

HIGHER EDUCATION AND ACADEMIC FREEDOM: THE CHALLENGES OF INTERNATIONAL AND COMPARATIVE RESEARCH

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ABSTRACT

This paper examines the benefits and the challenges of carrying out international and comparative research in systems of higher education. The paper does not engage in a comparative or international study of higher education. Rather, the paper addresses the reasons for doing such research, while also identifying the challenges and obstacles. The paper first discusses the reasons for doing international and comparative research, with particular emphasis on the importance of studying colleges and universities in the current context of globalization. The discussion then moves to the challenges of studying and comparing higher education systems in different countries. In analyzing the benefits and potential problems of doing international and comparative research, the discussion seeks to address foundational questions facing the researcher. The paper concludes that despite the daunting challenges, such research projects are essential for understanding the effects of current globalization trends on higher education.

1. Introduction

Social, economic, and technological changes over the past two to three decades have increased attention on international and comparative research in education. On the one hand, education may continue to be a particularly local and national institution, preparing children and young adults in both the content of academic curricula and the social values and expectations of their community. On the other hand, the effects of globalization and technological changes have a great impact on educational systems. The shifts in global and economic power since the 1980s, the growth of transnational corporations, and rapid advances in technology have changed all social institutions, including education. Just a few examples in the U.S. include privatization policies that have changed public school management, an emphasis on training in technology in the face of the loss of the U.S. industrial base, and increased concerns about whether performance in math and science is at a high enough level to enable students to compete successfully in a global marketplace.

This context of globalization presents challenges for international and comparative research in any field. How should a researcher study the effects of global capital mobility, of changes in immigration, international trade, and revolutionary technological changes? How does the researcher identify the impact of international trends on the national and local systems? Is it possible for researchers from one country to understand another country's social, political, and economic systems at a deep enough level to analyze its institutions or to draw accurate comparisons between institutions across national borders? Are the differences in language, culture, and historical contexts of different countries so great as to defy sufficiently deep analysis? Should such research be carried out by a team from multiple countries to avoid inaccurate description and superficial analysis?

Even in the face of such daunting questions, international and comparative research is an important project. In the field of education, understanding the educational systems of other countries and comparing them cross-nationally provides insight into continued differences in

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content of curriculum, teaching methods, and institutional structures. In the context of globalization, such study opens the way to understanding the impact in different countries of international trends. In some cases, global changes will lead to similar results in different countries' educational systems; in others, the same international phenomenon may lead to different local or national responses.

Universities and colleges present a particularly apt subject for international and comparative study. At this level of education, both students and faculty are more mobile than at the primary or secondary level of education. Further, the functions of post-secondary education comprise both student education and faculty academic research. These functions have placed the university at the intersection of political and economic institutions. University graduates hold the most powerful positions in government, non-profit organizations, and industry. University faculty often function as consultants to industry and take temporary governmental positions as policy advisors, administrative agency heads, or high level executive branch appointees. Faculty research is supported by public and private funding that play a part in shaping academic research agendas. Research results are of interest to government and industry. Academic publications may influence public policy in legislatures and executive branches and in judicial legal interpretation. Basic and applied academic research is used by industry across a wide range, from developing and marketing products to structuring their organizational hierarchies and employment systems.

This paper examines the benefits and the challenges of carrying out international and comparative research in systems of higher education. The paper does not engage in a comparative or international study of higher education. Rather, the paper addresses the reasons for doing such research, while also identifying the challenges and obstacles. The paper first discusses the reasons for doing international and comparative research, with particular emphasis on the importance of studying colleges and universities in the current context of globalization. The discussion then moves to the challenges of studying and comparing higher education systems in different countries. In analyzing the benefits and potential problems of doing international and comparative research, the discussion seeks to address foundational questions facing the researcher. The paper concludes that despite the daunting challenges, such research projects are essential for understanding the effects of current globalization trends on higher education.

