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Academic freedom in private higher education

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Abstract

The paper examines the evolving status of academic freedom in private higher education. Historically, European scholarship has analysed academic freedom primarily from the perspective of traditionally dominant public institutions. However, the global rise of private providers—which in 2015 enrolled approximately 13.6% of students in Europe—necessitates a robust analytical framework to determine whether academic freedom is a universal right across all sectors or a conditional privilege dependent on ownership. To analyse academic freedom in private institutions, we utilise the 'Onion Model', distinguishing core freedoms (teaching, learning, research, dissemination, and self-governance) from supporting institutional conditions (autonomy, employment, and funding). Based on typologies of public policies regarding private higher education, we suggest two distinct approaches to academic freedom: the universalist approach, which mandates uniform standards across all sectors based on the public interest, and the differentiated approach, which allows private owners to limit academic freedom in favour of institutional mission or religious doctrine. Furthermore, we evaluate specific risks associated with identity-based (e.g. doctrinal constraints), elite/semi-elite (e.g. donor and reputational pressure), and demand-absorbing (e.g. market-driven precarity) types of institutions. As the boundary between 'public' and 'private' increasingly blurs, emerging hybrid configurations—such as 'government-dependent private' institutions—face even more complex challenges to academic freedom.

Keywords Academic freedom · Private higher education · Hungarian model change · Onion model

Introduction

Between 2019 and 2021, 22 of Hungary's 28 public universities underwent a unique 'model change', transforming into private institutions owned by newly established public interest asset-management foundations that are governed by five-member boards of trustees. While

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the initial members were appointed unilaterally by the government with lifetime mandates, the boards subsequently became self-perpetuating. Under this new governance, these Boards gained decisive power over almost all aspects of university operations, while the role of the self-governing Senates could be significantly weakened (Kováts & Golovics, 2025).

The impact of this power shift was clearly demonstrated at the University of Theatre and Film Arts (SZFE). Leveraging their new authority to suppress large-scale protests against the restructuring, the Board—citing COVID-19 emergency measures—suspended teaching on three occasions, effectively disabling those who opposed the changes. Although lower courts ruled the suspension unlawful, the Constitutional Court—composed of judges nominated by the governing party—upheld the Board's measures as constitutional (Kirs, 2024).

In 2025, at a major Hungarian Catholic university, three psychology professors faced ethical procedures after publishing an op-ed asserting that children of same-sex and heterosexual couples show no differences in developmental indicators (Kengyel et al., 2025). The Dean of the Faculty argued their position contradicted Catholic doctrine and violated media permit regulations (Szilágyi, 2025). Following the denial of promotions and sustained pressure from the supervising bishop, the professors eventually resigned (Kolozsi, 2026). A fourth academic, who published a study in a high-ranking (D1) journal on the impact of political LGBTQI+ discourse on religious attitudes, was denied a publication bonus for violating the 'Catholic spirit'. He was subsequently dismissed under the pretext of restructuring, a move later ruled discriminatory by a court of first instance. Notably, all the academics involved were among the faculty's most productive members in terms of international publications, illustrating how ideological alignment can supersede academic merit in faith-based private institutions (Kolozsi, 2026).

The two cases differ: one concerns a formerly state-run university transitioned to a foundation model, while the other involves a faith-based institution. However, both are now private entities where some aspects of academic freedom were infringed by the representatives of the owner. In this context, it remains contested whether such decisions constitute legitimate limitations on academic freedom. While European scholarship typically analyses academic freedom within the dominant public higher education sector, these cases raise the question whether the same guarantees must apply to private institutions, or if their ownership structure justifies a more restricted interpretation of such freedoms.

Our central research question is therefore the following: what kinds of issues arise concerning the academic freedom in private higher education institutions?

Private higher education is expanding rapidly (Buckner, 2017): between 2000 and 2015, global enrolment surged from 27 million to nearly 70 million students. As a result, private education now enrols one-third of the students (32.2%) worldwide (Levy, 2024). In Europe, a rise from 11.4% to 13.6% also shows an increasing trend. The UNESCO Trend Report similarly estimates that students in private higher education accounted for 30% of total enrolment in 2022, noting that this proportion has remained stable in recent years (Gutović, 2026, p. 47).

Despite this expansion, private institutions remain under-researched regarding governance and academic freedom. This paper addresses the latter gap. The paper aims to address the latter gap. Methodologically, we develop a comprehensive analytical framework, drawing on narrative literature synthesis and comparative policy analysis, which is further illustrated through Hungarian cases.

The paper is organized as follows. First, we review four policy models on private higher education based on Levy (2011, 2024): state control, state steering, market-pluralist, and laissez-faire. Second, we categorise academic freedom policies into universalist and differentiated approaches, examining how private practices may legitimately become related to public ones. Third, we identify specific academic freedom risks across the three types of private institutions distinguished by Levy (2024): identity-based, elite/semi-elite, and demand-absorbing. Finally, we illustrate the application of this framework to the Hungarian cases discussed above.

The onion model of academic freedom

According to the renewed Magna Charta Universitatum (2020), academic freedom constitutes the 'lifeblood' of the university. Although there is no single, universally accepted definition of academic freedom, a useful starting point is the widely cited definition contained in the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel (1997). This document (point 27) defines academic freedom as: 'the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies. All higher-education teaching personnel should have the right to fulfil their functions without discrimination of any kind and without fear of repression by the state or any other source.'

Drawing on a range of soft-law recommendations, policy documents and comprehensive scholarly works, Kováts and Rónay (2023) conceptualised the key components of academic freedom through the 'onion model'. This model distinguishes between the core elements of academic freedom (orange in Fig. 1) and the supporting conditions (blue in Fig. 1) that enable them.

