

Academic Freedom from Islamic and Western Perspectives: Evidence from State Universities and Colleges in Sulu

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Abstract

The main objective of this paper is to highlight the academic freedom Is crucial to the discovery, promotion and application of fresh ideas, new methods and innovative techniques of teaching and research. When it is situated firmly in the university clothed with support from multi' dimensions, then struggling university like MSU-SULU can oust itself from impoverished state of academic flight. Besides, it would be more functional if the magnitude of consciousness on academic freedom of faculty members and administrators be raised to the high level.

This paper anchored on the view that most faculty members and students haphazardly exercise academic freedom. For instance, they are afraid to comment on government policies, the misconduct in leadership and even to drop or expel students who violated the law. To become vibrant institution, MSU-SULU needs to change the academic environment. This is by encouraging the teachers and students to explore the socio-political condition of SUCs with courage and determination. An institution whose academic freedom is highly given emphasis may empower and unleash the potentials of the teachers. Innovation, creativity, and invention shall event eventually take place in the university. Should the teachers assert their right to speak out even it is inimical to the state?

This paper employed different methodologies such as content analysis, FGD, survey questionnaires and interview.

Keywords: Education, Academic Freedom, Islamic And Western Perspectives, State Universities And Colleges, Philippines

Introduction

Academic freedom as a university inviolable right of every constituent in educational institution like MSU-SULU plays a very vital role in the realization of its mission and vision. In the transmission of knowledge through publication, the teachers are protected by law under the spirit of academic freedom.

At MSU-SULU, the most faculty members and students haphazardly exercise academic freedom. For instance, they are afraid to comment on government policies, the misconduct in leadership and even to drop or expel students who violated the law. To become vibrant institution, MSU-SULU needs to change the academic environment. This is by encouraging the teachers and students to explore the sociopolitical condition of 5qu with courage and determination. An institution whose academic freedom is highly given emphasis may empower and unleash the potentials of the teachers. Innovation, creativity, and invention shall eventually take place in the university. Should the teachers assert their right to speak out even it is inimical to the state?

From the inside looking - out, several great universities in the world today are becoming top performers because of the extensive and intensive research of their faculty members. As a result, the university is truly becoming the potential source of knowledge. And what is desirable is that the administrators exhaust their rigorous efforts to source out funds the support of the research. Evidently, the nations where universities are performing arduous tasks for research have also become progressive. To cite one example is Finland Where the conversion of Nokia Paper Company to Nokia Cell Phone Company transforms the country to the best of 165 countries in the world. In a nutshell, research as one function of university is implicitly within the contest of the so called Academic Freedom. or it can also be said that research is the essence of academic freedom.

In the research academic freedom describes the right of the teachers to speak the truth in their field of teaching and in research and publications. This right also includes among others, the right to join and form associations that would act as vanguard in the exercise of their profession without fear of sanctions and reprisal from their administrators and supervisors.

As echoed in one of the articles of international covenant on economic, social, and cultural right member of the collegial community, individually or collectively are free to pursue, develop, and transmit knowledge and ideas through research, teaching, study, discussion,

documentation, production, creation or writing. Also, the liberty of individuals to freely express their opinions about the institutions or system they work with. This is in addition to the other aspect of their responsibilities which are to fulfill their functions without discriminations or fear of repressions by the state or other actor to participate in the professional representative academic bodies and to enjoy the internally recognized human rights applicable to the other individual in the same jurisdictions.

So much so, academic freedom is crucial to the discovery, promotion and application of fresh ideas, new methods and innovative techniques of teaching and research. When it is situated firmly in the university clothed with support from multi' dimensions, then struggling university like MSU-SULU can oust itself from impoverished state of academic flight. Besides, it would be more functional if the magnitude of consciousness on academic freedom of faculty members and administrators be raised to the high level.

History and Scope of academic freedom

The legal concept of academic freedom originated in Germany around 1850. The Prussian constitution of 1850 declared that "science and its teaching shall be free". There are two distinctly different kinds of academic freedom: (1) Individual academic freedom which protects an individual professor, and (2) Institutional academic freedom which protects the universities from interference from the government (Standler , 2000).

