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ACADEMIC FREEDOM:

THE GLOBAL CHALLENGE

EDITED BY  
Michael Ignatieff · Stefan Roch

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Michael Ignatieff  
Stefan Roch





# Academic Freedom From Without and Within

—— Michael Ignatieff



—— Michael Ignatieff is President and Rector of Central European University

I

In June 2017, CEU convened a gathering of international experts and political figures to examine the state of academic freedom world-wide. This volume summarizes the highlights of our discussions. We ranged widely, from the closing of universities in Turkey and the narrowing space for academic freedom in Hungary, China and Russia, to the controversies about free speech roiling American campuses. In this volume, you will read thoughtful historical analysis of the origins of the ideal of academic freedom; eloquent testimony from the front lines of the battle to defend the academy as a free space for controversial thought; as well as analysis of how university autonomy and self-government are endangered by hostile political forces around the world. We hope students and faculty, university administrators, journalists and politicians in many countries will find our CEU discussion a useful guide in understanding the global nature of the challenge to academic freedom.

If there is a single conclusion from this volume it is that academic freedom is too important to be left to universities to defend by themselves. Universities need to rebuild public confidence in their mission.

These days higher education is politically isolated: attacked as bastions of elite privilege and castigated as the protected domain of arrogant experts. Universities cannot afford to let populist political forces turn these feelings to their own electoral benefit. Universities need to stand up for themselves and take their case to the public. Free universities are critical to the survival of democracy itself. Free institutions nourish free thought and free thought winnows the kernel of knowledge from the chaff of falsehood. Without knowledge, based in patient verification and self-questioning, democracies are flying blind. At a time when the authority of knowledge in public debate is questioned as never before, universities need to stand up for their role as critical custodians of what societies, through experimentation and trial and error, actually know.

Central European University has been defending the principle of academic freedom and institutional autonomy throughout its twenty-six-year history in Budapest. In 2017, our dispute with the Hungarian government over whether we could remain in Budapest became a global *cause celebre*. More than 500 prominent US and European academics, including more than twenty Nobel Laureates, signed an open letter to support CEU. Political leaders across Europe have voiced their support and thousands marched in the streets of Budapest in defense of CEU and academic freedom.

CEU's struggle is not over, but the story is worth summarizing briefly because of the light it sheds on the pressures that academic freedom faces even in nominally democratic societies in the 21<sup>st</sup> century. In March 2017, the government passed a law in Parliament changing the regulations governing foreign educational institutions operating in Hungary. Normally an elected government consults with institutions before they initiate important legal changes. No consultation occurred before the law was tabled in Parliament. Normally a law's application is universal. It should apply to

all. This was not the case in Hungary. The law that has come to be known as 'lex CEU' singled out CEU directly: it forbade us to maintain our dual Hungarian and American legal identity and required us to choose either a Hungarian or American accreditation; it required us to have a campus in the United States, when we are among nearly 30 US institutions overseas who do not maintain a campus in the US. Lex CEU also required our non-European staff to secure work permits, despite the fact that we had an exemption from this requirement for many years. Finally, our legal status in Hungary was made to depend on a new bilateral agreement between Hungary and the state in which we originate. At first the Hungarian government insisted that such an agreement should be with the United States. The US government pointed out that the US constitution leaves jurisdiction in matters of higher education to the states. Eventually, in order to break the impasse, the Governor of New York State, where we are accredited, offered to negotiate a new agreement with Hungary to settle CEU's legal status once and for all. Through the summer of 2017, the negotiations made good progress. A text of the agreement was finalized in September that would allow CEU to remain in Budapest. CEU agreed a further agreement with Bard College to conduct educational activities in New York. In October, in a sudden reversal, the Hungarian government decided not to sign the New York deal and instead to extend the deadline for compliance with the original lex CEU for another year.

Until January 2019, CEU remains in legal limbo, free to admit new students, but uncertain of its legal status in Hungary thereafter. Speculation about the government's motives or its ultimate intentions is pointless. What is clear is that the university's legal situation is a telling illustration of the difference between 'rule by law' and 'rule of law', between arbitrary political discretion and lawful certainty. Just as rule of law is essential for democracy, so rule of law is critical for any academic freedom worth having.

Even if Hungary were to eventually decide that we are not in compliance with lex CEU—CEU’s position is that we are—CEU’s existence is not threatened. The difficulty we have experienced is not an existential crisis. CEU has the resources and the reputation to continue its degree programs uninterrupted whatever happens next. Other universities around the world, harassed by their governments or by hostile political forces, may not be so lucky. At CEU itself, life goes on. Our classes are full, our faculty continues their research, and we are in the middle of a strategic planning process that will set the course for the university’s development through the year 2022.

