

# 'The goal is not necessarily to sit at the table'—Resisting autocratic legalism in Hungarian academia

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## Abstract

The article analyses the strategies of Hungarian higher education interest organisations against the encroachments on academic freedom by Viktor Orbán's governments. We contrast the 2012–2013 and 2017–2019 protest waves and find that innovations in strategy came from new organisations in both periods, whereas established ones were rather passive or opted for the status quo. However, in the second period, new actors consciously declined to pursue wider systemic goals and aimed at building up formal organisations instead of loose, movement-like networks. The focus on keeping a unified front and interest representation on the workplace level did not change the overall outcome. Just like during the first period, the government was able to reach its goals without major concessions. Nevertheless, during the second protest wave the government was unable to divide and pacify its opponents, which stripped it of its legalistic strategy and revealed its authoritarianism.

## Kivonat

Ez a cikk a legfontosabb magyar felsőoktatási érdekszervezetek, az Orbán-kormányok egyetemi autonómiát korlátozó lépései elleni stratégiáit elemzi. A cikk a 2012–2013-as és a 2017–2019-es tiltakozási hullámok összehasonlító elemzése alapján megállapítja, hogy a stratégiai innováció mindkét esetben az új szereplőktől érkezett, míg a nagy,

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hagyományos érdekszervezetek vagy inkább passzívak voltak, vagy végül a kormánnyal való status quot választották. A második tiltakozási hullám során azonban az új szereplők tudatosan lemondtak a tágabb, rendszerszintű célok hangsúlyozásáról és formális szervezeti struktúra felépítésére törekedtek a laza, hálózatszerű mozgalmi forma helyett. A kormánnyal szembeni egységre és a munkahelyi érdekvédelemre való törekvés nem volt képes változtatni a végeredményen. Csakúgy, mint az előző tiltakozási hullám során, a kormány kevés engedménnyel elérte célját. Mindennek ellenére a második tiltakozási hullám során a kormány nem tudta megtörni az ellenállás egységét, ami megfosztotta a kormányt legalista stratégiájától és leleplezte tekintélyelvűségét.

## 1 | INTRODUCTION

What could be the strategies and objectives of protest in an increasingly authoritarian political context? This question is increasingly relevant in European higher education. During the past two years gender studies have been effectively banned in Hungary and Romania (Kiss, 2018; Tidey, 2020), the Serbian government has been trying to limit the freedom of the renowned Belgrade Institute of Philosophy and Social Theory (Weinberg, 2020), and in both Hungary and Poland reform processes nominally aimed at enhancing efficiency and research output have been increasing governmental control over higher education and research (Vlk et al., 2021). Just like democracy in general (Sata & Karolewski, 2020) academic freedom has regressed arguably the most in Hungary since 2010. It is therefore particularly important to understand the strategies of the Hungarian government and higher education stakeholders during the last decade, as these processes might be indicative of the future conduct of other 'illiberal governments'.

In a historical context, the twist of events is remarkable. The re-establishment of academic freedom and university autonomy were an act of faith upon the restoration of democracy. Throughout the post-communist region university systems based on Humboldtian notions of unfettered academic freedom and strong links between teaching and research were restored. Academic freedom and self-regulation were key elements of the return to democracy (Kováts et al., 2017). Academic freedom was also cemented in the Hungarian Constitution and the first post-communist 1993 higher education act (Polónyi, 2015). Hungarian academics were quick to establish intermediary associations to defend their interests vis-à-vis the state (e.g., Hungarian Rector's Conference, Democratic Trade Union of Scientific Employees).

However, Hungary has recently attracted international attention because of a purported governmental attack on academic freedom and democratic decline (Freedom House, 2019). The crackdown on the Central European University (CEU), and the governmental seizure of the research institute network of the Hungarian Academy of Sciences (HAS), the country's two top academic institutions, was accompanied by massive street protests. However, this was far from the first protest wave against the higher education policies of Viktor Orbán, who as a prime minister has been leading the country since April 2010. In 2012–2013, there were also huge protests throughout Hungary against an announced radical cut in state-financed university places, and the general austerity in higher education finance (Diószegi-Horváth, 2017; Polónyi, 2018).

As we show, whereas established actors such as the Rectors' Conference (Rektori Konferencia)—a public body comprised of university deans—or the main higher education union, the Union of Higher Education Employees (FDSZ—Felsőoktatási Dolgozók Szakszervezete), eventually opted for keeping the status quo with the government or remained rather passive, new actors that grew out of the protest movements pursued different strategies during the two periods. The 2012–2013 student and lecturer movements remained loose networks, had broadly defined systemic goals and intended to revive national-level social dialogue in higher education. In 2017–2019 the new actors—whether representing students, lecturers or researchers—combined social movement strategies (streets protest, information strikes, etc.) with the building of formal organisational structures, and focused on typical workplace-level interest representation functions.

