

## **Academic Freedom and the Right to Publish**

Maitha Salem Al Shamsi  
Vice-Rector, United Arab Emirates University

Basyouni Ibrahim Hamada  
Professor of Mass Communication  
Cairo University and the American University in Cairo  
Secretary General  
Global Communication Research Association

### **Abstract**

The right to publish involves multitude of issues like copyrights and right to intellectual property, national and international laws and individual and institutional rights to publish scholarly work. The issue is also a part of the universal right to freedom of speech and thus it is inter-linked with the socio-political structure and history of a society.

The article discussed two major areas in which right to publish is frequently threatened; university-industry collaborative activities and national security. It has proved that freedom of inquiry and right to publish are crucial to the advancement of knowledge, the development of industry, and protection of the nation's security. The desire for secrecy on the part of industry and state has served against the right to publish. The conflict of interests between businesspersons and political leaders on one hand and the academics on the other has shaped the nature and extent of the right to publish. This conflict has led external sponsors of academic research whether they are businesspersons or public officials to impose a number of restrictions to keep academics from releasing their research findings or expressing their views properly and timely. This climate of secrecy reduces collegial interaction amongst faculty and students and places a chill on peer evaluation and the presentation of new knowledge at conferences, public seminars and in journals.

The other prime area in which right to publish is frequently threatened is the national security. Governments, in developed and developing countries place firm restrictions on the free flow of information especially at times of crises to safeguard national security. Other governments, especially in Arab and African regions restrict the freedom of information and right to publish whether they face crises or not under the guise of protecting national security. Undoubtedly, this trend is at odds with what is called the right to know. In democratic societies, there is a basic right to know, to be informed about what government is doing and why, what other institutions, including the universities are doing and why. People in a democratic society have the right to know results of academic research especially when these results have direct or indirect implications towards issues they face and future they hope. The article argues that without safeguarding right to communicate and right to publish academic freedom in general is far from being a reality.

### **INTRODUCTION**

Literature on academic freedom regards the right to publish as one of the core values of and a precondition to academic freedom. In America, the university professors regard it "as the first condition of progress, [a] complete and unlimited freedom to pursue inquiry and publish its results" (AAUP General Report on Academic Freedom). The publication of research findings is vital to transmit knowledge and benefits to academics, students, and society. Research is a university mechanism for knowledge creation and is of a little value without dissemination of its findings to the targeted public inside and outside the university. The accumulated scientific knowledge is there to be shared and free inquiry and free speech within the academic community is indispensable for the spread of knowledge within a society.

Now, at this point in history, Arab and African academia should play a vital role to combat the political, economic, social, and cultural issues in these countries. Otherwise, their role and even the right to publish will remain confined to a very limited target beneficiary, with a limited concrete value. Accordingly, this article argues the right to publish be analyzed in the framework of the universal right to communicate and freedom of expression as crucial principals to safeguarding academic freedom. The article will also argue that right to publish is not only about technical and scientific knowledge but it must also bring into play all traditional and modern means of communication and expression. These media include newspaper, magazine, radio, television as well as Internet and other means of communications that allow the voice of the academic to be heard elsewhere. The article will also reflect new constrains on the right to publish after new technological development.

## **ORGANIZATION**

The United States has a great influence or effect on the academic life of Arab and African countries as well as on other parts of the world, due to its elite status as the economic powerhouse and as the leading knowledge-producer. It also has the vital control over the dissemination of knowledge through different forms of media and communication channels. Therefore, an overview on the origin, the legal framework and the prevailing situation of the academic freedom and right to publish in the U.S. will provide a good insight to this article before discussing the situation in Arab and African countries.

The article has divided its discussion in following two main parts:

- 1) The first part deals with the right to publish and the problem of secrecy as related to both business and politics,
- 2) The second part introduces the right to publish in the context of the right to communicate.

In addition, the article includes an introduction to demonstrate the significance of the right to publish to academic freedom, and a conclusion to summarize the main findings.

## **OVERVIEW**

**Academic freedom in the United States:** The USA is the present day model and the leader of freedom, academic and otherwise, however, the legal concept of academic freedom originated from Germany where in 1850 the constitution declared that science and its teaching would be free (Standler, 2000). Even the post World War II German constitution re-emphasized, "Art and science, research and teaching are free" (The German constitution of 23 May, 1949 article 5, clause 3). Many prestigious American universities like John Hopkins in 1876, University of Chicago in 1890, Harvard, and Princeton, were evolved on German model of universities such as Göttingen and Berlin and the early concept of academic freedom was imported from there though American constitution does not mention education (Standler, 2000).

