

Academic Freedom in a Hybrid Illiberal Regime: Risks, Threats and Resources for Resilience

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I. Introduction and Contextualizing Notes

My initial plan for this paper was to write a treatise on possible threats to academic freedom, using the case study of my home country of Hungary while keeping my scope and approach general.¹ The article was to explain how academic freedom is exposed to simultaneous threats from illiberalism, neoliberalism and the complexities of social justice movements and demands, and that these can even come combined and in cumulative forms.

And then political became personal: Fourteen days before the deadline for the submission of the article, Prime Minister Viktor Orbán and Interior Minister Sándor Pintér paid a visit to one of my employers, the Ludovika University of Public Service, where I direct one of the law enforcement doctoral programs. A few hours after that meeting with university management, at 7 p.m., I received a phone call from my department head and subsequently the dean asking me to meet them the next day for fifteen minutes to discuss something together with the head of the doctoral school. I agreed to this unscheduled meeting, but, as that was the first day of school vacation, I informed them that I would bring my 8-year-old daughter along. They reassured me that a soft drink would be provided for her. When the otherwise ceremonial dean also offered chocolate, I suspected the subject matter to be discussed was not my proposal to launch an international doctoral program in law enforcement and human rights.

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1. András L. Pap, *Academic Freedom: A Test and a Tool for Illiberalism, Neoliberalism, and Liberal Democracy*, 27 BROWN J. WORLD AFF. 105 (2021), <https://bjwa.brown.edu/27-2/academic-freedom-a-test-and-tool-for-illiberalism-neoliberalism-and-liberal-democracy/>; András L. Pap, *Afterword In Search of (Lost) Freedom*, in THE CHALLENGE TO ACADEMIC FREEDOM IN HUNGARY: A CASE STUDY IN AUTHORITARIANISM, CULTURE WAR AND RESISTANCE 194-201 (Andrew Ryder ed., 2022); András L. Pap, *Piecemeal Devourment: Academic Freedom in Hungary*, UIC LAW REV. BLOG (June 24, 2021), <https://lawreview.jmls.uic.edu/piecemeal-devourment-academic-freedom-in-hungary/>.

Instead, I was told that my publication record over the past year was found to be “not within the interest of the university” and a decision had been made—here the dean pointed in the direction of the ceiling—to end our collaboration, with all due respect and recognition for my past endeavors, of course. As a tenured full professor and a civil servant, I could not be fired without a well-substantiated reasoning; hence the offer was that I initiate the termination of my contract in exchange for ten weeks of paid leave. It was June 16, and the semester was already over. The law sets very limited and extreme causes for terminating a tenured professor’s employment, and even then, I would have been eligible for approximately six months’ severance. I refused to sign the prepared statement, agreed to meet in three days, and spent the weekend frantically figuring out what to do. Besides talking to my labor lawyer colleague and friend concerning the contours of an equitable settlement, most of the discussions centered around the potential emotional, psychological, but most of all ethical and existential ramifications and justifications of caving in or standing up for a lawsuit, which would likely turn into publicized and politicized strategic litigation.² Faced with such momentous personal and political dilemmas, I felt compelled to reconsider the design of my article.

Following a personal testimony, the article turns to outlining how academic freedom can be threatened in a hybrid illiberal regime like Hungary, and what kind of risks legal academics may face. It then provides an inventory of resources for resilience and some guidance for peers in a similar position.

I often come across contrasting views on beginning academic discussions with statements regarding one’s positionality.³ I am generally wary of requiring authors to disclose their personal whereabouts as prerequisites to present their arguments in social sciences, but in this case, I feel obliged to further elaborate on my bearings for context. I do comparative constitutional law, working on a wide range of issues in human rights, race relations, discrimination, and identity. I am, nevertheless, a relatively recent commentator on academic freedom, having become interested in whether it is an individual right, a set of requirements for autonomous institutional design, a field to be regulated for market service providers or public commodities, or a tool for international policymaking or academic ranking.⁴ More broadly, my research demonstrates how illiberal autocracies infringe on academic freedom to cement and solidify illiberalism once the capture of constitutional institutions has been accomplished (or sometimes even simultaneously). To clarify certain conditions pertaining

2. If the university did not deny that the above conversation ever happened and officially stood by its blatantly unconstitutional reasoning, the decision would amount to infringement of academic freedom and discrimination on the basis of political opinion.
3. See, e.g., Dragos Simandan, *Revisiting Positionality and the Thesis of Situated Knowledge*, 9 *DIALOGUES IN HUM. GEOGRAPHY* 129 (2019); MICHAEL AWKWARD, *NEGOTIATING DIFFERENCE: RACE, GENDER, AND THE POLITICS OF POSITIONALITY* (1995).
4. See generally, ANDRÁS L. PAP, *DEMOCRATIC DECLINE IN HUNGARY—LAW AND SOCIETY IN AN ILLIBERAL DEMOCRACY* (2017).

to my position, it is important here not (only) to validate my arguments, but also to accentuate and illustrate the case of Hungary under the Orbán regime.

The point of this paragraph is not to burden the reader with my employment status and history but to position myself vis-à-vis the dominant government voice. Currently, I hold four academic positions⁵ in institutions with vastly different political leanings. Each of my home institutions is emblematic of, and allegorical for, the state of academic freedom in Hungary in 2023. I am a part-time professor at Eötvös University, the nation's largest and most prestigious institution (founded in 1635), and one of the six universities that remained state-owned after a sweeping privatization of almost the entire sector⁶ to foundations directed by Prime Minister Orbán's political cronies. My other affiliation is with the Institute of Legal Studies, a formerly autonomous research institution (one of the thirty-eight institutes with 5,000 researchers that cover nearly all fields of science), which had operated under the auspices of the Hungarian Academy of Sciences since 1949 but was recently transferred to a government-operated entity⁷ (with researchers losing their public employment status).⁸ I have also been an adjunct professor for two decades at the Central European University (CEU), infamously ousted from Hungary. In 2017, the government pushed through legislation denying and withdrawing accreditation singling out this institution—the leading university in the region, established and funded by philanthropist George Soros in 1991. The case received a great deal of publicity, especially after an infringement procedure was launched by the European Commission before the Court of Justice of the European Union. In October 2020, the court found