Altogether, higher education interest groups remain somewhat understudied despite being a critical fixture in higher education governance (Klemenčič, 2014; Tandberg, 2007). Recently, Martina Vukasović argued that political decisions regarding higher education must increasingly be legitimised towards economic stakeholders, fee-paying students, and society in general (Vukasović, 2018). However, research has yet to systematically address the role of higher education stakeholders in the context of democratic backsliding. How do organised interests interact with one another and with increasingly authoritarian state institutions? Do certain preferred groups remain insiders in the policymaking process? With what outcomes? Have they adjusted their mobilisation and access strategies to the new context?

These questions have become all the more relevant in Central and Eastern Europe (CEE) and beyond, as governments are coping with permanent austerity despite the importance of science and research for generating human capital. This coincides with the burgeoning discourse on 'value for money' in higher education, regardless whether funded by tuition fees or governments. In any case, higher education is increasingly contested in society as unfettered academic freedom beyond any utilitarian considerations may be at odds with economic demands and taxpayers' interests. Despite these legitimate political concerns, the Hungarian case stands out in terms of the depth of government encroachment on higher education.<sup>1</sup>

Against this background, we compare two protest waves against incursions on academic freedom to highlight the changes in stakeholders' strategies and their significance. Democratic decline is treated as an important contextual factor. By embedding the analysis in a theory of post-communist state–labour relations (Avdagic, 2005, 2006) we show that the relative weakness of Hungarian higher education interest organisations vis-à-vis the government is a general characteristic of state–labour relations in CEE. However, it is exacerbated by democratic decline to a degree which prompted the upstart organisations of the 2017–2019 protest wave to consider social dialogue impossible in the current political environment.

We proceed by outlining the analytical framework by bringing together the dynamic, interactionist framework of state–labour relations in CEE (Avdagic, 2005, 2006) with theories of political participation from the literature on social movements (della Porta & Diano, 2006; Teorell & Torcal, 2006), and operationalising democratic decline (Scheppele, 2018). We then describe the main policy changes affecting the Hungarian academic sector and the increasing constraints on academic freedom. The fourth section systematically contrasts the strategies of the different actors in 2012–2013 and 2017–2019, based on the theoretical framework. The last section sums up the argument and discusses the results of the analysis. The article is based on secondary literature and media sources, and six interviews conducted in 2019 with representatives of higher education unions and interest organisations, as well as various higher education and HAS activists.

## 2 | INERTIA AND INNOVATION IN PUBLIC SECTOR INTEREST ORGANISATION STRATEGIES IN CEE

We examine two connected areas, when analysing higher education interest organisation strategies: the balance between maintaining their status and the preferred policies, and their mobilisation strategies. We argue that

established actors suffer from an inverse dependency relationship with governments, namely whether to retain their institutional assets in an increasingly diminishing status quo, or to fight for policy outcomes (and risk losing both) (Avdagic, 2005). New actors face a different dilemma: they are successful in short-term mobilisation and in agenda-setting but prove incapable of building up an organisation (Szabó, 2017). In Hungary this is exacerbated by an increasingly authoritarian political context (Scheppelle, 2018), with a government particularly hostile to organised labour and interest intermediation (Labanino, 2020). Below we briefly review these theoretical frameworks and formulate expectations about actors' strategies.

## 2.1 | Old actors' dilemma

In her analysis of post-communist state–labour relations, Avdagic (2006) draws a fundamental distinction between the actors' core objectives and their preferences regarding corporatist-type deliberations and policies. While any actor's core objective is to maintain power under any circumstances, the preferred bargaining outcomes are relative to the context. This dilemma of maintaining the status quo or fighting for policy outcomes is exacerbated by the characteristics of post-communist politics, where formal representation for unions and other professional interest organisations vis-à-vis the state has declined. After 1990 they lost their role as main welfare providers (Ost, 2011; Szikra & Tomka, 2009), suffered from low credibility because of their co-optation in the communist system, and had difficulties adjusting to the market economy (Avdagic, 2005; Crowley, 2004). This structural weakness led to an inverse dependency relationship between unions and political actors from the outset throughout CEE (Avdagic, 2005). Secondly, political uncertainty is a graver issue than in the West. Therefore, actors' preference formation and decisions are assumed to be informed by past interactions with other actors. Finally, due to institutional instability, actors' choices reflect their perceptions of relative power (Avdagic, 2006). That is, we would expect traditional actors such as higher education unions or the Rectors' Conference to have overwhelming incentives towards inertia and keeping the status quo, and to trade preferred policy outcomes for maintaining power.

