Fear and (Self-)Censorship in Academia

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Concerns with media freedom in Hungary go back years and they are also used as the case study for the *Reverse Solange* proposal presented on this blog. The most recent event is the takeover of the largest online news portal, *Index*, where the entire staff left as a response. A less documented arena is the academic setting we work in and which influences our work and everyday life. In both fields, takeover and blatant censorship is but the tip of the iceberg: the most visible part and indicative of a larger problem. In this post, I describe the problem through illustrative cases and discuss possible responses.

A couple of preliminary remarks. First, the selected stories are both confirmed and illustrative; I can have no ambition to be exhaustive (see here, here and here for a couple of exceptions). There is a certain fuzziness in presenting examples that vary from case to case. My goal is to present a sketch that gives a sense of the atmosphere that is our working environment. Crucially, such stories are shared and discussed by colleagues and it is this mix that influences individual and institutional decisions. These are some of the more visible cases and taken together they might sound like the situation is worse than it is at this point. Many researchers voicing criticism of the government and the regime continue to be employed in state-financed institutions, as is the author. Hungary is not Turkey or Russia. Yet, dramatization is also the logic of these violations: they send out strong messages to those working in academia. Due to extreme centralization, the meager chances of change in government and the anti-pluralism of the regime, violations of academic freedom and the effects of censorship radiate effectively, increasing the sense that voicing concerns based on professional ethical convictions does not pay off, and it might take unusual courage to try to maintain basic ethical standards.

Second, I seek to show that this is more than about isolated violations. I present individual cases with a focus on trends, not on persons. Judging individual decisions is not my aim and it would in any case require more knowledge on the stories and personal circumstances. This is the story of the regime, not of individual incidents. On the other hand, personal commitment and action is necessary to counter these tendencies. With this post, I would like to acknowledge the efforts of those few who took personal risk in maintaining academic ethical standards, countering pressure and convenience. The described events define, to a great extent, the academic context where researchers work on an everyday basis, influencing their decisions. Given this influence, I felt it hard not to tell this story. After all, we deal with questions of freedom all the time, by profession. The story of the writing is also indicative for where we stand currently: I was planning to co-author this post with a colleague who eventually decided against participating, because of anticipated risks.

Attacks on the research and the researcher: censorship, dismissal, career blocking, intimidation, discreditation

Voicing criticism of the government usually is an invitation to retaliation, creating a culture of silence, reinforcing the national tradition captured in the saying ‘my mouth not talking, my head not hurting’. This atmosphere, unsurprisingly, also weighs heavily on academic speech. Speech in academic settings is a peculiar beast where filtering speech, as opposed to uninhibited speech, is central to the endeavor. However, where both the pursuit of truth and free speech suffer under government pressure, one can know for sure that academic freedom is violated.

A documented case of censorship at the largest countryside university, in Debrecen (the institution

that granted an honorary title to Russian premier Vladimir Putin) did not trigger any institutional or personal response from the academic or the wider community in the country. Ágnes Kovács, a colleague active in research on judicial independence, had a paper accepted in *Pro Futuro,* the journal of the Debrecen law school. Facing threatening messages relayed through university leadership, the editors decided not to publish the article that documented the dangers the appointment procedure poses to judicial independence. (The text was made available as a working paper, noting the rejection of the publication on non-academic grounds.) The blatant violation of academic ethics was carried out by the institution, leaving no hope for remedies in the form of an ethics procedure. The journal is still recognized as an academic journal by the Academy of Sciences, in the highest tier.

As is usually the case with political censorship, the regime shows some variance and hesitation as to what passes. *Századvég,* a social science journal close to the government but positioning itself as an academic journal, was taken over by close loyalists and the last issue before the takeover was revoked from the press. A leaked version of the issue was widely circulated afterwards, including a piece from a prominent right-wing economist, Péter Ákos Bod, about rent-seeking in the Hungarian economy. (The foundation behind the journal, for its part, was quick to organize a conference on Western censorship, support for 'abnormality' and censorship by Facebook.) Many pointed out that to find a similar case of blatant censorship one has to go back to 1982.

Censorship does not need to happen directly. Public law scholars as many other social scientists are aware of the dangers of voicing criticism, from cases that are not always publicly documented but are shared in corridor talks. In an undocumented case (that I therefore will not name and cannot cite but that, I think, nevertheless merits public attention), a colleague was denied promotion that is guaranteed by law. A high-ranking government official supervising the affairs of the university wrote a letter to the leadership to block the promotion. The colleague concerned had been voicing criticism of the regime (and continues to do so) in many outlets, including the present forum.