According to Scarab (1988) academic freedom is traditionally referred to the freedom of educators and scholars to teach, publish, and engage in research unhindered by others. Those protected by academic freedom in turn, have the responsibility to conduct research honestly, to report their findings accurately, and to teach without bias. In democratic societies, academic freedom is respected as a right. In totalitarian societies, where education is partly directed toward indoctrination, it is rejected.

Heller et al. (1986) said that academic freedom is the view that if teachers and scholars are to promote the growth of knowledge, they require the freedom to teach and conduct Inquiry Without fear of sanction or reprisals should they express an unpopular or controversial Idea.

At the university level, its basic components are freedom in admissions, curriculum, hiring, and promotion. Knowledge is best pursued when colleges may admit whomever they believe would best contribute to a spirit of intellectual community (Seligman).

The UN committee on economic, social, and cultural rights set out academic freedom to include two sets of rights: (1) the individual rights of educators and their students, in particular the right to free expression and free association, and (2) the collective right of the academic community to conduct its affairs so as best to fulfill its central mission of transmitting knowledge and information, as encapsulated in the concept of institutional autonomy.

Academic freedom is the freedom to pursue knowledge and to search for truth; and it primarily belongs to universities (Races, 1962).

The education act of 1982 defines academic freedom as the freedom to determine on academic grounds who shall be admitted to study, who may teach, and what shall be the subjects of the study and research.

RA 4670 states that teachers shall enjoy academic freedom in the discharge of their professional duties. The professional duties in this law refer to the practice of teaching profession primarily the teacher-learner engagement in a day to day instruction. This provision is included aimed to improve above all the academic performance of the learners as evidenced in their survival rate, readiness in the assigned responsibilities, high passing rate in the examinations both within the classroom and in the national achievement tests, desirable attitudes and improved skills.

And since this study centers on the university levels, it would be wise to cater educational laws appropriately in the higher education context. RA 7722, the higher education act of 1994, was laid down to guide the conduct of educational practice and administration in the tertiary level. The policy as declared says that the state shall likewise ensure and protect academic freedom and shall promote its exercise and observance for the continuing intellectual growth, the advancement of learning and research, the development of responsible and effective leadership, the education of higher level and middle level professionals, and the enrichment of our historical and cultural heritage.

Academic Freedom: Its Meaning, Concept and Scope

I. What is academic freedom in the light of Qur'an and Sunnah?

Firstly, the researcher begins this chapter with the praise of ALLAH though our praise is quite insignificant and meager in relation to his glory and invoke his blessings upon the greatest prophet Muhammad S.A.W. leader of the righteous, and seal of all the prophets.

In Islam, academic freedom is the process of investigation, exposition, and preaching of knowledge to Muslim Ummah and other sects or religions. It is a right that is all encompassing ranging from research whether it is institutionally based at not, informal or formal approach and written or oral dissemination of truth. It is also an intellectual exploration and assertion of any existing knowledge to validate its genuineness, applicability and authenticity. It also refers to the abrogation of errors whether in the theory of natural sciences or knowledge related to the five pillars of Islam and other related teaching embedded in Islam. It is the seeking of knowledge and searching for the real truth and speaks it out unhindered by others is one of the primary features of academic freedom. The primary reason why scholars of Islam are tasked to investigate and advocate the truth over falsehood is because the latter is an attribute of ALLAH (SWT) though truth can never be distinguished without falsehood. The Qur'an explicitly explains "It is He who created the heaven and the earth in truth and on the day He will say: "Be " it shall become. His word is the truth. His will be the dominion on the day when the SUR will be blown -All knower of the unseen and the seen. He is the all wise, well-aware". (Al-an am ,73 ,vol. 3. Pp.381). It is also said that true knowledge will always prevail and any fallacies of logic, assertions of premises and fabrication of ideas cannot withstand against truth.

Imam Al-ghazzali, the proof of Islam, in his masterpiece, The Revival of Islamic Science, Book I, stated that man in his pursuit of knowledge should not be contented with he has learned. He must challenge his understanding and ideas through a series of research and re-research especially unraveling facts from authentic sources: The Qur'an and the Sunnah.