Just as the layers of an onion protect its inner core from external damage, the supporting elements safeguard the effective exercise of academic freedom. New ideas and scholarly innovation, however, can only originate from the core itself. The absence of supporting conditions does not necessarily constitute a direct violation of academic freedom, but rather creates an unfavourable institutional environment in which infringements may occur more easily, sometimes even unnoticed and without meaningful consequences.

It is also important to emphasise that academic freedom entails not only rights but also professional duties and responsibilities. These include, for example, the obligation to avoid the indoctrination of students and to adhere to the ethical standards of the relevant academic discipline and profession. Such responsibilities may legitimately impose certain limits on the exercise of academic freedom.

Although there is broad consensus regarding the importance of academic freedom, the specific arguments advanced in its defence often depend on how the relationship between higher education and the state is conceptualised. This relationship, and its implications for the justification and protection of academic freedom, will be examined in greater detail in the following sections.

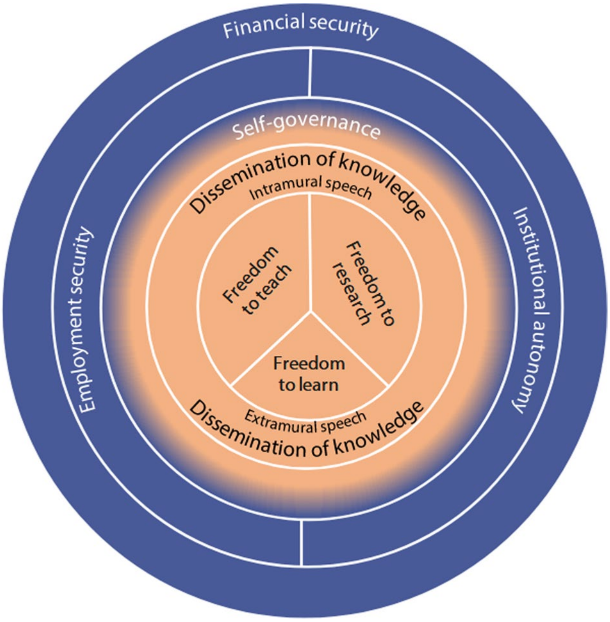

Fig. 1 The onion model of academic freedom. Source: Kováts and Rónay (2023:12)

The uncertain boundary between public and private higher education

Assessing whether de jure or de facto academic freedom varies between sectors requires clear criteria for distinguishing public from private institutions. Despite its prevalence, this boundary is often 'unstable, ambiguous, and unclear' (Marginson, 2007: 308). Enders and Jongbloed (2007) argue that these boundaries have become increasingly blurred; public universities increasingly adopt 'private-like' behaviours, while private institutions are frequently tasked with public mandates or subjected to quasi-state regulation. This ambiguity also stems from the use of diverse classification criteria, which frequently yield conflicting results. This ambiguity also stems from the use of diverse classification criteria which frequently yield conflicting results.

Most countries classify institutions as public or private based on legislation or ownership, though criteria vary.

A second criterion is governance structure, defining the distribution of decision-making power. Typically, an institution is public if managed by the state or a state-appointed majority board. It is private if governed by non-governmental entities (e.g. churches or enterprises) or if the state (or its agency) appoints fewer than half of its board members (UNESCO-UIS / OECD / EUROSTAT, 2024). This latter category includes self-governing institutions with self-perpetuating boards, free from external interference.

Sources of funding can make the situation more complex. In theory, public institutions are typically financed by the state, while private institutions rely largely on tuition fees and other private revenue streams. In practice, however, many private institutions also receive public funding (the US situation is convincingly discussed by Geiger, 2008), leading to the category of 'government dependent private' institution, in many official statistics (UNESCO-UIS / OECD / EUROSTAT, 2024). Public institutions also generate income increasingly through tuition fees or market-oriented activities.

Finally, Marginson (2007) distinguishes institutions by their purpose or outputs: the extent to which they produce public or private goods. In practice, this dimension is strongly hybridised. A selective, tuition-based private university can generate substantial public goods through research, while a public institution may produce private goods, such as conferring social status or labour-market advantages on its graduates.

Consequently, the binary opposition between public and private institutions is overly simplistic (Marginson, 2007). The relationship is better understood as a continuum, where institutions are positioned based on the aforementioned dimensions, or as a policy-dependent classification defined by specific regulatory frameworks.

These ambiguities highlight that the public–private delineation is itself a policy-making outcome. While public institutions are traditionally expected to serve broad societal interests via taxpayer funding, it is debated whether similar expectations should apply to private entities established with non-state resources. Public policy towards private higher education reflects this dilemma: the extent to which the state should extend its regulatory authority over formally private institutions—a decision with profound implications for academic freedom.

Public policies on private higher education

De jure expectations for academic freedom in private higher education depend on how the state conceptualises and positions the private sector. This is reflected in diverse policy instruments, such as sector-specific regulations, participation in state planning, tuition and aid policies, and institutional funding. Based on these, Zumeta (2011) identified three distinct policy 'postures' towards private institutions of US states: laissez-faire, central planning, and market-competitive. Using this framework, Levy (2024) distinguished laissez-faire and pluralist–market models, while subdividing central planning into state steering and state control models.

In the state control model, the state dominates through centralised rule-making and strict standardisation (e.g., China or France). Here, private higher education is either marginal or subject to stringent regulation, including tight curricular control and licensing. Consequently, institutional autonomy remains highly constrained.

In the state steering model, common across Europe, the state remains the architect of the higher education landscape, justifying its role through accountability and public interest. Private institutions are more numerous than in state control models but remain niche and complementary. Their role is defined by strategic state instruments like capacity regulation, accreditation, and performance evaluations. As Levy (2024:19) observes: 'Government steers both sectors (albeit not necessarily equally). Normatively, the state steering model has a decided preference for public over private, casting a wary eye on what might be 'too private'. Freedom of choice is subordinate to the state-determined public interest. (…) [T]he state steering model does not expect the state to tolerate much that deviates from its official roadmap; indeed, the state would have a responsibility not to tolerate major deviation.'