2. Research on Education: Defining “International and Comparative”

Comparative research on education developed from different roots than international education research. (Crossley and Watson, 2003: 13-17) Comparative research has traditionally been viewed as more academic and theoretic research “that applies historical and social science theories and methods to international problems in education.” (Crossley and Watson, 2003: 16, quoting Epstein, 1994: 918). International education research has been contrasted as being a more applied field, concerned with developing policy proposals to improve education based on “findings derived from comparative education.” (Crossley and Watson, 2003: 16, quoting Epstein 1994: 918). This definitional distinction reveals, as well, the overlapping nature of international and comparative education research. Comparative research engages in the study of both theory and practice, as educational theory of different national systems is essential to evaluating their practices. International research, too, is necessarily concerned with theory and application in developing proposals that may advance educational goals across national borders.

Ultimately, international and comparative research may be inextricably linked. As Crossley and Watson have observed, the theoretic and academic approach of comparative education research and the applied policy-based orientation of international education research should enhance each other. (Crossley and Watson, 2003: 127-33) International research that seeks policy reforms should be informed by the contextual insights of comparative research that closely studies educational systems in different countries. At the same time, comparative researchers can benefit from the broad social policy concerns addressed by international researchers. Studying education in the current context of globalization should draw from comparative research about the effects of global trends on specific educational systems. The findings of such studies can inform international policy proposals that may apply across borders, but that must respect cultural and nation-specific contexts. (Crossley and Watson, 2003: 127-33)

In the discussion that follows in this paper, the terms international and comparative research will be used together in recognition of their inter-relatedness. In the current conditions of globalization, educational research should seek to understand the specificity of local and national effects of international developments, while also developing a policy agenda for reforms that may apply across national borders.

3. The Need for International and Comparative Research in Higher Education in the Context of Globalization

3.1 Global Trends in Privatization: Examining the Effects on Academic Research

The current context of globalization is marked by international privatization trends. This phenomenon has affected all societal institutions through governmental implementation of privatization policies and deregulation; through the power of global financial institutions -- such as the World Bank and the International Monetary Fund -- to impose loan conditions that require governments to adopt policies that promote private markets (Bruculeri, 2004: 70-73; McGill, 2004: 371); and through multilateral trade agreements that favor transnational corporations (TNCs) in their pursuit of increased capital mobility and market expansion. (Sell, 2002; Wallach) These privatization policies have commodified all aspects of society – from basic needs such as food, water, electricity, and medicines, to life itself, including markets for human embryos and costly adoptions of babies.

The scope of global capitalism and privatization raises important questions for international and comparative research in higher education. How have universities in different countries been affected by the privatization trends since the 1980s? This broad question can be divided into multiple research agendas. One important project could entail a study of the university's mission. In particular, do all nations define a public interest mission for higher education? What is the content of such a public interest mission; does this depend on whether a university is publicly or privately funded? Does the role of faculty change depending on the definition of the university's mission? There are myriad ways in which a public interest mission could be manifested, including issues of student access to degree programs, public research funding, and the scope of the public domain of research.

The multidisciplinary nature of international and comparative education research opens the door to multiple ways of framing research questions about privatization. From the standpoint of law and society research, comparative work could examine national legislation affecting the university's public mission. One important privatization issue concerns the ownership of

academic research results. This has been a major issue in the U.S. Prior to 1980, publicly funded research results generally became part of the public domain. (Eisenberg, 1996: 1675-76) The federal Bayh-Dole Act of 1980, however, increased the privatization and commercialization of academic research by authorizing and encouraging federal fund recipients to patent the results of their federally funded research. The patent would thus belong to the private federal fund recipient – including universities. The patent owner can then license the patent, including exclusive licenses to for-profit corporations, such as DuPont or Monsanto.

