

Erosion of Academic Freedom under Democratic Backsliding: The Case of the Central European University

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Abstract

As autocracies are rising and democracies are declining, academia is attacked as the source of truth and political dissent. Where there is a lack of freedom of knowledge, democracy is not possible. Higher education is increasingly politicized, and universities' institutional autonomy is interfered with. As populist polarization strategies are widely utilized, public opinion may be skewed as right-leaning leaders intend. These are the present problems that need to be addressed. In 2017, the Hungarian government made an amendment on the national higher education law that essentially disabled the operation of the Central European University (CEU) within the country. In 2018, the CEU relocated from Budapest, Hungary to Vienna, Austria. A fairly unique case of a university's relocation due to purely political reasons served as an instance to be further inquired. This thesis combined a single-case study design with process tracing to better understand the causal underpinnings of the self-perpetuating cycle of democratic backsliding and the erosion of academic freedom in a politically right-leaning populist country. By setting up two hypothetical pathways, one in which the executive branch captures the legislative and one in which populist polarization was used to reduce the role of the opposition and the public in Parliamentary decision-making in order to pass amendments designed for the targeted removal of a specific higher educational institution. The research question is; *how can the processes of the executive capture of the legislature, and populist polarization explain the erosion of academic freedom under democratic backsliding in Hungary?* Having found that despite the initial assumption that the political opposition and the public can be muted, they did not remain silent and stood up as an interest group against the targeted attack that was possible due to a collapse of separation of powers and dismantled constitutional checks and balances. Accountability and transparency, as fundamental values of democracies, are severely damaged in Hungary that also manifests in the case of the CEU.

Keywords – democracy, democratic backsliding, academic freedom, erosion of academic freedom, polarization, executive dominance, capture legislative, process tracing, Central European University, right-leaning government

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1. Introduction

1.1 Democratic backsliding and the erosion of academic freedom

As an international student of master's studies at a Dutch university, I enjoy the privilege of academic freedom by having access to any material necessary for the completion of this degree or any source that can satisfy my drive to learn and curiosity to know. This is a geo-political privilege. In the Netherlands, academic freedom is foundational to the functioning of democracy and the rich networks of knowledge. However, in other European countries, or in the United States, where democratic backsliding is more prominent, academic autonomy is increasingly declining. The President of the United States, Donald Trump, has been committing to a "high-profile crackdown on international students" as he bans the federal funding of Harvard University (Bromwich & Ferré-Sadurní, 2025, June 21). International students are not only the backbone of a richer classroom environment and higher learning standards at universities, but they are also a "reflection of democratic values" (Gift, 2025, May 27). According to Gift's research, international students help spread democracy in the autocratic parts of the world (2025, May 27; Gift & Krcmaric, 2017). What about then a country like Hungary? Having turned autocratic, it has forcibly relocated one of its most prestigious universities (Central European University, later CEU). This thesis is a contribution of this present and relevant dialogue on democracy and the freedom of academia.

Democratic backsliding is not a small issue; it has significant consequences arising through its incrementally gradual nature. The outcomes might be unexpected and unpredictable; however, the erosion of academic freedom is one such instance that may be predicted based on research. Democratic backsliding includes the violation of academic freedom including its institutional autonomy, the fundamental human rights of freedom of speech and integrity that comes with a healthily functioning democracy (Lott, 2024). There are temporal waves and episodes of the development and decline of academic freedom which the author had studies through six country cases, including Hungary (Lott, 2024). In 2009, Hungary enjoyed well-established *de facto* academic freedom. However, within ten years, its Prime Minister systematically dismantled it. The case made by Lott culminated in the forced relocation of Central European University, which exemplifies the broader erosion of academic freedom (2024). Tracing the pathways of how a country with an elected right-leaning, populist government erodes democracy and academic freedom is one such way to uncover the causality and the reasons behind this erosion.

Broader implications include the self-perpetuating cycle of the erosion of academic freedom and democratic backsliding. The erosion of academic freedom may signal deeper dangers or the potential failure of democracy and vice versa. Right-leaning populist governments tend to suppress academic institutions by excessively exercising political control over their operations. By reducing their de jure and de facto institutional autonomies, they ultimately aim at suppressing critical voices that challenge ruling authorities from the intellectual space of natural disagreement and dissent, a university (Karran & Mallinson, 2019; Davids, 2021). Ultimately, by attacking academia, a right-leaning populist government, like Hungary's, aims at consolidating power. To go deeper into the issue of how right-leaning populist governments are intentionally restricting academic freedom, a research question was developed:

How can the processes of the executive capture of the legislature, and populist polarization explain the erosion of academic freedom under democratic backsliding in Hungary?

The timeline captured in this research spans from 2010 until about 2020. The year of 2010 seems to be the turning point, the down turning point of democratic backsliding in Hungary as Viktor Orbán was elected the prime minister alongside his right-wing party, Fidesz. The case of the CEU could be placed in the timeframe of 2017-2020 from its disablement by law until the dire outcome of the institution leaving the country. The Prime Minister managed to remove an entire university from the country because its founder happened to be György Soros, his political enemy (Foer, 2019). Underlying the main question, what exactly were the obstacles against the decision of the leading party in the National Assembly? What were the forces holding back Orbán's intentions despite their initial failure? In the discussion and conclusion, these questions were aimed to be answered based on the empirical findings.

In this thesis, the content follows the traditional thesis outline. Firstly, an introduction provides a broader context and a formulated research question, then the social and academic relevance of the research are presented. A literature review and a theoretical framework ensures that the research is firmly grounded in established academic literature by detailing what we know and do not know about the topic after which a framework is presented as the foundation for the hypothetical pathways. To answer this thesis' research question, a qualitative research design was built with the method of process tracing in the form of a single case study that is presented in the

research design and methodology chapter (Collier, 2011; Mahoney, 2012). In the findings chapter, the study's findings are presented arranged based on the hypothetical pathways. Moreover, the interpretation of the findings can be found in the discussion and conclusion chapter alongside the limitations and recommendations of the thesis.

1.2 Social and academic relevance

The educational sector as a whole is under threat when democratic values (that include freedom of press, accountability of elected leaders, freedom to vote, independent judiciary among others) and academic freedom are eroding. Broadly speaking, this phenomenon of erosion influences everybody in the education system: students, teachers, administrators, and researchers. Unfortunately, Hungary is not a standalone example of academic erosion. Egypt, Hong Kong, Indonesia, Brazil, Russia, and Turkey are some of the instances where the erosion of academic freedom was present in some form (Altbach, 2001). Academic freedom is a core value of academia and a prerequisite for an effective university; it goes hand in hand with a democratic state, and a weakness in one signal the weakening of the other. Therefore, this thesis aims to cover the importance of acknowledging and raising awareness of the responsibility of both the governments and the citizens in this struggle for our freedoms in academia and society.

Rooted in the social sciences, more specifically in the positivist tradition that is characteristic of public administration, this thesis contributes to the broader academic literature by utilizing the process tracing method for the qualitative studying of academic freedom. As process tracing itself is not a widely used methodology, this thesis promotes the value of it as it is capable of expanding the causal understanding of complex political and policy-related issues in the world. As a single case study, it provides depth by investing in one specific case that may serve the academic literature with further insights in the specific application of process tracing.

Lastly, the chosen topic cannot be more relevant in a world where the US President is detaining and deporting international students attending the most prestigious university of Harvard (Bromwich & Ferré-Sadurní, 2025, June 21). Making a case of the Central European University therefore has the explanatory power over documenting past so we are more aware and not let history repeat itself.

2. Literature review

2.1 Democratic backsliding

More and more countries, which have once crossed the threshold to be called a democracy, are retreating from the institutions of democracy. Democratically elected leaders with autocratic tendencies are changing the institution by incrementally and stealthily dismantling democracy from within, normally with the help of the electorate (Haggard & Kaufman, 2021). The ‘collapse of the separation of powers’ occurs as the political foundation based on which the assault on the democratic system takes place. This phenomenon is called democratic backsliding, and it refers to the “incremental erosion of institutions, rules, and norms that results from the actions of duly elected governments” (Haggard & Kaufman, 2021, p. 27).

As Druckman notes, democratic backsliding takes place when “any institution or norm that promotes or protects contestation or participation erodes” (2024, p. 4). It does not appear as a clear phenomenon that can be pin-pointed as a critical disjuncture, but rather it manifests as a gradual process (Druckman, 2024). Within any regime, the concept of backsliding entails the deterioration of democratic governance and its associated qualities. Building on this, in autocratic regimes, this kind of backsliding refers to the decline in democratic qualities of governance (Waldner & Lust, 2018). Democratic backsliding is less about the failure to provide the benefits of democracy and more about the inability to restrain the predatory ambitions of certain elected officials (Waldner & Lust, 2018). Attacking the constitution by making amendments and new regulations, autocrats benefit from the crisis of the loss of public confidence in public institutions while they are silently undermining the institution of democracy and its legal foundation (Del Real & Menjivar, 2024).