The fundamental law of the Muslims: the Qur-an and Sunnah (i.e. legal ways of the prophet (saw) was very explicit and dear. in fact, seeking knowledge was described and mentioned in many places in the Qur-an and legal ways of the prophet (S.A.W) during his sojourn in this world. The object of academic freedom is learning knowledge and imparting it to others. It is an obligation that heeds significant attentions by all Muslims that is why Islam

attaches great importance to knowledge and education and. makes it a none disputable matter in this life.

Accordingly, knowledge is the starting point and prerequisite of every human activity. The main purpose of Almighty Allah created men and provided him with the tools for acquiring knowledge, namely hearing, sight, and wisdom and others was on one hand to recognize and know HIM. Allah (SWT) said: And i (Allah) created not the jinn and mankind except that they should worship me alone (i.e. recognize, have faith in his singularity, and worship him) (Qur-an, 51: 56). It can be deduced that one is prohibited to act, react, and initiate without thorough understanding of what is ought.

Thus, it is safe to say that knowledge precedes actions even in the performance of obligations like preaching, teaching or praying. On the same vein, Allah (SWT) says (what means): And Allah has brought you out from the wombs of your mothers while you know nothing. And he gave you hearing, sight, and hearts that you might give thanks to Allah (Qur-an, 16:78). This proof "should not be misunderstood that man has to remain calm and silent without using the potentials endowed to him would be able to learn knowledge. They must strive by using rightfully the senses including their mental state so as to equip with knowledge. Similarly, it is only men of understanding who fastidiously investigate and learn knowledge through research can well express his thanks to Allah (SWT). And it should not be mistaken that research is the vital tool of academic freedom. I

Dr. Sahie S. Udjah, Director of Student Affairs and Alumni Relations of MSU-SULU and preacher at the same time, said that academic freedom in Islam is pertaining to one's choice and right to express his opinions on the subject areas he is teaching, preaching and practicing. Such freedom of expressing opinion is limited to one's field of specialization in Islam, one's authority to opine on a certain issue must be based in the Qur'an, Hadith of Prophet Muhammad (SAW), Ijma of the Ulama and Qiyas. Mr. Ajim Salasain, a faculty member of MSU-SULU, said that Academic freedom in Islam is not different or separate in principles with the academic freedom afforded in the university. in fact, islam encourages more than other religions and western scholars to explicitly practice academic freedom until it becomes part of intellectual life of every Muslim. prophet Muhammad (SAW) said "Seek knowledge from cradle to the grave" and "Seek knowledge even it lead you to China".

Institutionally, academic freedom in Islam is the right of teachers and research workers in colleges and universities to investigate their respective field of knowledge and express their views without fear of restraints or dismissal from office, explained Dr. Abdurajik S. Dansalan, Physicist and Preacher. He further added that it also includes the exercise of duties and obligations in Islam, the manner of dressing and other rights and privileges to develop Islamic activities. Gleaning from the above views, academic freedom thus provides the scholars the leeway to exercise rights and privileges, initiate any programs and projects and publish articles that lead to strengthening the observance of Islamic obligations. Besides, Dr. Amirul U. Ahajul, preacher and faculty regent of MSU system, also added that academic freedom, from Islamic perspective, is the right afforded to every Muslim and other those who are willing to revert to Islam to exercise what is obligatory and optional actions that led to highest morality of man. Prof. Ajid Sari, Department Chairman of Biology, MSU-SULU, expressed his views that academic freedom in Islam is the right to seek knowledge progressively and use the refined and highest faculty of thought and reason in order to find the truth.

Gleaning from the different views as presented, academic freedom in Islam is a moral of every obligation of every Muslim to use his faculty of understanding, reason, analysis in asserting the truth in knowledge, actions and reaction. The truth is explicitly stated in the two major sources of knowledge as recognized by all Muslims not only in the university like MSU-SULU, but in the entire universe: The Qur'an and the Sunnah.

Besides, it is not limited to that, the Muslims need to spread and preach the truth to all mankind. Above all, they are obliged to act upon the truth so that their actions may remind people surrounding them of what is truth and what is false. Those who act upon the true knowledge are labeled as men of understanding. Therefore, academic freedom in the context of Islam is the right afforded to the learned, scholars, and learners whom they are referred as men of understanding. Professors, Ulamas, Teachers that have known the truth but do not act upon are not considered men of understanding.

Who are qualified to exercise academic freedom in Islam?