5. A senior full professor of law in Hungary earns about 14,000 euros a year. Multiple employments are standard, although four is extreme.
6. Tímea Drinóczi, *Loyalty, Opportunism and Fear: The Forced Privatization of Hungarian Universities*, VERF-BLOG (Feb. 5, 2021), <https://verfassungsblog.de/loyalty-opportunism-and-fear/>; *Államilag elismert felsőoktatási intézmények* [State-Recognized Higher Education Institutions] OKTATÁSI HIVATAL, <http://www.nefmi.gov.hu/felsooktatasi-090803-30> (last visited June 24, 2023); *Törzsadatok* [Master Data], FELSŐOKTATÁSI INFORMÁCIÓS RENDSZER (FIR), <https://firgraf.oh.gov.hu/torzsadat/> (last visited June 29, 2022); *Újabb Két Egyetem Lehet Alapítványi Fenntartású* [Two More Universities May Be Endowed] HVG (Feb. 2021), https://hvg.hu/itthon/20210211_modellvaltas_alapitvanyi_fenntartas_bge (last visited June 29, 2022); *Egy ITM-Es Prezentáció Alapján Nem Választható Lehetőség A Többi Egyetemek Magánosítása* [A Ministry for Innovation and Technology Presentation Suggests that Privatization of More Universities Is Not an Option] HVG (Jan. 2021), https://hvg.hu/gazdasag/20210117_Ujabb_egyetemen_vezetik_be_a_Corvinusmodellt (last visited June 29, 2022); Bence Bogatin, *A szakszervezetek tiltakoznak a tanítóképzők többségének egyházi kézbe adása ellen* [Unions Protest Against the Transfer of Most Teacher Training Colleges to the Church] MÉRCE (Dec. 1, 2020), <https://merce.hu/2020/12/01/a-szakszervezetek-tiltakoznak-a-tanitokepzok-tobbsegenek-egyhazi-kezbe-adasa-ellen/> (last visited June 29, 2022); *Modellt vált a Testnevelési Egyetem is* [The University of Physical Education Also Becomes a Model] HVG (March, 2021), https://hvg.hu/itthon/20210322_testnevelesi_egyetem_modellvaltas_mocsai_lajos_itm.
7. Gábor Halmai, *The End of Academic Freedom in Hungary*, HYPOTHESIS: ACADEMIC BLOGS (Nov. 11, 2019), <https://ds.hypotheses.org/6368>.
8. IVÁN BAJOMI ET AL., HUNGARY TURNS ITS BACK ON EUROPE: DISMANTLING CULTURE, EDUCATION, SCIENCE AND THE MEDIA IN HUNGARY 2010–2019, at 45–46 (2020); Hungarian Academy Staff Forum (HASF), *Summary of the Situation of the Hungarian Academy of Sciences* (Oct. 18, 2019), <https://adf2019.com/2019/11/17/summary-of-the-situation-of-the-hungarian-academy-of-sciences/>.

that the law was incompatible with EU and World Trade Organization standards; the case was also discussed in detail in the European Parliament.⁹ Lastly, I am also employed by the government-operated National (Ludovika) University of Public Service. Inspired by the French *École Nationale d'Administration*, it was created in 2012,¹⁰ merging the former Police College, the Faculty for Public Administration, and the Military Academy. It enjoys a monopoly on training officers and is generally held to be a training house for government janissaries, in practice enjoying a priority in hiring for positions in diplomacy and public service. The Justice, Defense, Internal Affairs, and Foreign Affairs ministries and the prime minister's office originally were superintendents for the institution. In 2022, it came under the direct control of the prime minister's office. Faculty are discouraged from expressing government criticism. I was the only faculty member employed simultaneously by CEU (and have been called a token liberal for that) and by the National (Ludovika) University of Public Service. Despite my track record in scholarship critically analyzing illiberalism, long-standing collaborations with international organizations and human rights and democracy-watchdog NGOs,¹¹ it cost me decade-long friendships and important collegial collaborations and led to my being dubbed a traitor and a spineless opportunist when I joined the Law Enforcement Faculty to found and build the doctoral school (and to diversify academic voices). I was aware all along of the volatile nature of my employment there but also took pride in building and sustaining a graduate program with unrestrained discussions in my classes. And I was never approached, even in a subtle way, to exercise self-censorship. But I also never got rid of the guilt of being considered a sellout. In Orbán's Hungary, a law professor will be taunted for teaching at a public university, even one with the monopoly of training law enforcement and military officers, public servants, and diplomats. To demonstrate the complexity of my dilemma, the politically charged litigation I was facing would put me in the position of a hero of resistance, the rule of law, and academic freedom for protesting my dismissal while at the same time casting me as a regime supporter for suing to continue to be employed by the most pro-government institution.

Having situated my personal trajectory and interests, I now turn to a more general overview of the risks and challenges (legal) academics face in Hungary.

9. Case C-66/18, *European Commission v. Hungary*, ECLI:EU:C:2020:792 (Oct. 6, 2020), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62018CJ0066>; Michael Ignatieff, *Academic Freedom and the Future of Europe* 40 (Centre for Global Higher Education, Working Paper No. 40, 2018); Halmai, *supra* note 7; BAJOMI ET AL., *supra* note 8, at 43; Lilla Farkas, *The EU, Segregation and Rule of Law Resilience in Hungary*, VERFBLOG (Mar. 8, 2020), verfassungsblog.de/the-eu-segregation-and-rule-of-law-resilience-in-hungary/.
10. 2011. évi CXXXII. törvény a Nemzeti Közzszolgálati Egyetemről, valamint a közigazgatási, rendészeti és katonai felsőoktatásról (Act CXXXII of 2011 on the National University of Public Service and Higher Public Administration, Law Enforcement and Military Education).
11. I am a card-carrying member of the Hungarian Helsinki Committee. See also PAP, *supra* note 4 (first English-language monograph on this subject).

II. Academic Freedom in the Face of Illiberalism: A Case Study of Hungary

Hungary's democratic U-turn had been widely discussed in legal and political science literature.¹² The regime has mostly been described as representative of a relative new form of authoritarianism coined "hybrid," or "elective autocracy," because it incorporates both somewhat competitive elections and "abusive constitutionalism," the use of traditional constitutional instruments against constitutionalism. "Hegemonic preservation," "authoritarian enclaves" and "bionic appointments" are other terms used to describe the regime.¹³ Renáta Uitz explains how "hybrid regimes rely on a triffecta of plebiscitary mobilization, ruling by cheating... and abusive constitutional borrowing" from the global constitutional canon for the "purposes of illiberal constitutional normalization."¹⁴ Illiberal constitutional learning strategically draws on the ideas, language, and design of constitutions but actually hijacks the vocabulary and imagination of constitutional democracy.¹⁵ Hybrid illiberal regimes work via a metaconstitutional fabric of practices building up what Scheppele identifies as the Frankenstate¹⁶

