latin American universities.

The 1940 Statement opens with a sentence that brilliantly summarizes all I have asserted so far:

> Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

I have taken the license to quote extensively from Finkin and Post's masterful book on academic freedom *For the Common Good. Principles of American Academic Freedom* (2009) for two reasons. First, because it's the most eloquent explanation of academic freedom in the US context I have come across.[1] Second, in the interest of my colleagues in Latin America for whom these ideas remain largely unknown and unexamined.

[1] Other commendable, more recent works are Reichman (2019) and Bilgrami and Cole (2015).

It is also telling that in this book, the expression "university autonomy" never occurs. The word autonomy is brought up only as an attribute of the profession, as in "professional autonomy" (Finkin & Post, 2009, pp. 151-155), to refer to the medieval university's "institutional autonomy" (Finkin & Post, 2009, pp. 151-155), or to refer to the early twentieth-century view that autonomy was vested in the trustees of the university.[2]

Indeed, the concept of autonomy is seldom used in the US discussion of academic freedom. Instead, the comparable notion is that of institutional academic freedom. As Finkin and Post explain (2009, pp. 41-42), the value of universities to society underlies the university's academic freedom, as the university's self-regulation protects all scholars within it. Society grants universities academic freedom in exchange for knowledge.

There is no constitutional recognition of university autonomy in the US. However, the First Amendment of the US Constitution, on the freedom of speech, has served as a basis for judicial examination of cases involving academic freedom. There isn't space here to delve into the problem of constitutional law and academic freedom in the US. A good, concise revision of the subject can be found in Post (2015). But in a US Supreme Court decision in 1957, justice Felix Frankfurter identified: "four essential freedoms of a university-- to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study" (Reichman, 2019, p. 10; and, on another court case, p. 100).

This succinct formulation is as close as constitutional recognition of autonomy as can be found in US constitutional law. As such, it resonates with the Latin American idea of academic autonomy of universities. Let's turn now to the contrasting visions on autonomy (and now, academic freedom) between the US and Latin America.

Conclusion from the US-Latin American Contrasts

The history of the 1918 Córdoba reform movement rehearsed above suggests how unlikely it would have been for autonomy to be conceived from the point of view of the academic freedom of the professors. Córdoba was a rebellion *against* the professoriate: their teaching and examination methods, their idea of a curriculum, their concentration of power, their lack of genuine scholarly stature. Student participation in university government was to be insurance against retrograde faculty.

University autonomy in Latin America developed as a means to protect the university as a societal actor against the intrusion, first of the State and the Church, and more recently, also of business interests and supranational agencies (Ríos, 2016, p. 92). Freedom of the university is the paramount notion, which carries significant juridical consequences, especially for public universities, erstwhile part of the state they are set to put distance with. Therefore, autonomy had to be first legislated into the bylaws of the public universities in the first half of the 20th century, and eventually recognized by the constitutions, to guarantee against State retrogression. In contrast, freedom of the university, seldom called "autonomy," is in the US an epiphenomenon or emergent effect of the freedom of the professoriate.

In short, university autonomy in Latin America was conceived and rolled out in a top-down manner: from an arrangement between state and university down to a prerogative of faculty. Quite the opposite to the bottom-up pattern we find in the US, moving up from faculty self-regulation to university policy and standards, to court decisions upholding academic freedom.

The historical proximity of the triggering events is mere happenstance: the evolution of the 1915 *Declaration*, and the aftermath of 1918 Córdoba have very little in common. Córdoba could not have happened in 1915 US every bit as much as the Declaration could not have happened in 1918 Argentina, or anywhere in the region for that matter. It easier to see why Córdoba could not have happened in the US in 1915: conflicts within faculty, students, and administrators were settled by the trustees; there was

[2] Incidentally, "university autonomy" does not appear in Reichman's (2019) book, either.

no federal Ministry of Education to resort to for arbitration, and not much State oversight of higher education anyway.

The 1915 Declaration could not have originated in the 1920s in Latin America not because public universities in Latin America do not have boards of lay trustees to solve conflicts, nor solely due to the availability of arbitration.

The key reason university autonomy in Latin America did not emerge from the academic freedom of the faculty –this is my hypothesis-- was that at the time, and up until quite recently, there was no academic profession in Latin American universities. The teachers against which the Córdoba students revolted were priests, lawyers, doctors, engineers, or agronomists teaching part-time. The base of their claim to teach was their professional experience and the knowledge of the handbooks (or the sacred books) through which the professions were taught. Library collections were poor and outdated. There was very little by way of experimental science, even in courses requiring it.

A vigorous, cogent statement of the freedoms of scholarship requires a community of scholars in need of those freedoms and with the capacity to articulate them. Such communities did not exist anywhere in Latin America at the time of Córdoba. They began to coalesce as the reform expanded through the region, at a very slow pace, more markedly since the 1960s, in a long process that has not yet come to full fruition (Galaz Fontes, Martínez Stack, Gil Antón, 2020; Marquina, 2020; Bernasconi, 2010; Didou & Remedi, 2008; García De Fanelli, 2008; Balbachevsky, 2002; 2007).

Beyond diverse historical pathways, the contrast between the US and Latin America in this matter helps illuminate some shortcomings of the Latin American notion of university autonomy.

First is that it is much more clear what autonomy stands against than what it is for. The woolly language of the CRES 2018 *Declaration* underscores this. University autonomy is geared to "exercise its critical and proactive role vis-à-vis society," "contributing to practical, political definitions which shall influence the changes needed and desired by our communities", "to be the emblematic institution symbol of the national critical awareness of our Latin American and Caribbean region." This much could be said of various other social institutions: a political party, a think tank, a philanthropic foundation, an industry union, to name a few. As the societal role of universities in the region is not firmly anchored in knowledge, the university as an institution suffers from a lack of mission specificity, and therefore, legitimacy. It emerges into the political fray as just another group of interest.

A second regrettable consequence is that there is no substantive scholarship in Latin America on the evolving contents of academic freedom, its challenges, and its limitations. Autonomy seems to operate as a black hole sucking the light from any systematic reflection on academic freedom.

Nothing in Latin America like the rich case-based decisions stemming from the quasi-judicial process of the Committee A of the AAUP's on Academic Freedom. No meticulous parsing of what the freedom to teach, or the freedom of extramural speech, entail and what it is off-limits. No answer to the question: "Can I tweet that?" (Reichman, 2019, pp. 64-104).

A search for Scopus articles on "academic freedom" and "Latin America" yields paltry six entries: two 1955 pieces by the Argentine Nobel Laureate for Medicine Bernardo Houssay, the Romo de la Rosa article with which we began, a 2002 piece on the experience of a feminist scholar across the US, Russia and Latin America, another, 1982 work on higher education, development assistance, and repressive regimes, and Maria de Figueiredo-Cowen's (2010) paper on the history of university autonomy in Brazil. The latter is a valuable source on the topic, but as the sole paper on academic freedom in Scopus since 1955 makes our case by treating academic freedom and autonomy as synonyms.

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