## 2.2 | New actors' dilemma

New actors face their own dilemmas. Between 2011 and 2013 the Orbán government radically liberalised employment protection legislation and effectively abolished tripartite interest intermediation (Labanino, 2020; Szabó, 2013). An analysis of Hungarian union strategies in other public sectors found an inertia in the responses of established unions and only limited innovation capacity from new unions and professional organisations (Szabó, 2017). New actors launched short-term campaigns focusing on grievances, thereby elevating the salience of their issues. However, they failed at securing stable institutional positions and building long-term organisational capacities or political alliances. According to Szabó (2017) there seems to be a trade-off between these short-term strategies of mobilisation and long-term organisational-structural embeddedness and stability, and political influence. That is, according to the 'new actors' dilemma', we would expect them to bring novel and successful mobilisation strategies to a conflict with the government but to fail at institutionalisation (and to lose out to established organisations).

## 2.3 | Mobilisation strategies

The new actors' innovative mobilisation strategies during the protests for academic freedom can also be viewed from a social movement perspective. Both in 2012–2013 and in 2017–2019 there were classical voice-based, non-targeted, extra-representational modes of political participation (Teorell & Torcal, 2006), namely mass

demonstrations. However, during both periods stakeholders used targeted modes as well (contacting). They adopted two main logics of protest: the logic of numbers and bearing witness (della Porta & Diani, 2006). As for the former, mass demonstrations were applied both by traditional and new organisations, while the logic of bearing witness (occupation of universities, conferences, forums) was applied only by new ones.

## 2.4 | An increasingly authoritarian context

Any meaningful analysis of these changes also requires a sound operationalisation of the increasingly authoritarian Hungarian political context (Bánkuti et al., 2012; Levitsky & Way, 2020; Scheppele, 2018). There are free—but as the OSCE<sup>2</sup> (ODIHR, 2018) pointed out not fair—elections, and everything is done constitutionally, even if the Basic Law has to be amended regularly to legalise the next power grab. Scheppele (2018) calls this gradual hollowing out of democracy by turning the rule of law against itself ‘autocratic legalism’. In a historic move, in September 2018, the European Parliament adopted the Sargentini Report on the systemic violation of the rule of law, human, civic, and social rights by the Hungarian government, and called on the European Council to determine that there was a ‘risk of a serious breach by Hungary of the values on which the Union is founded’ (Sargentini, 2018). This worsening and ever ongoing democratic decline is a key contextual factor in understanding the strategies and reactions of different actors. The autocratic legalism concept of Scheppele (2018) has the advantage of highlighting the nature of autocratic governance in Hungary by making it observable and tangible in the governmental and legislative decision-making process.

Before we analyse actors' strategies in view of our theoretical framework, we first describe the policy changes leading to the two protest waves.

## 3 | POST-COMMUNIST HUNGARIAN HIGHER EDUCATION AND RESEARCH POLICY

Under communism, Hungary had very few full-time higher education students in European comparison. The communists preferred technical/vocational training in specialised higher education institutions. This resulted in a fragmented higher education sector of 82 institutions, of which only five had more than 2,500 students (Kozma, 1990). However, the structure and societal role of higher education changed after 1990 and Hungary experienced a shift from elite to mass higher education with the quadrupling of student numbers since 1990 (Kováts et al., 2017). Although two governments failed with the introduction of tuition fees, a dual-financing model was established in 1998 (Semjén, 2013). Higher education institutions were allowed to accept tuition-paying students along with those receiving state stipends. By the 2009/2010 academic year, the proportion of such fee-paying students amounted to 20 per cent of full-time students (Semjén, 2013, p. 131).

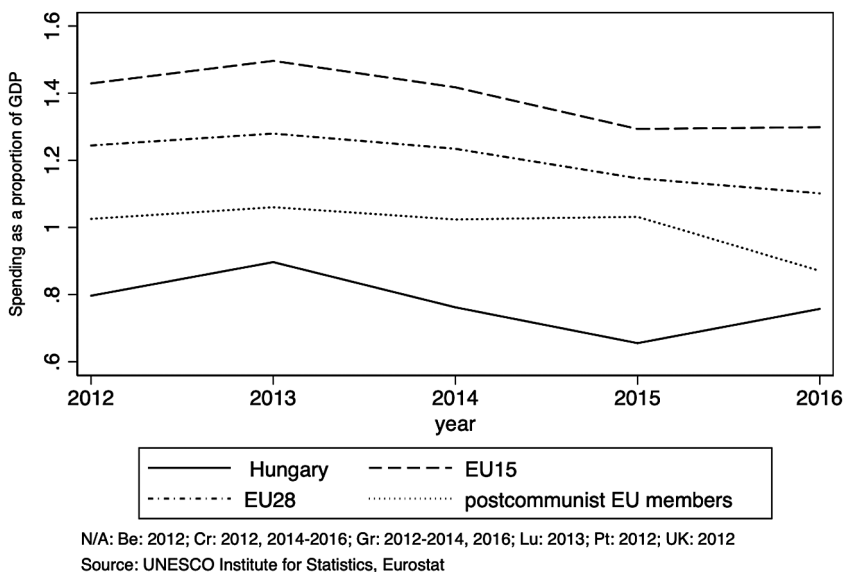
Tarlea (2017) finds that Hungary followed a co-ordinated higher education policy as opposed to a more liberal policy in Poland. Subsequent Hungarian governments actively fostered co-operation between higher education institutions and multinational corporations. Particularly as of the late 1990s, Hungarian policy was characterised by a more interventionist approach in the name of accountability, flanked by the Bologna Process and its focus on quality assurance (Tarlea, 2017). However, attempts at installing supervisory bodies to curtail the financial freedom of higher education institutions failed before 2010 (Kováts, 2015). The biggest reform of institutional leadership and financial governance by a socialist-liberal coalition government faced fierce resistance from professors and rectors alike and was eventually abandoned when the Constitutional Court found its most important provisions unconstitutional in October 2005 (Index, 2005).