In the market-competitive (Zumeta) or pluralist–market model (Levy), exemplified by the US, the state recognises the private sector as an autonomous, legitimate actor. Rather than exercising comprehensive control, the government is one of several players alongside market and civil society. Its role is to maintain a competitive framework through accreditation, transparency requirements, and student aid. This regulatory environment respects institutional initiative and choice, fostering a diverse, heterogeneous private sector, allowing for both inter-sectoral and intra-sectoral competition. Consequently, the state achieves policy objectives through indirect incentives and financial steering rather than direct intervention.

In the laissez-faire model, the state shows minimal interest in private higher education, either due to the sector's insignificance or a lack of administrative capacity (Levy, 2024). Private institutions develop organically 'from below', driven by market forces and societal demand rather than policy. While state passivity may allow for institutional emergence, it often coincides with hostility from the public sector and a lack of private-sector influence on national policy-making (Zumeta, 2011).

The state control and laissez-faire models represent extremes of the state steering and pluralist–market approaches. As private higher education expands globally, the latter two have become dominant. Because the extreme models are typically associated with marginal private sectors, contemporary states can no longer ignore the sector; instead, they must develop the more nuanced policy approaches characteristic of steering or market models.

Public policies on academic freedom of private higher education institutions

What types of public policy approaches to academic freedom follow from the higher education policy models outlined above? Three general approaches can be distinguished: the universalist, the differentiated, and the hybrid approach.

Universalist approach

Under the universalist approach, private higher education institutions are expected to uphold standards of academic freedom comparable to those required in public institutions (which are usually high in democratic countries, but not necessarily high in other countries). This approach is most likely to emerge in state steering or state control models, where the state seeks to regulate and orient private institutions in pursuit of broader public policy objectives. Several arguments can justify the application of a uniform, homogeneous standard of academic freedom across both public and private sectors:

1. Public interest: the societal functions of higher education. Higher education, irrespective of ownership, performs fundamentally public functions. The 2007 London Communiqué of the Ministerial Conference of the European Higher Education Area (EHEA) articulated the core purposes of higher education as follows: 'preparing students for life as active citizens in a democratic society; preparing students for their future careers and enabling their personal development; creating and maintaining a broad, advanced knowledge base; and stimulating research and innovation' (EHEA, 2007). Each of these objectives presupposes the effective protection of academic freedom. Academic freedom ensures that scholars can question established assumptions across all domains of nature and society, thereby constituting a precondition for both research and innovation (Audretsch et al., 2024). Contemporary knowledge-based societies increasingly require creative, communicative, and collaborative individuals who are capable of

critical reflection, autonomy, and initiative. The cultivation of such capacities depends on the presence of autonomous academics who are not driven to self-censorship by fear (Andreescu, 2009); it also depends on the freedom to learn—including, for example, the ability to choose courses freely and to engage in independent inquiry. Without these conditions, students cannot develop into independent and responsible adults. Moreover, critical thinking plays a central role in preparing students for active citizenship.

Academic freedom also enables the university to function as a bulwark against tyranny (Andreescu, 2009, p. 506), protecting society from the imposition of particular 'truths' by either a dominant majority or a powerful minority. Several authors (Berggren & Bjørnskov, 2022; Douglass, 2021; Lyer et al., 2023) further suggest a close relationship between democracy and academic freedom, with the condition of one often serving as an indicator of the quality of the other.

These societal functions cannot depend on ownership structure. Private universities are integral components of national higher education systems: they confer state-recognised degrees and frequently receive public funding. As such, they are expected to adhere to core societal values, including the protection of academic freedom.

2. Truth-seeking is the role of university: one of the central functions of higher education is the impartial pursuit of truth. Society has a fundamental interest in the discovery and validation of truth, which requires not only a 'marketplace of ideas'—where competing claims may freely confront one another—but also what Andreescu (2009, p. 501) describes as 'intellectual testing stations', institutions in which ideas can be systematically generated, scrutinised, and evaluated in a rigorous and unbiased manner. Universities fulfil precisely this role. To sustain this function, general guarantees of freedom of expression are insufficient. What is required is a heightened level of protection for the professional activities of academic staff engaged in teaching and research. Academic freedom—together with the responsibilities it entails and its institutional safeguards (such as tenure)—constitutes an essential precondition for impartial and methodologically sound inquiry. The truth-seeking function of the university cannot depend on ownership structure. Where raising certain questions is prohibited, for example, within religiously governed institutions, the process of inquiry is compromised, thereby undermining the very idea of the university itself (Andreescu, 2008; Hohenlohe, 2021).
3. Student/Consumer protection: when students obtain a degree, they receive a qualification recognised by the state. If the state guarantees the quality of such qualifications, it must also ensure that students, regardless of the type of institution, have access to a comprehensive and uncensored body of knowledge. Students have a right not to be educated within an 'ideological bubble'. In systems following state control or state steering approaches, governments often seek to reduce disparities between institutions and to enforce minimum standards that also apply to the private sector.
4. Academic freedom as an individual fundamental right: academic freedom may be conceived as a fundamental right attached to the individual rather than to the institution (Stachowiak-Kudła et al., 2023). Accordingly, it should not cease to apply simply because a scholar is employed by a private institution. This argument is particularly compelling in contexts—such as much of Europe—where academic freedom is constitutionally protected. Drawing on a non-consequentialist argument for autonomy, Andreescu

(2008) maintains that academic freedom is intrinsic to the academic profession itself. Suppressing a scholar's voice under religious or private pressure not only undermines the integrity of the academic vocation but also constitutes a professional humiliation and an infringement of personal dignity. Ensuring academic freedom universally also enhances academic mobility: scholars should not 'lose' their fundamental freedoms simply by moving to a private institution.

