

Modelling the Collapsing University

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Abstract

Although university's contribution to the democratic society has been studied adequately, the establishment of its internal democratic institutions has not. Issues of autonomy and accountability exist whereas, today's Postmodernism introduces further uncertainty. After constructing a framework for measuring democracy within a university using democracy indicators selected from international organizations, we attempt to interrelate these indicators to its democratic characteristics, raising the question: "To what extent could these characteristics be eroded before the university collapses?" Interviews with European academics were conducted and the influence of forces external to the university were studied using the Central European University in Hungary as a case study. The findings show that increased state control undermines institutional autonomy and so does imposing unnecessary restrictions. Protecting democracy and academic freedom, civil rights, and supporting an open society are of paramount importance, otherwise the university collapses. A model that captures such catastrophic state changes is finally proposed.

Keywords

Democratic University; Civil Society; Collapse; Crisis; Governance

Introduction

The democratic establishment of the university itself is neither obvious nor given. Although its role and contribution to the general democratic societal operation has been studied to some extent (Gallagher 2018; Glaeser et al. 2007; Higgins 2017; Straume 2015), the way and specific processes of creation, establishment and interaction of the institutions that act internally to the university, have not been sufficiently studied at all. Issues of autonomy, accountability, legal independence and institutional dispute are raised; while there exist, in analogy to society, formal and informal institutions and bodies. As democracy is in recession over the last decade (Diamond 2015), this has a direct and powerful impact on the university as well. The rapid technological evolution and development exerts great pressure on the university's organization and operation (Frank and Meyer 2007; Valero and Reenen 2016; Weymans 2010). The university's role requires an adaptation to the needs of the society for broader access to knowledge and lifelong learning (Kohler and Huber 2006; Snellman 2015; Zgaga 2005).

We consider these to be of paramount importance as the university's interaction with society is intense and long lasting, whereas there are cases in the modern history that the university has served as a bastion of democracy (Corbett and Gordon 2018; Renaut 2002; Schulz-Forberg 2009; Valero and Reenen 2016). One of the most recent examples is the "case of the Hungarian-based Central European University (CEU), which, in March 2017, became a byword for academic freedom under attack, and asks what general lessons, if any, we can draw on state of academic freedom in Europe" (Corbett and Gordon 2018, 1).

This raises the central question of this research: is modern university prone to attacks, and if so, how can it survive serving its academic role under an environment of financial cuts, New Public Administration techniques driven by performance and efficiency measures and with an increasing role of different stakeholders pushing for their own benefits. This paper is an attempt to shed light to the critical factors that may contribute to a university's destruction and shutdown, especially in an environment of recessing democracy. Initially, a conceptual model of the modern democratic university is briefly presented, as developed in our previous research, highlighting its main characteristics. The proposed model is used in reverse in this research, to depict these characteristics that can be crucial to the university's survival before collapsing, according to the views of a diverse group of European academics. Their views are further supported by analyzing, as a case study, the CEU during its presence in Hungary, as mentioned above. Finally, all the information gathered is used to build a new model that is capable of capturing catastrophic state changes based on measurements of the

selected democratic indicators and university characteristics. Our aim is to propose a novel, objective tool to university policy makers that would eliminate selective interpretation of democracy and its crucial transitions within the university, by allowing political change and its heavy impact to be meaningfully understood in its proper perspective, using facts and data.

The Democratic University Theoretical Framework

In Papanikolaou et al. (2021), we have presented a new association scheme for revealing dimensions of democracy within a modern university. Certain indicators that have been internationally established and validated for the measurement of the institutional characteristics of democracy and are monitored and stored in international databases were examined and assessed for their applicability to the institutional characteristics of the university, after appropriate adaptation.

More specifically, various international organizations and research programs have as their main objective the systematic creation and support of specialized, time-spanning databases using variables and indicators and composing global reports that record and highlight the quality characteristics of democracy, both locally and globally. In Papanikolaou et al. (2021), an in-depth analysis of the features presented in six of the most important and representative such databases and organizations were attempted, namely: Varieties of Democracy (V-Dem) (Coppedge et al. 2018), The International Institute for Democracy and Electoral Assistance (International IDEA) (Skaaning 2017), Center for Systemic Peace (Marshall et al. 2017), Freedom House, (Bradley 2015), Democracy Barometer (Merkel and Bochsler 2018), Economist Intelligence Unit (EIU) (Kekic 2007).

The basic conceptual characteristic features of democracy presented in all databases provide a theoretical framework that allows for direct comparisons and discussion on similarities and differences each approach is adopting. Each system provides a unique roadmap with a distinctive conceptual range at a global level and a large time span, the core of which is the understanding, interpretation, and measurement of democracy. Moreover, in the six systems of measurement of democracy, a crucial element is the concept of the *political identity* of the individual with respect to the *participation in the public sphere*, the *protection of the fundamental freedoms* of individuals, the *exercise of control over the forms of governance* and the *effective exercise of power in the interest of the citizens*. The *participatory component* is also fundamental in all databases, with only subtle differences in quality among them. In any case, when combining all main categories of indices from all databases, we get a full view of all aspects of democracy

and how they can be measured and monitored. It should be noted that these are only the most representative categories of the indices used in each database, respectively. An overall number of more than 500 indicators are shared among the databases, covering almost any measurable aspect of democracy.

The analysis above revealed a set of significant characteristics that are complementary to each other, providing a consensus for the construction of a common conceptual framework. In this way they contribute to the establishment of the objective and true essence of the concept of Democracy as this is constituted by facts and data. Thus, the difficulties arising by the possible subjective ways of perceiving and interpreting it by the citizens are overcome, while at the same time the diversity, variety, and pluralism of these databases eliminate the risk of selective interpretation of data, a criticism often exercised on them (Bush 2017; Coppedge et al. 2016).

The university, on the other hand, is a multifaceted social institution with strong interactions with many and diverse sectors of society. In Papanikolaou et al. (2021), an extensive literature review was conducted with the focus placed on the democratic characteristics reported in these databases. The selected papers present theories and the results of empirical studies that help in clarifying the necessary qualities a democratically structured university should have. It was shown that the notion of the 'Democratic' university is constituted by a set of features relating to its mission, the multifunctional operations it performs and its highly complex interactions with all societal actors and the state. Essentially, this was an attempt to systematically approach and analyze democratic institutions embedded within the university by constructing an appropriate conceptual model framework, as defined by the following characteristics:

1. Autonomy in the institutional organization of its governance, its "laws" and its rules of operation. This implies a professional self-regulation under which academics independently, on the basis of internal regulations, run their research and teaching operations under a representative democracy that grants participatory rights to them in institution decision-making processes (Fukuyama 1989; Groof 1998). Autonomy is a multi-faced concept (Estermann et al. 2011) and it is important that universities are able to adapt to the changing governmental policies and societal conditions without losing their identity (Olsen 2009).
2. Accountability towards all stakeholders that are influenced by or influence its operation and, ultimately, to all citizens. Accountability calls for a re-focusing of

attention on outcomes of the university rather than inputs alone (Brenneis and Wright 2005). In scrutinizing such outcomes, state policy makers have sought to influence institutional behavior for the purpose of improving performance (Berdahl 1990; Bleiklie and Kogan 2007). This has led to performance funding policies (McLendon 2006). Accountability could be considered as the exact counter-balance to autonomy (Dunn 2003; Fukuyama 1989).

