



Protests against the Lex CEU in Budapest in spring 2017: the slogan reads "new regime change, European democracy!"

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## Slow-cooking Academia 'à la Polonaise': On the State of Academic Freedom in Poland

Marta Bucholc

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The 'Lex CEU' and the heavy anti-EU and anti-Soros campaigns that accompanied this legislative move against the Central European University (CEU) in Budapest in the spring of 2017 caused a major stir among both academics and European politicians. But what were its reverberations in the region? This special issue (FOCUS) of the state of academic freedom, civil society and liberal values in the countries that came out of communist dictatorships more than 25 years ago and to place the Hungarian 'Lex CEU' in a broader regional, historical and conceptual context. The present article reflects on the state of academic freedom in Poland.

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## Slow-cooking Academia 'à la Polonaise': On the State of Academic Freedom in Poland

Among the many idealistic reveries floating throughout Eastern and Central Europe there is one about a university. This place, crowded with highly motivated students learning zealously and professors teaching with ardour and producing excellent scholarship, would prove to the world at large what Central Europeans already know: that we belong, count and matter. Unfortunately, the world tends to rate academic excellence in terms that make it very hard for us to really belong, whether in teaching or in research capacities. Our universities are local, they foster only mediocre achievements, and the elites produced have only a limited reach. Those who do excel provide material for the brain-drain suction from the West.

In this somewhat depressing (and somewhat exaggerated) landscape of regional higher education, the Central European University (CEU) was indeed, as Frans Timmermans put it, ["a pearl in the crown of post-divided, free and whole Europe"](#).<sup>\*</sup> It was acclaimed as one of the "global universities", an institution "shaping the sense of rights and responsibilities in a world where obligations and expectations beyond nation-states anticipate a new kind of citizenship".<sup>[1]</sup> The CEU was a regional success story: a high-ranking, internationally recognized, efficiently run institution based, at least in part, on local human capital. Of course, it requires a degree of naivety to take a general sense of optimism from this example. The CEU does not have to cope with the same financial and regulatory issues as other higher education institutions in the region, but it would be simplistic to reduce the uniqueness and merit of the CEU to the absence of such difficulties. The CEU is not representative of Eastern and Central European academia, but it has otherwise increased the attractive force of the region; a place with influence, reaching far out into the globalized world.

This global profile of the CEU is probably the main source of its current problems. In 2015, Michael D. Kennedy described it as:

[M]anifestly global and without particular definition by its Hungarian surroundings. Its language of instruction is English, its faculty and student body are only minimally Hungarian, and its mission is increasingly global in its wish to bring knowledge to bear on the challenges facing the philosophy and practice of open societies in the world, not only in the post-communist region. At the same time, CEU's location within Hungary and the European Union means that it must face the particular rules and regulations of institutions in that environment.<sup>[2]</sup>

With these words, Kennedy reveals the tension between local belonging and "global consequentiality". This distinction was never extinguished in Hungary nor in any other country of the region, whether interpreted along biblical lines *nemo propheta in patria sua* (no man is a prophet in his own land) or as a sample of postcolonial identity issue. It is very difficult to be 'global' and 'Hungarian' at the same time. It is equally difficult to accommodate the success story of a global institution that has little real connection to Hungary from the perspective of a Hungarian narrative.

The CEU case is an indicator of a narrative shift in many Eastern and Central European countries. What

used to feature heavily in the stories of the past is now devalued, and what had heretofore been a marginalized part of collective memory has moved to the fore. Thus, instead of an outstanding university of global standing – an exception to be proud of – the CEU suddenly became an unwanted and unduly privileged foreign body in Hungarian academia. The CEU was called to order by a region hostile to globalism, international interdependencies and uncontrolled foreign networking. 'Lex CEU' was justified to the public as a move towards achieving greater equality between higher education institutions and creating justice and fairness in the educational market, so that rights of local nationals would no longer be infringed upon. Thus, it was styled as the restorative and restitutive action of a government priding itself on its strong moral commitment.