5. Avoiding the 'slippery slope': permitting lower standards on academic freedom in one sector risks setting a wrong precedent in the other. For instance, if standards are lower in private institutions, the state may use this to justify its interventions in public universities by invoking its role as owner leading to the reduction of academic freedom. Private institutions may also decrease academic freedom if they see that it is not required in public institutions. Such developments may lead to the gradual erosion of academic freedom (Andreescu, 2009).

Together, these arguments underpin the normative case for a universalist approach, according to which academic freedom constitutes an inherent and defining feature of higher education as such, rather than a contingent attribute dependent on institutional ownership. This implies that academic freedom—as a constitutionally protected value—may be asserted even against the autonomy exercised by an institution's owner or management (in contrast to the differentiated approach discussed later).

Not all of the universalist arguments are equally present in every national context. We assume that in democratic states the full range of arguments may be articulated, resulting in an expectation of consistently high levels of de jure academic freedom across both public and private sectors. In non-democratic settings, by contrast, only a subset of these arguments may carry weight—for example, the instrumental arguments grounded in public interest or student protection—while others, such as the truth-seeking or the fundamental right argument, may be only weakly recognised or entirely absent.

Where academic freedom is weakly protected within public institutions, it is often observed to be similarly constrained in the private sector. We hypothesise that this alignment may be driven by two primary factors. Firstly, it is plausible that such states rarely tolerate private institutions acting as sanctuaries which, by offering higher levels of academic freedom, could create space for research that challenges official narratives. Secondly, we suggest that private institutions themselves may not necessarily strive for robust academic freedom. In this context, a 'slippery slope' dynamic might arguably be at play; furthermore, the organisational characteristics of private institutions (as discussed later) lead us to postulate that only a limited number of these entities actively seek to guarantee a high level of academic freedom.

Differentiated approach

By contrast to the universalist approach, the differentiated approach starts from the premise that academic freedom may legitimately vary between public and private institutions, with its scope and level in private institutions determined by the institution itself or its governing authority. This approach aligns more closely with the laissez faire and pluralist–market models of private higher education policy. Its central argument is that ownership and financial responsibility justify granting broader discretion to owners in shaping institutional rules, as well as defining the institution's identity and mission. This mission may justify certain limitations on the academic freedom of their staff creating tensions within the institution (Hohenlohe, 2021). In the literature—especially in the context of the United States—this tension is often framed as a conflict between institutional autonomy (or 'institutional academic freedom') and individual academic freedom (Adams, 2021). The major arguments of the differentiated approach are the following.

1. Proprietary control: A private university—whether for-profit or non-profit—can be conceptualised as an entity over which the founding actor or governing body exercises a proprietary mandate. Within this framework, the institution serves as a vehicle to fulfil the specific objectives defined by its benefactor or provider of capital. Consequently, the entity exercising ownership rights maintains a managerial prerogative to establish the institution's mission, values, and strategic trajectory. From this perspective, academic freedom is not an absolute, but a conditional right that must be balanced against the institutional integrity and the owner's core values. The right to control the university's direction is inherently linked to the responsibility of mitigating risks—be they financial, reputational, or ideological—that could undermine the provider's original purpose or result in material and existential prejudice to the institution.
2. Mission-driven orientation and the protection of pluralism: institutional autonomy serves as a cornerstone of pluralism, a hallmark of democracies. Private institutions possess a legitimate mandate to articulate a distinctive worldview that differentiates them from the mainstream. By their very nature, these institutions may constrain academic freedom to preserve their unique identity. As Andreescu (2009) notes—drawing a parallel with mission-oriented public entities like NASA—institutional imperatives often require a degree of alignment from their members to achieve specific goals. Such universities also function as 'intellectual laboratories' through innovative pedagogy or heterodox economic and social models. Furthermore, in environments where the state encroaches upon academic freedom in public spheres, the private sector can even act as a scholarly safe haven, provided these institutions retain the sovereign right to operate according to their internal doctrinal or professional rules.
3. Voluntary association and freedom of contract: Rooted in the principle of freedom of contract, this perspective posits that individuals possess the autonomy to join communities defined by specific ideological or professional commitments. When an academic enters into a contractual relationship with a mission-driven or faith-based private institution, they do so through informed consent, effectively internalising the institution's values as part of their professional mandate. In this light, any restrictions on academic freedom are not 'externally imposed' constraints, but rather voluntarily assumed obligations protected by the sanctity of the agreement. This 'duty of loyalty' ensures that the scholar's work remains congruent with the institution's core identity, provided that such expectations are transparently articulated at the outset and governed by fair mechanisms for adjustment should institutional priorities change.
4. Freedom of religion: the principle of religious liberty extends beyond the individual to encompass the collective rights of faith-based communities. At its core, this right shields these communities from undue state interference, ensuring their autonomy to practise, express, and transmit their doctrines through their own institutions. Consequently, religious organisations possess the institutional prerogative to establish and

maintain centres of higher learning that operate within their specific theological frameworks. Forcing such institutions to abandon these foundational tenets would not only constitute an infringement on freedom of conscience but could be viewed as a form of state-sanctioned religious marginalisation. Within this paradigm, certain constraints on academic freedom—particularly in theology—are seen as essential to preserving the doctrinal integrity of the institution (see cases by Stachowiak-Kudła, 2021, pp. 139–140; Stachowiak-Kudła et al., 2023). However, the scope of this argument remains a point of contention: while it may justify limitations in faith-based disciplines, its applicability to secular subjects is frequently challenged. Notably, scholars like Andreescu (2008) go further, questioning whether such restrictions are legitimate even within the sphere of religious studies itself because the institution can force academics to indoctrinate students which is not just against freedom of learning but also harms the norms of academic profession. In his view, an institution can express its religious character while maintaining high standards of academic freedom. For instance, the religious dimension can be emphasized in the curricula or in extracurricular activities, or the university may prescribe stricter codes of conduct for its members. As ideological restrictions on academic freedom can only be constitutionally justified by the freedom of religion, non-religious private institutions lack a fundamental rights-based ground for such limitations.