12. See e.g., Beáta Bakó, *Hungary's Latest Experiences with Article 2 TEU: The Need for 'Informed' EU Sanctions*, in DEFENDING CHECKS AND BALANCES IN EU MEMBER STATES (Armin von Bogdandy et al. eds., 2021); Nóra Chronowski & Márton Varju, *Two Eras of Hungarian Constitutionalism: From the Rule of Law to Rule by Law*, 8 HAGUE J. RULE L. 271 (2016); TÍMEA DRINÓCZI & AGNIESZKA BIEN-KACAŁA, ILLIBERAL CONSTITUTIONALISM IN POLAND AND HUNGARY: THE DETERIORATION OF DEMOCRACY, MISUSE OF HUMAN RIGHTS AND ABUSE OF THE RULE OF LAW (2021); Zsolt Enyedi, *Democratic Backsliding and Academic Freedom in Hungary*, 16 PERSPECTIVES ON POLITICS 1067 (2018); János Kis, *Introduction: From the 1989 Constitution to the 2011 Fundamental Law*, in CONSTITUTION FOR A DISUNITED NATION: ON HUNGARY'S 2011 FUNDAMENTAL LAW 1–22 (Gábor Attila Tóth ed., 2012); POPULIST CHALLENGES TO CONSTITUTIONAL INTERPRETATION IN EUROPE AND BEYOND (Fruzsina Gárdos-Orosz & Zoltán Szente eds., 2021); Laurent Pech & Kim Lane Scheppele, *Illiberalism Within: Rule Of Law Backsliding in the EU*, 19 CAMBRIDGE Y.B. EUR. LEGAL STUD. 3 (2017); ANDRÁS SAJÓ, RULING BY CHEATING: GOVERNANCE IN ILLIBERAL DEMOCRACY (2021); Kim Lane Scheppele, *The Rule of Law and the Frankenstate: Why Governance Checklists Do Not Work*, 26 GOVERNANCE 559 (2013).
13. In the Hungarian context, see, for example, ANDREW ARATO & JEAN L. COHEN, POPULISM AND CIVIL SOCIETY: THE CHALLENGE TO CONSTITUTIONAL DEMOCRACY (2021); ANDREW ARATO, *The Hungarian Paradox*, in POST SOVEREIGN CONSTITUTION MAKING: LEARNING AND LEGITIMACY (2016); Andrew Arato & Gábor Halmai, *So that the Name Hungarian Regain its Dignity: Strategy for the Making of a New Constitution*, VERFBLOG (Jul. 7, 2021) <https://verfassungsblog.de/so-that-the-name-hungarian-regain-its-dignity/>; Dorit Geva, *Orbán's Ordonationalism as Post-Neoliberal Hegemony*, 38 THEORY, CULTURE & SOC'Y 71 (2021); Bruce Gilley, *Democratic Enclaves in Authoritarian Regimes*, 17 DEMOCRATIZATION 389 (2010); Ran Hirschl, *Hegemonic Preservation in Action? Assessing the Political Origins of the EU Constitution*, in ALTNEULAND: THE EU CONSTITUTION IN A CONTEXTUAL PERSPECTIVE, JEAN MONNET WORKING PAPER NO. 5/04 (2004); Daniel R. Kelemen, *Europe's Other Democratic Deficit: National Authoritarianism in Europe's Democratic Union*, 52 GOV'T AND OPPOSITION 211 (2017).
14. Renáta Uitz, *On Constitutional Transition out of Hybrid Regimes*, VERFBLOG (Dec. 15, 2021), <https://verfassungsblog.de/on-constitutional-transition-out-of-hybrid-regimes/>.
15. See, e.g., SAJÓ, *supra* note 12; David Landau & Rosalind Dixon, *Abusive Judicial Review: Courts Against Democracy*, 53 UC DAVIS L. REV. 1313 (2020).
16. Kim Lane Scheppele, *Hungary and the End of Politics. How Victor Orbán Launched a Constitutional Coup and Created a One-Party State*, THE NATION (May 6, 2014) ("The component pieces of the Hungarian Frankenstate might have operated perfectly well in their original contexts, but

(stitching together perfectly normal rules from the laws of various EU members into a monstrous new whole), abusing constitutionalism and the rule of law.¹⁷ The very nature of hybrid autocracies is that while they dismantle institutional rule of law protections, blatant, direct infringement of fundamental rights and individual freedoms is not necessarily part of the practice. Even constitutional capture is instituted in an intricate way, incorporating long juridical debates with national and international institutions.

The second stage of building illiberalism aims at regime solidification and targeting economic and cultural life. In this case, coopting academia serves as a method for illiberal indoctrination by shrinking dissent and obstructing the proliferation and evolution of new reservoirs of critical minds. In the case of Hungary, while the regime is in the center of manifold and multilayered criticisms because of its disregard for rule of law requirements,¹⁸ most of these practices are apparently acceptable in the European Union and the Council of Europe, or at least have not triggered radical political or legal reaction. Temporarily blocking access to certain EU funds is as far as sanctions go.¹⁹ Admittedly, threats to academics and academic freedom in Hungary are mild compared with China, Turkey, or Brazil:²⁰ We have not witnessed physical atrocities, incarceration, deportation, the withdrawal of travel documents or even large-scale firing or harsh and direct intimidation.

Using academic and mainstream media sources (and excluding hearsay), the next section documents how academic freedom has been impeded over the past

combined in a new constitutional system, these once-normal rules produce abnormal results. As government spokespeople have said every time there is criticism of a particular aspect of the new constitutional order: that rule exists in Greece. Or Germany. Or the United Kingdom. It's normal. End of story. But nowhere do all those rules exist together, except in the Hungarian Frankenstate.”). Also, such examples combine Germany’s much-criticized rules for drawing electoral districts with Britain’s highly disproportionate first-past-the-post rules for constituency elections, finishing with the widely used d’Hondt system for deriving proportional representation from party list votes, a system that marginalizes small parties. See also Scheppele, *supra* note 12.