This is the question that every educator in the university is asking. Are all Muslims qualified to undergo academic freedom? Analogically, are all teachers qualified to exercise academic freedom? Every Muslim has the right to know the truth. No one must be denied to have

access in understanding the truth because truth is an attribute of Allah (SWT). As such, to know the truth and disseminate it is a moral obligation.

In Islam, Dr. udjah has set a criterion on people who are qualified to exercise academic freedom. Strictly speaking, academic freedom can only be exercised by the scholars and learned (Ulul albab, Muhadditheen, Mufasssireen and others) in their field thereby considering them as persons in authority to speak in the subject. Allah (SWT) *"Fas AIunaka ala dhikri in kuntum Iaa ta' lamuun"*. Therefore, not all Muslims have the authority to opine on Islamic issues and problems.

In the context of university like MSU-SULU, every teacher is afforded to exercise the right to academic freedom regardless of appointment, sex, age, creed and rank. Similarly, teacher is not restraint to search for truth, conduct research, and publish it as long as it is not inimical to the stability of the institution and the state at large. If the output of research endangers the stability of the university, the authority in the university has the right to withhold information from the public. In the classroom, all teachers have the right to search for the right method to be used, content to be taught, and evaluative techniques to be utilized in order to facilitate learning effectively. This is the essence of exercising academic freedom in-the university.

II. How is academic freedom carried out?

The ultimate aim of academic freedom is to find out the truth and let the truth govern every conduct of human lives especially in dealing both spiritual and worldly practices. In the field of teaching, as in the case of MSU-SULU, teacher is bounded to use his highest faculty to infer, to judge, to deduce, and to express what is believed to be true, be it universal that is, laws governing religion, and temporal approaches governing sciences and arts.

The need to carry out academic freedom by performing incessant pursuit of knowledge is expressed in the Hadith of Prophet Muhammad (SAW): While I was going with the Prophet (SAW) through the ruins of Al-Madina and he was reclining on a date-palm leaf stalk, some Jews passed by. Some of them said to the others: Ask him (the Prophet SAW) about the Ruh (the spirit). Some of them said that they should not ask him that question as he might give a reply which would displace them. But some of them insisted on asking, and so one of them stood up and asked. "O Abal-Qasim! What is the Ruh (the spirit)?" The Prophet (SAW) remained quiet. I

thought he was being inspired divinely. So I stayed till that state of the Prophet (while being inspired) was over. The prophet (SAW) then said, "And they ask you (O Muhammad SAW) concerning the Ruh (the spirit) -Say: The Ruh (the spirit) its knowledge is with my Lord. And of knowledge you (mankind) have been given, only a little".

Besides, a false accusation says that "Islam was a war against the freedom of thought, restraining scientific investigation and setting obstacles in the face of knowledge and philosophy." The French historian Ernest Renan took a distinguished stand among those who supported this accusation. Islam, however, compels its adherents on progress, by requiring them to pursue knowledge and learning with special attention. This is because man's character is formed and promoted mainly by way of knowledge. God says: "Are those who know equal to those who know not? It is only those who are endued with understanding that receive admonition" (XXXIX : 9). This verse offers a special praise of knowledge. God decides that men of knowledge surpass others, and limits the reception of admonition to those endued with knowledge and understanding.

Moreover, the main instrument of academic freedom is through research. And many scholars have identified the methodology of research. It could be observation, logical argument or Focus Group Discussion, interview and using documentary analysis. Islam encompasses all these approaches and prescribes it through Qur'an and the Sunnah of Prophet Muhammad (SAW).

III. Academic freedom in Western Perspective

The term academic freedom is a combination of two terms: Academic and Freedom. Academic refers to the body of knowledge, ideas, paradigms and even beliefs embedded in the curriculum of the university. Educators may refer it to the course offerings in the university including the higher education program. Also included in the academic is the reinforcement curriculum or hidden curriculum. And the word freedom denotes is the right of an individual to do whatever he wants so long as he does what is ought, and what is right. From these two points, academic freedom means whatever learning pertains to a university, to the search for knowledge within a university (Roces, 1962:261). A university like MSU-SULU is a center of learning, a place in concourse. It is a place where inquiry is encouraged and pushed forward, where theories

are verified and discoveries perfected, errors exposed, by the collision of mature and scholarly minds. Unless a university is this, it is nothing at all.