3. To inspire a high prestige, as a well-established institution (Fukuyama 1989) of promoting knowledge and research owes to, and to preserve moral values, independence and respect for every individual and his ideas. Higher education should be a site of moral and political practice (Kohler and Huber 2006) whose purpose is not only to introduce students to diverse intellectual ideas and traditions (Groof 1998) but also to delve into those inherited bodies of knowledge through critical dialogue, analysis, and comprehension (Olsen 2009).
4. Students as “citizens” in a democratically organized university and strengthening the commitment and dedication of students to the democratic institutions of the university (De Boer and Stensaker 2007).
5. Regulatory and legislative framework for the legal and disciplinary issues of its members and collective bodies, as well as on the administration of justice, as regards standards, financing, transparency, compatibility, etc. (Groof 1998).
6. Separation of powers at central administration level, as well as at faculty, departmental, and student organization levels. Concerns about the dangers inherent in the concentration of powers on institutions of university governance, with anything approaching a monopoly of power becoming the greatest single danger in the operation of a system of higher education (De Boer and Denters 1999).
7. Economic and institutional autonomy from the central government and the external pressures of technology, economics, and marketing. A university’s ability to improve its economic welfare, in the increasingly knowledge-based societies (Etzkowitz et al. 2000) relates to the degree of institutional autonomy granted by the regulatory governance framework in which it operates (Olsen 2009). This link was established for all dimensions of autonomy, including organizational, financial, staffing, and academic autonomy (Estermann et al. 2011). Financial “strong” universities are most closely correlated to and important for democratic society and economic development (Kohler et al. 2006).

8. Control over the operating procedures and the expected learning outcomes from teaching and research. This is about the freedom of the university in respect of research, teaching and learning and, more broadly, the implementation of appropriate mechanisms for quality assurance (McLendon 2006).
9. Control over quality assessment and effective management. Whereas academics seem not to have any problem with the principles of accountability, transparency, and fairness (Hoech 2006), when these are reflected in quality assessment (Haug 2003), some may perceive them as a change from being trusted to being controlled (Snellman 2015), and it affects not only academic but personal relations as well (Tam 2001). Quality culture plays a vital role in university functions. It is a factor that supports autonomy and incorporated governance (Bendixen et al. 2017).
10. Equality, fairness, and justice towards multiculturalism and diversity among its “citizens”, respecting different social origins and classes, language, ethnicity, gender, religion, people with disabilities; a culture of inclusion where cross-cultural capabilities should be integrated with global perspectives (Giroux 2010).
11. Tolerance towards diversity, towards heretical approaches and in questioning existing ideas structures, and provision of protection of speech and thought. Freedom and promotion of critical thinking and expression among its “citizens”. Critical pedagogy is required to open up a space where students should be able to come to terms with their own power as critically engaged citizens (Giroux 2010) by providing a sphere where the unconditional freedom to question and assert is central to the purpose of higher education (De Boer and Stensaker 2007).
12. Learning processes and curricula as pillars to support the democratic operation of the university. These democratization operations include the ownership, the practice of sharing the authority and responsibility (Giroux 2010), group decision-making, horizontal network organizational structure and long-term employment practices of university management (Şen et al. 2012).
13. Excellence based on equal opportunities and Virtue in research and teaching (Hoech 2006). Spiritual devotion and commitment shown by the academics, overcoming the individual interest for the sake of an ultimate goal of serving the broader public good (Giroux 2010).
14. Creation of real communities and fair leadership at the central governance level but also at the level of faculties and departments. Another argument in favor of the distribution of powers (Kohler and Huber 2006) is based on the presumption that

decisions based on joint decision-making are more generally accepted (Klemenčič 2012).

15. Extended investigation of indices that effectively depict the significant impact of certain behaviors, especially divergent ones. For example, academic misconduct is a systemic problem that manifests in various ways and requires similarly diverse approaches to management, with a focus on preventive education (Shields 2007). As universities function in an increasingly complex environment such behaviors are unlikely to be easily mitigated (Şen et al. 2012).

In Papanikolaou et al. (2021), a framework was established to link appropriate measurement indicators developed for democracy with qualitative democratic characteristics of the university in order to effectively promote its institutional role. The operation and capabilities of the proposed evaluative instrument were verified, after encapsulating variations and complex interdependencies among the variables, on a real-life case study, spanning a large time period and influenced by adverse social and economic changes.

The focus of the research presented in this paper is quite the reverse: we use this framework as a model of deconstructing and eroding the democratic university and thus, the central research question can be formulated as follows: which of the model characteristics, how many of them, and to what extent can each be eroded, neglected or ignored before the democratic operation of the university collapses?

Methodology

Structured Interviews

In order to determine the basic parameters of the research question, i.e. university characteristics that are crucial to its democratic operation and which type of interference and to what extent it could be tolerated by the system before it collapses, a number of structured interviews were conducted with a group of European academics and university administrators. For pragmatic reasons a combination of convenience and purposive sampling technique was used (Robinson 2014), as discussed in detail in the following: 15 academic members from nine countries (France, Italy, Palestine, Poland, Portugal, Romania, Spain, Turkey, and United Kingdom) were interviewed. They include professors, directors of International Studies, managers of Quality Assurance units, a Vice-Rector for Academic Affairs, and others. They come from both public and private universities, of different sizes and disciplines. They all participated in an International Workshop organized by the

International Hellenic University, in Thessaloniki, Greece, May 2019 (Alexander Technological Educational Institute by then). Prior to the interviews, they all took part in specific workshops on subjects such as Good Practices in Higher Education, Quality Assurance in Higher Education, the Internationalization of Higher Education etc.

The questions and conversations with the participants were held privately with each of them, lasted approximately an hour, and were mainly focused of the proposed model and its democratic characteristics, as discussed in the precious section. The researcher, after presenting the conceptual framework to each of them, attempted to identify the specific characteristics in the answers of the participants, according to their knowledge and expertise. Although the proposed model served as the main tool, questions were grouped conceptually wherever possible and deviations from the main course of questioning were allowed if necessary.