The academic freedom took shape in America through court cases and supreme court verdicts and was articulated by the American Association of University Professors through 1940 Statement of Principles on Academic Freedom and Tenure that was reviewed in 1970 and then in 1999. The first clause in the AAUP 1940 document declares, "Teachers are entitled to full freedom in research and in the publication of the results" (AAUP official website). The US Supreme Court first mention academic freedom about 48 years ago in a majority decision declaring "Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die" (Warren, *Sweezy v. New Hampshire*, 354 US 234, 250, 1957).

Black spots also mar the American history when it comes to curbing academic freedom. During the same year when American professors came with a landmark document on academic freedom, the appointment of Professor Bertrand Russell, the most distinguished philosopher of his time, by City College of New York was revoked by an American court, denouncing his views as immoral (*Kay v. Board of Education*, 829, 1940). Even the earlier history of academic freedom (1865 to 1917) shows the cases of professors dismissed for expressing their political opinions (Metzger, 1961, p139-193) and there have been instances when ideological confrontation of the Cold War took its toll on academic freedom not only in the Communist World but also in the so called Free World.

In today's America, after 9/11 and after the enforcement of Patriotic Law, the universities fear again that law is used to attack academic freedom. In its annual meeting on 14 Nov 2002, American Studies Association expressed deep concerns about the storm of attacks on intellectual freedom and on open public debate "in the name of patriotism and a war on terror." Resolution says, "Free and frank intellectual inquiry is under assault by overt legislative acts and by a chilling effect of secrecy and intimidation in the government, media and on college campuses" (ASA newsletter, March 2003). The American Association of American Professors also has created a special Committee on Academic Freedom and National Security in Times of Crisis to assess how academic freedom is affected by war on terror (to be elaborated during discussion section).

The issue of present assaults on academic freedom in the US, in the name of war on terror, is more relevant for Arabs and some African academics as they are a close target of scrutiny. [In a recent incident, a Columbia University professor of Arab origin was banned from attending a training program for expressing his views on Israel (Bradley, *Academe*, May/June, 2005)].

**Right to publish:** The right to publish involves multitude of issues like copyrights, intellectual property rights, national and international laws and individual and institutional rights to publish scholarly work. The issue is also a part of the universal right to freedom of speech and in this way it is inter-linked with the socio-political structure and history of a society. Business imperatives and complications have arisen with the advent of online publishing and for the ownership of research and its dissemination. Publishing vehicles are also wide-ranged in size, effect and technology, soft and hard or both, and from a limited and specialized refereed journal to a large circulated all-purpose magazine/newspaper and the electronic media with a larger appeal. As we will discuss later, to exercise their right to publish, academics and researchers interact with most forms of communications and have a long history of political, academic, and legal struggles with gate-keeping forces in different societies.

In 1949, an American court stopped the publication of 1876 literary piece of Mark Twain (Samuel L. Clemens). Reason: ownership of manuscript does not necessarily entail the right to publish (*The New York Times*, 19 January, 1949). Last year, the US government blocked the publishing of a book by Shirin Ebadi, the 2003 Noble Prize winner, and she had to file a lawsuit to fight the ban. Reason: the US government has forbidden American publishers to publish the works of authors from three countries, Iran, Cuba, and Sudan (*Associated Press*, Nov 1 2004). The Provost of the Duke University of Durham, USA, declared the publication of an advertisement in the campus newspaper opposing the war as illegal. Reason: federal tax code bans a nonprofit organization from paying for political advertisement. (*Duke Chronicle*, 26 March 2003, in [www.collegefreedom.org](http://www.collegefreedom.org)). All these three are different cases but have same effect.

The right to publish may have strong linkage with political and intellectual issues but there is another dimension: transferring the rights of publishing to profit making organizations. The issue is becoming more and more significant with the growth of online publishing. According to the American Library Association (ALA), authors' eagerness to get recognition and prestige by publishing in peer-reviewed scholarly journals has created a system where authors signing away their right of scholarship in exchange for publication. ALA warned scholars that by "sign away all rights they can find themselves requesting permission from publishers to place their own articles on a personal website (*Scholarly Communication Toolkit*, ALA, [www.ala.org](http://www.ala.org)). Public Library of

Science has gathered 29000 signatures from scholars and researchers of 175 countries for an open letter demanding that journals give free online access to their contents (Vaknin, UPI, 19 Feb 2002).

