

## 6. Opportunities and challenges for open higher education systems in global context

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### INTRODUCTION

The contributions of higher education (HE) impact individuals, societies and economies by generating benefits at local, regional, national and global levels (Marginson, 2020). Higher education institutions (HEIs) may be globally active, yet they are at the same time nationally embedded and expected to be locally engaged (Beerkens & van der Wende, 2007). Understanding higher education's (HE) contributions requires us thus to think about the connections between these levels and consequent conditions for HE's contributions.

HEIs are nationally embedded as parts of HE systems, which are defined as a rule as the totality of quantitative-structural features within a country (Teichler, 2007). These national systems became predominantly organised as a national public service sector, with a key steering role performed by the state as a regulator and major funder of HE, which is in this constellation primarily expected to contribute to the national public good. However, in response to the globalisation and regionalisation processes, HE is increasingly expected to contribute also beyond the national level, to for instance regional agendas such as the European Union (EU) integration process (e.g. European cultural identity, labour market mobility and economic performance), and to global challenges such as climate change and inequality.

An important condition for HEIs to be able to contribute beyond the national context is that the national system in which they operate allows them to do so. The system needs to be sufficiently *open* to the wider regional/international/global environment in order for HEIs to contribute to tackling challenges at these levels. Open systems do not only allow HEIs to contribute to global challenges, they are also seen as beneficial for HEIs themselves. Internationalisation enlarges their pool of available human talent, of potential financial resources, allows them to extend learning opportunities, and spurs

excellence in teaching and research through both international cooperation and competition.

The question ‘why does openness matter?’ is thus not too difficult to answer from both the perspective of HE’s contribution to the global public good, as well as a condition to strengthen the role HEIs can play in their national and local contexts. Especially seen from the logic of the global science system and the global character of humanities’ most pressing challenges, it could even be assumed that openness is in fact the optimal and almost natural condition for HE to function.

However, increasing tensions can be observed in relation to openness. With respect to education, open systems may be challenged by weakened national steering capacity (e.g. in relation to international student flows), making it potentially vulnerable for nationalist–populist critique. For research, openness may be jeopardised as a consequence of heightened geopolitical tensions and related national security concerns, with potential consequences for academic freedom.

This chapter therefore addresses the question ‘how open can it be?’ by conceptualising open HE systems and exploring the related opportunities, challenges and consequences. Illustrated with examples from the EU, which arguably created the world’s largest and most far-developed public open space for HE (i.e. the European Higher Education Area [EHEA] and the European Research Area [ERA]) is as a strong advocate of open science.

It will put openness in perspective in a world in which the kind of multilateralism on which international academic cooperation and mobility used to be based has been weakened, values of an Open Society are under pressure and the globalisation paradigm may be shifting.

## GLOBAL CONTRIBUTIONS AND GROWING GLOBAL–LOCAL TENSIONS

HE is considered a key contributor to the advancement of knowledge and social and economic development at local, national and global levels. World leaders call on the sector to contribute to global challenges such as climate change, cleaner energy, inequality, polarised societies and technological transformations. The world’s leading universities willingly acknowledge their unique responsibility as ‘global actors’ and HEIs more generally recognise global contributions in their mission statements, although this may be more obvious for their research activities than for their teaching function.

The United Nation’s Sustainable Development Goals (SDGs), formulated in 2015 with the aim to create a better and fairer world by 2030, shaped a framework for global contributions. It concerns both HE itself, access to which should by 2030 be ensured on equal basis for all women and men (SDG4.3),

as well as HE's contribution to achieving goals related to poverty (SDG1); health and well-being (SDG3); gender equality (SDG5) governance; decent work and economic growth (SDG8); responsible consumption and production (SDG12); climate change (SDG13); and peace, justice and strong institutions (SDG16) (UNESCO, n.d.). The SDGs gained wide support from the HE sector and many HEIs are taking action to contribute to their achievement (O'Malley, 2021). Scoreboards and dashboards have been developed to keep track of contributions, progress and success (VSNU, n.d.). Contributions to SDGs have become an element of global ranking (THE, n.d.) as 'a benchmarking tool to support their sustainability efforts through performance insights and best practice from around the world'. The SDG framework seems to offer universities an opportunity to prove societal value and move beyond research excellence to demonstrate social commitment and impact.