This privatization policy of the Bayh-Dole Act raises crucial questions about its effects on the university's traditional public mission, including the potential negative impact on traditional values of academic freedom, university independence, and public interest goals of research. Does the commercialization of academic research compromise these values in ways that affect the culture of the university and the university's role as a social institution? (Lieberwitz, 2007a; Lieberwitz, 2007b) Comparative research can contribute to addressing this question by comparing patenting and licensing activities in various countries. Such research could compare changes in intellectual property national laws and their effects on university culture and institutional policies and practices. This research could also examine regional differences, for example, intellectual property laws in countries of the global north and south. More specifically, international and comparative studies could examine whether commercialization of academic research has been linked to decreases in public funding or to increases in private corporate funding. Studies could document and compare changes in university-industry relationships, including faculty-corporate relationships. These studies could also observe and analyze possible effects on the content of faculty research agendas.

International and comparative studies of the privatization of academic research are especially important in the context of the World Trade Organization (WTO) multilateral trade agreement known as TRIPS -- the Agreement on Trade-Related Aspects of Intellectual Property Rights. The 1994 TRIPS agreement requires WTO signatories to enact minimum substantive standards of intellectual property rights protection, including patent protection of pharmaceutical products, plant varieties, and computer programs. With the increase of university-industry exclusive licensing agreements, university intellectual property practices take on global implications as TNCs rely on TRIPS to reap the global benefits of their monopoly over university-owned patents. (Lieberwitz, 2005: 110-11, 140-41)

International and comparative education research could explore the impact of TRIPS on universities in different countries. Have all university systems been similarly affected by TRIPS? Are the effects determined by the nature of the university as a research institution more than by the national location of the university? Do national cultural attitudes about intellectual property protection make a difference? Are universities in the global north and south implicated in different ways by the international changes in intellectual property trade agreements?

3.2 International and Comparative Research on Labor Issues in Higher Education: Studying the Faculty

International and comparative research should explore the effects of globalization on university faculty. Again, these questions present multidisciplinary issues, including ones of particular interest to scholars of labor relations and labor law. Global capitalism has had an enormous impact on the workplace. Advanced capitalist countries like the U.S. have lost their

industrial base as TNCs have taken advantage of their capital mobility to move their operations to other countries in search of cheap labor. Although university faculty may not face the prospect of their university moving to another country, they do face increased job insecurity.

In the U.S., university faculty have traditionally relied on the job security of tenure. A faculty member who is awarded tenure has life-time job security. This strong job protection has been justified as a central element of faculty academic freedom, which protects faculty from retaliation for engaging in controversial work. (Lieberwitz, 2002: 80-84) University faculty exercise professional norms of individual academic freedom in choosing and carrying out their teaching and research agendas and in their public speech on a broad range of issues. Academic freedom is also a collective norm that gives the faculty collective autonomy to engage in self-governance. Central to faculty governance is faculty collective autonomy to judge the merit of peers' work in the tenure review process. Faculty also participate in university governance through bodies such as faculty senates.

The global dominance of capitalism and the accompanying pervasiveness of market forces have affected this traditional university labor relations model of faculty job security based on tenure-track appointments. Critics of tenure assert that it is a costly, outmoded system of job security that eliminates work incentive and competition and fails to hold faculty to account for their time and effort. (Goldberg, 1997: R4; Merle, 1997: A11) These same arguments are used to justify the growth of the nontenure-track faculty, who may consist of full or part-time faculty on renewable fixed period contracts or faculty hired on a "piece work" basis to teach courses as needed. Under any of these nontenure-track arrangements, the faculty remain subject to contract termination. The American Association of University Professors (AAUP) reports that "non-tenure-track positions of all types now account for 65 percent of all faculty appointments in American higher education," with 35.5 percent growth of full-time nontenure-track faculty between 1998 and 2001. This contrasts with hiring practices in 1969, when only 3.3 percent of full-time faculty appointments were nontenure-track. (AAUP; Duncan, 1999: 521-28)