The interview transcripts were analyzed using Thematic Analysis, which is a flexible method “for identifying, analyzing and reporting patterns (themes) within data” (Braun and Clarke 2006, 79). We have chosen to perform manually the thematic analysis, immediately after the interviews, in order to get full grasp of all detailed information. In the analysis, we read and re-read the transcripts and coded the text segments particularly with regard to factors that contribute to the collapsing of the university. Initially, a list of codes was generated for each interview. Subsequently more general categories were abstracted and formed the main themes.

The participants identified the following issues as the most important themes relating to the erosion of the characteristics of the democratic university that could lead to its demolition:

- Increased state control and intervention, mainly through financial means or law amendments;
- Market forces intervention and New Public Management techniques adopted in university governance, aiming simply at increasing output efficiency;
- Limiting the degree of university autonomy versus accountability to all stakeholders;
- The anemic role of international bodies and associations, that are unable to actually support the universities;
- The violation of fundamental humanitarian values, discrimination of any type, limiting the freedom to speech, etc.

Due to the large number and conceptual complexity of the characteristics, it was difficult to impose any priority scheme on the answers with respect to their significance and,

thus it was decided to seek further help and deeper understanding by focusing on a real-world, contemporary case study, namely the ‘rise and fall’ of the CEU in Hungary.

Case Study: The Central European University in Hungary

Although there are several examples of universities that have been shut down worldwide in recent years e.g. in China and Turkey (Corbett and Gordon 2018), the case of the CEU during its operation in Budapest was chosen. This is mainly since CEU was situated in the heart of Europe, the bastion of contemporary liberal democracy, the university had an excellent academic record and reputation, and also because some of the participants in our international workshop had already some knowledge about it.

A thorough, detailed search and the study of all available relevant publications in legitimate news sources during that era, together with declarations of European academic bodies such as the European University Association (EUA) and, even more, the views of European Parliament representatives on the matter, were all taken into consideration in determining the root causes of the university eventually leaving the country and transferring to Austria. Based on all the above, and while trying not to take sides, we will attempt to provide an as objective as possible analysis taking into consideration the line of actions that occurred and projecting them onto the characteristics of the proposed conceptual model of the university. We state that the reported facts and opinions expressed were taken exclusively from the cited sources and that they by no means reflect our own views. Our exclusive aim is to determine how these actions influenced and eroded some (or many) of the characteristics and to what extent (taking also into consideration the results of the interviews in the previous section) led to the eventual shut down of the university.

Framework Analysis and Background of the CEU Operation in Hungary

CEU Identity

The CEU as a private higher educational institution established in Budapest in 1991 and chartered in accordance with the law of the State of New York. It was accredited with regard to its Hungarian operation by the Middle States Commission on Higher Education. The Middle States Commission is also the accrediting body that evaluates all American universities in the “middle states” area and continuously supervises the operation of the CEU and conducts an overall review on the basis of the criteria for accreditation every four years (Central European University, official documents 2022). For its operation it has been granted

a charter by the Board of Regents of the New York State Education Department, under section 210 of the State Education Law.

The CEU obtained its license to operate in Hungary as a foreign university from the Ministry of Culture and Education by Resolution No. 5563/94 of 5 January 1995. This operational license was modified based on the Ministerial resolution No. 2123-8/2005 of 18 April 2005, in such a manner that it authorized the continued operation of CEU in Hungary under the name of the “Central European University, New York”. A Declaration to support its activities in Hungary was signed in April 2004 by the Governor of New York State and the then Prime Minister of Hungary (European Commission for democracy through law 2017).

The CEU operated pursuant to the Act CCIV No. 204 of 2011 on National Higher Education (Hungary 2011) and the Founding Charter of the University. Its governance and academic functions were in accordance with statutory provisions on the operation of private higher education institutions accredited by the Hungarian State (Eurydice 2022). It is important to note that CEU had a dual legal identity, since it operated in Budapest through two legal entities - one American, the CEU NY, and one Hungarian, the Közép-európai Egyetem – forming “one integrated academic community” (European Commission for democracy through law 2017, 9). In 2017, there were no other universities in the European Higher Education Area with such dual legal identity (EHEA 2022). The language of instruction and administration at the university was English (Central European University 2016).

In view of its US-based accreditation, the CEU is formally referred to as CEU New York (CEU NY). The CEU NY had an office in New York and a Board of Trustees based there but does not carry out any academic activity in the United States.

CEU was well known at European and international levels, including for its having trained prominent leaders and civil society personalities from European and other countries in democratic transition, as well as from well-established democracies. Although figures vary slightly, the CEU welcomes nearly 1500 students from over 110 countries, including about 400 Hungarian students each year, and brings together academic staff from over 40 countries (European Commission for democracy through law 2017, 8).

The Crisis Context

In 2017, the Hungarian government passed a law that would ban foreign-registered universities from operating in Hungary unless they also provided courses in their home

country (The Guardian 2018). The Act XXV of 2017 amending the Act CCIV of 2011 on National Higher Education introduced new, more restrictive requirements for the licensing and operation of foreign universities (Hungary 2017a). The adoption of this law follows up on the findings of the Hungarian Education Authority, having examined foreign universities in the autumn of 2016 and discovered discrepancies and serious irregularities in their functioning. In addition, according to the government, the new regulatory framework was also intend to respond “...to wider policy imperatives related to the establishment and functioning of foreign higher education institutions including foreign policy and international cooperation in the field, as well as national security concerns...” (Hungary 2017b).

Another amendment, made alteration to this law and as a result, made it mandatory for the CEU to open an additional campus in the state of New York where it was registered. This provision put the university in a financially unviable situation. In practice, the CEU NY was the only university affected by this new requirement – since the other foreign universities already have a campus in their country of origin (European Commission for democracy through law 2017).

Another provision prevented Hungarian universities from delivering programs or issuing degrees from non-European universities on behalf of CEU. This amendment required the CEU to change its name. Furthermore, these changes followed the elimination of a good-faith waiver that was allowing academic staff from non-EU countries to work at the university without requiring a work permit (Bárd 2020).

On top of all the above, in August 2018, the Hungarian government announced plans to eliminate gender studies from the country’s list of accredited university study programs and the CEU was running such a program (Tycner 2017). This decision was considered a contradiction of the Hungarian Constitution (Fundamental Law) which protects academia from government interference:

Article X

(1) Hungary shall ensure the freedom of scientific research and artistic creation, the freedom of learning for the acquisition of the highest possible level of knowledge and, within the framework laid down in an Act, the freedom of teaching.

(2) The State shall have no right to decide on questions of scientific truth; only scientists shall have the right to evaluate scientific research.