In another case that was not publicized, Péter Kakuk, a lecturer in Debrecen was not promoted after passing the habilitation, as is the rule, because he agreed to be interviewed by a TV channel as a speaker in a demonstration showing solidarity with Central European University. Most cases are likely to happen in informal ways, indicating to academics that engagement in politically sensitive cases can lead to consequences in their academic career.

Last year, Andrea Kozáry, a long-time professor who had been teaching police students, was fired after she had criticised the cancellation, for political reasons, of an international conference that the National University of Public Service had earlier accepted to host. The topic was hate crimes, including anti-LGBTQI and anti-immigrant crimes, apparently inconvenient topics in the current political climate.[1] At the same program, another colleague, Ferenc Krémer, was fired years earlier for more direct political reasons, according to himself, for voicing criticism of the government in the media.

Many researchers voicing criticism (like the author) are, as part of a smear campaign, publicly labelled 'Soros agents/mercenaries', a particularly disingenuous allegation denying agency and moral integrity. One colleague, Márton Bene, managed to win a court case against such labelling, but most will try to avoid the spotlight that comes with research on sensitive topics.

Individuals and institutions show signs of understanding the message. Entities with probably less than direct connections to the government also show signs of understanding illiberal requirements. A right-wing think tank, named after the first democratically elected prime minister, fired a researcher, Boglárka Szert, in 2017, for liking a Facebook post that opposed government plans of hosting the Olympic Games in Budapest. This was one of the few cases where the retaliation was publicized and fought. A court later found the dismissal was discriminatory. There are less clear-cut

[1] In a comparable case, the Equal Treatment Authority found the decision of the University of Debrecen to ban an LGBTQI event discriminatory.

cases where it is not easy to decide where complicity starts. The government has a legitimate role in favoring topics that it deems pressing and to which it is willing to dedicate extra resources. *Corvinus*, the leading economics university, that was privatized recently in a way that increases government control, quickly started a family policies program. (Similar privatization led to the current crisis around the taking over of the University of Theatre and Film Arts, followed by the resignation of its management and students blocking access to the building in protest.) A research institution that was removed, with many others, from under the auspices of the Academy of Sciences, established a research center for family sciences. The dubiousness becomes apparent when one adds that "family sciences" was used by the government to contrast the "non-scientific", "ideological" gender studies as a legitimate alternative.

Discrediting fields of sciences, especially in social sciences, is an important part of the political repertoire. Sometimes entire programs or institutions are targeted. Gender studies was outlawed by government order. (A prominent young scholar active in the program received a one-year scholarship in the Academy in Exile program of *Freie Universität Berlin*.) The ban was combined with smear campaigns in pro-government media against people working in the field. This included making a researcher's private address public (in a reader's comment to an article questioning the academic quality of the program) which led to a sense of threat and concerns about the safety of their family home. In the field of economics, an earlier, less bold attempt to divert an academic field to terrains more friendly of government positions was spearheaded by foundations established by the National Bank headed by the former finance minister in the Fidesz government.

Social scientists were attacked by Tamás Freund, a prominent researcher and academician, who voiced his support for the government. He criticized those social scientists who "are not producing real value", "continue corrupting the public and the youth" and who get published internationally only because they are critical of the government. (This would include practically all public law scholarship that discusses populism, illiberalism etc. As if in Mr. Freund's field, neurobiology, interest in research were not also driven by new challenges.) The complaint was made in a leaked letter sent to the prime minister, criticizing government plans to rid the Academy of its research institutes. Drawing the moral of the story, the majority of the voting members of the Academy moved to elect this person as the new Academy president.

The comment of the now-president marks an important move to delegitimize social sciences and critical thinking in general as ideologically tainted (and motivated), not meriting academic title or public funding. This has been following the same logic as earlier scapegoating of the opposition and civil society. In a sense, this move renders the Jakab–Sadurski debate moot: what might be considered as non-political academic commitment (to the rule of law, e.g.) will be labelled as the weapon of Soros mercenaries in "the eternal fight of liberal forces against Hungary", as opposed to constitutional scholarship critical of authoritarian moves.