While the SDGs were believed to be broad, ambitious and perhaps idealistic, the sense of magnitude of global challenges further increased since their launch, as the support for global institutions, such as the UN and WHO, was being weakened after the US elections and the Brexit referendum in 2016, which eroded the spirit of international cooperation and global multilateralism. But the ultimate test of the situation emerged in early 2020 with the outbreak of the global COVID-19 pandemic and resulted in the strongest proof of universities' societal value and of the virtues of an open global science system. The genomic sequence of the virus was quickly detected and shared globally, allowing a COVID-19 vaccine to be developed at unprecedented speed. Its global dissemination, however, as in the hands of governments and industry, was hampered by nationalism and protectionism.

Beyond the pandemic, HE needs to be prepared for what may be the three most important 'existential threats to humanity: global warming, nuclear war, and a deteriorating democracy', according to Noam Chomsky (2019). He added that: 'Internationalism and an engaged and educated population are the only hope for dealing with these major crises.' Which requires 'a society that is not only educated but able to deliberate, to interact, globally in fact, to move towards solutions' (Chomsky, 2020). In his view, it is feasible, but clearly, it is not enough to have the knowledge, as engagement also implies international solidarity.

This formulates a formidable task for HE in preparing the next generations for a global future, arguably moving beyond the current internationalisation models (industries), looking for avenues to help students develop the most needed abilities, such as empathy (both as cognitive and affective ability), in order to generate the efforts needed to tackle global challenges in an increasingly nationalist and antagonistic political climate. It goes without saying that this task can best be achieved in an open HE environment, allowing actual interaction between students and faculty from different backgrounds.

The value of openness is not only recognised in mission statements, policy slogans or pedagogical principles. For HEIs it is also confirmed in terms of performance. Institutions with an ‘open border’ outlook to international collaboration came out as the best performers in U-Multirank 2019. The project leaders commented that ‘these results are a “powerful antidote” to the inward-looking narrow nationalism encouraged by politicians in many countries’ (Mitchell, 2019).

This comment on ‘narrow nationalism’ reflects the tensions that have been rising in recent years around HE’s global engagement vis-à-vis its national commitment and local delivery. It is increasingly understood that HEIs’ readiness to take global action needs a combined focus with local and national impact. Profiling at global, but ignoring the national and local, levels may weaken HE’s legitimacy and public support in the national context. Indeed, since the backlash against globalisation in the West for related increased socio-economic inequality within these countries, we realise how delicate the balance between HEIs’ global ambitions, national commitment and local delivery is. How this may affect public support for HE, and even make the sector vulnerable for nationalist or populist parties, that easily criticise their international and global aspirations as part of their anti-globalisation and anti-elite discourse (van der Wende, 2021).

In this respect, it has been argued that HEIs, especially ‘world-class universities’, need to redefine their social contract in a global(ised) context, i.e. broaden their missions for internationalisation to be more inclusive, to balance their contributions to economic growth with social responsiveness (van der Wende, 2007; 2017). And that ‘world-class systems’ should be able to address growing inequalities, therefore be able to combine openness for global performance and excellence, with internal diversity for national and local relevance (Van Vught et al., 2018).

Complexity for HE to operate in the ‘glocal’ reality is thus increasing (Marginson, 2018). Meanwhile at global level, neither a global system of HE, or global governance has actually emerged. A global quasi-market perhaps, but without clear rules or regulators (Van Damme & van der Wende, 2018). Moreover, the multilateral world order is being threatened by populist and isolationist trends in the West, while new global players, such as China, present alternative views on the rules of the game and on globalisation as such. Resulting geopolitical tensions, primarily between the US and China, are increasingly involving the EU as well. These could be seen as a new form of neo-globalisation, likely frustrating the kind of academic and scientific interdependency that allows HE to contribute to the global common good (Postiglione, 2019).

The following sections will present a theoretical framework for open systems under the influence of globalisation; that is, how the virtues of an open system

may at the same time reduce the national steering capacity which is needed to provide for adequate system coordination, especially with respect of its education function. It will be followed by an illustration from Europe of how local–global tensions and open systems dynamics can jeopardise HE’s legitimacy in the national context and make it vulnerable for nationalist–populist critique. The discussion will then be extended to research, considering the challenges for open systems resulting from increasing geopolitical tensions and changing globalisation paradigms. Also here the EU will be used to illustrate. Not only because it has created the world’s largest and most developed public open space for HE and is a strong promotor of openness globally (including open science), but also because the EU as such is influenced by and interacts with the broader global context. In that context, the EU’s ambitions regarding openness are increasingly being challenged. Notably by the rise of China as a global player in science and technology, but also presenting a different globalisation paradigm and value mix, thus stirring up geopolitical tensions.

