

ACADEMIC FREEDOM AND THE CONTEMPORARY UNIVERSITY

Lessons from China



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INTRODUCTION

It's time we started talking about values. In the Academy of the Humanities we need to be clear about what our values are and whether they still matter in order to recognise and respond to the challenges they face in the present era.

It is not immediately clear, for example, that academic freedom carries the weight it once carried in our universities. The inherited Western ideal of the solitary mendicant scholar, free to roam without interference and speak truth to the prelate and the prince, sits uneasily alongside the immense resources invested in contemporary universities charged with driving innovation, industry, and business in highly competitive national and international markets. Still, while the roles of universities are more diverse and the challenges to freedom more diffuse in the twenty-first century, the Academy's commitment to free and open critical inquiry in the arts and humanities remains no less important today than in the mid-twelfth century when the *Constitutio Habita* was drafted in Bologna.

The inherited values of the Academy are thrown into sharp relief by the rise of China and the growing impact of an academic model in which freedom plays little part. Awareness of the values embedded in China's academic system is essential for gaining clarity about our own. It is not clear that Australia's university

administrators are aware of the war-like language that university administrators in China resort to when they condemn the kind of free and open critical inquiry that we take for granted in the humanities and social sciences in Australia. Nor is it clear that Australian administrators are aware of the constraints under which humanities and social science disciplines operate in that country or of the performance appraisal systems used to police them.

So it falls to the Academy to identify the values that we consider important, and to discover the values that others proclaim and practice in their national higher education systems, in order to stress-test our academic institutions to ensure they are sufficiently robust and resilient to uphold the values that we consider important when they deal with systems erected on values different from our own.

In the case of China, we need to start talking about values in order to draw attention to what it is that distinguishes the university sector from other national players in the Australia-China relationship. For some decades now, Australia's relations with China have been conducted through an informal compact under which each side agrees to leave its values at the door. Australians value freedom, equality and the rule of law. The Government of China values proletarian dictatorship, authoritarian hierarchy, and rule by the Party rather than by law. Under the compact, Australia and China agree to

(above)
Montage using
image of statue of
Confucius (p. 16).

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respect and to set aside the others' professed values in order to focus on shared interests in expanding trade and investment.¹

Generally speaking, the agreement to set values aside for the sake of trade and investment presents few problems. Miners, farmers, investors, lawyers, architects, tourism operators and so on go about their business trading in goods and services for mutual profit as they do with many other countries that do not share the same values. And so it has always been.

Unlike mining companies or agribusinesses, however, universities deal in values and one of their core values is academic freedom. China does not permit free and open critical inquiry in its higher education system. In fact China's education and research systems are arms of government and the Government of China is openly hostile to the idea of academic freedom. Australian universities are independent bodies

Institutes in Australian universities.⁴ A lot of money is at stake.

Academic freedom is also at stake. Our universities' institutional arrangements with universities in authoritarian states such as China place academic freedom at risk both as an ideal and as a set of institutional practices. In the past these risks were negligible. In transitional moments such as the present, when China is asserting its values globally and the United States appears to be retreating into its shell, risks to the freedoms that we take for granted are real, pressing, and substantial.

My argument is laid out in five parts: first, touching on the meaning and the institutional foundations of academic freedom; second, considering the transformations that Australian universities have undergone as institutions over the past three decades and what these mean for academic freedom; third, arguing that

AUSTRALIAN UNIVERSITIES THAT LEAVE THEIR VALUES AT THE DOOR ARGUABLY NEGLECT THEIR DUTIES AND PLACE THEIR REPUTATIONS AT RISK.

that highlight academic freedom in their charters and their routine practices. These differences are not trivial ones when university partners from Australia and China come together to transact agreements for mutual benefit. Academic freedom carries duties, including the 'duty to speak out for what one believes to be true' and an accompanying recognition that it is fundamentally 'wrong to remain silent' in face of assaults on freedom.² Australian universities that leave their values at the door arguably neglect their duties and place their reputations at risk.

Australian university councils and executives often transact business with China as if there were little to distinguish their dealings from those involving agribusiness or the resources industry. The results have been impressive. China accounts for more international students in Australia than any other country in an industry that contributes twenty billion dollars to national GDP each year.³ The People's Republic is also partner to hundreds of discrete research collaborations in the Science, Technology, Engineering and Maths disciplines across Australia and is the focus of ten specialist research centres and a dozen Confucius