There is a common core to many similar tales currently told in Eastern and Central Europe; the restoration of any wrongdoing can be found in so many places. In the case of Viktor Orbán's government, higher education was the focal point of its restorative endeavours. Frankly, nothing less could be expected in the homeland of Karl Mannheim: no free-floating intelligentsia is desirable under a nationalist regime, because nationalism is essentially a doctrine of the total anchorage of all thinking, and Mannheim insisted that the free-floating intelligentsia is manufactured at university.<sup>[3]</sup> In the process of methodically dismantling academic freedom in Hungary the CEU was left for last; it could not by any means have been left in peace.

So the question arises: what message does the CEU example send to the academics in other countries of the region? If the narrative in which the 'Lex CEU' is framed is linked to a nationalist revision of post-communist transformation and European integration, then it is reasonable to expect a similar course of action by governments of a similar persuasion. Free-floating intelligentsia, with its cosmopolitan tendencies, is a threat to any government challenging the ideals of open society in the name of an exclusive communality that is based on essentialist collective identity claims. Nevertheless – honouring a long-standing proverbial affinity between the two nations – if we look at Poland there is no evidence for a simple repetition of the Hungarian scenario. Instead of Orbán's frontal offensive, the government of Prawo i Sprawiedliwość (Law and Justice, PiS) – a conservative nationalist party that has been in power since the fall of 2015 – uses a tactic when it comes to academia which I like to call "slow-cooking". Picture the parable of the boiling frog: alive, dangling above boiling water, if suddenly dropped into the pot, it would feel the heat and jump out to freedom immediately. But Polish academia is being warmed into submission, the water is being heated, gradually, to a boiling point. Unaware, the coming danger registers as mild discontent at best; some may even enjoy the warmth.

## A Law of Many Speeds

The pace of legislative action adopted by PiS has already become either legendary or notorious. To name but one instance: the takeover of control in the Constitutional Tribunal, accomplished by PiS in less than 14 months, involved passing five new bills, having them signed by the president, published and entered into force. Most of the parliamentary votes in question were conducted late at night, some of them around Christmas and the New Year. The president, the cabinet and the others followed suit: "Monday begins on Saturday!" seemed to have once again become the motto of the day.

This initial zeal has turned towards hallmark reforms which PiS had promised on its way to power, most of which consisted of undoing previous laws. These acts were committed under the banner of what was christened the "Good Change" (which is, alas, not always a change for the good). The trio of parliament, government, and the president, acting in unprecedented harmony up until July 2017, managed to, among

other things: eliminate middle high schools for teenagers between 13 and 16 years of age with a bill that was introduced in 1999; revoke the previous government's changes to the pension age – back to 60 for women and 65 for men (instead of 67); liquidate open pension funds, in the system since 1999; introduce a general child support allowance and thoroughly reorganize the work of the justice ministry, state attorneys and courts<sup>[4]</sup>. All these amendments were prepared, conducted and, to a large extent, implemented at a pace uncanny in democratic decision-making.

It is hardly a wonder, then, that academia also expected a move against it. Such morose foreboding seemed justified insofar as the members of newly elected PiS government opted for a scientific policy aligned with the idea of national renewal. The Minister of Science and Higher Education, Jarosław Gowin was personally responsible for carrying out this policy. Born in 1961, Gowin was a former minister of justice in the cabinet of Donald Tusk and a former member of Tusk's party Platforma Obywatelska (PO). He is also a prolific author with a doctorate in political science and has a considerable organizational record in higher education. Gowin holds firm views on what is and what is not "good science", views which reflect, primarily, his Roman Catholic worldview. Gowin prides himself on his affinity with the Polish Catholic priest and philosopher, the first chaplain of Solidarność, Józef Tischner (1931–2000), who is frequently referred to as a paragon of open-mindedness for a man of the church. Nevertheless, in Gowin's case, the reverence for Tischner is accompanied by a less than liberal turn of mind, which in all probability led to his parting ways with Tusk.