## OPEN SYSTEMS UNDER THE INFLUENCE OF GLOBALISATION<sup>1</sup>

Theoretical insights on the dynamics in open systems can be derived from system theory. When (social) systems are positioned as open to their environment, internal conditions may be affected by the flows across the system’s boundaries. Notably:

The condition within an open system is often in a dynamic balance, or steady-state. The condition of that steady state within a system is influenced by the energy or influence that crosses that system’s boundary. If there is a need to achieve (or maintain) a desirable condition within a system, it is necessary to control or manage the flow of energy across its boundary. (Tamas, 2000, p. 5)

Achieving or maintaining such an equilibrium within an HE system, while keeping it open at the same time, is a new and complex task, for which national authorities or policy makers (ministers of HE) are usually not or ill equipped, as available steering concepts and instruments at national level fall short, or would have to be exercised at a different level, while global alternatives are mostly un(der)developed as yet.

This is further explained by the effect that globalisation may actually reduce the sovereignty of nation states to coordinate/steer the HE system. Sovereignty as a condition for the steering capacity to effectively maintain the system’s internal equilibrium, that is, to balance internal demand and supply, costs and

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<sup>1</sup> This section was copied with permission from van der Wende (2022).

benefits, contributions and retributions, and strive for equal opportunity. Thus, for an open system to succeed, an internal equilibrium needs to be maintained, but with restrained steering capacity. This problem seems to be related to two trilemmas that could interact as follows.



Source: Author (2022), based on Ansell (2010) and Rodrik (2017).

*Figure 6.1 Interacting trilemmas challenging the steering of open systems*

In balancing access, cost and quality of an HE system, governments face a trilemma, as they can always only reach two out of three politically desirable goals: low public and private (tuition fees) costs, and mass access to HE, assuming that they want to keep the quality of HE at least stable (Ansell, 2010). This ‘higher education trilemma’ implies that access cannot be increased without consequences for costs, unless quality suffers, since a reduction in per-student funding would jeopardise the quality of HE in the long run.

In open HE systems, governments face an additional challenge: the ‘globalisation trilemma’, in that they cannot have national sovereignty, (hyper) globalisation and democracy at the same time (Rodrik, 2017). As Rodrik denotes, globalisation has redistribution as its flip-side, with negative effects such as increasing social-economic inequality, loss of control of national welfare state arrangements, reduced national steering capacity and possible opportunistic behaviour in the global context. Democracy is at stake as the legitimisation of political decisions regarding redistribution. How this affects open HE systems is discussed below.

Thus open HE systems can benefit from internationalisation, but may at the same time lose control over access to HE (as a welfare state arrangement), because their national steering capacity (sovereignty), needed to balance access with the costs and quality of HE, is being reduced (van der Wende, 2017).

In his earlier work, Rodrik (2011) already pointed out that globalisation would only work for everyone if all countries abide by the same set of rules, as laid down in some form of global governance. But in reality most countries are unwilling to give up their sovereignty. The need for global governance has indeed been recognised for HE. But as argued above, ‘global higher education’ may be a popular concept, but neither a global system of HE, or global governance has actually emerged. Giving up national sovereignty, not only in education, but also in a range of other significant areas such as health, security and foreign policy, has also proven to be one of the major stumbling blocks for the EU integration process.

The combined trilemmas explain the key tensions in open HE systems, revealing how redistribution issues may lead to anti-internationalism and give rise to neo-nationalism. Especially so in the European context, where HE is mostly seen as a public good and is heavily subsidised by the state as a welfare state arrangement.

## GLOBAL–LOCAL TENSIONS AND OPEN SYSTEMS IN EUROPE

Protests against globalisation in HE arose in Europe in the wake of the 1999 Seattle protest against the World Trade Organization (WTO). Students took to the streets, especially in Southern Europe, against the Bologna Process (launched in 1999) and the Lisbon Strategy’s aims (2000) to make ‘Europe the world’s most competitive knowledge economy’. In this critical European response, globalisation was seen as a neo-liberal Anglo-American trend which conflicted with European social values and the ‘social dimension of higher education’ as a public good (Van Vught et al., 2002).

