

Can Europe stand up for academic freedom? The Bologna Process, Hungary, and the Central European University

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Several politicians across Europe have voiced concern about academic freedom in Hungary following the passing of legislation that threatens the country's Central European University. But do the EU's institutions have any authority to act over the affair? [Anne Corbett](#) and [Claire Gordon](#) argue that a university coming under attack in an EU member state marks a critical moment, and the Bologna Process, as the manager of the European Higher Education Area, now has a window of opportunity to step in.



The Central European University (CEU) in Budapest has long made a distinctive mark in Hungarian academic life. A postgraduate institution, founded in 1991 by George Soros as part of his post-communist Open Society initiative, it is the Hungarian university that wins the most international accolades for its research. Academics from other Hungarian universities extol it for bringing in 'fresh air' through its readiness to share resources, its strategy of strong international collaboration and the joint American-Hungarian degree accreditation, which is one of its hallmarks. Short of studying abroad in Europe or North America it has been the university of choice for members of the country's political elite as well as for elites from across the post-communist region. In addition, its post-graduates have gone on to take up positions in universities in Europe and the U.S.

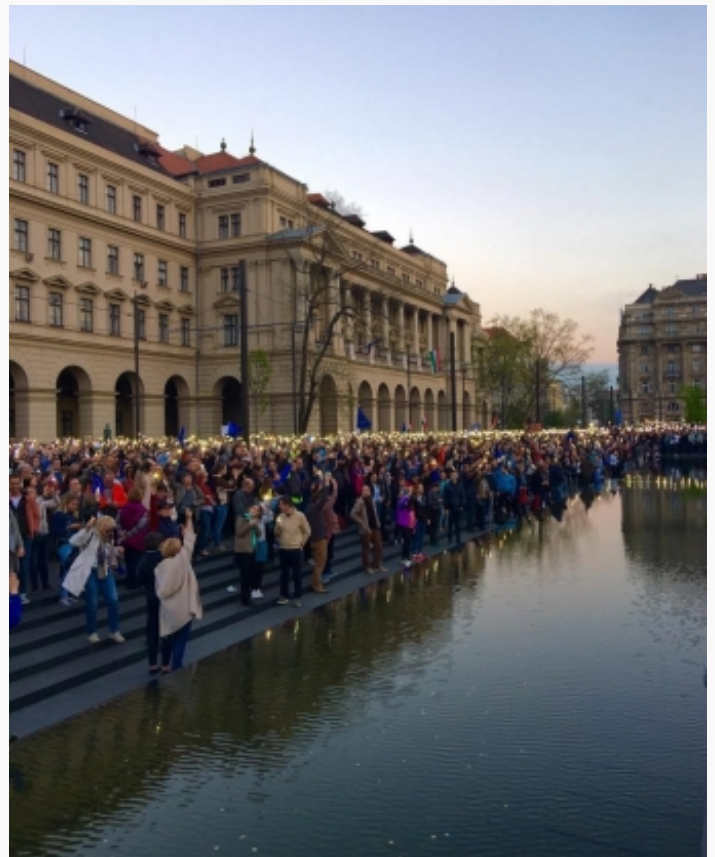


The international fame that the CEU has acquired over recent weeks is of a different order. A Higher Education Act, passed on 4 April despite huge public protest, and which threatens to close its doors, has made this private Hungarian university a symbol of academic freedom and of democratic values. Its president, Michael Ignatieff, an academic and former Liberal party candidate for Canadian prime minister, is now a fixture in Hungarian and international media. At home, tens of thousands of Hungarians have continued to take to the streets to protest this infringement of academic and democratic freedoms.

This is a turn of events that surely cannot have been intended by self-confessed 'illiberal' Prime Minister, Viktor Orbán. Up to now the Hungarian government, run by his right-wing Fidesz party, has successfully pursued his brand of creeping authoritarianism while largely withstanding criticism from European institutions. But what Orbán has succeeded in doing with the judiciary and the media is thus far proving to be less straightforward when it comes to the university sector.