(3) Hungary shall protect the scientific and artistic freedom of the Hungarian Academy of Sciences and the Hungarian Academy of Arts. Higher education institutions shall be autonomous in terms of the content and the methods of research and teaching; their organization shall be regulated by an Act. The

Government shall, within the framework of an Act, lay down the rules governing the management of public institutes of higher education and shall supervise their management. (Hungary 2016)

The EUA reacted to this pointing out that:

The Board of the EUA calls on the Hungarian Ministry for Human Resources to cancel its plans as gender studies are a well-established scientific discipline, taught at the most prestigious institutions around the world, with benefits for graduates and society at large. Such a ban would pose a serious threat to academic freedom and institutional autonomy in Hungary and would confirm the trend towards increased state control that began with legal reforms in 2014 that have already undermined institutional autonomy in Hungary's universities. EUA calls on the Hungarian government to refrain from further interference in academic affairs. (EUA 2018)

The government's response in these complaints was that Hungary does not wish to accredit and finance such programs because of the low number of graduates they attract and a poor track record of employability. However, the changes were made "unilaterally by the government, without consent and consultations with the [Hungarian] accreditation agency", said Michael Gaebel, director of higher education policy at the EUA (Science Business 2018).

In support of the CEU, the European Association for International Education expressed concerns on the restrictions that could lead in xenophobia against multi-cultural and universal humanist values (EAIE 2017). It is worth noting that the CEU library was considered the biggest library of social sciences and humanities in Central and Eastern Europe following some of the principles of its mission and its international character: "the pursuit of truth wherever it leads, respect for the diversity of cultures and peoples" (Central European University, Official documents 2022).

At the same time, an article published by the Hungarian magazine 'Figyelo' a weekly pro-government magazine, titled "Immigration, homosexual rights and gender science – these topics occupy the researchers of the Academy", reported that research carried out by the Centre for Social Sciences of the Hungarian Academy of Sciences is politically suspicious and suggested that the government should have "greater insight" into the Academy's work (Science Business 2018).

As a matter of further concern, a number of judges were allegedly reported to be stepping down in quick succession from the National Judicial Council. At the same time, owners of hundreds of private news outlets simultaneously donated to the same holding

company, raising suspicions and concerns to European Observatories about the control over the media. Further accusations on Anti-Semitism, the unapologetic stance against immigration, Islam, and liberalism have resulted in the European Commission suing Hungary in the European Court of Justice over the higher education law (Enyedi 2018; New York Magazine 2018) and raising calls for supporting the CEU (Endangered Scholars Worldwide 2019; European Parliament 2018; Scholars at Risk 2021).

European Union Policy on Higher Education

Education was formally recognized as an area of European Union (EU) competency in the Maastricht Treaty of 1992. Higher education assumes a central role in the EU strategy about a common community although the EU agenda regarding the majority of policy decisions in this field sometimes function as recommendations:

[The EU] does not have the competency to adopt decisions on certain matters, like the financing of universities, as they fall into exclusive member state competencies. [...] it has the power to help member states to cooperate (e.g. Erasmus cooperation) [...] EU law has direct or indirect effect on the laws of its Member States (Magna Charta). (Ziegler 2019)

Further, EU competencies could be very useful from a fundamental rights perspective based on the Council of Europe's work on the civic and democratic role of higher education as well as the Bologna process, where European governments engage in discussions regarding higher education policy reforms basis of common key values, such as academic freedom, freedom of expression, institutional autonomy, free movement of students and staff (European Commission for democracy through law 2017).

Responses of United Nations (UN) and the EU on the amendment of Hungarian Act CCIV of 2011

On 11 April 2017, a letter of the special rapporteur on the promotion and the protection of the right to freedom of opinion and expression of the UN, Human Rights Office, send to the Hungarian permanent mission in the UN in Geneva, informing them about receiving concerns on the bill T/14686 amending ACT CCIV of 2011. Noting that “the bill appears to specifically target the Central European University and undue interference with academic freedom and independence” (UN 2017).

On 27 April 2017, in Resolution 2162, the Parliamentary Assembly of the Council of Europe requested the opinion of the European Commission for democracy through law

(Venice Commission) on the compatibility of the Hungarian Act XXV of 2017 with the Council of Europe's standards (Council of Europe 2017; European Commission for democracy through law 2017, 3).

As a result, the Court of Justice (CoJ) of the EU, judgment in Case C-66/18 *Commission v Hungary* (2020), ruled that Hungary has failed to comply with the commitments in relation to national treatment given under the General Agreement on Trade in Services (GATS), concluded within the framework of the World Trade Organization (WTO). That requirement was also contrary to the provisions of the Charter of Fundamental Rights of the EU relating to academic freedom, the freedom to found higher education institutions, and the freedom to conduct a business (CoJ 2020).

The Role of Civil Society

The bill T/14686 amending ACT CCIV of 2011 was allegedly adopted in a swift legislative process where there were no civil society consultations and obligatory impact assessment carried out (Hungary 2017b). Although there is no legal mandate that civil society organizations have to be consulted before state decisions are implemented, the role of civil society in democracies and in democratically established society institutions as the universities cannot be ignored.

Civil society is one of the most important indicators measuring quality of democracy. In the 2020 Freedom House country report for Hungary, its score on the Civil Society indicator is lower mainly because:

Academic freedoms were under increased pressure during the year. As a result of the 2017 “Lex CEU”, which established new requirements for universities accredited abroad and specifically targeted Central European University (CEU) [...] Even though the university said it had met the new requirements, Hungarian authorities refused to countersign the intergovernmental agreement required by law. Upon adoption of the law, the MTA stated that “the bill stands in contrast with basic European research funding principles and seriously endangers academic freedom, and asked for a review by the Constitutional Court to determine any violations of the principle of academic freedom and MTA’s property rights. (Freedom House 2020, 9-10)

This score is even lower in the 2021 report, declining from 4.50 to 4.25 (Freedom House 2021, 13).

In 2019, the European Association of Judges published a report stating that “the Hungarian Judiciary is facing a kind of ‘constitutional crisis’” since May 2018 due to the

activity of the President of the National Office of Justice (NOJ) who denies any collaboration with the National Judicial Council (IAJ 2019). The report also found that the NOJ's extensive powers relating to the appointment and promotion of judges and the secondment of judges from one court to another were "particularly problematic under the aspect of judicial independence" (Freedom House 2021, 13).