Relying on a constitutional majority, Orbán's governments have introduced systemic reforms since 2010, which increasingly encroached on academic freedom. First, the 2011 higher education act gave the right of appointment

of university rectors to the minister in charge of higher education. With the chancellor system implemented in 2015 this letter change was reversed and a dual-leadership model was introduced (Kováts, 2018; Rónay, 2018). The chancellors are appointed by the prime minister and are responsible for administration, finance and management, whereas the rectors are responsible for academic issues. The two executives are equal and interdependent (Rónay, 2018).<sup>3</sup> Moreover, from 2015, new five-member executive boards were created, which may veto most substantial financial and administrative decisions. In addition to the rector and the chancellor, three members are appointed by the government. Rónay (2018) emphasised that this further reduced transparency as the boards' responsibilities and legal standing are not clearly regulated. The government stressed the need for the chancellor system due to wasteful mismanagement by the institutions. However, a substantial reduction in the funding of higher education since 2012 tells a different story (Rónay, 2018).

Indeed, the analysis of the different sources of higher education funding between 2009 and 2017 shows that for inflation-adjusted 2009 prices the 2017 budget funds were on the 2010 level and below the 2009 level. After the 2012–2013 reductions, two-thirds of higher education spending was funded by own institutional income (this has somewhat consolidated since) (Polónyi, 2018). UNESCO<sup>4</sup> and Eurostat<sup>5</sup> data support the above-described trend (Figure 1) (Eurostat, 2020; UNESCO, 2019).

This austerity and higher education finance reform are the context of the 2012–2013 systemic reforms. The dual-financing model was changed into a three-way system in 2011. (Semjén, 2013). In addition to the state-financed places (de facto full tuition waivers), the government introduced so-called partial scholarships and full tuition places with much higher fees allowed. Moreover, while in the dual system the allocation of state-financed places to study programmes was based on entrance exam/high school graduation results, in the new system the government allocates fully or partially state-financed places arbitrarily (Semjén, 2013, pp. 159–160). So-called student contracts for students receiving state stipends were also introduced. It includes a limitation on the time of obtaining the degree to a maximum of 1.5 times of the semesters needed. The most controversial provision, however, is that the former recipients need to work at least as many years in Hungary for 20 years after graduation as their study duration. Those in breach of their contracts have to pay back 50 per cent of the scholarship (Index, 2012; Joób, 2013).



**FIGURE 1** Government spending on tertiary education as a proportion of GDP, 2012–2016

The state-financed places were radically reduced for the 2012–2013 academic year, particularly in the most competitive financial, economics, communications and law programmes. For 2013–2014 only about 10,500 fully state-funded places would have been kept (hvg.hu, 2012). Due to widespread student protests, and the initially unified front of the new, grassroots movements and established organisations, the government changed course after two weeks and froze the 2012–2013 number of state-financed places (55,000) in Spring 2013. However, the student contracts were implemented (Index, 2012), while the reduction in higher education funding was upheld.

At first glance, the incursions on the CEU and the HAS during 2017–2019 were different because they specifically targeted individual institutions. Nevertheless, both institutions, particularly the research institute network of the HAS providing basic scientific research in co-operation with universities throughout the country, have systemic importance. Moreover, during both periods the decisions were arbitrary and unilateral, made and implemented in an insulated manner. However, the Hungarian government went further against the CEU and the HAS and applied 'autocratic legalism' (Scheppelle, 2018): the illegitimate means were adopted in the parliament formally adhering to constitutional norms.