Executive aggrandizement, as a common form of democratic backsliding, takes place when the elected executive slowly undermines and weakens the institutional checks on executive power often through legal channels (Bermeo, 2016). President Erdogan of Turkey serves an example of executive aggrandizement. Erdogan modified and issued a large set of laws and removed approximately three-thousand judges, this way erasing opposing forces and threats to his power, thus stealthily eroding democracy at its very core (Bermeo, 2016).

The “Hungarian model” refers to the ‘special’ kind of democratic backsliding the state of Hungary went through as a formerly consolidated liberal democracy that has reached the level of

being a non-democratic hybrid system (Bozóki & Hegedűs, 2018). A hybrid regime is a subcategory on the continuum from democracy to dictatorship, a distinct subtype of multi-level politics (Bozóki & Hegedűs, 2018). Situated within the European Union as a multi-level institution, the EU serves as a systemic constraint, a supporter and a legitimizer of the regime (Bozóki & Hegedűs, 2018). The Hungarian democracy is severely defected.

2.2 The salience of academic freedom in democracies

Situating academic freedom within a larger picture, indicators measuring freedom of expression, particularly that of academics, are common components of democracy rankings (Kratou & Laakso, 2021). A statistically significant and positive relationship was found between the level of democracy and academic freedom. Thus, it can be stated that “academic freedom is a fundamental norm of democracy” (Kratou and Laakso, 2021, p. 820). This causal relationship is not yet empirically confirmed as empirical research seems to be lacking in this respect, but a positive correlation is present.

Therefore, academic freedom and democracy are closely linked in terms of their mutual enablement within politics and society. To be able to participate in the introduction and implementation of legislation that allows for political competition requires expertise beyond common knowledge. As democratic reforms need to be monitored and adjusted with expertise, evidence-based knowledge is essential both within the political landscape and the broader society (Kratou & Laakso, 2021). This essential expertise and empirical knowledge for the maintenance of healthy democracies are partially supplied by universities; that is why it is of crucial importance to keep academia free of political interference. Universities are just as much impacted by democratic backsliding as any other institution in society. Enyedi considers academic autonomy as not only undermined by the potential political constraints of censorship but also the ‘biased and instrumental use of regulations’ (2018). Censorship becomes unnecessary when an institution loses its teaching license; therefore, the courts must recognize that the executive branch can suppress academic institutions simply by modifying academic certification regulations (Enyedi, 2018).

In summary, the connection between a healthily functioning democracy and the necessity of academic freedom are positively correlated and mutually enabling. However, as the underlying assumption of this thesis goes, the weakening of either will result in a decline in the other generating a self-perpetuating cycle. However, what seems to be missing from academic literature is the

empirical study of the current dynamic of the erosion of academic freedom. More specifically, what processes serve as generalizable predictors of deterioration of academic freedom that is intentionally initiated by the government imposing its own political agenda on higher education, which by its nature shall remain free of political interference.

2.3 Institutional autonomy, autocratic legalism and the deautonomization logic

Institutional autonomy, self-governance, tenure, individual rights and freedoms for academics and students are analytical categories of academic freedom (Appiagyei-Atua, Beiter & Karran, 2015). Academics need to be enabled to fulfill their duties to the larger society through the nurturing of intellectual capital that positively contributes to the upkeep of healthy democracies, and for this to happen, universities need to be self-governing and autonomous on their own right, in other words, free of political interference.

Autonomy is the degree of self-governance required for higher educational institutions to make their own decisions about their academic work, standards, management and associated activities while also respecting academic freedom and human rights (Karran, 2007). Karran examined and comparatively assessed constitutional and legislative protection of academic freedom, the legal regulations concerning institutional governance (2007). For example, in 2007, Hungary was found to have a high level of constitutional protection for freedom of speech and academic freedom. Legislation specified freedom of teaching and research, but did not mention institutional autonomy. According to the findings, Hungary had high levels of constitutional protection across legislations such as academic freedom, protection of university governance, appointment of the rector, and academic tenure (Karran, 2007). In summary, Hungary used to have high levels of legislative protection on academic freedom parameters before Orbán and his party, Fidesz got elected to power enacting democratic backsliding.

Using electoral mandates, constitutional and legal change to serve on the leading party's illiberal agenda, the phenomenon of what Scheppele calls autocratic legalism appears (2018). Building on this, the 'deautonomization logic' refers to the mechanism under democratic backsliding centered around autocratic legalism that is "loosening the bonds of constitutional constraint on executive power through legal reform" (Tomic & Radelić, 2022; Scheppele, 2018, p. 549). The logics of *de jure* and *de facto* autonomies of institutions compete as the former is embedded in the legal and constitutional context, while the latter is related to the normative 'value-

driven operation' of higher education as a sector (Tomic & Radeljic, 2022; Karran & Mallinson, 2019). De facto and de jure autonomies are often not aligned with each other resulting in either legally high autonomy with low actual autonomy, or legally low autonomy but higher actual autonomy, with the former more likely being the case. This political context, when democratic, serves as an enabler, but when this context is illiberal or undemocratic, the context constrains academia.

Tomic and Radeljic examined the case of university autonomy amid democratic backsliding, focusing on the Serbian Minister of Finance (2014–2019) and the University of Belgrade (2022). Components of the study of autonomy in the context of academic freedom (and its erosion) are twofold. The autonomy of the university enabled (or disabled) by the government and the autonomy of academics within the university enabled (or disabled) by the leadership of the academic institution (Traianou, 2015). According to the findings of Tomic and Radeljic, in the case of the University of Belgrade, the deautonomization of a university can occur without major de jure changes, which means without legal or governmental action (2022). Their findings, contradicting their initial assumptions, showed that political capture of institutions can extend beyond public law and reach into private institutional regulations implying a non-coercive instrumental use of political power. This implies that “If it is observed in our case, it would indicate a [University of Belgrade’s] shift towards a politicized *modus operandi*, meaning that the ‘democratic backsliding logic’ transformed the UB autonomy into a function of wider socio-political power relations in Serbia.” (Tomic & Radeljic, 2022, p. 984). This kind of democratic decline appeared in a way that no laws were changed, rather, private needles were moved to politically favor a select few.

The deautonomization logic does not automatically state whether the undermining of institutional autonomy takes place in a de jure or de facto way. Thus, both ways are plausible. This means that deautonomization can happen either with or without any legal changes or constitutional amendments. Even though the case of the University of Belgrade resulted in the finding that no de jure changes were necessary, the reason to still assume that de jure changes are necessary is based on the state of democracy and the separation of powers. Institutional autonomy, a parameter of analyzing academic freedom over time, is therefore a significant factor in any study on the subject matter.

2.4 Populism and polarization

The process through which political elites and the public become divided over ideology and public policy is called polarization (Haggard & Kaufman, 2021). It is pitting ‘them’ against ‘us’ on different issues. In cases, partisan attachments cease to be based on values and issue positions and increasingly start being about underlying identities while political opponents are not only competitors anymore but rather considered an ‘enemy’ or a ‘traitor’ even (Haggard & Kaufman, 2021). The connection between polarization and populism can manifest in the form of a polarized environment as an incentive for party politicians to develop populist strategies (Enyedi, 2016, p. 214).

Conceptualizing populist polarization, Enyedi discussed the negative effects of this dynamic on democracy including the aggressive competition over party politics that goes beyond the adversary elite narratives, the fostering of distrust in public institutions and the ideological distances that favor cultural-ideological differences over policy differences (2016). While not explicitly mentioning the erosion of academic freedom as a cause or outcome of populist polarization and democratic backsliding, Enyedi discussed the governmental intimidation of NGOs and the weakening of human right protections, which are both indirectly related to the issue at hand (2016; 2018).

While democratically backsliding states are on the rise, academic freedom is under attack in many countries across the globe fueled by political polarization (Ginsburg, 2022). Universities and their leaders are frequently targeted by autocrats and dictators who aim to consolidate their power by tearing down actors who question them otherwise, including the freely critical academic institutions that these government leaders see as a threat (Ginsburg, 2022). Emphasizing the importance of academic freedom in an era of misinformation, Ginsburg focused on universities “as places committed for the search of the truth” (2022, p. 240). Seen and polarized as an ‘elite establishment’, populist rhetoric is utilized to strengthen the word of the political leader even if it opposes scientific truth.

To conclude the literature review, there is still conceptual ambiguity around the definition of democratic backsliding and academic freedom, for instance, it is not entirely clear when the erosion of the latter is a cause, symptom or consequence of the former. As it is highly dependent on the geo-political context, there are no grand theories or specific frameworks to explain or

research this dynamic between the two. Due to its nature, the kind of research that would have the potential to provide satisfactory answers to these ambiguities is interdisciplinary (e.g. political, sociological, historical, etc.) that makes it both more complex and interesting.

3. Theoretical framework

To build the theoretical framework for hypothesized causal pathways that will potentially explain the complex processes of academic erosion under democratic backsliding, existing theoretical literature was used. To lay its foundation, Haggard and Kaufman's chapter on the three interrelated causal factors of democratic backsliding was taken including polarization, weaker legislatures leading to weaker democracies, and democratic regress by stealth (2021).