17. SAJÓ, *supra* note 12; Landau & Dixon, *supra* note 15.
18. Comm. on C.L., Just. and Home Aff., Report on a proposal calling on the council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the union is founded, Eur. Parl. Doc. (COM A8-0250/2018) (Apr. 7, 2018), https://www.europarl.europa.eu/doceo/document/A-8-2018-0250_EN.html.
19. See generally Christophe Hillion, *Compromising (on) the General Conditionality Mechanism and the Rule of Law*, 58 COMMON MKT. L. REV. 267 (2021); Kati Cseres & Michael Borgers, *Competition and Conditionality: The Missing Piece of the Puzzle in the Case of Hungary?*, VERFBLOG (June 2, 2022), <https://verfassungsblog.de/competition-and-conditionality/>.
20. Antonio Pele & Bethania Assy, *Academic Freedom(s) in the Drift Towards Authoritarianism (3/4): Brazil*, HYPOTHESES: ACADEMIC BLOGS (2019), ds.hypotheses.org/6354.

twelve years of Viktor Orbán's self-proclaimed illiberal democracy.²¹ Academic freedom is gauged in three dimensions: teaching, research, and publishing.

Regarding research, reported limitations on academic freedom are fourfold. First, as explained above, an entire web of autonomous research institutions was transferred to a government-controlled entity. Second, the government took over national science and culture funds. In 2020, the Ministry for Innovation and Technology unilaterally altered the list of funded grants from the National Scientific Research Committee, the main—and virtually only—source of fundamental research funding.²² Third, funds have been removed to an alternative network of government-dependent and government-friendly research institutes, think tanks, and government-organized NGOs.²³ Lastly, after the adoption of a new privacy law, government agencies can refuse to provide data to NGOs and can levy excessive charges for public data requests.²⁴ This cessation of cooperation with the civil sector and human rights defenders curtails academic freedom by blocking access to critical sources of data and research.²⁵

Additionally, academic freedom is truncated with respect to the dissemination and publishing of research findings in at least four ways. First, academic freedom is restricted by censorship of academic publications. European University Institute Professor Gábor Halmai describes one of the few documented cases in which the editorial board of a journal of the University of Debrecen Law School accepted a paper for publication, but the dean of the law school intervened to block publication for expressly political reasons.²⁶

Second, academic events involving blacklisted human rights NGOs or dissident academics are often banned, even if these events are co-sponsored or run by international organizations, such as the Council of Europe or the European Union.²⁷ Conversely, media outlets have reported that the rector of Miskolc

21. Some sections of this text are parts of: Pap, *Academic Freedom*, *supra* note 1; András L. Pap, *Piecemeal Devourment: Academic Freedom in Hungary*, UIC L. REV. BLOG (June 24, 2021), <https://lawreview.jmls.uic.edu/piecemeal-devourment-academic-freedom-in-hungary/>.

22. Ábrahám Vass, *Science Academy President 'Shocked' After Ministry Unilaterally Modifies Basic Research Scholarship Results*, HUNGARY TODAY (Sept. 8, 2020), <https://hungarytoday.hu/mta-science-academy-shock-ministry-palkovics-freund-basic-research/>.

23. *See generally*, BAJOMI ET AL., *supra* note 8.

24. *Hungarian NGOs Call FOI Changes as Unconstitutional*, FREEDOM INFO (July 3, 2013), <http://www.freedominfo.org/2013/07/hungarian-ngos-call-foi-changes-as-unconstitutional>; Hungarian Civil Liberties Union, *Position on The Amendment of The Freedom Of Information Act in Hungary in Autumn 2022* (Nov. 15, 2022), <https://hclu.hu/en/position-freedom-of-information-act-hungary-2022>.

25. Case C-78/18, *Comm'n v. Hungary*, ECLI:EU:2020:476 (June 18, 2020); Andrea Pető, *Writing, Telling and Doing the Truth at Risk*, BLOG INTERDISZIPLINÁRE GESCHLECHTERFORSCHUNG (Feb. 7, 2023), www.gender-blog.de/beitrag/truth-at-risk/.

26. Halmai, *supra* note 7.

27. *Solidarity Statement of the MTA-ELTE Lendület Spectra Research Group*, MTA-ELTE LENDÜLET SPECTRA RESEARCH GROUP (Nov. 4, 2019), spectra.elte.hu/en/content/solidarity-statement-of-the-mta-elte-lendulet-spectra-research-group.t.11549; *Szolidaritás a Nemzeti Közszolgálati Egyetem elbocsátott professzorával* [*Solidarity with the Dismissed Professor at the National University of Public*

University, a major public university, required students to attend a public lecture given by Minister of Defense István Simicskó, canceled classes, and had faculty escort students to the lecture hall.²⁸ In a similar case, in another major public university in Győr, a professor counted attendance at the mayor's talk as five percent of students' midterm test grade.²⁹ Third, pro-government media outlets have repeatedly launched smear campaigns to intimidate the government's academic critics. A government-friendly website even called upon students to report professors who are critical toward the government.

While there have been no incidents like the Polish Sadurski trial³⁰ in Hungary, groups of intellectuals have nonetheless become targets of repeated attacks and smear campaigns by the media empire sustained by the government. For example, *Figyelő*, a pro-government magazine, published the names of hundreds of intellectuals, including academics and even university students, dubbed "agents of George Soros" and made derogatory statements about their research performance. One academic actually won a court case against such labeling.³¹ In this context, several conference programs about sensitive questions, like gender equality or migration, were canceled.³²

Institutions exhibiting solidarity with protestors or victims are likely to face retaliation. For example, institutions of advanced studies have lost government funding for protesting the banishment of CEU.³³ In another instance, a right-wing think tank fired a researcher for liking a Facebook post that opposed government plans of hosting the Olympic Games in Budapest.³⁴ Censorship is

Service] GYÜLÖLET ELLENI MUNKACSOPORT (Nov. 14, 2019), gyuloletellen.hu/aktualitasok/szolidaritass-nemzeti-kozszoalgalati-egyetem-elbocsatott-professzoraval.