In March 2017, the government rushed a law through the National Assembly in two weeks, which revoked the ability of the both US- and Hungarian-accredited CEU to issue US degrees. Soon dubbed 'Lex CEU', the law implemented new requirements for foreign universities operating in Hungary, supposedly to ensure quality and prevent fraud. However, the requirements were formulated so that only the CEU could not fulfil them (e.g., higher education activity in the home country, an international accord between the two national governments, while in the US case, only states could conclude higher education agreements) (Enyedi, 2017). When the CEU against all odds fulfilled the new criteria and New York State went out of its way to conclude the necessary agreement, the Hungarian government simply refused to put the issue on its agenda. The university eventually decided to set up a campus in Vienna, and move all departments and most research institutes there from the 2019/2020 academic year (CEU, 2018).

On 12 June 2018, the HAS received a letter from the government, which contained an amendment of the 1994 HAS act. It would have placed the financial resources of the HAS research institute network under the jurisdiction of the ministry, thereby effectively placing basic academic research under direct government control. The ministry gave the HAS 54 min (!) to review the proposed amendment (Urfi, 2018). The HAS, however, refused to comply. As a response, in December 2018 half of the funding of the HAS research institutes for the first quarter of 2019 was frozen, so that the HAS could only pay salaries but nothing else (Porfolio, 2018). After a year of protest by the HAS and international scientific bodies, and mass demonstrations, the new law was adopted in July 2019. The HAS lost its research network along with the related assets to a new public foundation. The government gave one concession: it guaranteed basic funding in the future. The reorganised research network is directed by a 13-member body where six members are nominated by the government and the HAS, respectively, and all appointed by the prime minister. A new National Scientific Council was also set up, headed by the Minister of Innovation and Technology, who would also nominate its members. This council makes suggestions for the main research areas receiving state funding (Szurovecz, 2019).

The reorganisation of the HAS research institute network supposedly served to enhance efficiency. Yet, even the government-commissioned 2019 study found the HAS research network efficient and well-managed (HAS, 2019). In fact, the HAS and CEU are the two institutions mainly responsible for Hungary's primacy in winning European Research Council grants in CEE (Mátyás & Bögel, 2019). The fate of the HAS research institute network fits into the general centralising and dirigiste strategy of Orbán's governance affecting almost every public domain and economic sector since 2010 (Ádám, 2019; Csaba, 2019).

Why were academic interest organisations not able to successfully mobilise against these grave attacks on academic freedom? To what extent did stakeholders recalibrate their strategies to the new authoritarian context? The upcoming section explores their strategies vis-à-vis the government in 2012–2013 and 2017–2019, respectively.

## 4 | RESISTING AUTOCRATIC LEGALISM: PROTESTS AND ORGANISATIONAL INNOVATIONS IN HUNGARIAN ACADEMIA 2012–2019

### 4.1 | Actors and strategies during the 2012–2013 demonstrations

Established higher education organisations such as the Rectors' Conference or the National Conference of Student Self-Governments (HÖOK) played a crucial role in defeating earlier plans to introduce tuition fees in the 1990s or the 2003–2005 reform attempt of institutional leadership and financial governance (Klinghammer, 2005; Setényi, 1997). However, during the 2012–2013 protest wave against the reduction of state-financed places, two new organisations were very prominent, the Student Network (HaHa—Hallgatói Hálózat) and the Hungarian Network of Academics (OHA—Oktatói Hálózat).

The key player was the HaHa, the biggest and most organised Hungarian grassroots student protest movement since 1990. It was founded already in 2011 and staged several demonstrations and forums protesting the 2011 higher education act. Nevertheless, the HaHa became a major actor in 2012 after plans for a radical reduction in state-financed university places were announced. The HaHa's forum on the higher education crisis at the ELTE<sup>6</sup> in December 2012 stimulated a several-months protest movement by tens of thousands of university and high school students. After the forum, a spontaneous demonstration took place in downtown Budapest starting a cycle of demonstrations and university occupations (Diószegi-Horváth, 2017).

The HaHa and OHA never became hierarchical organisations. They relied on online organising and university forums, but never had official leadership (Diószegi-Horváth, 2017). In late 2012, it seemed that the established organisations, namely the Rectors' Conference and the HÖOK aligned their interests with the two movements. The HÖOK joined and organised demonstrations, while acknowledging both HaHa's immediate and systemic demands (for an overview of the actors and their strategies, see Table 1). The HaHa, OHA, HÖOK and the Rectors' Conference founded the National Higher Education Intermediation Forum on 17 December 2012, demanding a minimum of 44,000 state-financed places instead of the planned 10,500, and announced their future co-operation in higher education policy (Infórádió, 2012). However, this unified front was short-lived.