Theoretical concepts such as the deautonomization logic (Tomic & Radelić, 2022; Scheppele, 2018), autocratic legalism (Scheppele, 2018; Del Real & Menjivar, 2024) and executive aggrandizement (that is the dismantling of the constitutional checks and balances by the executive; Bermeo, 2016) were brought into the framework as these concept complement the theoretical outline led by Haggard and Kaufman (2021) by adding nuance to the understanding of democratic backsliding and its ways. To further elaborate on the salience of the issue of the erosion of academic freedom, the causal factors of democratic backsliding were utilized to better understand the underlying dynamics of the case.

3.1 Causal factors of democratic backsliding

The three interrelated causal factors of democratic backsliding, as discussed by Haggard and Kaufman, include polarization, weaker legislatures resulting in weaker democracies, and democratic regress by stealth (2021). In their essay, Haggard and Kaufman took the selected sample of sixteen cases of democratically eroding and reversing countries that were affected by these three causal factors (2021). Countries like Brazil, the United States, Turkey, Poland and Hungary were analyzed over times of backsliding.

Firstly, polarization refers to the phenomenon of the political elites and publics becoming divided on political ideology and issues around public policy. In this case, the foreign nature of the CEU versus the nationals of the country are two polars that are aimed to be divided. The “us versus them” narrative is prominent in extremist and populist politics. Populist narratives put an

emphasis on the victimhood of the ‘people’ as opposed to another undesirable ‘others’ (Roberts, 2021). In the literature review, polarization and populism were already discussed more extensively.

Secondly, the causality of weaker legislatures leading to weaker democracies implies that the success of autocratic control lies with the cooperation of the legislature. “If autocrats succeed in gaining executive office, they also gain access to significant organizational resources that can be used to undermine democratic rule.” (Haggard & Kaufman, p. 32). To consolidate their power, autocratic leaders acquire legislative leverage to politically influence the judiciary. This can happen through the acquisition of majority seats in parliament. Executive misuse of bureaucracy becomes possible under lowered horizontal oversight while corruption gains space of possibility as well. The power is concentrated in the hands of the executive. Overall, the judiciary checks on executive power are weakened and democratic backsliding is in motion in countries such as Hungary. The captured judiciary and curtailed legislature contribute to backsliding significantly. The concept of executive aggrandizement as discussed above in the literature review by Bermeo (2016) supports the theoretical framework of Haggard & Kaufman (2021) well as it contributes to an understanding of democratic backsliding which in turn adds further detail and nuance to the theory on the erosion of academic freedom.

Lastly, ‘democratic regress by stealth’ is the third causal component (Haggard & Kaufman, 2021). A notable instance of incremental stealth is Hungary among other countries like Venezuela, Turkey and even the United States (Haggard & Kaufman, 2021). Democratic backsliding is an incremental process by nature. Whether it takes place in the form of eroding democratic values or as a reversion to authoritarianism, democratic decline does not happen overnight, and there are precursors to it. Besides the harm against the four core features of democracy; loss of press freedom, the capture of the judiciary, the dependence of the electoral authorities on the elected autocrats, and the lessened freedom of civil society; the erosion of academic freedom is one such precursor that signals the decline in democracy. However, it was left out of the democratic necessities by Haggard and Kaufman (2021).

An incrementally eroding democracy results in and self-perpetually stems from the collapse of the separation of powers (Haggard & Kaufman, 2021). The key lines of attack spring from “loosening horizontal constraints, limiting political and civil liberties, and undermining the electoral system” (Haggard & Kaufman, 2021, p. 36). These lines of attack in cooperation with

the legislative majority curtail judiciary oversight contributing to the backsliding. By adding the erosion of academic freedom into this equation, the expected findings include the positive causal relation between democracy and academic freedom, and on the downside, their backsliding and erosion.

This theoretical framework built based on and informed by established academic literature, two intertwining hypothetical explanatory pathways were constructed. The two pathways are converging in the beginning and at the end as their starting conditions and end results are the same points of the whole. Taking the two most likely relevant causal components from the study of Haggard and Kaufman, polarization and weaker legislatures leading to weaker democracies, the two pathways resulted in uniquely designed hypothetical processes with an assumed explanatory leverage on a single-case study of the relocation of the CEU (2021). The reason for not considering the third causal mechanism (i.e. democratic regress by stealth; Haggard & Kaufman, 2018) is that it was deemed more fitting to be discussed within the first pathway as a component of the process. Democratic regress by stealth refers to an incrementally and gradually eroding democracy over time, and even though this thesis concerns a longer period of time, it fell outside of the focus to research the incremental nature of the process.

The two causal pathways used to structure the findings of the thesis are; firstly, the executive capture of the legislature and judiciary, and secondly, populist polarization, both deemed most relevant in the case of the Hungarian government versus the Central European University (Haggard & Kaufman, 2021; Enyedi, 2016 & 2018).

3.2 Explanatory pathways for the process of democratic backsliding to the erosion of academic freedom

As discussed above, this theoretical framework is built in the intertwining studies of democratic backsliding and the erosion of academic freedom. To better understand how a democratically backsliding government with autocratic tendencies starts eroding academic freedom, first, the underlying processes need to be discussed. In this section, two potential explanations are laid out as hypothesized causal mechanisms complementing and contrasting each other. Essentially, both pathways are similar as they stem from the same condition and end in the same result. The findings of the thesis therefore lie in the unentangling of their in-betweens by describing, proving (or

disproving) and contrasting the two hypotheses. It is important to mention that these pathways are novel in the sense that no previous theoretical framework was found that utilized the methodology of process tracing on these specific dynamics. For an overview of the pathways, see *Table 1*.

3.2.1 Executive capture of the legislature (first pathway)

The causal pathway of the executive capture of the legislature and the judiciary is expected to show how a country goes from democratic backsliding to the erosion of academic freedom through the potential explanation of executive capture and executive aggrandizement. On this hypothesized pathway, the expected course of events on a high-level is;

Pathway 1: executive capture of the legislature	
1	Democratic election of an autocrat
2	Appearance of democratic backsliding The collapse of the separation of power and
3	dismantling of constitutional checks and balance
4	The making of constitutional amendments and new regulations
5	Reduction of institutional autonomy of universities
6	Erosion of academic freedom due to a lack of independent legislative oversight

Table 1: Pathway 1: executive capture of the legislature (wordcount: 59 words)

This hypothetical causal pathway starts with the democratic election of a leader with autocratic tendencies (point 1). Democratic backsliding emerges when electoral integrity fails, horizontal accountability diminishes, and when civil liberties are contracting (point 2; Waldner & Lust, 2018). The underlying logic of democratic backsliding is based on the study by Haggard and Kaufman and their three causal mechanisms as discussed above (2021). The weakening of horizontal accountability leads to executive dominance or the collapse of the separation of powers, or in other words, leads to an interference in the checks and balances over the executive branch by the legislative and judiciary branches (point 3). This is different from the practical collapse or complete co-optation of the courts and the parliament and is a driver of the systemic outcome of

the collapse of the separation of powers. Parliamentary inquiries and institutional judicial reviews are weakened, further insulating the executive branch from accountability.

The most important step in this pathway that distinguish this hypothetical explanation of the process is that the autocrats introduce new amendments to the constitution and new regulations that pass more easily without the proper oversight of separate legislation and judiciary as the new amendment is expected to pass without strong opposition within the Parliament therefore weakened necessity to further inquire the initiation (point 4). Therefore, the university's institutional autonomy deteriorates as academia becomes targeted by the populist executive branch, which significantly reduces the university's ability to self-govern and enable the practice of academia free of political interference (point 5).

Finally, these mount into the outcome of the erosion of academic freedom, and therefore, further democratic backsliding based on the idea that academic freedom is a foundational pillar of a healthy democracy (point 6; Kratou & Laakso, 2021). In summary, by capturing the legislature, the executive branch can modify the law without any major obstacles. This is expected to happen through the low resistance of the opposition coalition and studied through the political leaning of the given parties to better understand the voting outcomes. Therefore, by issuing constitutional amendments and regulations, the government can enable or disable institutional autonomy, indirect censorship over speech and academic discourse as well as the labor of foreign researchers and professors. The hypothesis linked to the first pathway therefore is;

(H1) When constitutional reforms on higher education are made by executive-dominant governments under democratic backsliding, the amendments are easier to pass as the constitutional checks and balances are weakened, therefore systematically restricting universities' institutional autonomy resulting in the further erosion of academic freedom.

The phenomenon of a democratic system under backsliding specifies the context, while the erosion of academic freedom specifies the outcome of this power capture. The process of causality is based on the phenomena of the collapse of the separation of powers and the dismantling of constitutional checks and balances. The underlying assumption of this thesis however is that democratic backsliding and the erosion of academic freedom are in a self-perpetuating cycle, even though for the sake of simplicity, empirical research is done in a more linear fashion.