Yet, HE continued to be integrated into the EU’s strategy and ambitions as a global knowledge economy. The ERA and the EHEA were created alongside the detrimental effects of the global financial and consequent euro crises (2009–2012), which by and large undermined the EU’s Lisbon aims and badly affected the HE sector by national austerity measures. Tensions in Europe further rose with the 2015 refugee crisis. The European Commission (EC), alerted by the rise of populism and radical events, such as in Greece, during the euro and the refugee crises, revised in 2016 its hitherto rather utilitarian education agenda by stating: ‘With regard to the recent tragic events related to radicalization in parts of Europe, a particular focus on civic democratic, intercultural competencies and critical thinking is even more urgent’ (Council of the EU, 2016).

The 2016 Brexit referendum in the UK, and the unexpected result of the US elections the same year, were further wake-up calls for the rise of populism. But contrary to what is often spread in the media, in Europe there has not

been an overall negative trend in identifying with the EU. Quite the contrary. Eurobarometer data series show an on average upward trend in support for and trust in the EU since 2014, which has risen considerably after 2016 (Brexit). The ERASMUS programme is rated among the best outcomes of the EU (after peace and the euro) and the conditions created for cross-border collaboration, exchange and financial support are generally seen as beneficial (Eurobarometer, 2019). However, as much as there is support for short-term student exchange under the ERASMUS programme, the free mobility of EU students for full degree programmes, which is based on the right of free movement as EU citizens to study anywhere in the EU, is more difficult to sustain under the current conditions. Since the Bologna Process harmonised the degree structures in the EHEA, gradually more degree mobility emerged, but without mechanisms to manage reciprocity of the flows of students between countries. And these academic migration flows have become quite uneven indeed. A challenge especially felt in (small) countries with strong inflow of EU students, resulting in a loss of control over admission policies with potential consequences for costs and quality. In the EU any specific or extra conditions for access would have to apply to the domestic students as well, which raised particularly issues in countries where access was usually not controlled by selection or tuition fees.

The rights granted by the EU to its citizens, students in this case, are not in balance with the EU's legal competencies to regulate for its consequences (unbalanced flows). In education the EU only has a rather weak 'supporting competency' (under article 6 of Treaty on the Functioning of the European Union [TFEU, 2007]) and can thus only intervene to support, coordinate or complement the action of EU Member States. This is based on the so-called subsidiarity principle, which is strictly upheld by the Member States as to preserve the quality and linguistic and cultural diversity of their education systems.

Rodrik's condition that all countries abide by the same set of rules by giving up sovereignty, has thus not been achieved in the EU for HE. At the same time, national governments' steering capacity may be restricted by EU regulation. Notably, the right of free movement and the fact that students from other EU Member States basically have access to HE on the same conditions as Member States' domestic students present challenges. Yet, respecting these rights and principles are conditional for participation in EU programmes and receiving related funding.

Despite the opening up and harmonisation of systems in the EU context and the increasing exposure of HE to internationalisation trends and globalisation forces, the relevant governance arrangements and steering instruments are still mainly based on the assumption that HE systems operate in a national (closed) context, and thus coincide with the legal authority (jurisdiction) of the state



over its national and cultural territory. The consequent steering deficits, for example, lack of control over international activity or flows, may jeopardise HE's public legitimacy in the national (and local) context and make it vulnerable for critique from populist anti-globalisation discourse and parties who wish to 'protect' HE as the kind of welfare state arrangement that they consider to be 'for their citizens first'. HE is then caught in tensions between national goals (e.g. demands for highly skilled immigrants, for R&D performance, labour market and economic growth) and populist pushback emphasising citizens' privileges, national identity, cultural and linguistic traditions. A difficult balance to strike at the risk of weakened public support for HE and even for open borders as such (van der Wende, 2021).

This vulnerability of open systems is mostly illustrated in countries with particularly strong and (thus) open HE systems, for example, the UK, the Netherlands, Denmark and Switzerland. They have all been struggling with the complexity of combining these virtues of an open system with constrained national sovereignty. While their performance benefited greatly from their open system environment, primarily generated by the EU's principle of free mobility and access to supranational funding, insufficient steering at national level has led to unequal student flows and consequent uneven financial burdens. This evoked a backlash against the free mobility principle and even against internationalisation as such. Fuelled by populist movements this can result in re-nationalisation policies, for instancing stricter regulation (in the Netherlands) or limitation (Denmark) of the use of English as the language of instruction. High prizes have also been paid by the HE sectors in Switzerland<sup>2</sup> and notably in the UK upon Brexit, in losing their participation in EU programmes for HE and R&D.