**TABLE 1** Main actors and strategies in 2012–2013

Actor	Type	Organisation	Strategy
Rectors' Conference (Retori Konferencia)	Established actor (public body)	Formal	First supports grassroots mobilisation, joint action with new actors. Eventually settles for status quo with government
National Conference of Student Self-Governments (HÖOK—Hallgatói Önkormányzatok Országos Konferenciája)	Established actor (public body)	Formal	Logic of numbers. First takes part in grassroots mobilisation (joining and organising mass protest); joint action with the new actors. Eventually settles for status quo with government
Students' Network (HaHa—Hallgatói Hálózat)	New actor (est. 2011–2012)	Loose network	Logic of numbers, logic of bearing witness, grassroots mobilisation (protests, students' forums, university occupations). Systemic goals. Aims at joint action with old actors
Hungarian Network of Academics	New actor (est. 2012)	Loose network	Logic of bearing witness (media and social media activity, also joining protest activities). Systemic goals. Aims at joint action with old actors



**TABLE 2** Main actors and strategies in 2017–2019

Actor	Type	Organisation	Strategy
Hungarian Academy Staff Forum (ADF— <i>Akadémiai Dolgozók Fóruma</i> )	New actor (established 2018)	From network to formal organisation	Logic of bearing witness (media and social media activities to inform the public); logic of numbers (mass street protest); reviving unionisation among HAS employees
Students' Union	New actor (established 2018)	From network to formal organisation	Logic of numbers (grassroots mobilisation, joining mass protest); Logic of bearing witness (free university); Targeted contacting (disturbing government officials at higher education—related events with non-violent protest); aims at university-level interest representation
Democratic Union of Teachers (PDSZ— <i>Pedagógusok Demokratikus Szakszervezete</i> )	New actor, present since 2018 (second biggest public education union established in 1988)	Formal	To build up a classic union structure; aiming at workplace-level representation (information from management, interest reconciliation, representation); logic of bearing witness

The government quickly dropped the plans for the radical reduction of state stipends already by mid December, although the details were not clarified until February 2013. In late January 2013, the government managed to conclude an agreement with the HÖÖK (hvg.hu, 2013). It heralded the reversal of the planned reductions in state-financed places and the founding of a new higher education intermediation forum, the Higher Education Roundtable, with the participation of the HÖÖK, the Rectors' Conference, the government and business organisations. The HaHa and OHA were both excluded (MTI, 2013). That is, the government made a significant concession regarding the number of state-financed places. The return to the status quo ante, however, was partial at best. The 2012/2013 level of state-financed places was already a result of a serious reduction, and the government got its way on every other issue: the student contract was somewhat adjusted to save the face of the HÖÖK but nevertheless introduced, austerity in higher education was not ended, and demands for a more autonomous, democratic and solidaristic higher education system were ignored. The Roundtable provided legitimacy to government policy, and it guaranteed the HÖÖK and Rectors' Conference a seat at the table. In other words, the HÖÖK and Rectors' Conference were co-opted by the government. In evaluating the deal struck at the Higher Education Roundtable in Spring 2013 one should consider that government spending on higher education as a proportion of GDP declined in 2014 and 2015 and was below the 2012 level even in 2016 (Figure 1).

## 4.2 | Actors and their strategies during 2017–2019

The government's attack against the CEU led to a wave of demonstrations in Spring 2017, which spawned a new students' organisation, the Students' Union (Hallgatói Szakszervezet). In October 2018, the government announced that it will revoke the accreditation of the only Hungarian-language gender studies programme at the ELTE (Kiss, 2018). On 14 November, an information strike was organised, and professors and lecturers held an open discussion about how austerity affects them and their institutions. The organisation of the Students' Union started with a students' forum held after the information strike (Students' Union, 2018). They also played a main role in the week-long Free University organised by university students in front of the Hungarian Parliament in late November 2018 (interview with the Students' Union).

Although the Students' Union operates on the principles of participatory democracy, it aims to build up a formal organisational structure. The trade union form is a conscious choice, and their aim is to provide classic interest representation functions to university students, exert pressure on the university leadership and decision-makers, make university decision-making transparent to students, and build cross-class coalitions (interview with the Students' Union). The Students' Union does not aim to take over student self-governments as the HaHa tried in vain, because in their view these suffer from structural inertia (interview with the Students' Union). They, however, co-operate with the OHA and the Democratic Union of Teachers (PDSZ)—an established compulsory education union new to tertiary education (interview with the Student's Union). To summarise, the Students' Union pursued a double strategy during 2018 and 2019: it engaged in activities typical of social movements (Table 2), but their long-term aim is to establish a formal interest representation organisation for university students modelled after classic labour unions.