International treaty to protect the right to publish: A Copyright Treaty was signed in Geneva on December 20, 1996 by The World Intellectual Property Organization (WIPO) that police the world copyright issues and administers 23 treaties. The 1996 WIPO treaty not only recognized “the need to maintain a balance between the rights of authors and the larger public interest, particularly education, research and access to information” but also in its Article 8 deals with the ‘Right of communication to the public’. The Article says the work of authors and artists “shall enjoy the exclusive right of authorizing any communication to the public of their works by wire or wireless means ...” (official WIPO website [www.wipo.int](http://www.wipo.int)). [The US government has implemented the WIPO 1996 treaty by enacting The Digital Millennium Copyright Act in 1998].

The Arab and African countries: The fragility or the weakness of political and democratic structures in most Arab and African countries, lower literacy rates, and meager spending on R&D gives a different perspective to the issues of academic freedom and right to publish. Israel spends more than 3% of its GDP on R&D as compared to less than 0.3% by most Arab countries. As a result, the numbers of refereed publications in international journals produced by Israel alone during 5 years (1995-2005) are equal to number of publications by the entire Arab world during the same period (Elsevier, [www.scopus.com](http://www.scopus.com)). Lack of policies or inaction on issues related to higher education and research, and disregard to the universal right to free speech will remain factors for a grim situation in the Arab and African countries in areas of academic freedom and right to publish.

The Arab Press Freedom Watch has quoted several cases of curbing the freedom of speech and right to publish and issued a communiqué, demanding to abolish freedom-depriving punishments and regards for the fundamental right of free speech (Casablanca communiqué, 2004). Similarly, many human rights watchdogs have brought to light the cases of academics persecuted in Arab and African countries for expressing their views (Human Rights Watch World Report 2002).

In today’s globalized world, academic freedom and right to publish is not related merely to the political dissent or someone’s views about a certain issue. It is also about the progress of a knowledge society given that ‘knowledge rich countries will grow faster than knowledge poor countries’ (Best, 2001). As we will discuss later in this article, the right to publish is also about spreading and transferring the knowledge and for the well-being of a society. ‘A dynamic link has been established between the production of new knowledge, knowledge transfer, and economic performance’ (Hezelkorn, 2004). An open academic environment and freedom of communication is prelude to a knowledge based society and essential not only for intellectual freedom but also for the human development of a society.

## DISCUSSION

**The Interrelation between Academic Freedom and Right to Publish:** Freedom is “granted by society to members of academic community to ensure that they are able to fulfill the tasks given to them and, thus, to enable a university to fulfill its responsibilities to society and to contribute to the progress of humanity” (Spiro, 2003, p. 315).

Academic freedom is a duty more than a privilege, as society gave it to its super elite to produce knowledge, disseminate it through teaching, and apply it through the university outreach and community services. This duty and responsibility rested on academic researchers to make the results of their inquiries known, even if doing so is not always welcome and has many constraints. The core of academic freedom is the right to conduct research and publish its findings; to disseminate knowledge and make it available for all inside and outside the university.

Political or commercial restrictions imposed on the diffusion of research results inhibit the university to fulfill its basic role in knowledge advancement and knowledge society. The right to publish should not be confined to the publication of scholarly works. The only aspect that makes the general theory of academic freedom works is the ability of the university professors to publish their general thoughts, viewpoints and arguments as well as their special technical and scientific knowledge through specialized and mass media to reach both specialized and mass audiences. For better understanding of the place of the right to publish within the concept of academic freedom, it appears useful to briefly investigate the evolution of this concept and how it encompasses the right to publish as one of its core values.

Since 1980s, there has been growing debate about the role of academic freedom in university life; researchers suggest that academic freedom is becoming increasingly constrained in modern universities. Some warn that constraints on academic freedom will lead to deterioration in the quality of public debate and the practices of pluralistic democracy. The existing literature shows that the concept of academic freedom is open to a range of interpretations and has been used at times to support conflict causes and positions.

At its most basic, academic freedom is frequently presented as a negative right of individual academics that is, the right to non-interference in their activities. The freedom of the teacher or researcher is to investigate and discuss the problems of his/her science and to express his conclusions, whether through publication or teaching. There should not be interference from political authority or administrative officials of the institution in which he/she is employed, unless his/her methods are found clearly incompetent or contrary to professional ethics (Kerlind and Kayrooz, 2003, p. 2).

While some authors look at academic freedom as a negative right to guarantee non-interference from outsiders, others see it as being more about a freedom, i.e., a freedom to engage in appropriate academic activities. This represents a shift in the interpretation of academic freedom from being a negative right to a positive right of academics. Some also understand academic freedom as a means to an end and not an end in itself (O' Hear, 1988; Hawkesworth, 1988, quoted in Kerlind and Kayrooz, 2003, p. 2).