5. Consumer rights and student choice: From a consumer-centric perspective, students and their families are viewed as discerning stakeholders who deliberately select specific institutions to ensure an education aligned with specific moral, ideological, or denominational values. This argument gains significant weight when substantial tuition fees or philanthropic endowments are involved. In this framework, the educational relationship is conceptualised as a contractual service: having made a significant financial investment, the 'student-consumer' claims a legitimate right to receive the specific 'product'—namely, an education that adheres to the promised institutional character. Consequently, the university is seen as having a fiduciary and contractual obligation to maintain its stated mission, even if this necessitates setting boundaries on academic discourse to preserve the quality and content of the service for which the stakeholders have paid.

The differentiated approach acknowledges that higher education performs vital societal functions. It assumes, however, that these roles are primarily secured through public institutions. This does not inherently suggest that academic freedom in the private sector is of a 'lower' standard; rather, any divergence is not a product of state regulations, but emerges from different incentives.

The U.S. legal landscape provides an illustration of this logic. The U.S. Constitution contains no explicit guarantee of academic freedom; instead, its protection has evolved through the jurisprudence of the Supreme Court, which conceptualises academic freedom as a derivative of the First Amendment's broader protections of free speech. Under the State Action Doctrine, a negative obligation is imposed on public institutions—including public universities—prohibiting them from interfering with or suppressing protected speech. Consequently, public universities, as arms of the state, are constitutionally barred from imposing ideological orthodoxy on academics; this ensures they can fulfil their societal role as a 'marketplace of ideas.' (Hasnas, 2018; Sun, 2025).

In contrast, private universities generally do not qualify as state actors, as they neither exercise sovereign authority nor perform functions that are 'traditionally and exclusively' reserved to the state. Therefore, the protection of academic freedom in the private sphere does not rest on constitutional mandates. In practice, however, many private institutions voluntarily adopt standards of academic freedom that mirror those prevailing in the public sector. (Hasnas, 2018; Whittington, 2025) These standards are typically enshrined in their contractual principles and internal institutional bylaws to maintain their competitive standing and academic prestige.

The shift in the American Association of University Professor (AAUP)'s position from a differentiated to a universal approach concerning religious institutions is also remarkable. While the 1915 Declaration acknowledged the right of a church to establish a 'proprietary institution' as an 'instrument of propaganda' (AAUP, 2014, p. 5)—thereby justifying limits on academic freedom—the 1940 Statement introduced a formal requirement: any limitations had to be disclosed to the instructor in writing upon appointment (the 'limitations clause'). This trajectory culminated in 1970 with the addition of interpretive comments stating that 'most church-related institutions no longer need or desire the departure from the principle of academic freedom.' By declaring that 'we do not now endorse such a departure,' the AAUP affirmed that academic freedom must apply to all universities, religious and secular alike. (AAUP, 2014, p. 14)

Table 1 summarizes the main arguments.

We hypothesize that the universalist model is more likely to be prevalent where

- academic freedom is constitutionally entrenched, potentially as an individual fundamental right;
- public higher education constitutes the dominant segment of the system;
- private institutions operate with significant levels of public funding;
- degrees are primarily conceptualised as public goods;
- the state assumes a guarantor role, seeking to ensure the integrity and comparability of qualifications and to mitigate disparities between institutions;
- historically, the state has evolved in opposition to ecclesiastical or private authority—characteristic of much of Europe, shaped by traditions such as absolutism and the French Revolution—and thus adopts a directive or 'principal' role;
- there exists a strong normative commitment to the regulatory capacity of the state.

The differentiated model is more likely to emerge where:

- academic freedom lacks constitutional or fundamental rights protection;

Table 1 Main arguments regarding universalist and differentiated academic freedom policies

Universalist approach	Differentiated approach
Same standards are required	Different standards are possible
1. Public interest	1. Proprietary control
2. Truth-seeking is the role of university	2. Mission-driven orientation and the protection of pluralism
3. Student/Consumer protection	3. Voluntary association and freedom of contract
4. Academic freedom as an individual fundamental right	4. Freedom of religion (in case of theology)
5. Avoiding the 'slippery slope': gradual erosion of academic freedom	5. Consumer rights and student choice

- private financing and market mechanisms play a substantial role in the higher education system;
- there is a strong belief in the efficacy of market-based coordination;
- degrees are predominantly regarded as private goods;
- the state confines itself to establishing broad regulatory frameworks rather than exercising direct control;
- the state is conceived as an agent of free citizens, implementing collectively articulated preferences rather than directing societal development.

In practice, we assume, there is a mixture of practices in many countries, a hybrid approach, which, for example, recognises universal academic freedom while tailoring protections to sector-specific risks. This hybrid category could potentially be refined into a standalone category with distinct characteristics, following an empirical testing of this analytical framework across diverse national contexts.

Challenges to academic freedom in private institutions

In comparison with public institutions, the private sector is often treated as a homogeneous category. A closer examination, however, reveals that private higher education is far from uniform. It is therefore analytically useful to distinguish between different types of private institutions, to identify their characteristic features, and to explore the specific risks academic freedom faces in these institutions.