The PDSZ, the second biggest compulsory education union, was founded in 1988 as an independent labour union. It was not present in higher education until recently. However, several ELTE professors and lecturers joined and started forming local branches. According to the PDSZ organisers at the ELTE, currently there are no conditions for genuine interest representation. The PDSZ has a more radical approach than the traditional higher education union (interview with the PDSZ). The ELTE chancellor effectively shut down internal communication, and they had not been receiving information on finances or management decisions since 2015. The interviewed PDSZ organiser refused the traditional union core strategy (pursued by the FDSZ) of maintaining the bargaining position with the government or management at any cost: 'We do not necessarily have to sit at the table.' In the current

situation, the role of the PDSZ is to provide a forum for employees and re-establish the necessary information flow towards management employees (i.e., the chancellor).

Among the new organisations in the recent protests, the Hungarian Academy Staff Forum (ADF—Akadémiai Dolgozók Fóruma) reached by far the largest audience by organising several demonstrations. However, its most important achievement was to cover every research institute in the HAS network, pre-empting the governments' attempts to divide and pacify the researchers. It also encouraged the researchers to join the two rather inactive traditional labour unions at HAS. The HAS employees joined the unions en masse, thereby providing representative status to the two unions again (interview with the ADF). The strategic logic was to conclude a collective agreement providing more protection for employees come what may. However, one of the unions was suspicious of the newcomers and sabotaged their efforts for a collective agreement (interview with the ADF). In response, the ADF organised a mass exit and a speedy admittance to the other union, the Democratic Union of Scientific Employees (TDDSZ—Tudományos Dolgozók Demokratikus Szakszervezete). The ADF also provided the employees information and legal advice and supported the HAS leadership in its resistance against the government, enabling the HAS leadership to stay on course. The government was unable to co-opt the HAS leadership or individual research institutes in its bid to bring the research network under its direct control.

The traditional organisations, such as the Rectors' Conference and unions, with the exception of the revived TDDSZ, were rather passive during the government's encroachment on the CEU or the HAS. As the HAS is vitally important to the Hungarian academic sector, this is rather surprising. The interviewed organisations such as the Rectors' Conference or the National Association of Doctoral Students (DOSZ) emphasised that they are consulted on higher education policy matters of their concern, and that they have good institutional and personal contacts with decision-makers. They consider themselves to be constrained to policy and their organisational interests (interview with Rectors' Conference; interview with the DOSZ). The FDSZ, a labour union and not a public body like the former two organisations, issued statements of solidarity with the HAS and supported strike actions, and is generally critical towards the hollowing out of interest intermediation in Hungary (interview with the FDSZ).

In face of protest both from new and established organisations in 2012–2013, the government gave one concession without giving up its policy goals. It successfully co-opted the established organisations providing legitimacy to the permanent austerity in higher education and the so-called student contracts. The established actors opted for the status quo to maintain influence. However, as we have shown, their positions diminished. The new actors both were organised as loose networks. They were very successful in short-term mobilisation. However, as soon as the government co-opted the established actors, they faced organisational failure (HaHa) or lost influence (OHA). In the second protest wave though, the established organisations such as FDSZ, the main higher education union, the Rectors' Conference or the HÖÖK remained largely passive, and the government reached its goals without any meaningful concessions. The experience of the 2012–2013 protests and the government's behaviour in 2017–2019, however, led to a significant change in the strategies of new actors, who were all trying to overcome the 'new actors' dilemma' of short-term mobilisation success versus organisational failure.

## 5 | DISCUSSION

As expected from Avdagic's framework (2005, 2006) the established labour unions and public bodies could not escape the dilemma of the trade-off between maintaining power and achieving policy goals. With their structural positions and in a hollowed-out interest intermediation structure, maintaining or regaining a seat at the table with the government was an achievement in itself. The new actors deployed a wide array of protests from mass demonstration to forums, seminars, information strikes, and they were the ones who shaped the protest movements and gave them clearly defined goals.

However, in contrast with 2012–2013, the new actors in 2018 and 2019 responded directly to the very crisis of interest intermediation, or rather its absence. While formulating and demanding immediate (save the institution's

freedom and existence) and more long-term or systemic goals (particularly the Students' Union), the 2018–2019 new actors had a different perception of interest intermediation today in Hungary. The new actors aim to break out of the trade-off between maintaining their influence relative to the context and their policy preferences by rejecting the former as their core interest. Thus, they do not see merit in 'getting to the table' with decision-makers per se, while established actors clearly do. In 2018–2019 one of the new actors' main goals was to provide efficient interest representation, the classic workplace-level role of labour unions. They also employed modes of protest more characteristic of social movements or advocacy NGOs than established labour unions.