Researchers asked 165 social science academics from 12 Australian universities about their perception of academic freedom. The answers were varied and academics regarded academic freedom as:

1. An absence of constraints on academic activities, means unlimited freedom
2. An absence of constraints, within certain self-regulated limits
3. An absence of constraints, within certain externally-regulated limits
4. An absence of constraints, combined with active institutional support for academics' activities, and
5. An absence of constraints, combined with responsibilities on the part of academics (Kerlind and Kayrooz, 2003, p. 12).

Although academics differ on the perception of academic freedom, the majority stresses the state of non-interference and the need for social support to enable them to participate effectively in social debate that lies beyond the frontiers of the university. The right to publish in its broad sense is a positive right that requires the availability of means of communication before the academics at affordable cost and without any barriers to communicate with others.

**The Right to Publish and the Problem of Secrecy:** The desire for secrecy on the part of industry and state has served against the right to publish. The conflict of interests between businesspersons and political leaders on one hand and the academics on the other has shaped the nature and extent of the right to publish. This conflict has led external sponsors of academic research whether they are businesspersons or public officials to impose a number of restrictions to keep academics from releasing their research findings or expressing their views properly and timely.

"This climate of secrecy reduces collegial interaction amongst faculty and students and places a chill on peer evaluation and the presentation of new knowledge at conferences, public seminars and in journals. At its worst, the trend towards secrecy has manifested itself in attempts to suppress research that produces commercially or politically unfavorable results" (The Freedom to Publish Report, 2002, p.1). These type of restrictions, regardless of its justifications, does not fit the age of Internet as a very convenient, fast and uncensored means of communication. With its distinct features that attract academics to share knowledge, seek collaborations, impart information, it is difficult for both businesspersons and political leaders to attempt hindering academics from fulfilling their responsibilities and duties.

**University-Industry Cultures:** The most appropriate way to understand why businesspersons attempt to restrict the right to publish is to consider the academic and industry cultures. The tension between the two sectors is due to the conflict between different cultures, motives, and beliefs that are dominant in university and industry. In their study in culture in American colleges and universities, Kuh and Whitt (1988) define academic culture as the collective, mutually shaping patterns of norms, values, practices, beliefs and assumptions that guide the behavior of individuals and groups in an institute of higher education and provide a frame of reference within which to interpret the meaning of events and actions on and off the Campus (quoted in Kim, 1997, p. 15). Khu and Whitt continue to expand upon the definition of academic culture and introduce three basic academic values:

1. Dissemination of knowledge as the purpose of higher education,
2. The autonomy in the conduct of academic work,
3. The collegiality, mutual support, and opportunities for social interaction and in faculty governance.

Industry flourishes by controlling knowledge, while university develops by disseminating it. The industrial imperative is to gain a profit; knowledge with which one can generate a new product or process that is private property for industry. Therefore, industries tend to protect themselves by controlling their proprietary rights over knowledge generated by a university. As industry has grown more inclined to assert proprietary rights over research findings granted by faculty members, the incompatibility of such protectiveness and traditional values of open research has become obvious (Kim, 1997, p. 15).

While industry seeks to safeguard confidentiality to achieve a private interest, the university professors need their research to be published for their grading and promotions. Traditionally, publications of the scholarly works by university professors in refereed journals have been seen to perform four functions:

1. *Registration:* allowing author to be acknowledged as the person who carried out a specific research and make a specific discovery.
2. *Certification:* through the process of peer-review it is determined that the author's claims are reasonable.
3. *Awareness:* the research is communicated to the author's peer group

4. Archiving: the research is retained for posterity  
(Birdsal, and Mciver, 2002, p.1).

A research publication is a fundamental value in academia. Reputation of academics depends on publication in refereed journals. For industry, however, publication may reveal critical information essential for a commercial product. Therefore, funding companies require a delay of publication in order to hold a technological advantage. Research findings can be published when they can no longer help the competition in the marketplace. (Fairweather, 1989; Kenney 1987, quoted in Kim, 1997, p. 17).

Although universities often claim that corporate monies come without strings attached, this is often not the case. Contracts for research frequently include provisions giving corporations some control over the dissemination of research results. This secrecy is impeding scientific research. Open discussions among scientists even about the preliminary results of ongoing experiments can play an important part in advancing research. Instead of an early and fruitful exchange of ideas, the secrecy agreements have imposed the ethical and operational rules of business on scientific researchers. Not all contracts contain language that merely restricts when research findings can be made public. Some contracts contain paragraphs giving the corporate contractor the right to determine whether the results can ever be released (Soley, 1998, p. 33).