28. *Kötelező meghallgatniuk Simicskót a Miskolci Egyetem diákjainak* [*Students at the University of Miskolc Must Listen to Simicskó*], INDEX (Nov. 24, 2017), index.hu/belfold/2017/11/24/miskolci_egyetem_simicsko_istvan/.
29. Csaba Sarkadi-Illyés, *Itt tartunk: beleszámít az egyetemi zű-ba, ha a diákok elmennek a fideszes polgármester előadására* [*Here We Are: It Counts Toward the University Midterm Grade if the Students Go to the Lecture of the Mayor of Fidesz*], ALFAHÍR (Apr. 16, 2019), alfahir.hu/2019/04/16/borkai_zsolt_fidesz_oktatas_jobbik_varga_roland_egyetem.
30. Gráinne de Búrca et al., *Stand with Wojciech Sadurski: His Freedom of Expression is (Y)ours*, VERFBLOG (Nov. 18, 2019), verfblog.de/stand-with-wojciech-sadurski-his-freedom-of-expression-is-yours/.
31. Zsolt Körtvélyesi, *Fear and (Self-)Censorship in Academia*, VERFBLOG (Sept. 16, 2020), verfblog.de/fear-and-self-censorship-in-academia/.
32. Tamas Dezso Ziegler, *Academic Freedom in the European Union: Why the Single European Market is a Bad Reference Point*, No. 2019-03 MAX PLANCK INST. COMP. PUB. L. & INT'L L. MPIL RESEARCH PAPER SERIES 12, 12, 15 (2019). See also BAJOMI ET AL., *supra* note 8, at 22-23.
33. Edina Juhász, *Támogatták a CEU-t, aztán kevesebb pénzt kaptak* [*They Supported CEU, Then Got Less Money*], INDEX (Dec. 15, 2019), index.hu/belfold/2019/12/15/ceu_tamogatass_forrasmegvonas/ (last visited June 29, 2022).
34. *Id.*; See *Criticism of Public Officials Is a Right and a Duty!*, HUNGARIAN CIVIL LIBERTIES UNION (2015), hclu.hu/en/articles/criticism-of-public-officials-is-a-right-and-a-duty-1.

blatant at times: Following a political takeover, an issue of Századvég—a now government-friendly social science journal—was withdrawn from print.³⁵

Intrusion on freedom of teaching takes an even more diverse morphology. In 2011—the Orbán government’s first year in power—a legislative act on higher education was adopted,³⁶ instituting the position of financial director (chancellor), who, along with presidents (rectors) of all public universities, would be appointed by the government.³⁷ The Higher Education Act of 2011 placed “the intellectual and spiritual renewal of the nation”³⁸ at its core and did not even include the word autonomy, which is normally a staple of legislation on education.³⁹ Certain programs, such as the social studies B.A. or some international relations and media studies programs, have been cut and divested from state-funded institutions.⁴⁰ In addition, claiming that it is incompatible with its view of society, the government simply withdrew the accreditation of the gender studies M.A. program in 2018.⁴¹ This means that no higher education institution—not even private universities—can issue a degree in the field of gender studies. The enhanced state control of educational curricula also extends to secondary education: The federal government took over schools previously run by local government and instituted sweeping reforms regarding school administration appointments and the teaching curriculum.⁴²

As mentioned above, the government forced CEU into exile. CEU originally ran under a double accreditation system between the United States and Hungary. In 2017, the Hungarian Parliament hastily adopted an amendment to the Act of National Higher Education, forcing CEU to cease its operation in Budapest. The law required that CEU open an additional campus in the state of New York and that the Hungarian government sign an agreement with the United States federal government. This seemed impossible given that the United States federal government has no jurisdiction on state matters regarding higher educational issues. With great effort, and in collaboration with Bard

35. Körtvélyesi, *supra* note 31.

36. 2011. évi CCIV. törvény - a nemzeti felsőoktatásról (Act CCIV/2011 on National Higher Education).

37. 2014. évi XXXVI. (Act XXXVI/2014 amendment of Act on National Higher Education). See also BAJOMI ET AL., *supra* note 8, at 7; Tamas D. Ziegler, *Academic Freedom in the European Union: Why the Single European Market is a Bad Reference Point*, MAX PLANCK INST. COMP. PUB. L. & INT’L L. (2019).

38. For a more general legal assessment on memory politics, see Gábor Halmái, *Memory Politics in Hungary: Political Justice without Rule of Law*, VERFBLOG (Jan. 10, 2018), <https://verfassungsblog.de/memory-politics-in-hungary-political-justice-without-rule-of-law/>.

39. Act CCIV of 2011 on National Higher Education. See also BAJOMI ET AL., *supra* note 8, at 37-38; Ziegler, *supra* note 32.

40. BAJOMI ET AL., *supra* note 8, at 39; Ziegler, *supra* note 32, at 11.

41. BAJOMI ET AL., *supra* note 8, at 39.

42. *Id.* at 32, 36.

College, CEU opened a campus in New York, and the governor of New York was ready to sign an agreement with the Hungarian government, which then failed to respond. CEU has about 17,000 alumni, faculty from more than forty countries, and students from more than 100 countries. The university's estimated contribution to the Hungarian economy was 24 million euros annually, which now goes to Austria after the institution moved to Vienna in 2019.⁴³

The biggest blow to freedom of teaching has been the sweeping semi-privatization of almost the entire higher educational sector to politically controlled (nominally public) foundations.⁴⁴ Within a few years, the ratio of students studying in traditional state-owned institutions dropped from eighty-seven percent to twenty-two percent, and more than twenty universities were remodeled, leaving only six in state ownership.⁴⁵ The restructured institutions, which continue to receive state funding, are governed by boards of trustees filled by members of Parliament, Cabinet members (such as the foreign and justice ministers), oligarchs, government-appointed academics, and business moguls.⁴⁶

Furthermore, the academic labor market is distorted by funding diversion to government-preferred institutions like Ludovika University. The Hungarian National Bank also founded Pallasz Athéné University (later renamed János Neumann University), which similarly receives extensive state support.⁴⁷ Mathias Corvinus Collegium, a college of advanced studies to train the upcoming new elite for the Orbán regime, received a stunning subsidy of 500 billion Hungarian forints (approximately 1.3 billion euros) from the government,⁴⁸ an amount