This brings us back to Rodrik's point that globalisation has redistribution as its flip-side, with negative effects such as social-economic inequality, loss of control of national welfare state arrangements and reduced national steering capacity. The combined trilemmas illuminate the key tensions in the HE sector as it reveals how redistribution issues may lead to anti-internationalism and give rise to neo-nationalism. Illustrations from the EU context underline how much European HE is being exposed. With the backlash against globalisation and the rise of populism in Europe in mind, HEIs risk to be caught in the

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<sup>2</sup> Switzerland is not an EU member and operates through bilateral agreements with the EU. In 2014 a Swiss referendum resulted in an anti-immigration initiative with consequent blocking of access to EU programmes. Damage was reduced by implementation in a limited fashion (2016) and rejection in 2020. However, further exclusion from participation may be inevitable as a result of a governmental decision in May 2021 to block a framework deal (Treaty) supposed to replace the EU-Swiss bilateral agreements (see Leybold-Johnson, 2021).

political polarisation and become easy targets of populists that happily critique their internationalisation strategies and global ambitions as ‘elitist cosmopolitanism’ as part of their anti-globalisation and anti-elite discourse (van der Wende, 2021).

The need for more effective steering of student flows is understandable given the conditions in which universities and governments have to operate in Europe (Hoogenboom, 2017). Hence the need to develop new approaches to avoid further imbalances, as they may occur in Europe in the wake of the COVID-19 pandemic and consequent economic recovery period. These could very well also concern flows of researchers, who might seek career opportunities in countries with better economic recovery conditions, that is, in the Northwestern part of Europe, which would (re)create brain drain from countries in the Southern and Eastern parts, which already suffered from the loss of academic talent after the euro crisis and were also in the front lines of the refugee crisis. Support for the EU is waning there and could be further undermined by more brain drain, allowing populist parties in these countries to gain more traction. Resentment could grow, eventually threatening the social and political cohesion of the EU.

While borders are still closed and academic mobility is frozen, it may be time to rethink some of the established instruments, in particular physical mobility. More virtual mobility and online collaboration would contribute to Europe’s Green Deal agenda, the required investments in digital infrastructure across the EU to another of its cornerstone initiatives, and could mitigate the brain drain of researchers (Van der Hijden & van der Wende, 2020). Rethinking physical mobility is needed to make open systems more sustainable; to make internationalisation greener, and publicly financed open systems less vulnerable to redistribution issues that may fuel populist critique from within.

However, especially for research, open systems are also facing challenges from outside. Despite the global character of the science system and strong drive towards open science, notably promoted by the EU, growing geopolitical tensions are putting the drive for openness under pressure. In particular China’s rise as a global player in science and technology, but also presenting a different globalisation paradigm and value mix, is stirring up these tensions. It will require the EU to strengthen internal cohesion and use stronger mandates to defend its values, including institutional autonomy and academic freedom, as will be discussed in the next section.

## THE COVID-19 PANDEMIC AND GEOPOLITICAL TENSIONS: GLOBAL OPPORTUNITIES AND CHALLENGES FOR OPEN SYSTEMS

The COVID-19 crisis put the EU's internal cohesion under great pressure and amplified already existing internal tensions. Upon the virus outbreak, all Member States chose nationalist–protectionist solutions and closed their borders. The EC was at first unable to coordinate or to provide much needed medical supplies. These came from Russia and notably China, turning its New Silk Road into a 'Health Silk Road' for 'face mask diplomacy', especially reaching into countries in the Southern and Eastern parts of Europe (the so-called 'CEEC 17+1' with which China signed New Silk Road agreements over the last couple of years) (van der Wende, 2020). Including Italy and notably Hungary, where after the Central European University (CEU) was banned, the government invited China's Fudan University to establish a branch campus. Meanwhile, negotiations over the EU's multi-annual budget 2021–2027, which were already complicated because of Brexit, were overshadowed by tensions concerning the solidarity between the North and the South, where countries, including again Italy, were hit the hardest by the pandemic and economic recovery required substantial redistribution of the new EU budget. Conflicts concerning the breaching of democratic values and rule of law as stated in the EU Treaty by Hungary and Poland were playing on the West–East axis and their resolution was made conditional for post-COVID-19 recovery funding by the European Parliament. Lengthy negotiations led to a political agreement on the EU budget for 2021–2027 and the 'Next Generation EU' recovery plan in December 2020. The volume of the negotiated packages combined was unprecedented in the history of the EU, at 1.8 trillion euros.