Moreover, academic freedom is freedom from restraint in the search for knowledge. It is the right of free inquiry and it is the right of professors to assert the truth. In MSU-SULU, academic freedom as viewed by Prof. Abdulhan Jannaral, Secretary, College of Education, MSU-SULU, it refers to the quality or state of being free without coercion from the school administration. The faculty and students are free to do what they think is right. Prof. Jul-Asri Hajibun, Faculty member, College of Public Affairs, views academic freedom from microcosm which he said that it is the right of teacher to choose what to teach; how to teach, and the freedom of the administration to determine who will teach. The given ideas of these two professors are on the same vein. One compliment and supplement each other. It presents a very broad view because the exercise of academic freedom based on what faculty member thinks morally right is tantamount of saying recognizing existentialism. The philosophy of existentialism posits that all individual has the right to decide in matters of one think best for him. Contrary to existentialism, the views presented by two professors are limited to "What is right" for individual teachers, fit for the learners and appropriate method peculiar to the subject taught.

Moreover, Prof. Jun Paradji, Faculty member, College of Fisheries, expressed academic freedom from a broad perspective. He opined that academic freedom is the total expression of free will of the teachers to do good for the interest and improvement of the university, not only in the classroom, in the campus but even in the community reach-out; Ms. Satra Juhuri, also a faculty member of the College of fisheries shared the shared same view with Prof. Paraji. She viewed academic freedom as the right of the teacher to express ourselves the different views on academic matter, how the academic matter is carried out in response to the challenge brought about by the so called quality education. Nevertheless, this can be done only if every faculty has been afforded to express through his total free will.

IV. Academic freedom in the context of law

In post-war era of the Philippines, Academic freedom has been shed light in the constitution. The 1935 constitution expressly stated that universities established by the state shall

enjoy academic freedom. It is reiterated in the 1973 constitution which says that all institutions of higher learning shall enjoy academic freedom. Further, in the 1987 constitution, Art. XIV, Sec. 5 (2), it is stated that academic freedom shall be enjoyed in all institutions of higher learning. And not only that, Res. No. 435, S. 1997, which is known as Code of Ethics for Professional Teachers, states that every teacher shall enjoy academic freedom and shall have the privilege of sharing the product of his researches and investigations, provided that, if the results are inimical to the declared policy of the state, they shall be drawn to the proper authorities for appropriate remedial action (Art. II, Sec. 8). This was also consistent with the provision in the RA 4670 better known as Magna Carta for Public School Teachers which also recognized the important role of academic freedom in the teaching-learning instruction as well for the total improvement of the educational system.

As spelled out in section 5(2), academic freedom shall be enjoyed in all institutions of higher learning, that is, at the tertiary level. As defined in section 13 of Batas Pambansa Blg.232 . academic freedom is the right granted to institutions of higher learning to determine on academic grounds who shall be admitted to study, who may teach, and what the subjects of study and research shall be. It also refers to the rights of the members (i.e., the teachers) of the academic community in the tertiary level to express their ideas on any subject of their specialization without fear of any threatening conditions such as being removed from their positions.

In the RA 7722, "The Commission on Higher Education Act of 1994" , the academic freedom is also recognized. "The state shall likewise ensure and protect academic freedom and shall promote its exercise and observance for the continuing intellectual growth, the advancement of learning and research, the development of responsible and effective leadership, education of high level and middle level professionals, and the enrichment of our historical and cultural heritage"

The state cannot hinder any citizen from pursuing a chosen career and/or profession provided it is not contrary to law, and provided further that the person meets the necessary requirements prescribed by the state. The state is mandated by the constitution to enhance the right of teachers to academic advancement. Nonteaching academic and non-academic personnel shall also enjoy the protection of the state but not necessarily the full realization of academic freedom since they are not engaged directly in intellectual exploration. Likewise, nonteaching

academic and non-academic personnel (such as registrars, librarian, clerks, school physicians, dentists, and maintenance personnel), should also enjoy the protection of the state in terms of healthy working conditions, adequate remuneration, and other benefits and privileges provided by the labor code.