Developed hypothetical causal pathways: erosion of academic freedom		
	Pathway 1: executive capture of the legislative	Pathway 2: populist polarization
Starting condition	Autocrat elected and democratic backsliding is present	
Diverging step 1	Foreign universities overtly framed as a threat to domestic education by the government	Foreign universities overtly framed as "the elite"/ "an elite establishment" by the government
Theoretical background	Democratic regress by stealth (Haggard & Kaufman, 2021)	Populism (Haggard & Kaufman, 2021); Us-versus-them populist narrative (Enyedi, 2016)
Diverging step 2	Government makes new constitutional amendments	Government spreads propaganda to warp public opinion to divert attention from the truth
Theoretical background	Collapse of the separation of powers and dismantled checks and balances (Haggard & Kaufman, 2021); autocratic legalism (Scheppele, 2018; Del Real & Menjivar, 2024); executive aggrandizement (Bermeo, 2016)	Polarization as populist strategy/populist rhetoric (Enyedi, 2016; Enyedi, 2018; Ginsberg, 2022)
Expected outcome of the pathways	University's institutional autonomy is reduced/nullified	Public responsiveness is dependent on the issue salience; if low response/resistance is expected, the salience is also expected to be low
Theoretical background	Deautonomization logic (Tomic & Radeljic, 2022; Scheppele, 2018); De jure vs de facto autonomy (Tomic & Radeljic, 2022; Karran, 2017; Traianaou, 2015)	Public responsiveness to policy and issue salience (Franklin & Wlezien, 1997; Wlezien, 2005)
Overall impact	Erosion of academic freedom	

Table 2: Developed hypothetical causal pathways: erosion of academic freedom (*wordcount: 213 words*)

3.2.2 Populist polarization (second pathway)

The causal pathway of populist polarization in the case of a political extreme, such as the right-wing Hungarian government, is the mechanism through which the executive is dividing the publics on matters like the presence of a foreign university while bending public opinion purposefully to match the sentiment with those in power. This form of power consolidation comes at the cost of

democracy and democratic integrity through the lies of the leaders denying factual/recoded reality. On this hypothesized pathway, the expected course of events on a high-level is;

Pathway 2: populist polarization	
1	Democratic election of an autocrat
2	Appearance of democratic backsliding
3	Academia perceived as an elite establishment by the government
	State-affiliated media is used to cover the real issue with a politicized (and securitized)
4	narrative of a covert story to divert attention from the actual issue
5	Weak public resistance towards the change due to its low perceived political salience
6	Erosion of academic freedom due to a lack of public resistance

Table 3: Pathway 2: populist polarization (*wordcount: 73 words*)

As listed in Table 3, the causal pathway is constructed in high-level steps. Firstly, and similarly to the first pathway, the democratic election of a leader and party with autocratic tendencies takes place (1). Then, the appearance of democratic backsliding, in one form or other, shows decline in the democratic values and integrity under the autocratic leadership of the given country (2). This can happen through the three causal factors discussed by Haggard and Kaufman, in this case (2021). Once the symptoms of this decline become measurable (and appears in academic research), it starts more broadly affecting multiple components of democracy, such as freedom of speech and freedom of academia. However, for an autocratic leadership with right-wing populist tendencies, academia may count as a threat and serve as content for polarization in which academia is essentially reproducing the ‘elite’ (Ginsburg, 2022).

Making a target and creating an enemy out of academia is a common move of populists (3). Using state-owned media channels both analogue and digital, for example, street posters and television, the leading party uses these channels to seize the power of media to spread the narratives that favor them (4). Once they set up their propaganda-like campaigns, the autocratic leaders own the narrative over the us-versus-them and elite establishment polarization strategy (5). By pushing

their populist polarizing campaigns, they hurt democratic integrity as the consolidation of their position of power becomes more important than the truth or the values of democracy, like the fundamental human right of freedom of speech and the right to free academic practice (6). All these steps mount in the erosion of academic freedom under democratic backsliding and result in a self-perpetuating vicious cycle of decline.

Sources of polarization include; “anxieties spurred by economic crises, structural changes induced by economic reforms, greater openness to trade, and skills-based technological change” (Haggard & Kaufman, 2021, p. 30). However, in the case of academic freedom, this causality is not yet clear, and the confirmation of these specific sources are beyond the scope of this thesis, they are important to get a better idea of the bigger and more intricate picture of these political dynamics. To clarify the pathway from democratic backsliding to the erosion of academic freedom through populist polarization, sources like press releases and published parliamentary speeches are expected to serve as supporting or falsifying evidence. The hypothesis linked to the second pathway is therefore;

(H2) When an executive-dominant government succeeds in creating the narrative of a (foreign) university as an elite establishment, then it will be easier for the Parliament to pass new constitutional amendments on higher education as the Parliament receives reduced resistance from both its representatives and the public.

In this chapter, the theoretical framework was built and presented with the two hypothetical pathways and theoretical concepts used. In the next chapter, the research design and methodology are presented and justified.

4. Research design and methodology

4.1 Case selection and case study design

The case of the Central European University was selected as an outstanding example of a forced relocation of a higher educational institution in Central Eastern Europe. The case has been discussed in academic literature (Ignatieff, 2024; Enyedi 2016; Enyedi, 2018; Labanino & Dobbins, 2020 among others). However, similar process tracing studies were not identified when looking for existing literature. Therefore, the selection of this single case study, the theoretical approach

of the wider phenomenon of democratic backsliding and the connections made between the erosion of academic freedom and democratic backsliding applied to this case will assumably yield novel insights both on the plains of academia and policy studies.

Collier's methodological paper serves as the basis for the methodological design of this thesis (2011). A 'fundamental tool of qualitative analysis', process tracing aids the systematization of qualitative inquiries. Process tracing, as defined by Collier "systematic examination of diagnostic evidence selected and analyzed in light of research questions and hypotheses posed by the investigator." (2011, p. 823). It is a helpful framework for the analysis and evaluation of social and political phenomena and related causal claims. Starting with a careful description of what has happened, what has changed in the case at hand, the researcher lays out what is already known. To analyze trajectories of change and causation, the researcher needs to set a clear overview of each of the steps that took place and adequately describe those steps to have a fair chance at analyzing them under the lenses of causal inference.

The analytical strategies by Collier include the referencing of established theories or previous empirical knowledge, the detection of recurring regularities, and the application of causal inference tests (2011). By having written a theoretical framework based on which the findings will be further discussed, the referencing of established theories is completed. Detecting empirical regularities was challenging as this is a single case study during which no other case was taken as to compare it with thus leaving a lack of depth in terms of cross-case analysis. The application of causal inference tests may establish sufficient causal links between factors and detected dynamics, including the 'straw-in-the-wind', the 'hoop', the 'smoking gun', and the 'doubly decisive' tests as developed by Collier (2011). In this thesis, specifically, the hoop test will guide the discussion of the evaluation of hypotheses based on empirical evidence (Collier, 2011; Mahoney, 2012).

An example of Collier's methodology used in an academic study would be Ravazzi's paper on the institutionalization and regulation of deliberative democracy in the Italian Tuscany in which he used the smoking gun tests to conclude that even though diagnostic evidence was not found that pass the given test but his findings were proved to serve a theoretical relevance for further analytical explanation (2017). Even though Ravazzi's paper is not directly relevant to the content of this thesis, it still served as an inspiration to use process tracing and specifically Collier's tests (2017; 2011).

4.2 Method of data collection

To work with the process tracing method, one needs to know the facts and details of the case. Therefore, in the beginning of the findings chapter, a short description of the context was provided for the reader's better understanding (Collier, 2011). Approaching it first from the public's point of view, the key search engine was Google. Using key phrases such as "Lex CEU", "Central European University relocation", and "forced relocation of foreign universities" as search terms proved fairly efficient when it came to the inquiry into the public opinion and salience of this specific political issue. The language of search was primarily English, however, once the search hits were exhaustive enough to see the same patterns across renowned and less well-known online newspapers arising, the language was switched to Hungarian to check the national and local news. This kind of keyword-based searching was iterated in both the Netherlands and Hungary as attempt to mitigate against the search engine's geographical bias.

The data collection reached a more systematic phase when it came to the quest to find official documents on governmental decision-making, its outcomes, and parliamentary reports on voting and discussions. To seize the explanatory power of the operationalized hypotheses, further sources for more quantitative data were selected to support empirical claims more generally. For example, using the V-dem dataset of the Academic Freedom Index enables confirmation or denial of the underlying mechanism concerning the self-perpetuating loop of democratic decline and eroding academia. The official Hungarian Parliament's/National Assembly's website serves as the key source for supporting empirical findings specifically linked to the first pathway. Moreover, to approach the case from a more international point of view, the online sources of the European Commission and the Court of Justice of the European Union were scanned for official documents that would support the case on a supranational level.

An additional note on the data collection is that some of the source material, which was intended to be used for the researching of the CEU's position in this case, disappeared from the Internet on the 22nd June, 2025. Even though the website could be retrieved from Internet archives, the articles that specifically mentioned the Lex CEU seem to be lost.

4.3 Operationalization

The operationalization happened using the theoretical concepts woven into the hypotheses. For the details, see both Table 2 above and Table 4 below.