43. Benjamin Novak, *Pushed From Hungary, University Created by Soros Shifts to Vienna*, N.Y. TIMES (Nov. 15, 2019), www.nytimes.com/2019/11/15/world/europe/university-soros-vienna-orban.html.
44. Atlaszo, *Hidden Privatization: Valuable Public Assets Transferred From The State To Public Trust Foundations Led By Orbán-Allies* (July 1, 2022), <https://english.atlatszo.hu/2022/01/07/hidden-privatization-valuable-public-assets-transferred-from-the-state-to-public-trust-foundations-led-by-orban-allies/>; *Creating A Parallel State Structure I: Public Trust Funds Performing A Public Function, Information Note by the Hungarian Helsinki Committee (HHC) 21 May 2021*, https://helsinki.hu/en/wp-content/uploads/sites/2/2021/05/parallel_state_I_May2021.pdf; *EUA Board Urges Hungarian Government to Address Autonomy Concerns to Ensure Universities' Access to EU Programs* (Feb. 1, 2023), <https://eua.eu/news/998:eua-board-urges-hungarian-government-to-address-autonomy-concerns-to-ensure-universities%E2%80%99-access-to-eu-programmes.html>.
45. Alexandra Tóth, *Mindössze öt állami egyetem maradhat az országban: tízből hat hallgató már most modellváltó intézményben tanul* [Only Five State Universities can Remain in the Country: Six out of Ten Students are Already Studying in Model-changing Institutions], EDULINE (March 2021), https://eduline.hu/felsooktat/as/20210325_modellvalto_egyetemek.
46. Eszter Neuberger, *Kevesebb ráfordítással nagyobb kontroll, erről szól az egyetemek alapítványi kiszervezése* [More Control for Less, That's What University Outsourcing is All About], 444.HU (June 4, 2020), 444.hu/2020/06/24/kevesebb-raforditassal-nagyobb-kontroll-errol-szol-az-egyetemek-alapitvanyi-kiszervezese.
47. *Id.* at 5, 39; see also Ziegler, *supra* note 32.
48. *5 és 10 ezer eurós juttatással várja a külföldi vendégoktatókat a kormányközeli elitképző* [Between €5,000 and €10,000 for Foreign Guest Lecturers at Elite Government-Run Training School], HVG (AUG. 10, 2021), https://hvg.hu/itthon/20210810_mcc_vendegoktato_vendegtanar_mathias_corvinus_collegium?fbclid=IwARiLgDDYvfe3tHDPF7_4Ov_AREU_2_02dDIx_G87UmnMobjHsZCUhLOSxs8; MCC: Builds A Hundred-Billion Worth Real Estate Empire (June 21, 2023), <https://telex.hu/komplex/2023/06/21/szazmilliardos-nagysagrendu-orzagos-ingatlanbirodalmat-epit-ki-az-mcc>.

exceeding the annual budget of the entire higher educational sector (376 billion forints in 2021)⁴⁹. The institution offers five monthly 10,000-euro stipends for up to a year for visitors like Benjamin Harris-Quinney, commentator of the *Daily Express*.⁵⁰ Similarly, then Fox News host Tucker Carlson and Dennis Prager, a conservative U.S. radio talk show host, received 30,000 U.S. dollars for a roughly thirty-minute speech at a youth festival and a thirty-minute podcast appearance.⁵¹ This amount is greater than four years of Hungary's minimum annual salary, which is roughly 6000 euros. As mentioned above, a full professor's annual net salary is about 14,000 euros.

In sum, infringement of academic freedom has many faces: censorship, defunding or banning academic programs, harassment, intimidation, tax raids, termination of employment, and the closing of institutions. Censorship permeates the full public education curriculum, university programs (like gender studies), course materials, publications, and conferences. Infringement of academic freedom even chills academic peer review, as individuals are afraid to express critical views of government-friendly articles because of a lack of trust in anonymity.⁵² Furthermore, in an illiberal setting, it is prudent for university management to recruit only conformists, which further stifles diverse academic expressions.

III. Specific Risks and Perils

This section turns to how these encroachments affect the academic community. There are many forms and tolls of internal and external pressures: individual harms, impacts on output, and institutional deficiencies.

Individual pressures can be psychological, including harassment, intimidation, and tax raids. In addition, answering to tax authorities' targeted inquiries is an extremely time-consuming exercise. It can also take more existential forms, such as disadvantages in career progress and promotion, layoffs, and lack of access to discretionary travel grants and other subsidies.

49. The Budgetary Institutions Educational Expenditure, NAT'L STAT. OFF., https://www.ksh.hu/stadat_files/okt/hu/oktooo2.html (last visited June 24, 2023).
50. Tamás Fábrián; *18-szor annyit kereshet egy külföldi vendégtanár a Fidesz-közeli elitképzőn, mint egy magyar adjunktus az ELTE-n [A Foreign Guest Teacher at an Elite Fidesz-Affiliated School Can Earn Eighteen Times As Much as a Hungarian Assistant Professor at ELTE]*, TELEX (Aug. 10, 2021), <https://telex.hu/belfold/2021/08/10/mcc-vendegoktato-osztondij-elte-adjunktus-fizetes> (last visited June 29, 2022); Attila Rovó, *Nagyon színvonalas, de kezd kínos lenni, hogy oda tartoztam: a kormányközeli elitképző belülről [Very High Quality, But it's Getting Embarrassing That I Belonged There: The Elite Government Training From Within]*, TELEX (Jan. 15, 2021), <https://telex.hu/belfold/2021/01/15/nagyon-szinvonallas-megis-kezd-kinos-lenni-hogy-oda-tartoztam-a-kormanykozeli-elitkepzo-belulrol>.
51. Creede Newton, *Hungary Paid Dennis Prager \$30,000 for an Hour of Appearances at Far-Right 'Education' Conference*, S. POVERTY L. CTR. (Jan. 13, 2022), <https://www.splcenter.org/hatewatch/2022/01/13/hungary-paid-dennis-prager-30000-hour-appearances-far-right-education-conference>.
52. I have personal experiences in this as editor of one of the most prestigious Hungarian language law reviews. Over a half-dozen reviewers refused to formally review an article written by a government-friendly constitutional court judge, while off-the-record advising to reject it.

Pressures also affect academic performance in many ways: The increased level of stress and fatigue radically diminishes performance, be it in research or teaching. If faculty engages in self-censorship, only echoing government propaganda and cautiously avoiding challenging issues, domestic academic output will lose relevance and alienate students. The reduction in the quality of teaching will affect student morale.

The threats to accreditation of programs, units, and entire institutions also have institutional-level effects: Insecurity paralyzes strategic planning, grant applications, and student recruitment. Dismantling research centers, academic programs, or institutions causes irreversible harms; these communities can hardly be rebuilt, even if the political regime suddenly were to change. Ousted or exiled academics cannot simply resume their prior activities. Being an academic is a profession with long-term investment and a gradual development of profiles and identities. Losing one's appointment may be a reasonable risk in the academic job market, but being systematically ostracized puts academics as well as academia in peril.

There are further systemic features of infringement of academic freedom. First, political censorship and other forms of restrictions on academic freedom disproportionately target junior faculty and academics living in geographic, political, and socioeconomic peripheries, most of which are already burdened by linguistic barriers. This further accelerates the widening of the gap between the central and the socioeconomic peripheries of Western European and North American power centers and has a devastating effect on national, local, and regional academia and science. Second, chilling academic freedom primarily weakens local (language) academic events and publications. Thus, it eventually harms national academia and education.

The difficulty in documenting retaliation leading to censorship or denied promotion prevents effective reaction and remedies. Censorship often relies on the twisted rhetoric of neutrality ("we would then have to provide access to the other side") and the similarly twisted rhetoric of solidarity ("you wouldn't want others to get into trouble, now, would you?").