Levy distinguished three broad categories of private higher education institutions: identity-based institutions, elite and semi-elite institutions, and demand-absorbing institutions (Levy, 2011, 2024). Although this categorisation can be criticised—for instance, on the grounds that institutions may belong to multiple categories simultaneously (e.g. elite and identity-based), that the categories overlap, or that these descriptions are overly static—we contend that they remain suitable for our analytical framework as they enable a differentiated examination of private institutions.

Identity-based institutions

Identity-based institutions are characterised by a strong normative or ideological foundation—most commonly religious, though sometimes ethnic or gender-based—linked to a particular social group. Their mission extends beyond the provision of educational services to include the maintenance of a value community and the reproduction of a given cultural or ideological framework. In many countries, such institutions have played a pioneering role in the emergence of the private higher education sector.

A central dilemma they face concerns how to respond to the gradual dilution of their founding identity over time: to what extent should they open themselves to constituencies that do not share this identity? The diversification of academic staff and student bodies may contribute to further weakening of the original identity—for example, religious institutions may undergo processes of secularisation. Institutions must therefore balance the need to remain authentic and credible within their founding community with the need to achieve legitimacy within the broader academic field, including the international scholarly community and more secular audiences.

Their funding structures are typically mixed, combining tuition fees, philanthropic contributions, church resources, and donations. The extent and legitimacy of public funding depend heavily on the state's policy stance towards private higher education (Levy, 2011). Institutional governance often reflects the identity and priorities of the maintaining body.

From the perspective of academic freedom, several risks are particularly salient:

The institution's defining identity—whether grounded in religious doctrine or a broader worldview—may impose implicit or explicit constraints on curricula, research agendas, and pedagogical methods. While such constraints may be most evident in directly related disciplines (e.g., theology), they may also spill over into other fields, including the natural sciences.

Where the institution's self-understanding presupposes that truth is, at least in part, already given (for example, through revelation or normative doctrine), this may restrict the openness of scientific inquiry, as well as the freedom of teaching and learning. Certain topics or conclusions may become institutionally 'undesirable'.

Additional constraints may arise from the role of the maintaining body, which may exercise influence—either directly or indirectly (e.g., through leadership appointments)—over hiring, promotion, and evaluation processes. In the interest of preserving institutional identity, this may introduce ideological filters, reinforcing expectations of loyalty and fostering self-censorship. In some cases, explicit declarations of ideological commitment may be required. Beyond formal mechanisms, informal normative pressures within the academic community may also encourage ideological conformity, thereby constraining dissenting academics and students.

At the same time, certain conditions may strengthen the protection of academic freedom within identity-based institutions. These include a clear distinction between theological and non-theological disciplines, procedurally limited forms of intervention by the maintaining body, and strong integration into national and international scholarly networks.

Elite/semi-elite institutions

Elite institutions are world-class, research-intensive universities—primarily U.S. private institutions—defined by high selectivity, global prestige, and financial reliance on tuition, philanthropy, and grants with limited dependence on public funding (Geiger, 2008; Levy, 2024). Organizationally, they mirror leading public research universities.

Semi-elite institutions, by contrast, are nationally prominent and competitive—often regarded as 'elite' within their domestic context—yet rarely appear among the top tiers (e.g. top 200–500) of global rankings. Institutions offering MBA and other high-prestige professional programmes are typical examples. Their defining characteristics (Levy, 2024) include selective student intake (often with high socio-economic status), a strong orientation towards labour market relevance, and a pronounced emphasis on teaching quality, combined with aspirations towards internationalisation. Owing to this teaching orientation, research may occupy a secondary role, typically with a stronger focus on applied research. Semi-elite institutions are frequently embedded within national economic and social elites, often emulating the organisational models of U.S. private universities. They tend to display a highly competitive ethos and increasingly professionalised management structures, alongside efforts to diversify funding sources while maintaining relatively high tuition fees.

Semi-elite universities share the quality focus, internationalisation, and selectivity of elite universities, yet resemble demand-absorbing providers in their emphasis on teaching. They distinguish themselves from the latter through superior quality and stronger reputational positioning. Furthermore, they bear close similarities to entrepreneurial public universities, from which they differentiate themselves through greater operational efficiency and deeper societal embeddedness.

Regarding academic freedom, both elite and semi-elite institutions often voluntarily adopt public-sector norms due to isomorphic pressures—where academic freedom serves as a marker of institutional legitimacy—and the functional necessity of autonomy in high-performance research. However, their reliance on reputation, donors, and tuition revenue (Geiger, 2008), and the integration into local political and corporate contexts (in case of semi-elites) creates a heightened sensitivity to controversial topics.

This sensitivity may lead to the selective framing of curricula (e.g., through trigger warnings or ‘safe spaces’) and a tendency to align with mainstream perspectives over dissenting inquiry. Such pressures often result in anticipatory self-censorship of research agendas and the distorted dissemination of results to avoid public backlash or the alienation of donors leading to decreasing funding. Finally, independent, critical scholarship is further constrained by structural pressures within the research ecosystem—such as the ‘publish-or-perish’ dynamic—and the inherently instrumental nature of applied research.

Demand-absorbing institutions

Demand-absorbing institutions primarily expand access to higher education rather than pursuing scientific excellence. As the largest segment of the private sector in most countries, they are highly sensitive to market fluctuations and student demand. Their profiles are strictly teaching-oriented and vocational, focusing on employability and skills acquisition. They are often characterized by low entry thresholds and variable quality. Many for-profit providers fall into this category. These institutions rely almost exclusively on tuition fees and management-led governance.

In this tier, academic freedom is frequently subordinated to market sustainability. As students are treated as customers, their satisfaction becomes the central organizing principle, often constraining course content, pedagogical choices and marginalizing controversial or critical perspectives.