Several studies indicated that the growth of university-industry collaborations may cause erosion of traditional academic values. Bok (1981) articulated four dangers of involvement with industry-related research.

1. Financial reward from industry may influence in choosing research agenda.
2. Faculty can be diverted from their own academic duties of basic research and teaching, in order to carry out profit-seeking research.
3. The secrecy principle, which comes from industry demanding proprietary rights, may violate the scientific process, where new discoveries spring from rapidly expanding knowledge.
4. Scientific leadership entrepreneurship can be impaired. Because involvement with industry negatively affects the unbiased search for knowledge, which encourages a high degree of objectivity, it elicits distrust from other scientists.

(Quoted in Kim, 1997, p. 15).

Furthermore, university-industry (R&D) relationship may push university-based research away from basic research and more toward applied research and development. Generally, the individual companies are less inclined to support basic research, since the outcomes tend to be more uncertain and risky.

This relationship may negatively affect the agenda of research; the acceptance of funding often includes restrictions on the traditional values of the university especially the academic freedom. The benefits may exceed the costs and thus make such relationship (White, 1998, p. 4). Similarly, other studies of university-industry relations conclude that this relationship influenced the selection of research agendas, interrupted free communication and information flows, and constrained disclosure in publications (Cohen *et al*, 1994, quoted in Kim, 1997, p. 15).

Contrary to this argument, university-industry relationship can add to the resources available to universities to fund research and to carry out the other functions of the university. In fact, this is one of the most important advantages for Arab and African universities, where lack of funding represents the major obstacle before R&D. The developed countries spend some 2-3.8% of GDP on R&D, compared to 0.5% or less in most developing countries. Together, Western Europe, North America, Japan and newly industrial East Asia countries account for about 85% of

scientific articles published, and more than 97% of patents registered in Europe and the United States (quoted in Saleh, 2002, P. 225).

The expanded role of the Arab and African universities should focus on knowledge production and dissemination because these activities are the keys to sustainable development. The World Development Report on Knowledge for Development observed: "Poor countries and poor people differ from rich ones not only because they have less capital but because they have less knowledge. Knowledge is often costly to create and that is why much of it is created in industrial countries (The World Bank, 1999, quoted in Benneh, 2002, p. 294). In 1990, African's research-development (R&D) expenditure represented only 0.2% of the world expenditure on R&D activities (UNESCO, 1993, quoted in Benneh, 2002, p. 294).

Another advantage is that involvement in industry-related research may offer faculty a new window through which faculty transform fundamental knowledge into an applicable product, gain practical experience useful for teaching, and research as well (Kim, 1997, p. 45). Similarly, some may argue that university-industry collaborations, provides the university with an opportunity to relate theory to practice, basic research to its applications, and the acquisition of knowledge to its use. Thus, basic and applied research has been recognized as the essential source of knowledge that would benefit the overall economy. (Lynton and Elman, 1987, quoted in Kim, 1997, p. 19).

**Toward a Mutual Beneficial Collaboration:** As we observe, university-industry collaborative activities have a number of negative as well as positive aspects for the two partners. Both need to take advantage of this collaboration to cope with the pressures of the open global commercial market. The local and global circumstances are moving towards more and more collaborations. The movement is moving away from pure or basic research to more applied, problem solving, commercially applicable, consultancy-based and shorter term research (Cripps et., 1999, Gibbons, 1998, quoted in Braddock, 2002, p.293). Accordingly, the main two questions are:

1. How may the freedom to research and publish be upheld at the same time meet the conditions of confidentiality which an entrepreneurial relationship often demands?
2. What safeguards should the university seek from its contractual partners to uphold the terms of its overall mission, its commitment to academic freedom and the concerns of individual scholar? (UNESCO Conference, 1998, p. 16).

There are no ready answers for these two crucial questions. It should also be clear that right to publish as a core value of academic freedom is not a negotiable right. Development and advancement are the other face of freedom (Hamada, 2003, p.5). The university is an open environment for the pursuit of scholarly work. Academic freedom and critical inquiry depend on the communication of the findings and results of intellectual investigation. The employer or the industry shall not interfere with a member's freedom to publish the results of scholarly inquiry and research, except for limitations imposed by duly constituted university research ethics board (The Freedom to Publish Report, 2002, p.2).

According to another research, a majority of respondents indicated that publication barriers do not seriously affect dissemination of their research. The major result is that the university-industry collaborations did not create negative impact on academic values. Researcher involved in industry-related research denied that working with industry negatively affected the publication of their research findings. Some researchers, however, underwent either delay or restriction of their publication due to the confidentiality agreement with industry firms. (Kim, 1997, p. 19).