Operationalization of the causal process			
Pathway 1: executive capture of the legislative		Pathway 2: populist polarization	
Expectation (H1)	When an executive-dominant government has the power to pass new constitutional amendments that face low resistance by oppositions, it can more easily undermine foreign universities' institutional autonomy through the passing of new legislation	Expectation (H2)	When a right-leaning populist government frames an issue in higher education as a political issue, it generates low resistance from the public towards the acceptance of the new amendment
Forms of evidence	Official government websites and documents, parliamentary speeches, reports of the European Commission and CJEU	Forms of evidence	Domestic and international newspaper articles; online websites; official articles; CEU's website and articles
Variable	Legislative procedure of the National Assembly/Parliament	Variable	Political salience of issue among the public
Indicators	Procedure of legislation; timing and context of initiation; voting outcome; political leaning/ideology composition of the National Assembly; left - right	Indicators	Position on national agenda; affected people and people in opposition interest groups versus population size; appearance in newspaper articles; appearance in social media

Table 4: Operationalization of the causal process (*wordcount: 175 words*)

4.4 Method of data analysis

The leading question underlying the inquiry in this thesis was “Was X the cause of Y in case of Z?” (p. 571, Mahoney, 2012). The two causal mechanisms that serve as two competing theoretical explanations of empirical phenomena. The assumption that democratic backsliding and erosion of academic freedom is a self-perpetuating cycle shall be either confirmed or denied as it has laid the foundation for the specific hypotheses studying the given case.

This thesis aims to confirm or deny the causal hypotheses that are grounded in theoretical propositions. For the first hypothesis to be confirmed, I anticipate the initiation of the law amendment on higher education to reflect the executive dominance of the leading political party that supposedly faced less resistance within the Parliament therefore more easily passing the bill and showing signs of autocratic legalism (Scheppele, 2018). For the second hypothesis to be accepted, I expect to observe a lower level of political salience around the new amendment on

higher education that is due to the lower level of public responsiveness to the amendment that is proportionately small within the population (Franklin & Wlezien, 1997).

To test these causal relationships of firstly, how the executive captures the legislative; secondly, how the government's populist polarization technique result would result in the erosion of academic freedom, Collier's process tracing method was used and the hoop test was chosen to evaluate the hypotheses in the end. The hoop test refers to the necessity of certain evidence, namely specific observations of the causal process, to be present for the hypothesis to be potentially confirmed. The hypothesis is eliminated once the hoop test fails; however, if the hoop test succeeds, the hypothesis is still not accepted. Analyzing a temporal sequence of events, such as the procedure from the initiation of the constitutional amendment through the weakening of the legislative and the use of populist techniques to the relocation of an entire higher educational institution happened through the collection of documentary evidence and document analysis that aided the filtering of evidence to be later judged whether it supports or falsifies the hypotheses. This was evaluated in the discussion and conclusion section.

4.5 Methodological limitations, reliability and validity

The reliability of the single-case study design can be challenged at its rigor (Collier, 2011). While in general, single case studies are limited in generalizability, their reliability is bolstered by carefully documented evidence. A coherent chain of empirical evidence, that is a contextual and intertwining sources of data excavated and analyzed, would be necessary for a more rigorous study using process tracing, therefore the lack of certain official sources or method of triangulation reduced the study's reliability (Mahoney, 2012). Due to time constraints and the fact that the studies course of events took place over 5 years ago, the search for interviewees who have potentially lived through the relocation themselves would have reached beyond the scope of this thesis. Therefore, the sole method of data collection was limited to the analysis of documented evidence.

The political and legal dynamics are taken under investigation as means to the end of linking starting conditions and final outcomes of the processes, in this present case, the government's action to reduce institutional autonomy and to curb the public opinion in favor of its own wishes resulting in the eroding freedom of academia. The internal validity of the case is rather high as the hypotheses are theoretically led and strengthened by the systematic testing of two

parallel (and at points intertwining) explanations. However, the external validity of this method remains low as it is limited by design. While the case of the CEU could serve as a critical case within this specific field of study, the insights generated might not serve as the basis of theoretically or empirically transferable knowledge to other cases. These limitations needed to be taken into account despite the intention behind the research inquiry to find evidence of the causal processes behind the self-perpetuating cycle of erosion of academic freedom and democratic backsliding.

To strengthen the reliability of the hoop tests, a variety of independent sources were cross-referenced; however, it did not eliminate the necessity for triangulation of data. The reliability (and replicability) of this study is limited in the sense that the chosen process tracing test could be either eliminated or only partially confirmed, but not entirely accepted. To a certain extent, the hypothesized pathways remain a theory. The validity of the hoop tests depends on the alignment with the theoretical framework. With the hypotheses firmly established based on a literature review and a theoretical framework informed by established literature, the validity of the study remains high. The hoop test is strong in its potential to rule out competing explanations, further enhancing the study's validity.

5. Findings

5.1 Starting conditions

As a starting condition for both pathways, an autocrat was democratically elected and democratic backsliding started as Viktor Orbán, leader of the Fidesz (right-leaning, populist, national conservationist and Eurosceptic party) was elected as the prime minister of Hungary in 2010 after the socialist party leader, former prime minister, Ferenc Gyurcsány. The change in the country's leadership led to a dramatic shift in the attitude towards democracy and resulted in being a prime example of democratic backsliding in the European Union. From 2010 onwards, and with the government with its majority seats delegated to Orbán's Fidesz, the country has experienced an unprecedented decline in democracy. The now illiberal democracy of Hungary is declining even further towards being an autocracy (Ágh, 2015).

What is commonly referred to as "Lex CEU" is the customary reference to a comprehensive amendment to the Hungarian Act CCIV of 2011 on national higher education. (For the original

text of the law amendment, see Appendix D.) Initiated by the government, specifically by the Minister of Justice, the exceptional proposal of a new amendment on higher education was conducted in an exceptional legislative procedure. This nature of being “exceptional” indicates that the amendment had to be passed faster than a normal legislative procedure would dictate (Parlament, 2025, June 19). An exceptional proposal is characterized by a sense of urgency and a higher degree of importance. While the normal legislative procedure takes longer and requires more readings and committee debates, an exceptional procedure implies urgent decision-making, without proper debates and shorter deadlines. The law amendment was signed on the modification of Hungary’s national higher education that eventually restricted the academic freedom of European and other international universities operating in Hungary. The relocation of the institution was authorized on October 25, 2018.

5.2 First pathway: executive capture of the legislature

Executive capture, that is executive dominance, over the legislative process, happened already during the initial stages. As mentioned, the proposal was labeled ‘exceptional’ as defined by the Parlament (2025, June 19). However, this ‘exceptionality’ was left unreasoned as it did not initiate a modification based on an emergency or an urgent security/military matter rather on higher education. According to the magazine, *Vastagbőr*, the initiation of the amendment did not only happen with an unprecedented urgency as an exceptional proposal but during this initiation of modifying a law, Deputy Prime Minister Zsolt Semjén committed forgery of public documents by mis-dating the papers of initiation, which was then reported to the court as an illegal act (2017, May 9). This did not stop the government from proceeding with the amendment that was seemingly already passed without being debated. This raised further concerns around how the legislative process was dominated by the executive, Fidesz, the leading party that takes majority seats in the National Assembly. “Legally sophisticated authoritarians” is how Halmai described the Orbán administration (2017).

Multiple sources mentioned that the Hungarian Parliament missed to consult relevant stakeholders, including the CEU itself, before passing the law amendment (EUR-Lex, 2020, March 5; EUR-Lex, 2020, October 6; 444.hu, 2017, April 5). This was possible for dismantled checks and balances to occur as a warning sign of democratic backsliding, the weakened or lack of legislative and judicial oversight over the executive branch of the government that managed to

pass a new law disregarding the normal procedures of parliamentary decision-making. “The Orbán government quietly changed the rules by which all foreign universities like C.E.U. can operate, allowing Mr. Orbán to frame its treatment as a merely technical decision, rather than an attack on academic freedom.” wrote Kingsley in The New York Times in an article questioning what is beneath the Potemkin facade of democracy in Hungary (2018 Dec. 25; Ágh, 2015; Del Real & Menjivar, 2024). However, as Dr. Hiller highlighted in his speech, the educational quality at the CEU is unquestionably high, the degrees issued by the school are wanted at the labor market, and the university functions in accordance with the law (MSZP, 2017, April 3).

Tracking the voting outcomes on the passing of the amendment, the composition of the voters' seats was considered a key influence towards the outcome. The final outcome added up from 96 yes by Fidesz, 15 yes by Jobbik, 14 yes by KDNP and 3 yes by LMP, while MSZP had 14 no and 14 didn't vote, and only 1 no from LMP and 5 from independent representatives. This amounted to 128 yes, and 20 no, which means the amendment was overwhelmingly voted for with a yes. (For the detailed table of the voting polls, see Appendix B.) However, the composition of the Parliament (or National Assembly) is heavily dominated by the leading political party, Fidesz, which already skewed the voting disproportionately towards a yes. The political leaning of the parliament members who voted with a yes are clearly right-leaning, national conservatives in support of PM Orbán, while for example MSZP (national socialists) were against the decision, with Dr. István Hiller speaking up, still half of them chose not to vote with a no. (For the composition of the parliamentary seats during the passing of the amendment on higher education, see Appendix A.)