The pandemic was a test for solidarity for the world, as well as for the EU internally. While it inspired at first an unprecedented global collaborative research effort and push for open science (Lau, 2020), leading to the fast development of vaccines, its production and dissemination became overshadowed by competition and protectionism, that is, 'vaccine nationalism' (Douglass, 2021). Also in the EU, where it was further complicated by new and unresolved trade barriers with the UK, following the implementation of a 'hard Brexit' in early 2021. Meanwhile China and Russia were reaching into Europe, again mostly in the Eastern and Southern parts, now with alternative vaccine supplies; that is, 'vaccine diplomacy'.

Despite the fact that an open global science system proved to be invaluable for the fast development of a COVID-19 vaccine as a major global contribution of HE, it is still too early to assess the full impact of the COVID-19 pandemic

on HE, globally, for Europe and for open systems in particular. For the world, a key question seems to be whether it will lead to (a further) de-globalisation or re-globalisation. For the EU, it remains to be seen whether it will bring the Union closer together or drive towards further fragmentation, re-regionalisation or even re-nationalisation. Clearly, only with stronger internal cohesion will the EU be able to play a significant role externally, to sustain its open structures and the values on which European academic cooperation has been based internally, and of which it likes to convince its external partners as well.

But as it seems, the EU may have to rethink its approach or paradigm on openness as such. It has been a frontrunner on open borders, creating a large and open space for HE (EHEA and ERA), and is a strong global advocate of open access and open science. This was in line with the Western globalisation model, based on the paradigm of openness; open borders for free trade as the neo-liberal logic for economic growth, the Internet as an open space for democracy and the liberal values of an Open Society. While it is becoming clear that the assumptions about the virtues of an open and unregulated Internet have been naïve, it is also being argued that the EU has been naïve to open its internal borders, without clear control over its external borders. In that fashion, the question can be asked whether the EU is naïve if it wants to continue its open mobility, cooperation, open access and open science policy. Especially so in combination with cooperation in these areas with less open regimes such as China? Since it labelled China in 2019 as a ‘systemic rival promoting alternative models of governance’, it has been widely heard that in dealing with China ‘You can’t be naïve’. Thus inevitably the question is indeed: how open can it be?

### **How Open Can It Be?**

Since the principles of multilateralism, open trade and open borders have been challenged, security guarantees weakened and digital threats increased, the EU has been struggling with the consequences of its openness. It is increasingly being realised that the taken-for-granted conditions of openness, i.e. freedom (of free speech, press, but also academic freedom) and security (personal, national, cyber) are deteriorating. Meanwhile, China’s alternative globalisation paradigm with preference for economic growth and security over freedom and openness is coming to the fore and its growing weight and potential dominance in the global HE landscape cannot be ignored (van der Wende, 2020).

The balance between the security risks related to openness on the one hand and freedom and support for liberal democracy on the other, becomes under pressure and seems to be up for debate in the West. Will security outweigh freedom? What will be the consequences for academic freedom, international

cooperation and mobility? Will the EU have to become more realistic, more strategic and (thus) less open?

The EC that took office in late 2019, and labelled itself as a ‘geopolitical’ Commission, has been developing a more strategic approach indeed. While formerly EU programmes such as H2020 and ERASMUS were opened up to the world, this EC quickly announced as part of its ‘strategic autonomy’ agenda that collaboration should be regarded as a ‘tool of union policy’, limiting specific actions to Member States in ‘the EU’s strategic interests’. HEIs urged the EU to protect their autonomy and academic freedom, as laid down in the EU Treaty and Charter on Fundamental Rights of the European Union (CFREU) both against threats from within (e.g. the act of Hungary against the CEU) as well as challenges from outside. Also Member States asked the EU for help, to level the playing field for scientific cooperation globally and to protect knowledge and data transfer against foreign interference from countries where academic freedom, research integrity, data security and intellectual property rights (IPR) would not be at EU standards, or in cases where knowledge or technology (such as AI) may be used for military purposes or may infringe human rights.