Arab and African countries lag significantly in private investment in R&D, reflecting the legacy of a closed, controlled economic environment. The pressures of increased global competitiveness brought about by WTO and enhanced global communication necessitate increased private-sector investment in R&D as a key global differentiator and source of competitiveness. However, many Arab and African firms have limited resources and will need to pool them to develop effective R&D programs. Arab and African governments and academic institutions can usefully work with private companies to identify focus areas for investment by both the private and public sectors, based on core needs, competitiveness and existing experiences (Arab Human Development Report, 2002, p. 70). In this respect, significant attention has to be devoted to the safeguards the university professors need to protect the right to publish, and that the industry needs to ensure competitive rewards as a result of investments in R&D.

**Right to publish and National Security:** The other prime area in which right to publish is frequently threatened is the national security. Governments, in developed and developing countries place firm restrictions on the free flow of information especially at times of crises to safeguard national security. Other governments, especially in Arab and African regions restrict the freedom of information and right to publish whether they face crises or not under the guise of protecting national security. Undoubtedly, this trend is at odds with what is called the right to know. In democratic societies, there is a basic right to know, to be informed about what government is doing and why, what other institutions, including the universities are doing and why. Democratic process requires informed participants. Secrecy reduces the information available to the citizenry, hobbling their ability to participate meaningfully (Stiglitz, 1999, P. 10). People in a democratic society have the right to know results of academic research especially when these results have direct or indirect implications towards issues they face and future they hope. To reiterate, openness is an essential part of good governance.

The following are some benefits that encourage governments to keep things secret:

1. Secrecy provides some insulation against being accused of making a mistake.
2. Secrecy provides the opportunity for special interests to have greater control. In some societies, this takes the naked form of corruption and bribery.
3. Secrecy provides the fertile ground on which special interests work.
4. Secrecy serves to entrench incumbents, discourage public participation in democratic processes, and undermines the ability of the press to provide an effective check against the abuses of government.

But the adverse effects are more pervasive. To maintain secrecy, often the circle of those involved in decision-making is greatly circumscribed; those who are able to provide valuable insights are cut out from discussions, weakening the quality of decision-making. There is, again, a brutal circle. With more mistakes, public officials become more defensive; to protect themselves, they seek even more secrecy, narrowing in the circle still further, eroding still further the quality of decision-making (Stiglitz, 1999, P. 10).

Because of the real danger that secrecy brings about, the American Association of University Professors (AAUP) established a special committee to study academic freedom and national security in a time of crisis on the first anniversary of the tragic events of September 11, 2001. The committee was charged with assessing risks to academic freedom and free inquiry posed by the nation's response to the attacks on the World Trade Center and the Pentagon. The report of the special committee rests on the premise that freedom of inquiry and the open exchange of ideas are crucial to the nation's security, and that the nation's security and, ultimately, its well-being are damaged by practices that discourage or harm freedom. The report questions whether security and freedom are inevitably opposed to one another. The report concludes that in these critical times the need is for more freedom, not less (AAUP Report, 2002, p.5).

In Arab and African countries where mass media are mostly government-owned and other sources of information are limited in its capacity and outreach, the right to publish as a core value of academic freedom should be consolidated even in time of crises. The university professors, in such critical times, are the credible source of information and builders of public opinion that decision makers may rely on.

In the final analysis, right to publish is a mean to attain transparency and the most important instrument for achieving human dignity. According to Stiglitz, "Greater openness can be justified on instrumental grounds, as means to ends-ends like reducing the likelihood of the abuse of power. Greater openness is an essential part of good governance. Citizens have a basic right to know. This seems to be a basic part of the implicit compact between the governed and those that they have selected to temporarily govern them" (1999, P. 10).

**Right to publish and Right to communicate:** As stated before, the right to publish as we adopt in this article is not only about technical and scientific knowledge but it has to be closely connected to the right to communicate. Academics have a genuine right and duty to contribute to the development of their societies especially in Arab and African countries where the majority are poor. This type of contribution is chiefly dependent on their ability to express their opinions and ideas towards salient issues facing the society as a whole. Sometimes, it is the responsibility of the academics in such countries to set the agenda of discussions. As such, right to publish should not be confined to the scholarly contributions but must be extended to include all types of communications intended to reach a broad audience beyond the frontiers of the university campus. This role is guaranteed by the right to communicate which encompasses right to publish as just a part.