Legal academics may appear to be better positioned and more resilient than, say, our colleagues in humanities by having exit options or even parallel employment possibilities in practice or advocacy. Because of a (at least presumed) higher awareness of legal protection, and better access to remedies and counsel, we may be less likely to fall victim to having our rights and freedoms violated. But our exposure to potentially risky activities is also higher: It is difficult to avoid criticism of illiberal autocracies when teaching constitutional law, human rights law, international law, etc.

IV. Resources for Resilience

This section identifies two sets of resources in the face of curtailed academic freedom. The first focuses on resilience options for individual academics facing

illiberal threats. The second calls upon the international academic community to consider action and engagement.

A. Individual Coping Strategies

What are possible coping strategies for individuals? Options are limited to collaboration with the regime; self-censorship, choosing politically insensitive research and teaching areas; protest (signing and drafting petitions for domestic and international professional/academic and political pressure, organizing and taking part in public demonstrations); exile/emigration; and looking for external funding.

The stakes are high: Just like democracy, academic freedom is a communal enterprise. Yet again, public is private and private is political. Personal decisions and stances can have community and institutional-level consequences. Infringement of academic freedom is not limited to hand-picked top management. It extends to disciplinary proceedings, (pursued or rejected) promotion selections, and editorial decisions normally involving rank-and-file peers. Technically the senates, including all ranks of faculty, staff, and students, “requested” the transition from a state-funded to a government-friendly, foundation-owned education model—mostly without much dissent.⁵³ Solidarity and resilience (if it exists) must reach all the way into the “barracks” of academia, at all levels of teaching and learning. An often-cited quote in Hungarian public discussions is from István Bibó (1911–1979), lawyer, political theorist, and cabinet minister during the 1956 revolution: “Being a democrat means, primarily, not to be afraid.” He also introduced the concept of the “small circles of freedom” to Hungarian public discourse.⁵⁴

The banal daily operation of academic practices is the actual battlefield where the suffocation or the preservation of the abstract and grand concept of academic freedom takes place. Here, precedents of any albeit minimal resistance make a significant difference by building and sustaining freedom and independence.

Exposure and publicity provide protection (although hardly a universal guarantee), especially for senior academics with tenure, with established international networks, with potential access to international grants, and with nongovernment-based resources.⁵⁵ The neoliberal academic job market, which usually prevails in hybrid illiberal regimes, tends to view the academic market

53. This “request” reminded me that when I was in elementary school in Communist Hungary, history books (and our teachers, of course) explained how the Baltic states “requested to be incorporated in the Soviet Union in 1940.”

54. A SZABADSÁG KIS KÖREI, TANULMÁNYOK BIBÓ ISTVÁN ÉLETMŰVÉRŐL [THE SMALL CIRCLES OF FREEDOM STUDIES ON THE ISTVÁN BIBÓ’S LIFE-WORK] (Dénes Iván Zoltán ed., 1999); Jenő Szűcs & Julianna Parti; *The Three Historical Regions of Europe: An Outline*, 29 ACTA HISTORICA ACADEMIAE SCIENTIARUM HUNGARICAE 131 (1983), <http://www.jstor.org/stable/42555425>; R.N. Berki, *The Realism of Moralism: The Political Philosophy of Istvan Bibo*, 13 HIST. POL. THOUGHT 513 (1992).

55. András L. Pap, *Piecemeal Devourment: Academic Freedom in Hungary*, UIC LAW REVIEW BLOG (June 24, 2021), <https://lawreview.jmls.uic.edu/piecemeal-devourment-academic-freedom-in-hungary/>.

through a neoliberal lens, valuing impact-factor publications; successful careers are therefore rarely destroyed, even for those who remain internal dissidents and refuse to emigrate. In fact, being a “career dissident” may provide for lucrative consultancy opportunities reporting for international organizations and invitations to prestigious institutions abroad. To put it cynically, “constitutional grievance studies” may provide for an academic identity and existence.

Returning to my personal (albeit public) dilemmas over the weekend before my final meeting with my dean, I balanced the personal and professional costs (and benefits) of my decision. Standing up to the job termination decision could have involved exposure to retaliation ranging from tax raids to being blacklisted for grants, mud throwing by pro-government blogs and media, and the permanent stress of a protracted lawsuit. On the other hand, I was vividly aware how the political leverages private decisions: Upholding democracy and freedom requires personal costs and sacrifices, and who would be better equipped and morally more obliged than I, given that I most likely enjoy all the privileges and immunities mentioned above? Specifically I had two questions: If I signed a settlement, would I still have an ethically valid and authentic voice in describing the operation of the illiberalism of the regime, particularly in regard to academic freedom? And, as a responsible academic and an active citizen, am I not obliged to initiate a strategic litigation, to go one tiny step beyond showing how the regime works, and slightly upgrade my impact and potentially weaken illiberalism and strengthen liberty, by attempting to set a precedent and providing inspiration and motivation to less privileged peers? And, of course, I would have to cope with the ever-lingering irony that as an agent of academic freedom and the rule of law, I am actually suing to remain employed by an institution that is the epitome of the regime.

B. Resiliency Support by the International Academic Community

Besides empowering individual academics, the global academic community can do a number of things to preserve academic freedom in illiberal regimes. One is to continue efforts to incorporate academic freedom in academic rankings (which, *inter alia*, have significant financial consequences.) A 2020 resolution of the Council of Europe’s Parliamentary Assembly on threats to academic freedom and autonomy of higher education institutions in Europe points out that some higher educational institutions of countries with the lowest scores of academic freedom can still excel.⁵⁶ The assembly calls upon international

56. Text adopted by the standing committee, acting on behalf of the assembly, resolution, Report of the Committee on Culture, Science, Education and Media, rapporteur: Koloman Brenner, on “Threats to Academic Freedom and Autonomy of Higher Education Institutions in Europe,” Resolution 2352, Council of Europe Parliamentary Assembly, Nov. 20, 2020. The report, behind the resolution, in paragraph 75, highlights that of EU member states, Hungary fares the lowest and ranks at the very bottom of the global list involving 144 countries. In comparison, Russia ranks 113th, and Turkey ranks 135th and Azerbaijan 137th. “Threats to Academic Freedom and Autonomy of Higher Education Institutions in Europe,” Report 15167, paragraph 75, Committee on Culture, Science, Education and Media, Council of Europe Parliamentary Assembly, Oct. 16, 2020.

organizations, national authorities, academic professional associations, and universities to integrate the assessment of academic freedom into their review processes, institutional partnerships, as well as ranking and financial support mechanisms.⁵⁷

The report on which the resolution was based specifically mentions a new Academic Freedom Index and global time-series dataset, developed by the Global Public Policy Institute, the Friedrich-Alexander-Universität Erlangen-Nürnberg, the Scholars at Risk Network, and the V-Dem Institute, and introduced in March 2020.⁵⁸ It comprises both formal legal indicators as well as data points on the actual practice. Indeed, the formal legal analysis alone is likely to misrepresent the true state of academic freedom. In 2019, for example, close to one-third of countries with the worst performances on academic freedom had constitutional protections for academic freedom in place.⁵⁹ The Academic Freedom Index is composed of five expert-coded indicators that capture key elements in the de facto realization of academic freedom. These are: freedom to research and teach, academic exchange and dissemination, institutional autonomy, campus integrity, and freedom of academic and cultural expression. The index is complemented by additional factual indicators, assessing states' de jure commitments to academic freedom at constitutional and international levels, incorporating events-based data, self-reporting data, survey data, legal analyses, and expert-coded data.