Institutional aspects: leadership, funding, ban

The fate of Central European University (CEU) is well known: it was ousted by a move that is considered a violation of EU law in the opinion of Advocate General Kokott. The Hungarian government sent mixed messages concerning the ousting of CEU, an institution founded by George Soros (American philanthropist and widely known and often criticized investor of Hungarian-Jewish origin). The government engaged in a double speech: One line of argument was that the university simply had to comply with general requirements of functioning in Hungary, and *Lex CEU* was merely about establishing equality. The other narrative was the anti-Soros propaganda, combining international and domestic issues from migration, loans, rights advocacy, civil society, opposition forces, and anti-Semitic tropes with a greedy banker operating a hidden international network. It is hard to maintain both arguments at the same time: if the attack is ideological, it is not a neutral enforcement of fair stan-

dards. In any case, the move inflicted great harm to Hungarian academia.

The research institutes operating within the Academy of Sciences, comprising the leading research body in Hungary, were put under the control of a new entity with increased government control. Few are convinced that the elimination of normative funding for ex-Academy research institutes do not raise the threat of ideological filtering, even if the pill is sweetened with the promise of more funding overall. The autonomy of the National Scientific Research Fund had been curtailed by a 2014 law, but it was only recently that direct political control was put into effect, a first in the 35-year history of the Fund. The Ministry of Innovation and Technology overruled the decision of the life sciences expert jury on this year's grantees, which triggered the resignation of László Acsády, the president of the life sciences college, in protest. As a result of the ministry's interference, a proposal evaluated by the jury as the weakest is now listed among the applications selected for funding. The president of the Academy of Sciences objected in a letter acquired by the media, and research project leaders (many of them ERC grantees) including those winning in this round, signed public letters of protest. The minister responded that he is also an academic and he represents the welcome introduction of third-party remedy against jury decisions, and fought back by attacking people who leaked the changed list. A researcher, supported by the Hungarian Academy Staff Forum, filed a complaint and asks for the annulment of the grant round.

The 2011 Fundamental Law weakened the earlier constitutional clause guaranteeing the autonomy of higher education, and a 2013 amendment further constrained the protection to allow increased government interference.[2] Under the 2011 law on higher education, the government was empowered to select the rectors, which was used at times to override university decisions. A prominent case included the appointment of the *Debrecen* rector in 2013, against a two-third support within the university senate for the alternative candidate. Disregard for faculty support in the election of rectors and deans discourages many non-loyalists to even apply for positions, self-selection helping the practice of political appointments.

While funding of academia is curtailed and remains low,[3] entities that are considered loyal to the government can benefit from generous funding. One of the lavishly financed institutions, the National University of Public Service, was established by the regime (from the merger of earlier institutions including the police and the military academy) and is directly controlled by the government. It is favored not only financially[4] but also by creating monopolies by law to secure enough students.[5] The institution was also exempted from general accreditation requirements. The institution launched an emblematic research project, seeking to measure "good governance" in Hungary. It provides conclusions like the fact that the fall in decisions where the Constitutional Court finds incompatibility with the Fundamental Law "shows an improvement in legal security" (p. 25; against the mainstream view in academic circles which would hold that this is a result of the domestication of the institution). The research is financed by European Union funds.

Alternative institutions, sometimes established explicitly to counter dominant narratives, are lavishly funded: the *Veritas Institute* (for presenting "true history"), *Ferenc Mádl Institute* (for comparative law studies), the *Institute for Hungarian Studies* (researching "Hungarianness"), the *Research Institute for National Strategy* (for reuniting the nation divided by state borders), the *Mathias Corvinus Collegium* and its *Migration Research Institute* (co-founded by Századvég

[2] The reference added in the fourth amendment to the Fundamental Law grants the government the power of supervision and "management": "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." Last sentence of Art. X(3).

[3] István Polónyi, A hazai felsőoktatás elmúlt 10 évének néhány gazdasági jellemzője [Selected economic features of national higher education in the past ten years], p. 96, Figure 10, in A magyar felsőoktatás egy évtizede 2008 – 2017 [A decade of Hungarian higher education 2008 – 2017], Kováts Gergely & Temesi József (eds.), Budapest Corvinus Egyetem [Budapest Corvinus University], Nemzetközi Felsőoktatási Kutatások Központja [Center for International Higher Education Research], 2018.

[4] According to a 2017 per-student calculation, the institution receives four times the average public funding.