In 2020 the EC erected barriers for participation in Horizon Europe against Chinese and US companies to avoid unwanted knowledge and technology transfer. The EU’s strategic autonomy, understood as the ‘capacity to act autonomously when and where necessary and with partners wherever possible’, a concept original from security and defence policy, was widened to include technology, research and innovation (Borrel; 2020) and exclusion of non-EU scientists from sensitive Horizon projects was further extended in early 2021 (Matthews, 2021). The European University Association’s European Global Strategy Response Group responded, arguing that global academic cooperation should still have a place, while acknowledging related dilemmas for Europe’s universities: how can the EU strengthen its own research, technology and innovation capacity to become more independent whilst engaging in international collaboration to advance the frontiers of knowledge and develop solutions to solve global challenges? How can the EU and Europe’s universities strive to fulfil the fundamental need for openness and a free flow of knowledge and ideas while addressing legitimate concerns over security, values and strategic interests? How can European political goals be achieved without interfering with the principles of institutional autonomy and academic freedom? (EUA, 2021).

The EC developed compliance guidelines for research involving dual-use items. These clearly reflected the renewed balancing act between freedom and security, stating that: ‘Academic freedom is a fundamental right guaranteed by the CFREU, however, not exempting researchers and research organisations from complying with regulations that are established to safeguard the security

interests of the EU and of its Member States' (EC, 2020). The EU seems to be reducing its openness indeed in order to better protect its security interests, but potentially constraining academic freedom. Dual-use technology control would be exercised under export control, that is, the EU's mandate in trade, which is much stronger (a so-called *exclusive competency* under article 3 of the TFEU) than the ones it has in education (TFEU 6, see above) or even in research (*shared* competency, TFEU 4). However, its mandate also means to facilitate convergence between export control with human rights norms (Kanetake, 2019). Questions thus arise how this will implicate HEIs in Europe when they are being considered 'knowledge exporters', how will that affect teaching, (collaborative) research and academic freedom, especially when they would be charged with the 'obligation to exercise human rights due diligence' with potential partners in certain non-EU countries?

It will not just be an external but also an internal balancing act for the EU. Values such as institutional autonomy and academic freedom are, despite their place in the Treaty and Charter, not necessarily defined or practised consistently throughout the EU, as illustrated by the Hungarian government by expelling the CEU from its territory and closing its academies of science. Moreover, these values are showing since 2010 an on average decrease across the EHEA (Jungblut et al., 2020).

But, as said before, the EU has only weak legal competences to regulate (higher) education internally. For external action it lacks a consolidated EU policy in foreign affairs, security or defence. In that light, preferably the strongest option, that is, its trade mandate, should be used in order to level the playing field and mitigate risk in global academic cooperation (van der Wende, 2020). The EU's initiative for export control on dual-use technology seems to confirm this direction. More conditions, for instance for technology transfer, IPR, FDI, recognition of professional qualifications, and data access and security (possibly using the EU's strong potential as a global tech regulator under the EU's Digital Services Act) may have been arranged for under the EU-China Comprehensive Agreement on Investment which was signed at the end of 2020.

However, trade deals may not be strong (or fast) enough to soften controversies on values and fundamental rights. Heightened pressures around the human rights situation in Xinjiang urged the EU, the US, Canada and the UK in early 2021 to impose sanctions against Chinese officials for human rights violations against the Uyghur minority in this region. These were returned immediately by China with sanctions for a number of European politicians and academics (EP, 2021; Sharma, 2021). Constraining their academic freedom, indeed, and potentially compromising, but at least considerably delaying, the acceptance of the intended EU-China agreement by the European Parliament. And perhaps

even more so by the national ones, which have recently proven to strongly diverge in their views on relationships with China.

The above shows that, in many respects, not at least in the field of HE, the EU is still a collection of sovereign Member States and at this point not likely to be internally coherent enough to play a significant global role in this area. Are the key values, including academic freedom and institutional autonomy on which such a role should be based, sufficiently well understood and shared within Europe? For a constructive global role, Europe needs to view both its history and its future from a more global perspective, taking the external perception into account; how is it being seen from outside and why? Take more of its history, including the colonial past, on board as to understand how that may still affect current external perceptions, as well as how it may continue to colour the way Europeans look at the world.

European universities are urged to think about the nature of their international partnerships and the academic values they wish to defend. And most importantly about how they should best prepare their students for this twenty-first-century world. How can HE contribute to a global future? As argued earlier, this questions the current internationalisation models and requires critical reflection on research and teaching practices, style of academic debate and dialogue, and methodological shortcomings, especially in those disciplines that mostly shape the human mind. How open is the young European human mind to the world? How can HE provide students the knowledge and essential abilities, such as empathy, for them to develop engagement and the solidarity needed to face the global challenges ahead? Obviously, this can only be achieved in an open HE environment, allowing actual interaction between students and faculty from different backgrounds.