These government decisions and actions were perceived as attacks to academic freedom, liberal values, democracy, independent and rational thinking and tradition of scientific inquiry (Corbett and Gordon 2018; Halmai 2018). Finally, they led to the eviction of CEU from Hungary since the university could not accept new students after January 1, 2019. In September 2019, CEU's incoming students started the academic year in Vienna. CEU is the first university to be driven out of a EU member state in the history of the bloc. As European Parliament member Guy Verhofstadt remarked, it is also the first government closure of a university in Europe since 1943 when the Nazi occupation government in Norway shut down the University of Oslo (New York Magazine 2018). Above all, it is worth pointing out that Hungary is by now classified as an 'electoral authoritarian regime' and it is the first member of the EU under this classification, according to the V-DEM report of 2020 (Lührmann et al. 2020).

Analysis and Findings

When combining the views expressed in the structured interviews about the line of actions that led to the demolition of and eviction of CEU in the case study, the following findings summarize the ways in which the proposed conceptual model of the democratic university was gradually eroded, up to the point of demolition.

First, increased state control, exercised according to the dominant political ideology, undermines institutional autonomy. Usually this comes in total contradiction with most EU countries Constitutions, which protect academia from government interference. This affects adversely the university autonomy in the institutional organization of its governance, the financial autonomy i.e. characteristics 1, 2, and 7 of the university model framework. This is supported by the following quotations:

the Commission... noted that Lex CEU [...] is not compatible with the fundamental internal market freedoms, notably the freedom to provide services [...] and the freedom of establishment [...] but also not compatible with the right of academic freedom, the right to education and the freedom to conduct a business as provided by the Charter of Fundamental Rights of the European Union... as well as not compatible with the Union's legal obligations under (Bergan et al. 2020, 35).

Second, passing law amendments that put the university in financially unviable situations without benefits, such as waiving certain benefits such as free work permits or changing its name and identity. Imposing unnecessary restrictions and obstacles incurs needless financial and human resource costs. This has major impact on characteristics 1, 5, 10, and 14 of the model. This is expressed in the bill T/14686 amending ACT CCIV of 2011: “In the territory of Hungary, a foreign higher education institution may pursue training activities leading to a diploma [...] (b) qualifies as a publicly recognized higher education institution operating in the country of establishment and actually pursuing higher education there [...] (Hungary 2017, 2)

Third, altering the composition of National Judicial Council ((NJC) key institution for an independent judiciary system), that in turn, could lead to state interference with the university. Once more, characteristics 1 to 5 and possibly 8 and 9 of the model are under attack and this is reflected in the following statement of the International Association of Judges: “The jurisdiction of the National Office for the Judiciary relating the appointment and promotion of judges and the secondment of judges from one court to another is particularly problematic under the aspect of judicial independence. If the composition of the NCJ indeed needs additional members a bye-election must be organized as quickly as possible and the procedure should be initiated by either the NOJ or the NJC” (IAJ 2019, 11).

Fourth, limiting the number of private news outlets, concentrating them to only a few holding companies, or shutting down opposition newspapers. A measure clearly against any kind of democratic operation, affecting almost all of the model’s characteristics, with more emphasis put on the freedom of expression and preservation of moral values, the pursue of equality, fairness and justice, serving the broader public good, i.e. characteristics 10, 11, 12, 13 and 15. As in Freedom House country report (2018, 8) mentions, “Hungary’s constitution protects freedoms of speech and the press, but complex and extensive media legislation enacted by Fidesz created avenues for politicized media regulation, undermining these guarantees”.

Fifth, unilateral governmental decisions not consulting independent, national, or international accreditation bodies and associations (e.g., the university itself, Rectors’ Conferences, the EUA) and setting very short answer or response deadlines for the university as a pretext for dialogue. These may come as pressing demands from market-oriented stakeholders that are solely concerned about performance and effectiveness. This limits autonomy and meaningful accountability. It is a blow to the prestige of the institutions, i.e.

characteristics 1 to 3, and undermines administration structures and power, characteristics 6, 8, 9, and 14. This is further justified in the following statement of the Hungarian Academy of Studies (2018), “In an email sent on 12 June 2018, the Ministry of Innovation and Technology informed the Hungarian Academy of Sciences about the proposed amendment of the XL 1994 Law on the Hungarian Academy of Sciences and requested the Academy deliver its opinion and respond within an unrealistically short deadline”. Further in an article of the Times Higher Education (2017), government spokesman Zoltán Kovács made the following statement: “Many in this country have sent their kids to university...even if [the subject they studied] was not a marketable area of knowledge. And, in that, we definitely need a change”.

Sixth, academic freedom, autonomy and democracy coming under attack, along with key European values like the safeguarding of civil and international rights, the freedom of speech and association, maintaining a rule of law, supporting an open society, and the protection of refugees. This can be depicted as an erosion of characteristics 4, 10, 11, and 13. The European Parliament stated in a resolution that “recent developments in Hungary have led to a serious deterioration in the rule of law, democracy and fundamental rights, which is testing the EU’s ability to defend its founding values”. Therefore, the resolution, among other things, calls for “the Hungarian Government to repeal laws tightening rules against asylum-seekers and non-governmental organizations, and to reach an agreement with US authorities, making it possible for the Central European University to remain in Budapest as a free institution” (Halmai 2018, 2).

Seventh, Anti-Semitism, promotion of a nationalist ideology, unapologetic stance against immigration, religion, liberalism, gender equality, human rights, and human dignity. Similarly, characteristics 10, 11, 13, and 15 are under attack. “The relevant provisions of the Act should ensure that the Hungarian government's intention to support the direction and field of international higher education cooperation, the foreign policy objectives, and the movement of students and lecturers involved in the operation of international relations take into account the current national security aspects” (Hungary 2017a, 8).

Eighth, the government’s recurring intervention in the curricula and research topics. Attack on social and humanitarian subjects which are characterized as “suspicious” (Science Business 2018), unworthy, and so on. Only market-oriented studies get funded at the expense of humanities. Characteristics 8, 9, 10, 11 and 13 are most affected. As an example of this government position, the Deputy Prime Minister Zsolt Semjén asserted that gender studies “has no business [being taught] in universities” because it is “an ideology, not a science” (University World News 2018).

To sum up the ways that the model of the democratic university can be affected and severely eroded: state intervention (in ways that serve non-academic purposes), together with undemocratic procedures of ignoring the administration principles of the university and pursuing solely other types of benefits, strongly related to New Public Management and market-oriented demands, disregarding human rights, freedom of speech, freedom to determine curricula and research directions, are the main ingredients forming an explosive mixture that can blow up the operations leading to a complete shut-down and final collapse.

Building the University State Change Model and Future Directions

The analysis above shows that some democratic indicators measuring specific university characteristics can be complementary to each other and growing in the same direction supporting democratic operation or, on the contrary, shrinking together in the same direction at the expense of democracy (e.g., measuring civil liberties, academic freedom, supporting autonomous curricula). Other indicators may measure competing notions of democracy within the university. For example, indicators measuring state intervention and control or unilateral governmental decisions on one hand, and indicators measuring university economic and institutional autonomy from the central government and the external pressures of technology, economics, and marketing on the other hand. In this case, one feature may be increased only at the expense of the other, leading to a very much constrained university administration.