Gowin, together with Minister of Culture and National Heritage Piotr Gliński, a prominent sociologist, were entrusted with two crucial sectors from the point of view of PiS memory politics. Conservative nationalists are usually keen managers of collective memory, and PiS had made it its mission to reshape the memories of Poles by reinstating truth and justice, and getting rid of lies and iniquities. In 2015 Gowin and Gliński were confidently expected to play main roles in the process (while the equally strategic ministry of education would focus on the reform of the school system). The minister of culture began work on reversing the allegedly damaging effects of the former cultural policy. He stressed the necessity for a publicly financed culture to reflect national values, and put his words into deeds, which earned him a lot of censure. This included [an open letter](#) from some of the leading members of Polish Sociological Association, whose president he had been from 2005–2011.

While Piotr Gliński had been actively pursuing the party agenda on culture, comparatively little happened in science and higher education. Jarosław Gowin declared early on that in scientific research had long held an undue bias against national values. The correction, as usual, took the form of a restitutive counter-swing, the first movement of which was reassessment of the pool of 2015 of research proposals that were to be financed directly by the ministry under the "National Program of Development in Humanities". Significant changes also came about in the funding of scientific journals for the year 2015; significant because they were remarked upon as a sign of an overtly ideology-driven policy, predicted by some to be the tip of the iceberg<sup>[5]</sup>. Although a lot of importance is attached to competition in ministry funding, these monies only account for a small part of overall research expenditures in Poland and cover a very small percentage of the expenses of scientific institutions. Surely, the minister's actions were not intended to be "the Reform" of science, it must have been a prelude to yet another act of the good change.

And so academia waited, some with hope, but most in awe, but nothing dramatic happened. It is true that the ministry programs were heavily reprioritized to focus on Polish heritage and tradition as defined by the new government. It is certainly unusual for a minister of science to openly discard certain fields of scientific research, as Jarosław Gowin did in November 2015 when he objected to funding, as he put it,

“some gay or lesbian journals” from the state budget.<sup>[6]</sup> In January 2016 [he moved on to describe](#) gay, lesbian and (by implication) gender studies as an example of ‘pseudo-science’ which replaced the scientific Marxism once imposed by the socialist authorities.

These declarations of what exactly constitutes a valuable scientific contribution were a source of worry for many, even though the minister more than once [expressed his firm belief in university autonomy](#). The main granting institution in Poland is the National Science Centre in Kraków, it awards research funding by open competition based on anonymous peer-reviews. The centre was established in 2010, when Donald Tusk was prime minister, and it is sometimes perceived to be a core institution of the neoliberal regime in the bureaucratic management of science. In this context, it is worthwhile to notice that the centre did not significantly alter its ways after the 2015 elections and its director, Zbigniew Błocki, nominated by the PO government, has not been replaced. Of course, this does not exclude the possibility that this part of the Polish system could be governmentally manipulated. However, at the present time there are only a few signs of it happening.

The government of Poland, and the governing party, do not refrain from making declarations about far-reaching projects for renewal of Polish science. For example: in spring 2016, PiS leader Jarosław Kaczyński remarked on the need for an [‘Institute for the Freedom of Science’](#) to be founded in order to deal with pathologies in science before and after 1989. While this may just be part of the usual hyperbole that Poles have become used to in recent years, words do matter. They heat up the general atmosphere, both in the academic world and in the public discourse. While there may not be any immediate changes to the fields of science and higher education, everyone is waiting for something to happen. Returning to the metaphor of the boiling frog, the PiS government is quite skilful in slowly raising the temperature around academia; the prospect of a major change to the status quo remains obscure, making it all the more paralysing. Indeed, something is definitely in the making. Under the catchy name “Ustawa 2.0” (Law 2.0) minister Jarosław Gowin put forward an idea for a new Act on Higher Education, the final draft of which will be revealed on 19-20 September 2017 during the National Congress of Science in Kraków. The fact that the basic tenets of the draft law have been prepared by three separate teams of experts, which included renowned specialists in law and higher education, could probably reduce the angst, had the ministry not announced that it will prepare the final draft itself and that it will not be held back by the experts’ opinions.<sup>[7]</sup>