## II

CEU’s experience may be unique in the history of European higher education in recent times, but in a wider context, it is not exceptional. Many other universities around the world face much more serious threats to their institutional and legal autonomy. In Turkey, public universities have been closed; faculties have been dismissed en masse; the purge of students continues more than a year after the Turkish coup and counter-coup. In St. Petersburg, the European University of St. Petersburg struggles to stay alive in the face of recurrent official challenges to its legal status. In China, the Communist Party has re-imposed ideological discipline on universities and colleges, after a brief period of liberalization, and the space for free thought and free expression has narrowed. Foreign universities operating in China have had to adjust to new restrictions that limit free collaboration with other Chinese institutions.

In defending academic freedom against these threats, international universities, who have pioneered the globalization of higher education, need to develop shared rules about how to work in authoritarian and semi-authoritarian contexts and to stand up for each other when these

rules are broken. Certainly, CEU benefited enormously from the support we received from the international academic community.

At the same time as authoritarian and semi-authoritarian governments are restricting or abolishing academic freedom, there are threats to academic freedom in well-established democracies as well.

Freedom is being undermined by forces outside the academy, but also by partisan political passions within. Political space is polarizing everywhere, and universities themselves are no exception. Some professors and students appear to believe that academic freedom is valuable only to the extent that it enables them to promote one set of political opinions while banishing others. In the United States, at Middlebury College a crowd shouted down a conservative author and left a professor who came to his aid with a concussion; in Oregon, a professor was harassed for refusing to join a protest against racism. In Berlin and in Dresden, professors have been bullied for conservative views or for attempting to explain the appeal of the extreme far right. A university that becomes a safe haven only for liberal or progressive views is betraying the cause of academic freedom itself.

This is one reason why universities have forfeited some public support and why coded attacks on 'political correctness' on campus have secured a wide hearing at least in the United States.

Far away from university seminar rooms, research labs and libraries, many people have been persuaded, by politicians and media alike, to regard academic freedom as the questionable privilege of a tenured elite. In publicly funded universities, professors' salaries are paid for by citizens who may have never had the chance at a post-secondary edu-

cation. Resentment at the privileges of academic life, such as they are, is widespread.

What can be done to strengthen public support for academic freedom? The answer may lie in rebalancing the relation between academic freedom and social responsibility. Scholars, researchers and teachers need freedom to think and learn, but in return they need to communicate their research to their fellow citizens and, wherever possible, make their teaching and learning useful to the societies they serve. Universities need to do everything they can to remove barriers—economic, cultural and



*CEU students and staff saying thank you to all supporters*

psychological—that deny fellow citizens the chance to secure a college or university education. The privileges of academic freedom come with responsibilities to our societies and communities which we need to discharge as best we can.

In order to strengthen public support for academic freedom, we also need to get out the message that our freedom protects theirs. At the moment, this message is not being heard. If you ask people on the street what academic freedom means, some will say it means professors have a job for life. In a world of pervasive economic insecurity, the privileges





of the tenured few look hard to justify. We need to remind the public that tenure protects them too, by defending the right to pursue unpopular research and take unpopular positions. It is one of the counter-majoritarian bulwarks of a free society, like a free press or an independent judiciary.

Academic freedom is also commonly attacked as a license for arrogant academic expertise. The popular dislike of ‘expertise’ has been exploited by populist politicians who pit ‘the people’, against a credentialed minority. University leaders need to say clearly that our societies would descend into blind chaos without academic knowledge, without evidence-based public policy and the rigorous testing, by universities, of political ideas and their implementation.

The deeper problem is an erosion of the connection between academic freedom and the freedom of all citizens. The number of our fellow citizens who will say “academic freedom is my freedom too” are in a minority.

Universities need to make the case that democracy includes the right of institutions, not just universities, to govern themselves free of outside interference. Unless institutions can defend their right to govern themselves against outside forces—and this may include both governments and pressures from corporate interests and donors—they cannot effectively defend the rights of their members within and they cannot speak up for citizens outside their walls.

A strong democracy requires institutions sufficiently independent to counter-balance majority rule, to defend minority opinions and minority rights. Universities belong with the courts, the media, professional associations and civil society organizations as critical defenders of a democracy robust enough to resist the drift to tyranny.

When democracies are weak, when rule of law, checks and balances, freedom of the press and an independent judiciary are eroded, universities become vulnerable. Universities have a visceral interest in doing what they can, with their teaching and research, to strengthen respect for the democratic institutions on which their own freedom depends.

Democracy is, above all, the noble ideal of free communities choosing their aims for themselves, giving themselves rules by consent, and discharging obligations of protection and care to their members. Where did this ideal first take root in Europe? In the community of scholars, in the medieval universities of Bologna, Salamanca, Oxford, Cambridge, the Sorbonne, Heidelberg, and the great early modern universities of eastern Europe, the Charles University in Prague, Jagiellonian in Cracow, or Eötvös Loránd in Budapest: all founded centuries ago, all still governing themselves, all the kernel of an ideal of self-rule that is the very core of the democratic faith. Academic freedom, therefore, is one of democracy's ancestors and today it has become one of its vital conditions.