The following methodology based on Multi-objective Optimization Theory (Emmerich and Deutz 2018) is proposed for optimal decision-making on the state change process, driven by the scores of the sets of indicators on democracy stored in the respective databases. Multi-objective Optimization theory refers to the process of optimizing systematically and simultaneously a collection of objective functions in order to find the optimal value or best solution. Many decision and planning problems involve multiple conflicting objectives (indicators in our case) that should be considered simultaneously. This kind of problem is found in types of every science such as mathematics, engineering, social studies, economics and politics (Gunantara 2018).

Weighted Sum Model of Complementary Indicators between University Transition States

Assuming complementary indicators (indicators increasing or decreasing in the same direction), a weighted sum model could be used. In general, for a given problem defined on

m alternatives (different University States in our case) and n decision criteria (indicators evaluated through the different University States resulting from the transitions):

Suppose that w_j denotes the relative weight of importance of the criterion (Indicator) C_j and a_{ij} is the performance value of alternative A_i (the State the University is in) when it is evaluated in terms of criterion C_j . Then, the total (i.e., when all the criteria are considered simultaneously) importance of alternative State of University A_i denoted as $A_i^{\text{WSM-score}}$, is defined as follows:

$$A_i^{\text{WSM-score}} = \sum_{j=1}^n w_j a_{ij}, \text{ for } i = 1, 2, 3, \dots, m.$$

It is clear that the combination of different complementary indices (even in the trivial case where weights are all set to one), provides an amplified result on the measurement of the final state. For the maximization case (indices measuring desirable university characteristics increasing positively), the best University State out of the possible University Transition States is the one that yields the maximum total performance value, but, even more crucially, the worst University State is the one yielding minimum performance values, clearly denoting a collapsing tendency (concurrent diminishing values of the indicators measuring academic freedom, autonomy, civil rights etc.).

Pareto Optimization of Competing Indicators

If the final University State cannot be improved in any of the indicators without degrading at least one of the other indicators (the case of competing indicators), a *Pareto Optimal Solution* should be sought for decision-making (Emmerich and Deutz 2018). In mathematical terms, such a multi-objective optimization problem can be formulated as

$$\begin{aligned} & \min(f_1(x), f_2(x), \dots, f_k(x)) \\ & \text{s.t. } x \in X, \end{aligned}$$

where the integer $k \geq 2$ is the number of objectives (Indicators in our case) and the set X is the feasible set of decision vectors (States of University in the present work). The feasible set is typically defined by some constraint functions. In addition, the vector-valued objective function (the set of Indices values for the specific university state in our case) is often defined as $f: X \rightarrow \mathbb{R}^k$, $f(x) = (f_1(x), \dots, f_k(x))^T$. An element $x^* \in X$ is a feasible solution; a feasible solution $x^1 \in X$ is said to (Pareto) dominate another solution $x^2 \in X$, if

- $f_i(x^1) \leq f_i(x^2)$ for all indices $i \in \{1, 2, \dots, k\}$ and
- $f_j(x^1) < f_j(x^2)$ for at least one index $j \in \{1, 2, \dots, k\}$.

In this case, indicators increasing towards a certain direction (e.g., state intervention, unilateral governmental decisions) cause others to decrease in value (e.g., autonomy) and this is reflected to the non-optimal Pareto solutions, again leading to the university collapse.

State Transition Detection

Finally, the periodic monitoring of the proposed indicators $f(x)=(f_1(x), \dots, f_k(x))^T$ would provide clear alarming signals for State Transitions in X (feasible States of the University). By combining the power of multiple indicators policy makers can obtain a clear view on the actual state the University is in, based on facts and data. University State changes provide appropriate alarms that call for immediate action to be taken, if democracy is to be preserved within the university.

Using the CEU case study, a model is build employing some characteristic indices from the V- DEM database for Hungary (Varieties of Democracy 2022). These indices are explained in the following Tables 1-5 and the detailed description of their values is in the Appendix.

Table 1: Civic and academic space

| Indicator | Year | | | | | | | | |
|------------------------|------|------|------|------|------|------|------|------|------|
| | 2020 | 2019 | 2018 | 2017 | 2016 | 2015 | 2014 | 2013 | 2012 |
| Academic Freedom Index | 0.44 | 0.46 | 0.47 | 0.5 | 0.56 | 0.57 | 0.58 | 0.59 | 0.59 |

Source: Authors.

The Academic Freedom Index is designed to provide an aggregated measure that captures the de facto realization of academic freedom, including the degree to which higher-education institutions are autonomous (Varieties of Democracy 2022).

The average level of protection of academic freedom in Hungary decreased gradually at the time of the democratic transition. The indicator has dropped from 0.59 in 2012 (1 is the highest level of ‘Academic freedom’ in a country, according to V-DEM methodology and 0 the lowest level (for more details see Appendix)), to 0.44 in 2020. The legislation of the Act CCIV in 2011 and of the Act XXV in 2017, following the amendment of the Hungarian constitution in 2016, has significant impact at ‘Academic freedom index’. Teaching methods, curricula design, research objects, academic employment rights, the

universities mission to serve society and the restriction of academic disciplines, are some of the basic components of academic freedom that affected.

Table 2: Civil liberties

| Indicator | Year | | | | | | | | |
|---|------|------|------|------|------|------|------|------|------|
| | 2020 | 2019 | 2018 | 2017 | 2016 | 2015 | 2014 | 2013 | 2012 |
| Freedom of Academic and Cultural Expression | 1.96 | 2.14 | 2.29 | 2.87 | 3 | 3 | 2.98 | 3.06 | 3.2 |

Source: Authors.

It is important to note that the value for the indicator ‘Freedom of Academic and Cultural Expression’ has dropped from 3.2 in 2012 (indicating that it is mostly respected by public authorities (there are few limitations on academic freedom and freedom of cultural expression, and resulting sanctions tend to be infrequent and soft, as explained analytically in the Appendix) to 1.96 by 2020 stating that it is only somewhat respected by public authorities (academic freedom and freedom of cultural expression are practiced routinely, but strong criticism of the government is sometimes met with repression).

Table 3: Media

| Indicator | Year | | | | | | | | |
|--------------------------------|------|------|------|------|------|------|------|------|------|
| | 2020 | 2019 | 2018 | 2017 | 2016 | 2015 | 2014 | 2013 | 2012 |
| Print/Broadcast Media Critical | 1.5 | 1.68 | 1.71 | 1.8 | 1.84 | 1.84 | 2.02 | 2.02 | 2.23 |

Source: Authors.