The strong managerial control typically leaves little room for institutional self-governance. Employment is precarious, with a high prevalence of fixed-term or part-time contracts tied to market conditions. This instability undermines both intramural speech and collegial structures. While research freedom may formally exist, the material conditions for its exercise are generally absent; as Levy observes, in such settings, ‘research is an alien notion’ (Levy, 2024, p. 205). Unlike elite or identity-based institutions, these providers do not claim a leading ideological or intellectual role; their legitimacy rests solely on serving the material and career-oriented interests of their students.

Table 2 outlines the primary risks to academic freedom in private institutions, categorised according to the layers of the Onion-model.

Table 2 Academic freedom challenges in different type of private institutions

Elements of academic freedom	Identity-based institutions	Elite / semi-elite institutions	Demand-absorbing institutions
Freedom to teach	Constraints on curricula due to religious or ideological doctrines; 'undesirable' topics marginalized.	Selective framing of curricula (e.g., trigger warnings, safe spaces) to avoid controversy and follow mainstream.	Subordinated to student satisfaction; 'student-as-customer' model limits pedagogical choices.
Freedom to research	Research agendas may be limited by normative doctrines or 'given truths' (e.g., revelation); 'undesirable' topics marginalized.	Anticipatory (self-) censorship of agendas to avoid alienating donors or the public.	Often an 'alien notion'; lack of material and institutional conditions to exercise it.
Freedom to learn	Restricted openness of inquiry if certain conclusions are institutionally discouraged.	Potential alignment with mainstream perspectives over dissenting or critical inquiry.	Focused on vocational skills and employability rather than open scientific exploration.
Knowledge distribution (extramural and intramural)	Informal normative pressures encourage ideological conformity and stifle dissent; expectations of loyalty to the founding mission may constrain public dissenting views.	Sensitivity to public backlash may lead to distorted dissemination of research results.	Undermined by precarious employment and a lack of collegial governance structures.
Self-governance	Governance may be dominated by the maintaining body or appointed management (e.g., church or board).	Increasingly professionalized and hierarchical management structures may limit self-governance.	Strong managerial control with little to no room for faculty self-governance.
Institutional autonomy	Vulnerable to direct/indirect influence/intervention of the owner or maintaining body.	High but pressured by dependence on philanthropic donors and corporate/political contexts.	Institution is highly dependent on market fluctuations and student demand.
Financial security	Mixed funding; legitimacy of public funding depends on state policy toward the 'identity'.	Dependent on high tuition and philanthropy; sensitive to 'donor alienation'.	Almost exclusively tuition-based; highly vulnerable to market shifts and revenue needs.
Employment security	May have ideological filters in hiring/promotion; loyalty is often a prerequisite for security.	Generally mirrors public norms, but pressured by 'publish-or-perish' structural dynamics.	Highly precarious; prevalence of fixed-term or part-time contracts tied to market conditions.

Overall, regarding the freedom of teaching and learning, private institutions face distinct risks: identity-based institutions are often constrained by doctrinal frameworks; elite or semi-elite institutions tend to avoid polarising topics due to heightened reputational sensitivity; demand-absorbing institutions often eschew critical perspectives under market pressure, increasingly treating students as mere customers.

In the realm of research and dissemination, a significant challenge arises when institutions, driven by a dependence on external stakeholders, restrict the investigation of controversial or sensitive subjects. Further risks include the imposition of pre-ordained truths in identity-based settings, and the chronic inadequacy of research infrastructure within demand-absorbing institutions.

Furthermore, institutional autonomy and self-governance are more easily compromised in private frameworks, as the governing body or maintainer is positioned in closer proximity to the institution, enabling more direct interference in day-to-day operations. In contrast, public institutions typically benefit from a greater degree of structural distance.

In general, employment security remains a more pressing concern within the private sector, unless mitigated by specific institutional safeguards such as tenure.

Finally, funding is inherently more precarious, or at the very least, more heavily contingent upon the external environment—with the exception of institutions possessing substantial endowments. While public universities may grapple with a profound dependence on the state, private institutions find their academic freedom curtailed by their reliance on market demands, private donors, or the immediate interests of their governing body.

Some dilemmas and reflections

This study examines academic freedom within private higher education by developing an analytical framework (see Fig. 2) that captures its multiple dimensions, as conceptualised in the ‘onion model’, at both systemic and institutional levels. To this end, we analysed patterns of academic freedom issues across various sectoral and organisational contexts. A limitation of this methodology is that the model remains primarily heuristic; consequently, further empirical validation is required. In the final section, we present three key observations illustrated by the previously discussed Hungarian cases. Rather than offering an exhaustive case study of Hungary, our objective is to demonstrate the framework’s applicability and to suggest directions for future research.

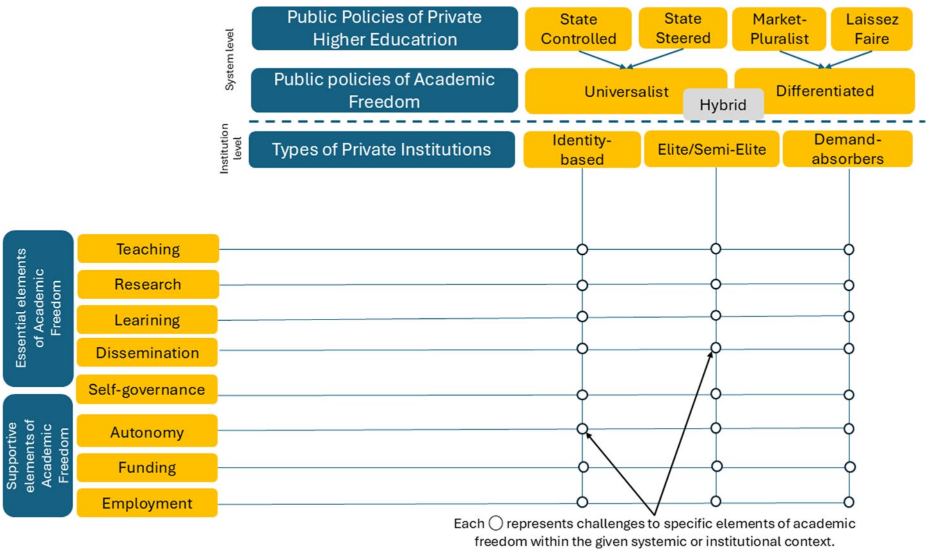

Fig. 2 Analytical model of academic freedom in private higher education

Uncertain boundaries between public and private

The boundary between public and private institutions is inherently ambiguous, a condition that has significant implications for academic freedom challenges. During Hungary's 'model change', 75% of public universities were transferred to public interest foundations (Kováts, 2023).