Foundation mentioned earlier), to name just a few. Governments are of course free to establish research institutes. A crucial question is whether they live up to their stated academic credentials or act more like GONGOs that invade the NGO sphere. The minister of justice recently announced plans to create a V4 comparative law institute with the goal of representing the specific regional view in important topics of public law and European integration.

Responding to violations of academic freedom

What is there to be done? Those who feel that they can take the risk, should stand up against violations, document cases of censorship, making it harder to question their accounts. Remaining silent might seem to be the best strategy, but it can require compromises to integrity on the individual level and can be detrimental to the guarantees required for meaningful research, especially in politically salient fields of social sciences and public law scholarship. Organizing academic networks is important both locally, nationally and internationally. The attacks on universities and other academic institutions led to a resurgence of trade unions.

Externally, the impact of illiberalism might raise questions in academic cooperation. There is a general assumption of academic legitimacy where the title indicates that it is an academic institution. Just like in the case of the mutual recognition of court judgments and administrative decisions (as in the area of asylum law), this assumption is less and less warranted. Granting bodies and cooperating institutions should be aware that not all research institutions that look like one in fact operate under commonly accepted academic standards.

Standards of care and conditionality might need to be updated to respond to the changing landscape. If not else, this might take place by the decision of peers: other European institutions and researchers now have to look more closely what hides behind the academic label. Researchers might not be everywhere in a position to qualify as pursuing freely their academic pursuits. Institutions with academic titles might not provide guarantees for independent research and serve instead the ultimate goal of furthering the legitimacy of the regime.[6]

Fundamental goals of European research funding and cooperation can be undermined when spent in settings that do not meet basic academic standards in terms of independence. Decisions like the Fundamental Rights Agency holding a conference on a fundamental right at the National University of Public Service might require further justification. Programs that support researchers "in exile" or call attention to academic censorship can be instrumental in the struggle for independent research. We have seen European responses to violations of academic independence in the past: the European Association for Quality Assurance in Higher Education expressed concerns about the independence and funding of the Hungarian Accreditation Committee and denied renewing its membership. (The membership was later reinstated after a report based on international scrutiny.)

What should individual researchers do, in their research, provided they do not leave the country or academia altogether? They should continue, to the extent they are able, doing research in line with academic integrity, not shying away from topics that are politically sensitive. The charge that social sciences and legal studies are politicized by critiques of the government works as a self-reinforcing and self-justifying argument. As more and more legal acts and decisions can be explained only if we go beyond dogmatic legal analysis, academic commentators are forced to look beyond purely legal arguments, inviting the charge that these are ideological and political, not scientific and legal claims. Yet, we all know that academic standards are equally applicable to legal scholarship that takes into account the political setting. In fact, it would often be dishonest not to consider the political context that is weighing more and more heavily on questions of law.

[5] To be fair, some of these monopolies were inherited by the university when it merged the formation of police and military forces. The creation of 'state sciences', however, was widely seen as a threat to law schools.

[6] As in the case of the dismissed editorial board cited earlier, the new goal is "to support the government line".

Finally, individuals subject to censorship should try to find ways to document and tell their stories. This is also to acknowledge that there are cases with hard choices where speaking up is hardly an option. These might be the cases that would require acts of solidarity: colleagues raising their voices and rejecting compromising fundamental academic standards. Testing the boundaries fits the Hungarian historical tradition of liberty in the post-Helsinki period. As the most powerful Christian message from the era had it: "Don't be afraid." Or, to cite István Bibó, the thinker after whom the "birthplace" of Fidesz, the student group for advanced studies was named: "To be a democrat means not to be afraid."[7]

The hidden working of (self-)censorship serves the logic of the censors and their masters. This blog post can be read as the documentation of decay and a reminder of the fading standards of academic integrity. The nature of censorship and of soft authoritarian tendencies means that identifying and documenting censorship is harder than it might first seem. Most censorial pressure remains hidden, self-censorship might pop up in places where it is not a response to direct pressures but a result of overreaction, of "playing safe". The cases that come to light can give a sense of the extent of the damage: the chilling effect of a growing iceberg.

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[7] He goes on to list fears about aliens and enemies with hidden agendas to corrupt the nation, imaginary fears that very factually undermine democracy, a pattern he identifies in the region. For a German edition, see his book 'Die Misere der osteuropäischen Kleinstaaterei'.