The value of the indicator ‘Print/Broadcast Media Critical’ got the lowest value 1.5 in 2020. This indicates that the media freedom has affected. Their obligation to be critical on government -the executive power of a state- is significantly constrained (as it explained in Appendix). The consolidation of most Hungarian media, first into the hands of government-friendly foundations and business cooperation’s, the loss of pluralism and the changing nature of the critical discourse that is consider as disloyalty, are some of the characteristics that illustrate how the media landscape transformed by 2012 were the value is 2.23. The independent media outlets and platforms not only reduced but further, the majority of the population can easily reach only the state-controlled media.

Table 4: Accountability

| Indicator | Year | | | | | | | | |
|----------------------|------|------|------|------|------|------|------|------|------|
| | 2020 | 2019 | 2018 | 2017 | 2016 | 2015 | 2014 | 2013 | 2012 |
| Accountability Index | 0.7 | 0.71 | 0.71 | 0.77 | 0.79 | 0.8 | 0.81 | 0.86 | 0.89 |

Source: Authors.

‘Accountability Index’ is considering crucial for the quality of democracy. The values of this indicator, similarly with the previous indicators, are decreasing through the years (details about the scales are in Appendix). Although, the value wasn’t too high (0.89 in 2012) decreases significantly to 0.7 in 2020. This means that the extent of the ideal of government accountability achieved restricted, through the years. Accountability mechanisms include constitution, legislative acts, an independent judiciary system, free elections, checks and balances between institutions and an active civil society (free from political parties and governmental interferences). The lack of transparency is an important issue and although 2019 was an election year for Hungary (municipal elections) the value of the indicator continued to decrease.

Table 5: Diagonal accountability index

| Indicator | Year | | | | | | | | |
|------------------------------------|------|------|------|------|------|------|------|------|------|
| | 2020 | 2019 | 2018 | 2017 | 2016 | 2015 | 2014 | 2013 | 2012 |
| Government Censorship Effort/Media | 1.91 | 2.01 | 2.01 | 2.15 | 2.29 | 2.3 | 2.82 | 2.84 | 2.85 |

Source: Authors.

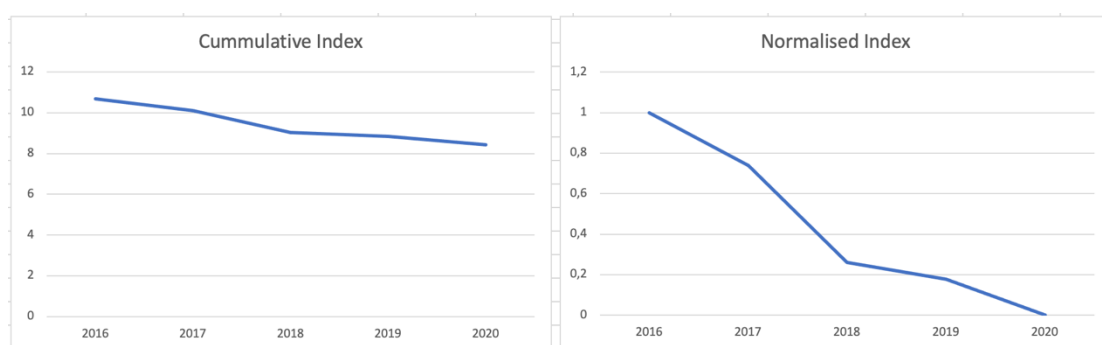
Independent, oversight media institutions are critical components of the accountability in democracies. The indicator ‘Government Censorship Effort/Media’ shows the attempts of the government to censor the media in direct and indirect methods, how often these attempts are made, for what topics and media bias. Censorship seeks to limit freedom of thought and expression. The value 2.85 in 2012 (scaled low to high 0-4 (explained in Appendix)) shows that although attempts to censor the media are indirect and limited to especially sensitive issues, these attempts became a routine by the year 2020 (the indicator has a value of 1.91). This gradually development (the government censorship increased through the years) is an early warning signal for the process that leads to the decline of democracy.

The proposed model is focused mainly on the era 2016-2020 which is of special interest since state changes have been reported in the respective annual democracy reports and data sets, of the Varieties of Democracy program. Using the weighted sum model of the equation proposed earlier, we summed up the values of the Academic Index shown on Table

1 (multiplied by a factor of 4 in order to equate its weight to the other indices), the Freedom of civic and cultural expression index shown on Table 2, the Accountability Index shown on Table 4 (again multiplied by 4 in order to equate its weight to the other indices) and the Government Censorship Effort/Media shown on in Table 5, for every year from 2016 to 2020. Results for the cumulative index A are shown in Figure 1a whereas, the same results after normalization in the range $[0, 1]$ are displayed on Figure 1b.

Figure 1: Variation of the cumulative index A

Figure 1a: The variation of the cumulative index A Figure 1b: The same index normalized in the region $[0, 1]$

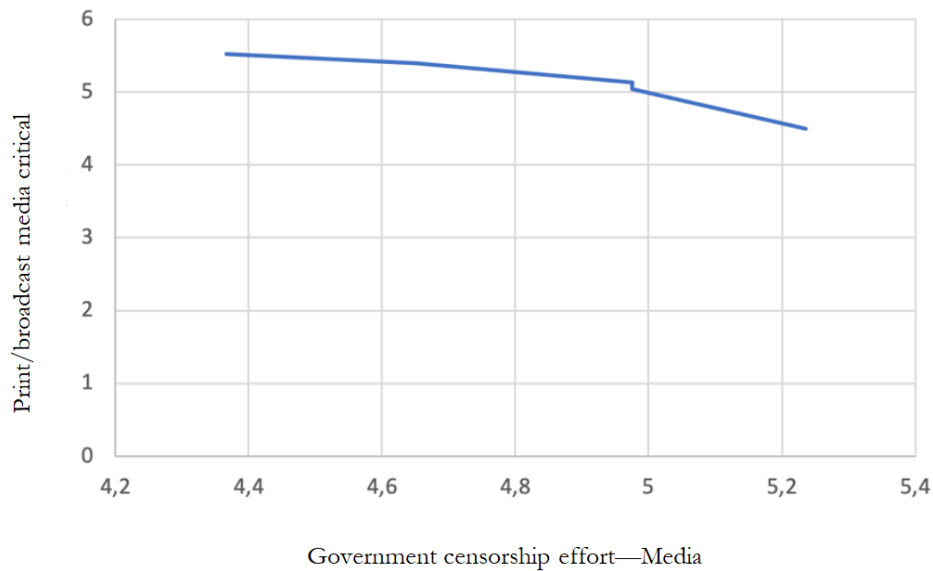


Source: Authors.