The outcry over the CEU could be a tipping point. The European Commission, which has [vacillated over Hungary in the past](#), has now entered the fray. It is

investigating whether Hungary is infringing the Treaty Articles in its treatment of the CEU alongside three other issues. The cited Articles include [Article 2](#) which defines the democratic values that EU members sign up to, as well



Protesters show support for the Central European University, Budapest, April 2017. [Edit Kalman](#) ©

as Articles concerning more technical aspects. Frans Timmermans, First Vice President of the Commission, will be reporting back before the end of April. He will also be starting a political dialogue with the Hungarian government, other member states and the European Parliament.

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail. – Article 2: Treaty of European Union

However, it is not obvious that the Commission itself can be actively helpful in defending the core issue of academic freedom which underpins the Hungarian attack on the CEU and is also currently a live issue in Russia, Turkey and Belarus. By their very essence, attacks on academic freedom are attacks on democratic values too, but there is no articulation in the Treaties between the democratic values that are described in Article 2 and the limited role that the EU institutions can play in education as defined by Article 165.

The Union shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity. – Article 165: Treaty on the Functioning of the European Union

Yet, as events have previously shown, there is some room for ambiguity especially where higher education is concerned. Many of the major political events in the EU's history have had a [spillover effect](#), enhancing EU involvement in higher education in the process. Provision was made at the time of the EU's foundation under the Treaties of Rome for a Community university institution. The first Enlargement of 1973 signalled the death of the purely intergovernmental method as far as educational cooperation was concerned: in 1971 a process began whereby education ministers sought Commission support under the Council of Ministers' protection. In 1985-86, the Single Market impetus shaped the political climate and a pilot scheme for university collaboration and mobility was transformed into the Erasmus programme. The Lisbon Agenda of 2000, with its introduction of the open method of coordination, contributed to a further marked increase in educational policy coordination.

But even at these moments of political enthusiasm for the EU project, the bottom line remains: an education system as a whole is an expression of national sovereignty as emphasised in Article 165. There has throughout the EU's history been a consensus that education, like culture, is a policy domain that should never be subject to supranational competence. However, there are other arenas in which those involved in higher education at the European level need to stand up for academic freedom. We strongly dispute the view expressed in some of the commentary on the CEU, that academic freedom, in contrast to democratic freedoms is 'dry' or 'arcane', and of little interest outside the university world.

Academic freedom is both a proxy for democratic values and of intrinsic importance in its own right. Universities need the autonomy, the freedom and the authority (i) to educate their students to be active members of society and effective participants in the labour markets of the future, and (ii) to carry out cutting-edge research which will enable us to find solutions to an increasingly complex set of global issues. They also need protection against arbitrary interference. These are the basic conditions for the effective functioning of higher education which intrinsically depends on a spirit of openness, tolerance, inquiry and respect for diversity to do its work, the very values that underpin the democratic societies in which we aspire to live.

All of this begs the question of whether there is a window of opportunity for the Bologna Process, as the manager of the European Higher Education Area, to step in. Bologna currently has 48 national members, drawn from the EU, Russia, Turkey and the countries of the Balkans and the Caucasus. The Commission is also a full member. Their task is to work for compatibility and improved quality between and within the higher education systems in member countries, with the encouragement of mobility and cooperation with other regional higher education groupings around the world.

There is a potential paradox in evoking Bologna at this time. Some scholarly commentary suggests that Bologna has run out of steam having established frameworks for quality assurance and recognition, which have inspired other regions in the world: work done. But in its commitment to academic values and in the potential of its institutions and networks, which form part of the European higher education area, Bologna has strengths which the EU does not. In the first place, Bologna makes an explicit commitment to [academic freedom](#).