Ministerial statements regarding the contents of the reform may seem puzzling unless read carefully. On the one hand, the ministry declares its interest in supporting research that pertains to Polish national heritage and prioritizes the areas of research related to it, which it deems to have been largely underfunded under the previous governments. On the other hand, the minister stresses the need to make Polish science more competitive, to enhance its international standing and to prevent it from falling behind in the global competition. Indeed, [in some interviews](#), the minister sounds like a manager stressing the need for measurable excellency in academia to be achieved by making administration more efficient and by forcing academics to cooperate more actively with businesses and society. There are good reasons, however, to expect that this quasi-liberal deregulation would not lead to a substantial reduction of state control, but the rhetoric does not dwell on that point. What it does insist upon is that “more than anything else, the universities should be afraid of preserving the status quo”. Again, the PiS government appears first and foremost as an agent of change.

The main ideas of the reform were summarized in a [letter sent by the minister directly to Polish academics on 5 July 2017](#).<sup>[8]</sup> Jarosław Gowin began his address by pointing to the unprecedented atmosphere of dialogue in which the “Constitution of Polish Science” is being born. Taking into account



the notorious air of nonchalance held by the PiS majority regarding constitutional concerns any reference to a constitution may seem somewhat inopportune. Still, a new constitution of science means a new legal foundation, which makes this reform “different than all others”. In the letter, the minister reassuringly refers to international organizations and standards, and promises some concrete changes, particularly in the sensitive areas of doctoral studies and degree proceedings. Last but not least, it promises an additional billion Polish zloties for science in the upcoming budget. The letter emanates confidence and respect for the addressees, and conveys a message of stability and good housekeeping together with a promise for the continuation of dialogue after the new law has been put on the table; it also includes assurances that the implementation of the reform will be anything but hasty.

Ironically, the letter was received days before the nationwide wave of protests against judicial reform began in July and August 2017. The protests, which received extensive domestic and foreign media coverage, were followed by a conflict between the president and the cabinet, a conflict in which Gowin himself took a somewhat ambivalent stance. In the lead-up to the much anticipated new law, coming very soon, expectations are raised, both on the Right and the Left. Although, predictably, the final reform will not be radical enough to satisfy all PiS supporters, it will surely be less radical than is feared by PiS opponents. The anticipated announcement of Law 2.0 is bound to be anticlimactic, especially after the ongoing debate surrounding judiciary reform, which is being fuelled by recent interventions by the EU. Given these latest developments, as well as the relatively limited attention span of the general public both at home and abroad, the science and higher education reform is likely to be overlooked. But whatever comes, this reform will probably deprive Polish academia of its precariously small mobilization potential.

## Hard-boiled Autonomy

The situation currently faced by many Hungarian universities, the case of the ‘Lex CEU’, and the recent Hungarian legislation on NGOs has sufficiently demonstrated what a coup on academic freedom and autonomy might look like. However, Polish academic institutions reacted to this situation much as usual: a precious few institutions issued official statements, and many individuals, including many renowned historians and social scientists, offered their signatures in support. The University of Warsaw released [a statement](#) together with four other universities in the [CENTRAL network](#), supporting a previous letter in defence of the CEU by one of the network partners, Eötvös Loránd University in Budapest. Such collective authorship endowed the joint declaration with a surplus of international glamour, but also reduced the effect of individual agency.

In Poland, the tenor of the public addresses issued in the CEU case – if we go beyond decoding the generally supportive message – were not mainly about academic freedom, autonomy, or the limits of state control over science and higher education. Instead, what was fondly recalled was the CEU’s excellence, its unique position in Europe, and its close links such as to the Institute of Philosophy and Sociology of the Polish Academy of Sciences. It makes one wonder whether anyone in Poland, or for that matter in the world, would care if the CEU was just an average Hungarian university, teaching ordinary Hungarian students. In such a counterfactual scenario the legislative action taken against such a university would be equally outrageous, though less comprehensible. I believe that very few words of support would be coming from Poland in that case.