These cutbacks on tenure and the growing contingent faculty workforce import into the university private corporate values that conflict with the values of academic freedom. Academic freedom is based on faculty independence from the administration and trustees. The job security of tenure and faculty self-governance protects faculty autonomy. By contrast, the attacks on tenure and the growth in adjunct faculty hiring undermine academic freedom by increasing job insecurity, thereby enhancing university administrators' control over faculty, similar to the power of private business employers over their at-will employees. Cutbacks on tenure-track faculty positions and an accompanying increase of nontenure-track faculty will also affect collective faculty governance. Nontenure-track faculty are often excluded from faculty governance processes. Further, their job insecurity weakens their ability to exercise academic freedom even if they are formally part of faculty governance bodies. (Lieberwitz 2002: 97-99)

Comparative research on faculty status will provide important data to document the nature of faculty employment in different countries. This comparative research can examine whether the corporate model of employment has had a broad impact on faculty employment. Such studies could explore whether there are patterns of changes resulting from increased influence of corporate values. Has faculty job insecurity increased in countries throughout the world? Do faculty in different countries have rights of academic freedom? What is the scope of academic freedom in faculty activities? Do faculty engage in collective governance activities

in all countries? Has faculty identity changed along with increased commercialization of academic research? Have such changes in academic research resulted in new hierarchies among faculty? Has the academic job market changed as a result of privatization and “corporatization” of the university?

Such studies must be set in the context of specific national employment models. For example, studying faculty tenure status in the U.S. requires an understanding of the legal background of employment-at-will doctrine, which still defines most U.S. employees’ insecure job status. In other countries that require employers to have “just cause” for dismissals of employees, the legal background creates a different context for studying faculty employment status. Other contextual differences will affect comparative studies of faculty governance. For example, the study of U.S. faculty governance structures must be set in the context of different labor laws that apply to public or private universities. Most private university faculty have no right to unionize under the U.S. Supreme Court’s interpretation of the National Labor Relations Act. (NLRB v. Yeshiva, 1980) Most private university faculty governance structures, therefore, consist of faculty senates or similar bodies without the power to require the university administration to bargain with them. In contrast, most public university faculty do have the right to unionize under state public employee collective bargaining legislation. Comparative studies of university faculty status and governance processes must take into account the significance of these different systems of employment and labor rights.

3.3 The Importance of Technology in Globalizing Higher Education

Technological change has made an enormous impact on universities. These changes have affected faculty teaching and research and their ability to communicate with other academics throughout the world. Faculty have been able to incorporate technology into their teaching in the classroom and student research projects. The Internet creates the potential for reaching students through distance learning technology. Faculty academic research is made easier through on line databases. Revolutionary advances in biotechnology have opened exciting academic science research agendas.

These technology changes in universities intersect with the privatization trends in higher education. The biotechnology revolution of the mid-1970s coincided in the U.S. with the commercialization of academic research encouraged by the Bayh-Dole Act of 1980 and the U.S. Supreme Court’s decision, that same year, that life forms can be patented. (Diamond v. Chakrabarty, 1980). Together, these social, economic, and technological forces created the foundation for institutional changes in the university and faculty culture. (Lieberwitz, 2007a)

The impact on higher education of technological change is an important subject for international and comparative research. Comparative research can examine whether there are patterns in different countries showing the coincidence of technological change with legislation encouraging the commercialization of academic research. Technological capability does not lead inevitably to the outcome of commercialization and privatization. These social and economic results depend on factors of law, public policy, culture, and other societal forces. Comparative studies should explore similarities and differences among countries’ responses to technological change. Have countries used computer technology to increase access to higher education on a for-profit or nonprofit basis? Have all countries taken legislative measures to encourage universities to commercialize technological discoveries in science and engineering? Have corporations increased their private funding of

academic research in fields such as biotechnology? Have universities differed in their willingness to increase ties with industry through funding and licensing arrangements?

Advances in technology also make international and comparative research easier to conduct. The Internet enables academics to have easier links to one another globally, fostering multi-national dialog and research projects. While high tech communications will never fully substitute for personal interaction, they facilitate continued faculty contact and interchange.