Dealing with the situation of scholars from nondemocratic regimes is perhaps more straightforward. I had no qualms about respectfully rejecting the proposal to submit one of my recent conference papers to a journal published by a Russian university. At the same time, this rejection might not extend to the Russian colleague who approached me with this publication proposal: For all I knew, she could equally have been an ardent Putin supporter, an imperiled dissident, or an apolitical forensic scientist who just wanted a quiet life with her family and to do her job. And I realize I might easily be in a similar position any time now. News about MIT or CERN cutting ties with Russian universities,⁶⁰ or Democratic U.S. Representative Eric Swalwell calling to "kick out" Russian students at American colleges in retaliation for the invasion of Ukraine⁶¹ now take on a slightly different flavor to me. This is all the more true because Russian professors and students have been among the loudest voices protesting the war:

57. "Threats to Academic Freedom and Autonomy of Higher Education Institutions in Europe," Report 15167, Paragraph 11, Committee on Culture, Science, Education and Media, Council of Europe Parliamentary Assembly, Oct. 16, 2020.

58. *Academic Freedom Index*, <https://academic-freedom-index.net/> (last visited June 2, 2023).

59. Janika Spannagel et al., *The Academic Freedom Index and Other New Indicators Relating to Academic Space: An Introduction*, V-DEM INST., at 2-5 (March 2020).

60. Richard L. Hudson, *MIT Cuts Ties to Russian Academic Partner over Ukraine War*, SCI. BUS. (Feb. 27, 2022), <https://sciencebusiness.net/news/mit-cuts-ties-russian-academic-partner-over-ukraine-war>.

61. Erica Pieschke, *Rep. Eric Swalwell Suggests "Kicking Every Russian Student" out of U.S. Universities*, KRON4 (Feb. 25, 2022), <https://www.kron4.com/russia-ukraine-crisis/rep-eric-swallow-suggests-kicking-every-russian-student-out-of-u-s-universities/>.

For example 650 Russian scientists signed an open letter condemning the invasion days after it started.⁶²

The debate over academic cooperation with nondemocratic regimes is old and complex. On the one hand, cooperation contributes to political and social progress, and bilateral people-to-people exchanges regarding education can assert soft power in autocracies. Proponents of disengagement and divestment, on the other hand, point to risks of involuntary technology transfer, theft of intellectual property, espionage, and dual-use technology.⁶³

But again, I argue and attest that securing independent resources, EU or other grants, networking, and other incentives provide moral and intellectual inspiration for scholars to carry on, and the practical means to do so. Besides reiterating the importance of short-term exchange and academic visitor programs and collaborative grants and projects, the academic community should also consider experimenting with novel initiatives to aid scholars at risk.⁶⁴ For example, international fora, an agency or a fully empowered Scholars at Risk Network could be designed for fact-finding and documentation of potential cases of censorship. Also, instead of instituting a general boycott, ethical guidelines could be commissioned, adopted, and monitored for projects and journals to sanction certain practices, and this should be reflected in journal ranking. To process reports, an international “ombuds forum” or “editors forum” could also be established—maybe even adjacent to the U.N. special rapporteur on freedom of opinion and expression.

And finally, as radical it may sound, an international affirmative action program for scholars at risk could be established involving reviewers with journals operating under a set of formalized qualification criteria. Again, high-ranking journal publications are likely to provide a certain degree of protection for academics in peril, as many illiberal autocracies, and certainly the “moderate” hybrid ones, are part of the global academic market. As such, these regimes wish to attract foreign students, race for grants and bolster their academic rankings internationally. For these objectives, impact factor and Q1 publications are a sought-after currency.⁶⁵

62. Michael Banks, *Russian Scientists Condemn Ukraine Invasion as International Projects and Meetings Thrown into Doubt*, PHYSICS WORLD (Feb. 25, 2022), <https://physicsworld.com/a/russian-scientists-condemn-ukraine-invasion-as-international-projects-and-meetings-thrown-into-doubt/>.

63. See, e.g., Asena Baykal and Thorsten Benner, *Risky Business: Rethinking Research Cooperation and Exchange with Non-Democracies: Strategies for Foundations, Universities, Civil Society Organizations, and Think Tanks*, GLOBAL PUBLIC POLICY INSTITUTE (Oct. 22, 2020), <https://www.gppi.net/2020/10/22/rethinking-research-cooperation-and-exchange-with-non-democracies>.

64. Pap, *supra* note 55.

65. The details need to be codified very cautiously, as it is a challenging academic and intellectual task to define censorship for documentary and practical purposes and to develop standards on how it can be distinguished from substandard quality and actual political content and counterpropaganda. We also need to be aware that publicly identifying as a “scholar at risk” in, say, a designated “affirmative action section” of a journal can also have a chilling effect, stigmatizing and deepening division among scholars domestically.

Also, grant calls could formally include an “academic freedom integrity and conditionality clause” whereby evaluators can sanction compromised institutions without pressure from the granting agency, which would want to avoid appeals. For such procedures and initiatives we need narrowly tailored, form-fitted conceptualization, definitions and operationalizing schemes—something a team of experts could well produce.

In lieu of concluding remarks, let me close this article with the resolution of my personal dilemma. Following excruciating pondering, I opted to request a formal termination of my employment. The rationale provided to justify the termination would likely not survive judicial review, but, unsurprisingly, it was no longer officially based on the political component. Even though my friends and colleagues offered legal representation, for a variety of reasons, I decided to enter into a settlement. Far from being convinced that it was the right thing to do, I stand by my opinion above: Many of us can afford not to cave in—and hopefully, many will go further than I did.