Since the quality of education depends upon the quality of teachers, the state is mandated to provide teachers with extensive and comprehensive pre service and likewise training programs as well as other incentives and emoluments (see RA 4670).

To be consistent with the constitution and other related laws concerning academic freedom, the MSU Board of Regents has set the concepts of academic freedom. It is stated in the code of governance of MSU system, "Members of teaching staff shall enjoy academic freedom; provided, however, that no instructor in the university shall inculcate sectarian tenets in any of his/her teachings nor attempt, either directly or indirectly, under penalty of dismissal by the Board of regents, to influence students or attendance at the university for or against any particular church or religious sect or political party" (Art. 144, University Code: 1977). This provision in the governance should not be misinterpreted with the freedom of an individual faculty to research the true religion and advocate it to the students. Even in the secular university, the right to access and profess the true religion is not being curtailed. On the other hand, it is a moral obligation of the instructor to advocate the truth no matter of the given field. Religion as it offered in the university like MSU-SULU is within the framework of the academic freedom. This is in the case of the Islamic studies course. As such, truth as the object of academic freedom should prevail in all sciences even the general guidelines are all coming from Qur'an and Sunnah. This is done if only the university can really contribute to save the whole community from the brink of ignorance.

V. Legal implications

With the foregoing concepts, it is thus a must to consider in the Board of Regents to draft a resolution directing the administration to initiate and strongly support for the creation of the journal as a medium of the writers and other scholars to publish the output of the research, otherwise knowledge may be only contained in the brain of those researchers. Any research output may be rendered useless if it is not widely shared in the academe. Moreover, when the

journal is already established, the BOR may direct that those occupying Associate Professor Full professor should undergo research in every two years. These researchers may be compensated by the administration of the university in the form of additional incentives for every research output published. The important of incorporating a policy on mandating all administration of every campus to have faculty journal cannot be overlooked and under estimated because it becomes the basis of any future research output and become the main instrument for improving academic change in the university.

CONCLUSION

Academic freedom is the right afforded to everyone the uiversity and the right to determine what method of teaching shall be applied that best suits to the respective subjects they taught. MSU-SULU, a university, needs to recognize and fully support the academic freedom since this freedom is a vital tool in making the university more competitive and more functional towards community development. This is the realm where the community at large can really feel the existence of the university. The stakeholders may have shared the creativity and productivity of the different experts coming from the university. Other universities have really contributed to progress and development of the community through rigorous research and at the same time the faculty members have adapted to the changing demands in the teaching profession in terms of teaching methodologies, publications of research outputs and creativity.

Hence, There is a need to understand what academic freedom is all about and it is essential to look into different perspectives: First, the academic freedom in the light of Qur'an and Sunnah. Second, the qualifications to exercise academic freedom in Islam. Third, the application of academic freedom. Fourth, Academic freedom in Western Perspective and in the Context of law and lastly, the legal implications.

From the data gathered, academic freedom means the right of the teachers but scholars to have intellectual pursuit in research. This is undertaken in order to find the truth, asset some generalizations, appeal and negate some hypothesis, rectify false ideas, and publish it in the journal, in the books or in the web. From Islamic perspective, academic freedom is viewed as freedom of those Ulul al bab (men Of knowledge) to seek the genuine truth and this truth is universal in nature. it means it is timeless. From western perspective, academic freedom is a freedom afforded to the faculty members in the SUCs or private colleges and universities to

undergo research in line with their field of specialization, and it does not also negate the right to cull out ideas extracted from religion.

Moreover, the MSU-SULU administration has recognized and afforded faculty members to exercise the academic freedom the right to research, but has very minimal support to the organizations in the campus and support to the teachers in terms of facilities and technologies needed in the classroom instruction.

Further, academic freedom contributes to academic standard of the university because the faculty members are given the will to undergo research in their line of specialization. However, this is not fully realized because of financial constraints. As viewed by the respondents: faculty members, Deans, and Directors of MSU-SULU, there is difference between quality education in Islam and the Westview. In Islam, quality education is ultimately the recognition of the sole supremacy of Allah (SWT), render obedience to Himself Alone and follow his commandment, and adhering to the Sunnah of Prophet Muhammad (SAW), while in the west view, quality education is more on the realization of what is only stipulated in the vision and mission of the university.

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