Technology provides a means for faculty to communicate with each other as colleagues, not only about their research, but about common labor issues. With increased contact, faculty can share their views about the impact that globalization and privatization has on university identity and culture. In comparing changes in the universities in different countries, faculty may find common ground for reform proposals that emphasize the public over the private interest. For example, increases in university patenting and licensing market activities affects faculty research and culture across national borders. Faculty have initiated reform measures, such as open source licensing programs, to address such restrictions on intellectual property. These and other forms of faculty collective action are important subjects for international and comparative research in higher education. At the same time, international organizing by faculty is a way to bring together policy and practice.

4. The Challenges of Doing International and Comparative Research in Higher Education

The difficulties of carrying out international and comparative research are well known and can be quite daunting. (Crossley and Watson, 2003: 32-49) In studying higher education of multiple countries, the researcher is faced with the challenge of becoming sufficiently knowledgeable about the system of countries not his own. Visiting another country, even living there for some period of time, will be helpful in learning about it, but is unlikely to provide the sort of deep understanding gained from growing up there. In the face of such limitations, the international and comparative researcher must be especially sensitive to the importance of historical, social, cultural, political, and economic context. Understanding the specificities of context will also provide the foundation to identify the commonalities between different countries' histories, institutions, and cultures. (Crossley and Watson, 2003: 50-69)

In the case of higher education, national differences abound. Is the system of higher education a nationalized public system or are universities created by regions or states within the country? Are universities public or are there also private universities? Do students pay tuition or do they receive a state stipend? How accessible is higher education to a broad range of individuals? How are undergraduate and graduate degrees awarded? Are teaching and research institutions combined? How is the labor relations system of faculty members structured? Do all faculty engage in teaching and research activities? What is the employment hierarchy? Do faculty members gain the job security of tenure? Is academic freedom a strongly held value? What is the meaning and scope of academic freedom? Are faculty members unionized? What other faculty governance processes exist?

Answering these and other questions is essential to understanding the basic structure of the system of higher education. Yet, understanding the answers can be difficult. Differences in language, of course, always present challenges for international and comparative research. Translation involves interpretation; it is difficult to know if it captures necessary depth and nuance. Even accuracy in comparing systems using the same language can be challenging.

(Crossley and Watson 41-42) The use of basic terms like “faculty,” “lecturer,” or “tenure” may differ widely from one country to another. Other terms, such as “academic freedom” are so complex and value-laden that the meaning is debatable within the context of a single country. Expanding the inquiry to compare the concept of academic freedom across national boundaries adds to the complexities and potential for inaccuracy.

Comparative analysis of the impact of capitalist globalization on higher education must, therefore, be placed in the context of the political, social, and economic history of a particular country. As important, the context of the particular institutional history and culture of a university system is essential to understand the current effects of globalization and privatization. These histories may include traumas such as the purge of political radicals from faculties. University culture may include positive values such as a strong tradition of openness and debate. The labor and employment law of a particular country may create conditions favoring or weakening job security for faculty. These multiple and varying national contexts will influence the way that university administrations and faculty respond to current trends related to capitalist globalization. Attention to context will enable the researcher not only to describe these responses, but also analyze them.

While technological advances facilitate communication among faculty through the world, other current global forces may impede international and comparative research. As part of privatization trends, the corporate model has gained greater influence in universities, including corporate definitions of productivity. The technology of the computer and the Internet, which makes work and communication easier, may also be a means to promote a speed up. It seems that faculty are increasingly matching their productivity expectations to the speed of high technology, rather than using the technology to reduce their workload. Taking on an ever growing number of work commitments, faculty will find it difficult to spend the time needed to learn about another system of higher education at a sufficiently deep level to do comparative analysis. These same time constraints may impede faculty ability to join with each other across borders to create international proposals for higher education reform.

5. Conclusion

Despite the difficulties of doing international and comparative research in higher education, it has never been more important. Global capitalism affects all societal institutions, including universities. Given the tradition and potential of higher education to serve the public interest, it is essential to study the impact of privatization and commercialization trends on the institutional character and function of universities. Comparing higher education systems will certainly provide insights into their differences. As importantly, international and comparative research will identify parallel effects of current global forces on university culture, policies, and practices.

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