The right to communicate can be conceived as a human right that is the top of a cluster and hierarchy of rights, freedoms, entitlements, and responsibilities. The right to communicate includes at a minimum "the right to inform and be informed, the right to be active participant in the communication process, the right of equitable access to information resources and information, and the right of cultural and individual privacy from communication" (Richard and Anderson, 1981, p. 27, quoted in Birdsall, and McIver, 2002, p. 13). The right to communicate has received increasing focus with the 50th anniversary of the Universal Declaration of Human Rights.

The right to communicate has also been expanded to universal access to information and communication technologies (ICTs), with access seen as a technical and a social infrastructure, the right to public access and public participation to both the means of communication and towards policymaking. Linguistic rights are also a feature of the right to communicate, as well as the substance of indigenous languages and culture. Media concentration and media globalization are also intrinsic to understanding some of the inhibiting factors for the right to communicate (Shade, 1999, p. 1).

The right to publish and academic freedom cannot become a reality without safeguarding the right to communicate. The connection between these two types of rights is supported by information and communication technologies (ICTs). With the evolution of ICTs, communication right also evolved from specific rights expressed as negative freedom to a comprehensive and positive human right. In short, the intersection of ICTs and communication right is a process of expanding universalism. Thus, we can see the Internet on the side of communication and the right to communicate on the side of human rights as together constituting what Armand Mattelart calls "networks of universalization" (Mattelart, 2002, p. 1).

Freedom of information is closely related to freedom of expression. Both types of freedoms establish a marketplace of ideas, which is fundamental not only for the development of a free personality, but also for academic freedom. Without freedom of information, freedom of expression is useless. The universal basis of human right to freedom of expression and information is embodied in Article 19 of the 1948 Universal Declaration of Human Rights. It reads: Everyone has the right to freedom of opinion and expression; this right includes freedom to

hold opinion without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers (Linden, 1999, p. 419).

The International Covenant on Civil and Political Rights (1966), the European Covenant on Human Rights (1950), American Convention on Human Rights (1969), all of these speaks about freedom of expression. These not only embraces the right to hold opinions but also freedom to seek, receive and impart information and ideas of all kinds through any media and regardless of frontiers (Arnaldo, and Alain, 1998, p. 30).

Actually, in a society that allows freedom of expression, freedom of information and right to communicate, it seems that social responsibility of the academics is clear. They must not only conduct their research, produce and disseminate new knowledge and promote its application through the refereed journals that reach a closed circle of fellow researchers, but also express their ideas widely, criticize ill decisions and policies, provide advice and lead public opinion. On the other hand, in a society where such freedoms and rights are restricted or may not exist, the responsibility of academics is huge, and difficult. They have to defend their academic freedom as well as a free society.

## **CONCLUSION**

This article has investigated the relationship between academic freedom and right to publish. It has demonstrated the central place right to publish occupies in academic freedom. The article discussed two major areas in which right to publish is frequently threatened; university-industry collaborative activities and national security. It has proved that freedom of inquiry and right to publish are crucial to the advancement of knowledge, the development of industry, and protection of the nation's security. The articles also illustrates that right to publish and university-industry relations are not inevitably opposed to one another. The analysis highlights the significance of right to communicate as a universal basic right that encompasses right to publish. The article argues that without safeguarding right to communicate and right to publish academic freedom in general is far from being a reality.