How can the benefits of open HE systems, as a condition for HE's valuable contributions to global challenges and the global common good, as well as their benefits for HE itself, be better regulated? The above discussed steering deficits at national level, weak EU competencies in education, but strong ones in trade, combined with the lack of a global system for HE governance, could bring an old scenario back on stage: should HE be regulated under the trade in services agreement (WTO GATS), after all?

This idea was strongly rejected by the European HE sector when it was proposed to be negotiated by the US in 2000 during the Doha Round of the WTO. It was found to be in conflict with the nature of HE as a public good and, thus, not a tradable service (Vlk et al., 2008). Interestingly the ruling by the European Court of Justice (2020) against the Hungarian government for expelling the CEU from its territory was based on both the European Charter (using the CFREU's articles regarding academic freedom) and the WTO GATS (referring to national treatment, the freedom of establishment and the free movement of services commitments). A fascinating piece of case law

that is expected to set precedent in strengthening academic protections across Europe and bringing GATS back on stage indeed (see Court of Justice of the European Union 2020; Matthews, 2020). It raises questions on how shared academic values can be combined with free trade bargaining, as GATS may also become relevant in the post-Brexit relationship between the EU and the UK (Corbett, 2018).

## CONCLUSIONS

We are still amidst the COVID-19 pandemic at the time of writing and, even though there is renewed hope for multilateralism, as expressed during the first-ever online World Economic Forum in January 2021, which welcomed US President Biden, it is still too early to assess the impact on the global HE landscape. Yet even given this fragile situation; backlash on globalisation, geopolitical tensions and the COVID-19 pandemic, globalisation may shift, but will not collapse or be simply reversed. Open science and global cooperation have proven to be essential in addressing the pandemic as a global challenge of unprecedented allure. But the future of open science and open systems is complicated, and we come to realise that our assumptions about openness as an optimal and almost natural condition for HE systems may well need some revision.

We have seen that (the degree of) openness of the system may affect its internal equilibrium, especially when the steering capacity to control the flows across its borders is being reduced. In the European examples provided in this chapter this seems to make HE vulnerable for nationalist–populist trends from within which may weaken the public support for HE, and even for open borders as such. The question is thus how open a system can be sustained with a view to the HE and globalisation trilemmas combined. We questioned whether the current mechanism of free mobility within the EU is sustainable under the current conditions. And whether its open HE policy can be upheld in the broader global context, more particularly in its relationship with countries that do not necessarily share the same values and governance principles. It is already pulling up barriers and reducing its openness, mostly by using its trade mandate. The possibility for the EU to deal with HE under trade may create better external conditions, but may (further) reduce the national sovereignty of its Member States over HE (Rodrik’s trilemma confirmed). Whereas in China global engagement and exposure is easily combined with tight internal regulation, keeping sufficient control over internal redistribution, but at the expense of democracy (Rodrik’s trilemma confirmed again).

Clearly the Western (neo-liberal) globalisation paradigm is being challenged by China, which seems to be promoting an alternative according to which openness can very well be combined with strong regulation and control



by the state. Open to global opportunities, but closed to related threats, China's model seems to challenge the assumption that with globalisation the role of states is diminished, resulting in deregulation and increased autonomy of HEIs. Autonomy as seen in the West as a condition for HEIs to effectively navigate the complex global–national–local context. From a Western perspective autonomy and academic freedom are also conditions for scientific excellence, as much as a market economy cannot exist apart from a liberal democracy. In China such contrasts may not be seen as a tension but rather as a normal situation (Marginson, 2019). Examples of Western globalisation logic that do not seem to apply always and everywhere and that are being put into question by China and in the West as it needs to reconsider its balance between freedom and security.

Even though it is early to tell, we assume that globalisation will shift. Most likely eastwards, as it was already doing prior to the pandemic crisis. In particular China, with a forecast of fast economic recovery, opportunities to capitalise on the return of its academic diaspora and continued investments in HE and R&D, seems to be able to increase its weight on the global HE scene and thus to influence conditions for collaboration. Yet its growing assertiveness is meeting increasing resistance in the West. Redefining multilateralism between Europe, China and the US is a rebalancing act. Resulting new conditions will impact how open systems can be sustained for the global public good or perhaps, after all, rather as open markets.

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