An obstacle that arose to the passing of this amendment includes the opposition party's parliamentary representative, Dr. István Hiller's speeches in the Parliament against the 'lex CEU'. The Hungarian Socialist Party (Magyar Szocialista Párt), of which Dr. Hiller is a representative, is one of the parties of opposition against the Fidesz-KDNP ruling majority that essentially single-handedly brought a 'yes' to the passing of the amendment. This politicized issue around the CEU's operation in the country, was not even in the top ten priority issues in matters around higher education, therefore, this initiation of law amendment should not have in theory become an urgent special case that have to acted on immediately (MSZP, 2017 April 3). This “obstacle”, in the person of Dr. Hiller, who pointed out that the leading party's reasoning is weak, polarizing and

was not enough to stop the proceedings of the new amendment, this way showcasing how the Hungarian Parliament with its ruling party Fidesz can pass legislation without any major obstacle neither within nor outside of the parliament.

The Hungarian government has not only violated the foundational principles of democratic states and human rights but officially breached the Charter of the European Union; its own national constitutional laws; the internationally agreed upon human rights of freedom of speech, expression, gathering, movement and labor rights across borders and academia; the international laws of the WTO and the GATS agreement (Venice Commission, 2017, June 23). Furthermore, as the new law amendments on the national higher education act were passed with an extraordinary urgency disregarding parliamentary normal procedures and bypassing the legislative and judiciary checks. CJEU ruling has failed to remedy the harm caused by the Orbán government (Gall, 2020, October 13). The damage was done, and the Court did not have the power alone to restore this damage. The Commission and the Court have been set out to take action against the undemocratic and unlawful proceedings of the Hungarian government, however their failure to act and enforce law and the democratic principles of the European Union has allowed for “interference with judicial and academic freedom among other attacks on democracy” (Gall, 2020, October 13).

The transparency and availability of reports and official documents of the decision-making process can be further debated as essential but challenging parts of the research. Primary sources of transparent government data were either hidden in the bureaucratic online channels of the state that were not straightforward enough or not found altogether, which has brought down the quality and depth of this analysis as the transparency of government procedures were lower than expected. For example, the statistics of the voting outcomes with the detailed list of National Assembly members were hard to find (Parlament, 2025, June 19). Other expected documents, for example, a detailed report on the proceedings of the case was not available, rather the information needed to be excavated from press and media articles.

5.3 Second pathway: populist polarization

In the case of the Central European University, the targeted relocation of a foreign-funded university was an act motivated by political preferences. The covert state propaganda that politicized the question of the quality of education (an issue that in principle should be free of political interference) and made it part of the broader political agenda of attacking the school's

founder, George Soros. Multiple sources pointed out that Soros is Orbán's primary political enemy. The two men's political views clash at points such as migration and open societies. Through the overt and covert attacking of him, Orbán securitized and politicized higher education, in other words, used this university as a political tool, a means to an end to reduce the influence of Soros and his alleged threat on Orbán, his government and the country.

Calling it the "Soros University", the official website of the Hungarian Government published an article titled "The CEU is misleading public opinion" (Website of the Hungarian Government, 2017 April 4). Accused of enjoying privileges that no other universities do in the country, the Website of the Hungarian Government outright denied that the legislation is against the CEU (2017 April 4). Orbán and his government framed this attack on the CEU "as a measure to protect the nation", while it was something that actively jeopardized academic freedom (Stavrevska, 2017, April 20; (Frum, 2017, April 10). Furthermore, they used the exaggerated formulation of: "It is extremely telling that, of the numerous parties affected by the legislative amendment, only the CEU sees it as unacceptable." to divert the attention and responsibility from themselves blaming it on the CEU as well (Website of the Hungarian Government, 2017, April 4). This was a clear polarizing distinction channeled to the public, that "we" have not done anything wrong by trying to protect national higher education from "them" who are clearly wrong not following "our" rules.

This new law generated "a public uproar" among the public who saw this as a deliberately targeted attack on academic freedom by discriminating against the CEU (Ohiare, 2017 May 31). Defending the quality of the Hungarian national education, Orbán identified the CEU as the "Soros University" and said on the national public radio: "enjoyed an unfair advantage over Hungarian Universities and fell short of regulations." (Ohiare, 2017). This shows a stark contrast between the sides of the university and majority of the public versus the government, specifically, its leading party. The public voice loudly supporting the university and openly opposing the government's actions was something unexpected in terms of the hypothetical tracing of the course of action that led to the outcome of the forced relocation of a university violating academic freedom. Protests on the streets of Budapest by the public, students and academic staff on the 9th April 2017. About 70-80 000 people were chanting loud on the streets expressing dissatisfaction with the current state of not only the undemocratic rule of Orbán but also actively challenging the "the

government's attempt to separate the cause of freedom from the cause of the nation in building and illiberal nation state.” (Stavrevska, 2017 April 20).

The increased presence of this issue in both domestic and international media is sufficient to showcase a certain kind of public interest; however, it is not enough to label it as politically salient. An overwhelming majority of English-written articles seemingly unanimously support the stance of the CJEU and the Commission that Hungary has violated the rule of law in the Union at multiple points (EUR-Lex, 2020, March 5; EUR-Lex, 2020, October 6; Bárd, 2020 November 12). Domestic articles showed a division between the projected voice of the government in Fidesz-influenced media channels and the voice of the public in support of the CEU. For example, Eduline, the Hungarian informational and news site commonly consulted by teachers and students, reported on the unlawful proceedings of the government's decisions regarding the CEU.

In their frequent postings, Eduline documented the way the relocation and beyond this way attempting to bring news and reports to the wider public since the government has not done, not in a transparent way but rather in framed as a “political issue” that must be dealt with. Alone in The New York Times, there were 18 articles published against the undemocratic proceedings of the relocation of the CEU in alignment with the public support for the CEU. In The Guardian, this amounts to about 30 articles similarly based on democratic grounds. However, the relatively high coverage of the issue in newspapers and online articles does not signal the level of significance and political salience of the issue. Considering the total number of populations in Hungary, which is about 9.5 million people, with only about 80 000 people protesting on the streets, some of them considered foreign students and staff attending the CEU, the issue may not be titled politically salient enough to mobilize higher levels of public response (Stavrevska, 2017, April 20; Frankling & Wlezien, 1997).

A positive development the case of the CEU has enacted reflects solidarity and collectivism beyond CEU. The use of the #istandwithceu hashtag has also lead to a broadly positive public support of the university across social media platforms such as Instagram and Twitter with a reach to millions of people (Brandlin, 2017 May 29). The happenings have started an outpouring of public conversations initiated by academics, public intellectuals, politicians and communities from around the world on the topics of academic autonomy and democracy. Other universities' staff joined in these conversations standing up for academic freedom and democracy. The leading

public sentiment in the capital of Budapest, however, was a general dissent of this political move with the leading sentiment around the consideration of “the precariousness of teachers and dissatisfactory conditions in Hungarian higher education altogether.” (Stavrevska, 2017 April 20).

5.4 Impact on academic freedom

The Academic Freedom Index indicates that academic freedom in Hungary has been gradually eroding over the past decades (2024). Over chosen years of 2010, 2017 and 2024, namely, in the year of the election of Orbán, the year of exceptional proposal of the ‘Lex CEU’ and the last available year’s statistics that is almost the present moment shows before, during and after the amendment was made. Through five indicators, the Index presents empirically tested results of the areas of: freedom to research and teach; academic exchange and dissemination; institutional autonomy; campus integrity; and academic and cultural expression, with each of the indicators declining over time significantly hitting the lower end of the overall cross-country comparison with the dazzling overall variable scores of 0.70; 0.48 and 0.30 out of 1.00 through the mentioned years. For this thesis, the changing scores of institutional autonomy was especially interesting as it clearly shows a decline. With an already low score of 2.45 (out of 4) in 2010, then 1.48 in 2017, and 0.74 in 2024 is a sharp decline. This statistic supports this thesis in claiming and presenting a sharper erosion of academic freedom over the past years. For the detailed statistics, see Appendix C.

6. Discussion and conclusion

6.1 Discussion

The causal mechanism of democratic regress by stealth was found at play, as the gradual and incremental democratic decline mounted in the drastic outcome of a foreign university’s relocation (Haggard & Kaufman, 2021). The collapse of the separation of powers and dismantled checks and balances were empirically confirmed as the leading political party had the de facto power to pass a legislation without being open to debate and having left the opposition unheard, bypassed (Haggard & Kaufman, 2021). By dominating the decision and leaving out/missing to consult other key stakeholders, the concept of executive aggrandizement presented itself (Bermeo, 2016). The CEU lost its de jure and de facto autonomy by having been attacked with a targeted legislation that had the power to relocate the institution (Tomic & Radelić, 2022; Karran, 2017; Traianaou, 2015).

Autocratic legalism and the deautonomization logic also manifested when the executive-dominant government managed to pass the constitutional amendment without the consultation of key stakeholders and despite the opposition's and public's voices against the decision (Scheppelle, 2018; Del Real & Menjivar, 2024; Tomic & Radeljic, 2022). Opposing the findings of Tomic and Radeljic, the CEU was relocated mainly by the violation of its *de jure* and then *de facto* autonomy, not without *de jure* changes as it happened in the case of the University of Belgrade (2022). Academic autonomy was systematically undermined by the Hungarian government and was a 'biased and instrumental use of regulations' (Enyedi, 2018). Moreover, this issue was not only about institutional autonomy but also about access to knowledge and access to education, the hiring and retainment of foreign professors and researchers who got their visas denied and had their rights to work violated within the European Union.