What caused this change in strategies? One factor is of course the difference between the issues: in 2012–2013 the planned changes were systemic, affecting the whole higher education sector, whereas the 2017–2019 changes affected individual institutions and a study programme. Nevertheless, the arbitrariness of the governments' decisions and their thinly veiled illegality affect the whole sector. Moreover, the research institute network of the HAS had systemic importance in Hungarian academia. The change in new actors' strategies can also be explained by a number of changes in the political and institutional context between the two protest waves. In case of the professors organising PDSZ at the ELTE, the dual-leadership (chancellor) system introduced in 2015 in higher education management served as a main incentive to leave the established union and prompted them to concentrate on workplace-level representation. The Students' Union learned from the experience of how the established organisations turned their back on the HaHa the importance of building a formal organisation and concentrating on interest representation alongside systemic goals. The ADF's strategy was informed by a long line of institutions and sectors aggressively reorganised or put under direct government control since 2010. And all of them acknowledged the realities of the governments' autocratic legalism.

The ADF, the new actor 'in the front line' during 2018–2019, was unable to stop the government's seizure of the HAS research institutions. What their leadership was able to achieve, however, is resist attempts at co-optation by not letting the government divide the different institutes. Eventually, the government pushed through its original plan, but none of the HAS stakeholders legitimised it. The government could not hide behind its legalism: its authoritarianism and its thinly veiled attack on academic freedom were laid bare. Whether the new organisations' strategy proves to be successful even in the medium run remains unpredictable. Nevertheless, by focusing on the core functions of interest representation and organisational build-up as a necessary condition of social dialogue, these organisations might show a way for other public sector interest organisations in Hungary.

The attacks on the CEU and the seizure of the renowned research network of the HAS are very disturbing developments for the whole European Union (EU). In both cases EU-level institutions, the international scientific community, Nobel laureates unequivocally condemned the Hungarian government, all in vain. For the first time in the EU's history, a university had to leave a member state because of a hostile government.

Surviving these internationally well-publicised scandals unscathed, Orbán stepped up his attack on universities in 2020. Eight universities were already reorganised into public foundations, which nevertheless are still reliant on public funding. The foundation boards—equipped with far-reaching powers over the appointment of university leadership, finance, institutional structure and even research and teaching—are filled with government loyalists with lifetime appointments. The faculty of these institutions lost their public employee status. The government is openly discussing plans to extend the model to the entire higher education system. An analysis of this ongoing process has to be the subject of another article. Let it nevertheless be noted that whereas this model seems to be more of a marketisation strategy than an authoritarian power grab, it in some cases might be both. The ongoing reorganisation of the universities is being carried out again in a unilateral manner with sudden announcements and speedy parliamentary procedures without any meaningful deliberation or social dialogue.

The decline of academic freedom in Hungary thus offers case studies both in the authoritarian tendencies and extension of government control and marketisation of higher education. This article focused on the former process. Future research, however, must place these events in international comparison. Moreover, the relationship between marketisation and the decline of academic freedom in higher education, particularly in populist, illiberal,

authoritarian contexts, must be explored. Unfortunately, the current trends in many European countries indicate that there will be plenty of material for such scientific inquiry in the immediate future.

## INTERVIEWS

Interview with the Democratic Union of Teachers (PDSZ), Budapest, 20.02.2019.

Interview with the Forum of Employees of the Hungarian Academy of Sciences (ADF), Budapest, 18.06.2019.

Interview with the Labour Union of Higher Education Employees, Budapest, 18.02.2019.

Interview with the National Association of Doctoral Students (DOSZ), Budapest, 18.02.2019.

Interview with the Rectors' Conference, Budapest, 19.20.2019.

Interview with the Students' Labour Union, Budapest, 20.02.2019.

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## DATA AVAILABILITY STATEMENT

The data that support the findings of this study, with the exception of the interviews, are available in UNESCO Institute for Statistics at <http://data.uis.unesco.org/Index.aspx>, and in Eurostat Education and Training (educ) dataset at <https://ec.europa.eu/eurostat/web/education-and-training/data/database> reference number educ\_uoe\_fine06. The article is also based on secondary sources (newspaper articles, reports, newspaper interviews), which are all available free of charge (mostly in Hungarian, see references).

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## ENDNOTES

- <sup>1</sup> According to the latest, 2017 European University Association (EUA) report, Hungary scored low or medium-low in all four dimensions of academic freedom (organisational, financial, staffing and academic). In financial autonomy, Hungary is 28th of the 29 countries monitored. The report found all changes between 2008 and 2015 negative in terms of academic freedom: both in financial and staffing autonomy the country sank from medium-high to low and medium-low, respectively (EUA, 2017).
- <sup>2</sup> Organization for Security and Co-operation in Europe.
- <sup>3</sup> A survey of rectors, vice rectors, deans and vice deans conducted in 2015 and 2016 showed a deep mistrust towards chancellors and the new system in general (Kováts, 2018).
- <sup>4</sup> United Nations Educational, Scientific and Cultural Organization.
- <sup>5</sup> The statistical office of the European Union.
- <sup>6</sup> Founded in 1635, the Eötvös Loránd University in Budapest is the oldest and largest university in Hungary.

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