## REFERENCES

- American Association for University Professors Report, (2002). Academic Freedom and National Security in Times of Crisis. Retrieved from the Academic Search Premier, UAEU.  
<http://www.libs.uaeu.ac.ae/E-Resources/Subjecta-z.htm>
- American Association of University Professors, 1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments  
[www.aaup.org/statements/Redbook/1940stat.htm](http://www.aaup.org/statements/Redbook/1940stat.htm)
- American Library Association, Scholarly Communication Tool Kit,  
[www.ala.org/ala/acrl/acrlissues/scholarlycom](http://www.ala.org/ala/acrl/acrlissues/scholarlycom)
- Arab Human Development Report, (2002). Creating Opportunities for Future Generations, UNDP, Hashemite Kingdom of Jordan.
- Arnaldo, Carlos A, and Alain, Symonides, (1998). Freedom of Expression: A Universal Optique, Journal of International communication, Vol. 5, No. 1&2.
- Autonomy, Social Responsibility and Academic Freedom, Thematic Debate: UNESCO World Conference on Higher Education in the Twenty-First Century, Vision and Action- Paris, 5-9 October 1998, Retrieved July from UNESCO Website for UNESCO Forum for Higher Education, Research and Knowledge. ED.99/HEP/WCHE/Vol.IV-12.
- Benneh, George, (2002). Research Management in Africa, Higher Education Policy, Vol. 15, No. 3.
- Best Michael H (2001) The New Competitive Advantage: The Renewal of American Industry, Oxford University Press, Oxford, p5
- Birdsall, William F, and Mciver, William J, (2002). Technological Evolution and the Right to Communicate: The Implication for Electronic Democracy, Paper presented at Euricom Colloquium: Electronic Networks & Democracy, The Netherlands.
- Braddock, Richard, (2002). The Asia-Pacific Region, Higher Education Policy, Vol. 15, No. 3.
- Bradley, Gwendolyn (2005) Academe, the bi-monthly AAUP magazine, May/June  
[www.aaup.org/publications/Academe](http://www.aaup.org/publications/Academe)
- Duke Chronicle, 26 March 2003, [www.erinconnor.org](http://www.erinconnor.org) in [www.collegefreedom.org](http://www.collegefreedom.org))
- Hamada, Basyouni, I (2003). AL Jazeera TV and September 11, 2001: An Arab Islamic World View of Terrorism, Paper presented at INA Forum on: Media and Temporality, Paris, France
- Hazelkorn, Ellen (2004) Accessing the Knowledge Society: Intended and Unintended Consequences of HE Policy Reviews, UNESCO <http://www.scopus.com>
- Human Rights Watch World Report 2002, Special Issues, and Campaigns  
[www.hrw.org/wr2k2/academicfreedom](http://www.hrw.org/wr2k2/academicfreedom)
- Intellectual Freedom in a Time of War (2003) Resolution of American Studies Association passed on November 14, 2002, ASA Newsletter March 2003 [www.georgetown.edu](http://www.georgetown.edu)
- Kay v. Board of Education (1940), 18 N. Y. S. 2d 821, 829 (in Standler, 2000)
- Kerlind, Gerlese S. A and Kayrooz, Carole (2003). Understanding Academic Freedom: The Views of Social Scientists, Higher Education Research & Development, Vol. 22, No.5.

Kim, Seok-Eun, (1997). The Impact of University-Industry Collaborations on Academic Values, A Thesis submitted to the graduate faculty in partial fulfillment of the requirements for the degree of Master of Public Administration, Iowa State University. Retrieved from the Academic Search Premier, UAEU. <http://www.libs.uaeu.ac.ae/E-Resources/Subjecta-z.htm>

Linden, Ank, (1999). Communicating the Right to Development: Towards Human Rights-Based Communication Policies in Third World, Gazette, Vol. 61, No.5. Retrieved from the Academic Search Premier, UAEU. <http://www.libs.uaeu.ac.ae/E-Resources/Subjecta-z.htm>

Metzger, Walter P. (1961) Academic Freedom in the Age of the University, Columbia University Press

Neumeister, Larry (2004), Nobel Laureate sues US for Right to Publish, Associated Press, November 1

Saleh, Nabil A.M, (2002). Research Management Issues in the Arab Countries, Higher Education Policy, Vol. 15, No. 3.

Shade, Leslie Regan, (1999). Whose Right to Communicate, Culture and Communication, Vol.2.No1.

Soley, Lawrence, (1998). The Selling of Academe: American Universities in Services to Business, Retrieved from the Academic Search Premier, UAEU. <http://www.libs.uaeu.ac.ae/E-Resources/Subjecta-z.htm>

Spiro, Marenglen, (2003). Academic Values and Academic Work in the Era of Globalization: The Case of Albanian Universities, Higher Education in Europe, Volume xxv111, No. 3.

Standler, Ronald B. (2000), Academic Freedom in the USA [www.rbs2.com](http://www.rbs2.com)

Stiglitz, Joseph, (1999). On Liberty, The Right to Know, and Public Discourse: The Role of Transparency in Public Life, Oxford Amnesty Lecture, UK.

The Freedom to publish, (2002). <http://www.npage.org/resources/limits.html>

The New York Times (1949), Ownership of Manuscript does not give right to publish, 19 January

Vaknin, Sam (2002) Copyright and scholarship, UPI, February 19, [www.upi.com/view](http://www.upi.com/view)  
Warren, Earl B. Chief Justice US Supreme Court (1957) in *Sweezy v. New Hampshire*, 354 US 234, 250 (in Standler, 2000)

White, Lawrence J, (1998). University-Industry Research and Development Relationship: The University Perspective, Paper presented at the New York Academy of Sciences: Workshop Series on university-Industry Relationship in the Tri-State Region. Retrieved from the Academic Search Premier, UAEU. <http://www.libs.uaeu.ac.ae/E-Resources/Subjecta-z.htm>