The denial of their own intentions and a rather silent (missing to have a dialogue with the CEU itself) decision-making went through with a unified front of the majority seats in the National Assembly. A small interest group mobilized itself despite its lack of power in the decision-making, majority of the population remained ambivalent/non-interested or uninformed about the case resulting in yet low public responsiveness due to a low issue salience as it concerns only that relatively small-sized group (Franklin & Wlezien, 1997; Wlezien, 2005). The EU's responsiveness was slow and insufficient, manifesting as a slow bureaucratic process that was incapable of fighting a rising autocrat within its union (Gall, 2020, October 13). Political salience within the national scale remains low, however, with the increasing damage generated by the US President, the political salience of academic freedom in general is increasing as it reaches beyond academia and concerns migration and freedom of movement.

To evaluate the hypotheses based on the hoop test, the first hypothesis has passed as the evidence collected was necessary, however, not sufficient enough of itself to establish this pathway a fact (Collier, 2011; Mahoney, 2012). Due to a lack of a multi-methodological approach, the analysis lacked the necessary dimensions and metrics to result in stronger findings and discussion. The second hypothesis has also passed the hoop test having collected the necessary evidence to provide a sense of populist polarization explaining the phenomenon, even though the government did not create new propaganda around this decision, they built into their existing populist rhetoric

then denied their intentions. However, the evidence was not sufficient to create a standing theory of it.

Looking at both hypothetical pathways parallelly, they might complement each other cross-explanatorily. For example, the present but left unconsidered resistance against the proposal was observed within each pathway. The empirical evidence shows that the emerging lawful resistance (within and outside of the Parliament) towards this initiation was not to be heard among the National Assembly's majority seats. For example, the opposition party politician, Dr. Hiller's speeches aiming to explain why this amendment was wrong at multiple points, was left unheard by the leading political party. Similarly, 80 000 street protesters in Budapest were left unheard by the government, even though they were the most impacted by the changes. This shows that even though an issue is only considered salient among a select group of people, the ones most affected whose response is strong, still, the executive-dominant government had the power to proceed with their own initiative despite the public uproar. This lack of negotiation and misunderstanding of the whole picture signals the lack of democratic processes within the Hungarian government. This case has started conversations around academic freedom internationally with many wildly defending the CEU, still, the university was removed from the country violating multiple laws, principles and values of the EU, the WTO (GATS) as well as its own domestic accountability (Scholars at Risk, n.d.).

6.2 Conclusion and answering the research question

In this last section a summary of the answer for the research question is provided: *How can the processes of the executive capture of the legislature, and populist polarization explain the erosion of academic freedom under democratic backsliding in Hungary?* Overall, the first pathway, the case when the executive branch captures the legislative, is more likely to explain the self-perpetuating cycle of the erosion of academic freedom under democratic backsliding based on the single-case study of the forced relocation of the Central European University.

The pathways, however, got entangled and essentially aided each other while explaining the phenomena. As the evidence showed, the causal process following the path of the collapse of the separation of powers enables the executive branch to capture the other independent branches of power, meaning as an executive-dominant country, they can more easily pass new legislations stable in their power that even if they are questioned by their political opposition or the public,

they can still confidently proceed. Dismantled checks and balances resulted in the targeted political attack on a higher educational institution by reducing its autonomy to the level on which law disables its functioning proves the erosion of academic freedom in a right-leaning populist undemocratic state like Hungary. Populist polarization even though was not highly used to create an utterly new narrative; it was utilized as a tool to defend their decision and divert the attention to what is essentially national security and the safeguarding of national higher education.

In conclusion, while the Academic Freedom Index shows a steady decline in all of the measured indicators of academic freedom, it is now also qualitatively proven that institutional autonomy of higher educational institutions is increasingly being politicized and securitized (2024). With this thesis, the knowledge base of the self-perpetuating cycle of democratic backsliding and erosion of academic freedom was made richer by adding new explanations to the processes of how a right-leaning executive government can bypass legislative checks and balances and use polarization tactics to distract the publics from the real issue. Having written this thesis, I have participated in the conversation on academic freedom, a democratic value more and more important as autocrats are on the rise.

6.3 Limitations

The limitations of the overall thesis paper lie majorly in the scale and scope of the research. This means that researching a single case study proved rather insightful to gain an in-depth understanding of a specific case and scenario of what had happened in a given period of time with a definitive end. This enabled the approach to the case knowing the case is not changing anymore, however on the other hand, it would have been even more valuable to trace the repercussions more precisely. Even though the present was considered in the process as the outcome of the processes are present as these lines are written, it would have given more depth to the analysis to expand the window of time and inquire more precisely.

In summary, this single case study would have gained more depth was it not for time constraints. A process tracing-based research design can be applied to higher scale and broader scope cases even in cross-comparisons and multi-case studies. Studying the erosion of academic freedom under democratic backsliding proved to be valuable research that adds to contemporary conversations and a deeper understanding of the current issues around academic freedom, freedom of speech, thought and expression showing how history has already repeated itself and how to not fall into the same trap and mistakes of the past.

6.4 Recommendations

Practical policy recommendations include the following. Promoting constitutional safeguards that prevent unilateral decision-making so that the executive (that is the leading political party) cannot make decisions without the proper consultation of all relevant stakeholders. Establishing a politically independent committee outside of the National Assembly to oversee the legislative process may help to maintain checks and balances and aid democratic decision-making within Parliament. Secondly, defining the exact meaning of “exceptional proposal” with clear boundaries around what exactly an “exceptional” case means. For example, military and/or security and health threatening cases where immediate governmental interference is needed. This was the legal definition of “exceptional proposal” cannot be used based on the political whims on the leading party nor its politicized or securitized initiatives on matters like higher education which is by nature shall remain free of political interference.

A key recommendation for further academic research includes the in-depth studying of the erosion of academic freedom but from a securitization perspective in which case higher education and universities are attacked to suppress dissent and critical thought, two invaluable knowledge pillars of democracies. This might take form in normative research on the populist rhetoric or the processes of how a country reaches lower levels of academic freedom through the deautonomization logic (Haggard & Kaufman, 2021; Tomic & Radelić, 2022). This securitization perspective was the initial inspiration for researching this cycle of democratic backsliding and erosion of academic freedom.

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Appendix A

Parliamentary representatives: 2014-2018

Parties / coalitions	Total number of representatives	Mandates %	Notes on roles
FIDESZ-KDNP	133	66.83%	<i>Leading political party with PM Orbán</i>
MSZP-EGYÜTT-DK-PM-MLP	38	19.10%	<i>Opposition coalition</i>
JOBBIK	23	11.56%	
LMP	5	2.51%	
Total: 199		100%	

Table source: Valasztas.hu. (2014). *Országgyűlési képviselők választása - 2014. április. 6: Az országgyűlés összetétele*. <https://static.valasztas.hu/dyn/pv14/szavossz/hu/l50.html>

Appendix B

Parliamentary voting polls: Hungarian Act CCIV of 2011 on national higher education

Fraction	Yes	No	Yes, from distance	Abstained	Didn't vote	Total
Fidesz	96	0	12	0	6	114
MSZP	0	14	0	0	14	28
Jobbik	15	0	2	0	7	24
KDNP	14	0	3	0	0	17
LMP	3	1	1	0	1	6
Independent	0	5	0	0	5	10
Total	128	20	18	0	33	199
Total %	64.32%	10.05%	9.05%	0.00%	16.58%	100.00%

Table source:

Parlament. (2025, June 19). *Iromány adatai 2014-2018 - T/17819: A nemzeti felsőoktatásról szóló 2011. évi CCIV. törvény és a nemzeti felsőoktatásról szóló 2011. évi CCIV. törvény módosításáról szóló 2017. évi XXV. törvény módosításáról.* https://www.parlament.hu/web/guest/aktiv-kepviseloi-nevsor?p_p_id=hu_parlament cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8&p_p_lifecycle=1&p_p_state=normal&p_p_mode=view&p_auth=ivzl6yAR&_hu_parlament cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8_pairAction=%2Finternet%2Fcplsql%2Fogy_iron.irom_adat%3Fp_ckl%3D40%26p_izon%3D17819

Appendix C

Academic Freedom Index in Hungary

	2010	2017	2024
Overall Academic Freedom Index	0.70	0.48	0.30
Freedom to research and teach	2.73	1.96	1.66
Academic exchange and dissemination	2.57	2.29	2.02
Institutional autonomy	2.45	1.48	0.74
Campus integrity	3.20	3.01	2.58
Academic and cultural expression	3.64	2.88	1.79

Table source: Academic Freedom Index. (2024). *Academic Freedom Index: Hungary*.
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Appendix D

Original text of 2017 law amendment on national higher education (directly quoted from: Wolters, 2017)

2017. évi XXV. törvény a nemzeti felsőoktatásról szóló 2011. évi CCIV. törvény módosításáról
2018. § A nemzeti felsőoktatásról szóló 2011. évi CCIV. törvény (a továbbiakban: Nftv.) 9. §-a a
következő (2a) és (2b) bekezdéssel egészül ki:

„(2a) A felsőoktatási intézmény elnevezésének más felsőoktatási intézmény elnevezésétől egyértelműen különböznie kell. A felsőoktatási intézmény elnevezése nem lehet megtévesztő, nem kelthet az intézményre, annak tevékenységére vonatkozó hamis látszatot. Megtévesztőnek, illetve összetéveszthetőnek minősül a felsőoktatási intézmény elnevezése, ha annak magyar vagy idegen nyelven történő megnevezése és valamely más, az oktatási hivatalnál nyilvántartásba vett felsőoktatási intézmény elnevezése megegyezik. A felsőoktatási intézményt élő személyről elnevezni nem lehet. A történelem kiemelkedő személyiségeinek nevét a Magyar Tudományos Akadémia engedélyével, továbbá olyan nevet, amelyhez másnak jogi érdeke fűződik, csak a jogosult hozzájárulásával lehet a felsőoktatási intézmény nevében feltüntetni.