The European Higher Education Area (EHEA) is the result of the political will of 48 countries which, step by step during the last eighteen years, built an area using common tools. These 48 countries implement reforms on higher education on the basis of common key values – such as freedom of expression, autonomy for institutions, independent students unions, academic freedom, free movement of students and staff. Through this process, countries, institutions and stakeholders of the European area continuously adapt their higher education systems making them more compatible and strengthening their quality assurance mechanisms. For all these countries, the main goal is to increase staff and students' mobility and to facilitate employability. – [EHEA website](#)

Though the three initiators of the process in 1998 – the ministers of education of France, Germany and Italy – saw Europe as a means to bring about stalled domestic reform, and brought in the UK minister of higher education to give their idea political credibility, they were not the ones responsible for getting the process off the ground. The people most responsible for building a Bologna dream of solid higher education bridges across national and geopolitical boundaries were the higher education survivors of the ideological battles that had split Europe over decades. Some were politicians or former politicians, others officials. Many had paid for their resistance to the previous orthodoxies of, variously, dictatorship in Spain and Portugal, communism in Eastern Europe, and the break-up of Yugoslavia. Careers had been blocked. At least one spent time in prison for his principles. It is therefore appropriate perhaps that the attack on academic freedom at a university at the heart of Central Europe could be a call to arms for Bologna.

Bologna has had trouble in recent years in getting innovative ideas off the ground. Few recent ministers have engaged with the ministerial meetings that give Bologna policy direction under intergovernmental rules every two or three years. Some do not turn up for lack of will or lack of finance. Other countries send low-level officials with a restricted brief. And until now there has been no agreement on whether and how action can be taken against Bologna participants who flaunt the rules, be it on technical implementation, such as the provisions of European quality assurance rules that involve students, defining diploma equivalences within an EHEA framework, or introducing lifelong learning. Not to mention the ultimately greater concerns relating to academic freedom.

Even within the EU28, there is tremendous variation in understandings of the university's autonomy from the state, whether in relation to organisational and financial freedoms or in the appointment of staff and the construction of the curriculum. This is clearly underlined in this month's publication of a [university autonomy scoreboard](#) based on practice in EU member states.

Nevertheless, Bologna has an institutional structure that provides opportunities for breakthrough, if the political will can be summoned up again, as it was in the early years. It has an underlying continuity which feeds out into multiple networks, from a few committed countries and strong stakeholder representation: the university leadership

represented by the European University Association, vocational leadership represented by the European Association of Institutions in Higher Education (EURASHE), student leadership represented by the European Students Union, and the Council of Europe which has carved out an influential place on such issues as autonomy, human rights and the public role of the university. The Commission, which has ensured the survival of Bologna by keeping it financially sustainable, has been a positive force in keeping the ball rolling.

But the institutional structure, which is formally intergovernmental, means much depends on the not always predictable leadership which is provided by the political co-chairs of the process, one representing EU countries shadowing the EU presidency cycles, the other co-chair drawn from among non-EU members, who get their turn in alphabetical order. Its secretariat changes with each ministerial cycle, and is drawn largely from a volunteer member country. Currently this is France.

However, there are traditionally committed players, like Norway, which show the potential for taking a lead. At the last ministerial conference in 2015, its representatives insisted that if authoritarian governments were admitted to the process they should be monitored. This was too late to stop Russia, which has recently closed down one of its prestigious private universities, the European University of St Petersburg, and no moves have yet been taken against Turkey, which has imprisoned hundreds of intellectuals and academics. But in 2012, Belarus was admitted to Bologna only on strict conditions, which on current evidence it does not look as if it will fulfil.

A further sign that Bologna may now be ready for a revival is that it has set up a non-implementation working group which will report to the management body, the Bologna Follow up Group, with the idea of sending a proposal to ministers on how to impose sanctions.

But that is not enough. A university coming under arbitrary attack in a member state of the EU marks a critical moment, replete with unfortunate symbolism should European institutions concerned with academic freedom not react. Many of the participants in Bologna have condemned Orbán's role in driving the legislation which could muzzle the CEU: the Germans through Angela Merkel herself, the French through their Foreign Ministry. A number of the stakeholder organisations have also come out publicly against the Hungarian government, including the [European University Association](#) representing leaders (850 universities in 47 countries), the [European Students Union](#) (45 national students unions from 38 countries and representing over a million students), and the [Magna Charta Observatory](#), guardian of the university statement of academic values which has been signed by 805 universities from 85 countries since its launch in 1988.

At a critical juncture silence implies weakness. Will Bologna seize the opportunity and break with the convention that no political announcements are made between ministerial meetings? Spring 2018, when the next one is due, is too late for a body which aspires to leadership on academic values.

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Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.

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