Polish academics are not experienced in defending their freedom and autonomy. They have little experience when it comes to improving the public perception of science, and even less readiness to put

their position at stake to do so. A recent illustration to that effect is the [March for Science](#) of 22 April 2017. In many cities all over the world marches and rallies took place, some of them impressive, some anecdotally small. In Warsaw only a few people came. A few Polish universities shared news about the demonstration, some did not even manage to do that, and none of Warsaw's other public institutions actively engaged in this unprecedented performance of science's international public presence. A spokesman for the Conference of Rectors of Academic Schools in Poland (CRASP), explaining its reluctance to officially support this worldwide action, stated that it would be too much of a risk for academic society to mobilize at such a short notice and with so little certainty as to the results – if the action failed, the authority of universities might be degraded together with the public image of science.<sup>[9]</sup>

The March of Science example offers valuable insight into why Polish universities have failed to take an interest in the Hungarian universities targeted by Viktor Orbán's government before moving on to the CEU, and why they did not react strongly over the CEU itself. The decisions regarding university autonomy are absorbed by the university hierarchy, and are transmitted downwards where there is a good chance of sinking, uncontested, into obscurity. This is due to a long habit of looking up to superiors for acceptance and guidance. This behaviour is neither a pure relic of communism nor a pure product of the neo-liberal governance launched systematically after 2000. Instead, it is part of a long trend, to which each of them significantly contributed.

The next contribution to be made by the PiS government towards the long-term process of dismantling the self-governing capacity and mobilization potential of Polish science is bound to fit the established form. In December 2015, I wrote:

[I]t is still too early to judge which of the politicians' programmatic declarations are just words meant to impress their constituencies and which should be taken at face value. One thing is certain: to reverse the arrow of time now would be infinitely more harmful than anything we have witnessed since 1989. The worst outcome imaginable would be the combination of neoliberal obsession with numbers and forms, with a rightist conservative censorship of research objectives and findings.<sup>[10]</sup>

I was correct to suspect that the vocal statements about the decommunization of academia, the freeing of Polish science from wrongful imports such as LGBT or gender studies, or the threat of the political verification of scientific degrees and job credentials were just meant to raise the temperature. But I was wrong when I said that the worst possible outcome would be to reverse the arrow of time. PiS does not reverse time: it follows in the footsteps of its predecessors, both before and after 1989, and therefore moves ahead safely. Whatever we may expect to find in the Law 2.0, it will almost certainly fail to arouse any substantial opposition in academia, for by that time we will all be cooked through by our own accord.

## Footnotes

\* I am grateful to Jarosław Kopeć for his assistance with this article

1. Michael D. Kennedy, *Globalizing Knowledge: Intellectuals, Universities and Publics in Transformation*, Stanford: Stanford University Press, 2015, p. 114.
2. Ibid.
3. Karl Mannheim, *The Problem of the Intelligentsia: An Enquiry into its Past and Present Role*, in *Essays on the Sociology of Culture*, edited by Bryan S. Turner, London, New York: Routledge, 1992, pp. 91–170; Karl Mannheim, *Ideology and Utopia: An Introduction to the Sociology of Knowledge*, translated by L. Wirth and E. Shils, London, New York: Routledge, 1991.
4. The latter reform is still pending as of August 2017 due to an unexpected discord between the president and the government regarding the package of reform legislation. Presidential veto on two out of three new laws which would give the PiS government full control over the court system disrupted the Entente Cordiale of state authorities, and was probably at least partly due to an [unanticipated social mobilization](#) in defense of the independent judiciary.
5. See e.g. Daniel Flis, [Jarosław Gowin steruje humanistyką. Granty ministra nauki teraz na politykę historyczną](#), *Gazeta Wyborcza* (3 March 2016), retrieved 11 August 2017.
6. Daniel Flis, [Minister Gowin: Reforma nauki i szkolnictwa wyższego zaboli środowisko i PiS](#), *Gazeta Wyborcza* (17 November 2015), retrieved 6 August 2017.
7. More information, including the results of the experts' work, is available in Polish and, to some extent, in English, at <http://www.nauka.gov.pl/ustawa20/>.
8. All quotes in this paragraph come from this version of the letter.
9. Alicja Karasińska, [Marsz, który się nie odbył](#), *Polityka* (22 April 2017), retrieved 8 August 2017.
10. Marta Bucholc, *Sociology in Poland: To be Continued?*, New York: Palgrave, 2016, p. 85.