(2b) A felsőoktatási intézmény idegen nyelvű elnevezésének tartalmilag egyeznie kell a magyar nyelvű elnevezéssel. Két vagy több azonos nevű felsőoktatási intézmény esetén a név viselésének joga azt a felsőoktatási intézményt illeti meg, amelyik fenntartója a nyilvántartásba vételi kérelmet elsőként nyújtotta be.”

2. § (1) Az Nftv. 76. § (1) bekezdése helyébe a következő rendelkezés lép:

„(1) Magyarország területén külföldi felsőoktatási intézmény akkor folytathat oklevelet adó
képzési tevékenységet, ha

a) magyarországi működésének elvi támogatásáról szóló, Magyarország Kormánya és a külföldi felsőoktatási intézmény székhelye szerinti állam Kormánya által kötött – föderatív állam esetében, amennyiben a nemzetközi szerződés kötelező hatályának elismerésére nem a központi kormányzat jogosult, annak központi kormányzatával létrejött előzetes megállapodáson alapuló – nemzetközi szerződés kötelező hatályát a szerződő felek elismerték,

b) a székhelye szerinti országban működő, és ott ténylegesen felsőoktatási képzést folytató államilag elismert felsőoktatási intézménynek minősül,

c) az általa Magyarország területén folytatni kívánt képzés és az arra tekintettel kiállított oklevél államilag elismert felsőoktatási fokozatot adó képzésnek minősül és

d) működését az oktatási hivatal engedélyezte.”

(2) Az Nftv. 76. §-a a következő (1a) bekezdéssel egészül ki:

„(1a) Az (1) bekezdés szerinti felsőoktatási intézmény tekintetében – a történelem kiemelkedő személyiségeivel kapcsolatos névhasználati szabály kivételével – alkalmazni kell a 9. § (2a) és (2b) bekezdése szerinti szabályokat is azzal, hogy a felsőoktatási intézmény elnevezése sem az 1. melléklet szerinti, sem Magyarországon képzési tevékenységet folytató külföldi felsőoktatási intézménnyel nem lehet összetéveszthető.”

(3) Az Nftv. 76. § (2) és (3) bekezdése helyébe a következő rendelkezések lépnek:

„(2) A működési engedély megtagadható a származási országbeli vagy más, az ESG-nek megfelelő felsőoktatási akkreditációs szervezet szakvéleménye alapján. A szakvélemény nyilatkozik a képzés személyi és tárgyi feltételeiről, a képzés minőségéről.

(3) A működési engedély megtagadható, ha a külföldi oklevél végzettségi szintjének a magyarországi elismerésére nincs lehetőség. Ha a más államban székhellyel rendelkező felsőoktatási intézmény által kibocsátott külföldi oklevél végzettségi szintjének magyarországi elismerésére nincs lehetőség, akkor erre az intézménynek egyértelműen és igazolhatóan fel kell hívni a képzésre jelentkező figyelmét, amelynek teljesülését az oktatási hivatal ellenőrzi.”

(4) Az Nftv. 76. §-a a következő (5a) és (5b) bekezdéssel egészül ki:

„(5a) A működési engedéllyel rendelkező külföldi felsőoktatási intézményt az oktatási hivatal nyilvántartásba veszi. A működési engedélyt az oktatási hivatalnak legalább ötévente felül kell vizsgálnia. Az oktatási hivatal a működési engedélyre vonatkozó határozatát visszavonja, ha a külföldi felsőoktatási intézmény, vagy a képzés az (1) bekezdés a)–c) pontjában, a (2) és a (3) bekezdésben meghatározott feltételeknek utóbb nem felel meg.

(5b) A külföldi felsőoktatási intézmények működése felett a miniszter gyakorolja a 65. és 66. §-ban meghatározott jogkörét.”

(5) Az Nftv. 76. § (6) bekezdése helyébe a következő rendelkezés lép:

„(6) Az (1) bekezdésben megjelölt, külföldi oklevelet kibocsátó felsőoktatási intézmény törvényességi ellenőrzésére vonatkozó rendelkezéseket törvényben kihirdetett nemzetközi szerződés eltérő rendelkezésének hiányában kell alkalmazni.”

3. § Az Nftv. 77. § (2) bekezdése helyébe a következő rendelkezés lép:

„(2) A más EGT-államban székhellyel rendelkező felsőoktatási intézmény magyarországi működésére a 76. § (1) bekezdés a) pontjában foglaltakat nem kell alkalmazni, továbbá a működésének megkezdéséhez szükséges engedély kiadása a 76. § (3) bekezdésében meghatározott egyenértékűségi feltétel alapján nem tagadható meg.”

4. § (1) Az Nftv. 115. § (7) bekezdése helyébe a következő rendelkezés lép:

„(7) E törvénynek – a nemzeti felsőoktatásról szóló 2011. évi CCIV. törvény módosításáról szóló 2017. évi XXV. törvénnyel (a továbbiakban: Módtv2.) megállapított – 9. § (2a) és (2b) bekezdésében, 76. § (1) és (1a) bekezdésében meghatározott feltételeket – föderatív állam esetében annak központi kormányzatával létrejött előzetes megállapodás kivételével – a 2017. szeptember 1-jén magyarországi működési engedéllyel rendelkező külföldi felsőoktatási intézménynek 2018. január 1-jéig kell teljesíteni. Föderatív állam esetén az ennek alapjául szolgáló előzetes megállapodást a Módtv2. hatálybalépését követő hat hónapon belül kell megkötni. A feltételeket nem teljesítő külföldi felsőoktatási intézmény működési engedélyét az oktatási hivatal visszavonja és 2018. január 1-jét követően a külföldi felsőoktatási intézmény magyarországi képzésének első évfolyamára hallgató nem vehető fel azzal, hogy a 2018. január 1-jén már megkezdett magyarországi képzések változatlan feltételek mellett kifutó rendszerben – de legfeljebb a 2020/2021-es tanévben – fejezhetők be.”

(2) Az Nftv. 115. §-a a következő (8) bekezdéssel egészül ki:

„(8) E törvénynek – a Módtv2-vel megállapított – 77. § (4) bekezdésében foglaltakat első alkalommal a 2018/2019. tanévben indított képzések tekintetében kell alkalmazni, azzal, hogy a

már megkezdett képzések változatlan feltételek mellett kifutó rendszerben – de legfeljebb a 2020/2021-es tanévben – fejezhetők be.”

5. § Az Nftv. 117. § (4) bekezdés helyébe a következő bekezdés lép:

„(4) A 2005. évi felsőoktatási törvény 106. § (7) bekezdése alapján nyilvántartásba vett képzéseket, valamint az azokra vonatkozó, az információs rendszer által kezelt adatokat az oktatási hivatal a képzés kifutó rendszerű befejezésével, de legkésőbb a 2020/2021. tanév végén törli a nyilvántartásából, és kezdeményezi a felsőoktatási információs rendszerből való törlést, feltéve, hogy e képzések nem felelnek meg a 77. § (4) bekezdésben meghatározott feltételeknek.”

6. § Az Nftv. 77. § (3) bekezdésében a „76. § (1) bekezdésben” szövegrész helyébe a „76. § (1) bekezdés b) és c) pontjában” szöveg lép.

7. § Hatályát veszti az Nftv.

a) 77. § (4) bekezdésében az „, illetve a Gazdasági Együttműködési és Fejlesztési Szervezetről (OECD)” szövegrész,

b) 104. § (7) bekezdés ba) pontja.

8. § (1) Ez a törvény – a (2)–(3) bekezdésben foglalt kivétellel – a kihirdetését követő napon lép hatályba.

(2) A 2. § (3), (4), (5) bekezdése, a 3. §, a 4. § (2) bekezdése, az 5–6. § és a 7. § a) pontja 2017. szeptember 1-jén lép hatályba.

(3) A 7. § b) pontja 2017. december 31-én lép hatályba.