Legally classified as private under the Higher Education Act, these universities remain 'government-dependent private' institutions. While their foundations are formally independent—with no state-delegated board members—they continue to rely predominantly on public funding. However, model-changed institutions also retain their public character: they generate public goods being the dominant players of the higher education landscape. Their public status is reinforced by the Minister of Finance's classification, which places both universities and foundations within the central government subsector (Hivatalos Értesítő, 2025, p. 3493). Comparative evidence from Finland, Germany, and Portugal (Kováts et al., 2026) also supports their public nature, as similar foundation-based institutions are consistently classified as public regardless of governance structures. Ultimately, the foundation model does not necessitate private status; rather, its classification remains a deliberate policy choice.

This public-private ambiguity is critical because academic freedom risks vary by sector. In public universities, the primary threat is systemic political monolithism, where academic freedom functions as a fundamental right. Conversely, private-sector risks stem from dependence on owners and market forces; here, AF acts as a professional and labour-law guarantee against the subordination of scholarly standards to private interests. Further inquiry is needed into how hybrid, 'government-dependent private' configurations such as in Hungary compound these risks, as institutions face simultaneous pressures from both private maintainers and governmental actors.

Intertwined policies on private higher education and academic freedom

National policies on private higher education (state steering, market pluralist, etc.) and academic freedom (universalist or differentiated) are closely linked, but in practice, hybrid configurations appear that generate internal tensions.

Until 2018, Hungary followed the European pattern of central planning (Pachuashvili, 2011) or state-steering private HE policy combined with a universalist academic freedom approach. Public universities were dominant, enrolling 86% of students, with the regulatory framework treating private institutions in short, as special cases. Academic freedom was constitutionally protected and supported by additional safeguards in the Higher Education Act, although these safeguards have been steadily eroded since 2011. (Kováts & Rónay, 2021)

The modelchange fundamentally inverted this structure. Private institutions now dominate, with public sector enrolment dropping to 20%, while the powers of private maintainers have significantly expanded (Kováts & Golovics, 2025). However, the regulatory framework remains calibrated for a now-minority public sector, leaving the private sector under-regulated. As direct state oversight diminishes, indirect steering—primarily through performance-based funding agreements—has gained prominence. Furthermore, staff in these transformed institutions have lost their civil servant status, increasing their professional vulnerability.

These developments signal a shift towards a market-pluralist model. While academic freedom remains constitutionally protected, reduced state oversight and permissive private regulation allow for increasing divergence in its practical application. Consequently, differentiated approach arguments—invoking proprietorial rights, institutional missions, and freedom of contract—gain normative traction. Since de jure conditions in the remaining public sector stay formally unchanged, a hybrid academic freedom regime is emerging: one where general constitutional guarantees persist, but enforcement is significantly uneven across institutional contexts.

Future empirical studies across diverse contexts may allow for the development of this hybrid model into a distinct standalone category.

Heterogeneity within the private sector

The private higher education sector is not homogeneous regarding academic freedom challenges. Post-reform Hungary features three distinct groups, each with unique risk profiles: (1) church-maintained, (2) model-changed, and (3) other private institutions (existing before the reform).

Church-maintained institutions are typical examples of identity-based organisations, where the strengthened position of the maintainer can further heighten tensions between institutional mission and academic freedom. As seen with the case of departing psychologists from a Hungarian Church institution in the introduction of the paper, doctrinal expectations can 'spill over' to disciplines other than theology. However, this is not necessary; institutions like Notre Dame or Leuven demonstrate that vibrant research in sensitive areas (e.g. gender or LGBTQI studies) can coexist with a religious mission (Szőnyi, 2025).

Model-changing institutions function as semi-elite or demand-absorbing providers, yet their reliance on increased public funding rather than tuition fees makes them uniquely government-dependent. This fiscal structure, coupled with the political affiliations of governing boards, invites opaque forms of political interference (Kováts, 2023). In case of internationally oriented, semi-elite institutions these pressures may be mitigated through global peer expectations to some extent.

Final remarks

Other private providers are typically demand-absorbing and share the vulnerabilities of that category. However, in Hungary's illiberal context, a subset has been acquired by politically connected actors, further amplifying the risk of political interference as a direct constraint on academic freedom.

As the expansion of private higher education continues, the protection of academic freedom within this sector becomes an increasingly critical issue. It is essential to distinguish between the de jure legal frameworks and de facto realities, not only between the public and private sectors but also among the diverse groups within the private sector itself. The cases discussed above highlight that the boundary between 'public' and 'private' is (or can be) increasingly blurred. This ambiguity significantly complicates the study of academic freedom, particularly in 'government-dependent private' institutions, where systemic political pressures and private governance risks may overlap. Consequently, further empirical and theoretical inquiry is required to understand how academic freedom can be effectively safeguarded within these emerging hybrid configurations.

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Declarations

Ethical approval No ethical approval was needed for this study. There is no human or animal research in this study so no approval required.

Conflict of interest The authors declare no competing interests.

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