It is clear, especially on the normalized graph, that the proposed model captures the critical processes that took place during this period. A sharp decrease of the normalized index from 2017 to 2018 can account for leading CEU out of Hungary in 2019 and for finally downgrading the country to an electoral authoritarian regime. It is evident that determining the optimum weighting coefficients for the cumulative index A would require further work and more data would be required to test and validate the model. However, this first approach yields interesting results since it verifies the observations of the case study.

As far as competing indicators are concerned, we examine the Government Censorship Effort/Media indicator in Table 5 with respect to the Print/Broadcast Media Critical indicator of Table 3. Since the increased levels for Government Censorship are represented by smaller values we decided to invert (and normalize) these values, for consistency. As shown in Figure 2, in this case, indicators increasing towards a certain direction (e.g., media censorship by the government) cause others to decrease in value (e.g., the media being critical) and this is reflected to the non-optimal Pareto solutions described in the previous section, again leading to the university collapse. Again, it is worth noting that by 2018, Hungary was balancing on the verge of a breakdown to electoral autocracy (Lührmann et al. 2019).

Figure 2: Governmental censorship causing decrease in criticism by the media



Source: Authors.

The values of the ‘Government Censorship Effort/Media’ indicator range from very invasive, at low values (higher efforts of government censorship interventions) to not at all invasive at high values.

Although, once selected, the indicators range values and periodicity of monitoring should be specified, this requires further study depending on specific conditions of each university (Messick 1988). In any case, if monitoring such indicators is to be of some value, an appointed academic body should be responsible for measurements and should provide periodic reports. One such body in European universities could be the well-established Quality Assurance Unit (ESG 2015), whose role is to collect and process information concerning a large number of other indices. Alternatively, a ‘Democracy State Observatory’ should be initiated within each university to monitor indicators and provide appropriate alarm signals.

Conclusion

Although universities are considered birthplaces and incubators of knowledge and bastions of democracy in modern societies, there are cases of them shutting down their operations or moving to completely different areas after facing hostile behaviors from governments and other stakeholders. However, if one is to determine what destroys a university, one must first define the characteristics of an operating university. Thus, in this research, a model of the democratic university is employed, comprising a set of

characteristics that have been determined by extensive literature survey. The research question addresses the vulnerability of the university existence under the erosion of its characteristics.

Using the model in reverse, a group of European academics and university administrators were interviewed, providing insight on this matter according to their knowledge and expertise. When presented with the characteristics of the conceptual model, most of them were deeply worried and alarmed on the increased state interference with universities, in many cases in the form of financial cuts and budget manipulation. Additionally, they were concerned about New Public Management techniques that dictate which courses should be supported and which are to be abolished, based simply on efficiency and performance measures. They all report a recession in university's autonomy and a distorted view of accountability. Also, they expressed serious doubts on the efficiency and the role of international academic bodies and associations. Finally, the universities are no longer allowed to act as independent safe places supporting human rights and free speech. Participants considered that the combined effect of the above root causes can lead to the university's total collapse and shutdown.

It was useful to put these views under scrutiny through the case study of the CEU. By studying the CEU during its presence in Hungary, before being shut down and assuming operations in Austria, the findings were verified. Increased state intervention, coupled with techniques that control the university's curricula and research directions, with disregard to the university administrative bodies, do not leave room for the university to operate according to its vision and mission. Limiting academic freedom, free speech and association, no longer maintaining a fair rule of law and standing against immigration, liberalism, gender equality, human rights and human dignity, are significant factors that disintegrate the academic environment and lead to the university's collapse. Finally, a model based on Multi-objective Optimization Theory is proposed to encapsulate state changes within the university, especially with respect to the deteriorating values of the respective democratic indicators that may lead to its overall collapse. This can be used to signal and predict the deterioration of the university's democratic characteristics.

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Appendix

Indicators scales

Table 1: Civic and academic space

Indicator: Academic freedom Index

Clarification: Academic freedom is understood as the right of academics, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies (UNESCO 1997 Recommendation concerning the Status of Higher-Education Teaching Personnel). The Academic Freedom Index is designed to provide an aggregated measure that captures the de facto realization of academic freedom, including the degree to which higher-education institutions are autonomous.

Scale: Interval, from low to high (0-1). (Coppedge et al 2022)

Table 2: Civil liberties

Indicator: Freedom of Academic and Cultural Expression

This indicator is based on the answer to the question “Is there academic freedom and freedom of cultural expression related to political issues?”

Answers were coded as follows:

Responses:

0: Not respected by public authorities. Censorship and intimidation are frequent. Academic activities and cultural expressions are severely restricted or controlled by the government.

1: Weakly respected by public authorities. Academic freedom and freedom of cultural expression are practiced occasionally, but direct criticism of the government is mostly met with repression.

2: Somewhat respected by public authorities. Academic freedom and freedom of cultural expression are practiced routinely, but strong criticism of the government is sometimes met with repression.

3: Mostly respected by public authorities. There are few limitations on academic freedom and freedom of cultural expression, and resulting sanctions tend to be infrequent and soft.

4: Fully respected by public authorities. There are no restrictions on academic freedom or cultural expression. (Coppedge et al 2022)

Table 3: Media

Indicator: Print/ Broadcast Media Critical

This indicator provides the answer to the question: “Of the major print and broadcast outlets, how many routinely criticize the government?”. Responses were coded as follows:

Responses:

0: None.

1: Only a few marginal outlets.

2: Some important outlets routinely criticize the government but there are other important outlets that never do.

3: All major media outlets criticize the government at least occasionally. (Coppedge et al 2022)

Table 4: Accountability

Indicator: Accountability Index

To what extent is the ideal of government accountability achieved?

Clarification: Government accountability is understood as constraints on the government's use of political power through requirements for justification for its actions and potential sanctions. The sub-types of accountability were organized spatially. Vertical accountability refers to the ability of a state's population to hold its government accountable through elections, horizontal accountability refers to checks and balances between institutions; and diagonal accountability captures oversight by civil society organizations and media activity.

Scale: It is thus scaled low to high (0-1). (Coppedge et al 2022)

Table 5: Diagonal accountability index

Indicator: Government Censorship Effort/Media

Responses:

0: Attempts to censor are direct and routine.

1: Attempts to censor are indirect but nevertheless routine.

2: Attempts to censor are direct but limited to especially sensitive issues.

3: Attempts to censor are indirect and limited to especially sensitive issues.

4: The government rarely attempts to censor major media in any way, and when such exceptional attempts are discovered, the responsible officials are usually punished. (Coppedge et al 2022)