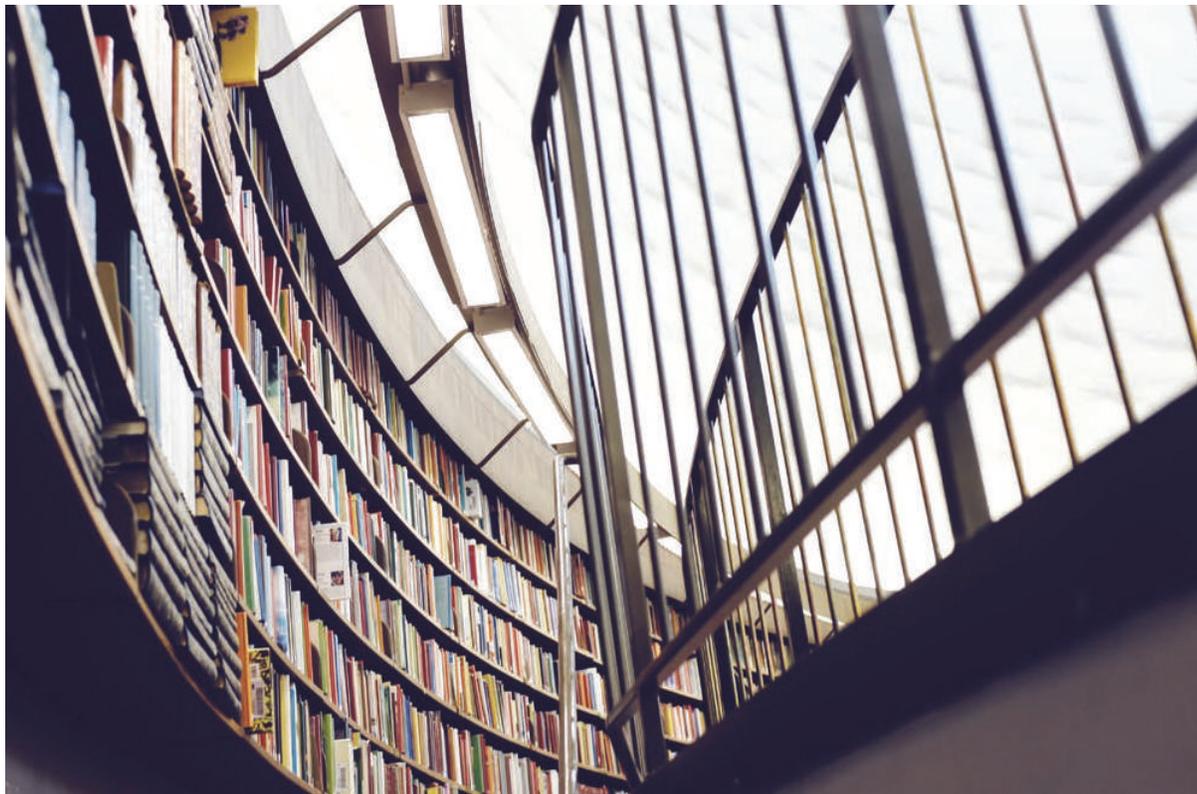
these institutional developments have reduced our capacity to identify and manage risks in international engagements involving teaching and research with authoritarian states such as China; fourth, identifying the risks associated with housing Confucius Institutes on Australian campuses; and, in conclusion, proposing a number of mitigating strategies.

THE MEANING AND INSTITUTIONAL FOUNDATIONS OF ACADEMIC FREEDOM

Academic freedom is a variant of wider freedoms associated with the liberal democratic order, including freedom of thought and expression, freedom of religious belief, and freedom of assembly.⁵ The particular history of academic freedom is bound up with the history of the academy no less than with the genealogy of freedom. From the self-governing *studia* erected on the model of corporate guilds, in twelfth- and thirteenth-century Europe, to the twenty-first-century university fashioned on the commercial corporation, the practice of academic freedom has been inseparable from the institutions in which it is embedded. There has

(right)
Library shelving
on a curved wall.

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UNIVERSAL, PIXABAY.



never been a time when the corporate powers of the university have not lived in tension with the freedom of individual scholars to teach and to discover. As a corporate entity, the university is both an enabling condition for freedom of expression and discovery, and an institutional restraint on the exercise of that freedom. Within this tension lies the dynamic value that we call academic freedom.

Similarly, institutional constraints on academic freedom are as old as the university. In medieval and early modern Europe, the exercise of corporate discipline over scholarly fellows was considered essential for resolving quarrels with local authorities in defence of university autonomy, itself a condition of freedom. In early universities, historian Richard Hofstadter records, masters were expected to take oaths of loyalty to their institution and to keep university secrets. Senior masters regulated and restricted the teaching and scholarship of their fellows more often than ecclesiastical authorities ever did. And many universities 'adopted statutes and ordinances affecting almost every conceivable facet of academic life, from trivial details of dress to the subjects and methods of lectures and disputations.' Still, masters would periodically

exhort their colleagues to shun silence and be bold 'in speaking truth' in recognition that a freedom rarely exercised was a freedom readily surrendered.⁶

In the tension between the corporate powers of the university and the freedom of scholars to speak truth to power we find the European origins of the two 'levels of insulation' that Ronald Dworkin associates with academic freedom in the contemporary university: the insulation of the university from external political authority and economic power, on the one hand, and the insulation of teachers and researchers from undue interference by university administrators on the other. Echoing findings of US Supreme Court rulings, Dworkin argues that maintaining these two structural barriers, or layers of insulation, not only preserves academic freedom but serves freedom more broadly: 'academic freedom plays an important ethical role not just in the lives of the few people it protects, but in the life of the community more generally.' It establishes and supports the 'duty to speak out for what one believes to be true' and the associated ethical belief that it is 'wrong to remain silent.' The imperative to speak out on matters of scholarly

expertise, and to speak out particularly where freedom itself is at issue, nourishes respect for wider freedoms in a liberal-democratic community.⁷

Writing in the 1950s on the development of academic freedom from twelfth-century Europe to mid-twentieth-century America, Richard Hofstadter associated its ideas and practices with the struggles of the independent scholar in the face of challenges from ecclesiastical and state authority. More recent scholarship has drawn attention to a different set of challenges arising from the corporatisation of the university itself.

Ellen Schrecker presents a sustained critique of the 'assault on academic freedom' presented by the corporatisation of the university in our time:

The academy has always had to fend off external challenges from politicians and others who want to eliminate unpopular professors or censor the curriculum. Those pressures have not abated. But now the nation's colleges and universities are also confronting demands for so-called reforms that would substitute economic considerations of productivity and cost-effectiveness for the traditional values of enlightenment and individual growth.⁸

Vice chancellors and presidents apply market principles to university management, they expand administrative budgets and introduce business-friendly priorities into the life of the university, they expand the casual workforce, and they promote competition for resources among individual scholars and competition for status among institutions. Taken together, Schrecker argues, these incremental developments have transformed the mission of the university, reduced its autonomy, and limited the time and inclination of individual academic faculty to participate in collegial decisions bearing on appointments, curricula, research, and peer review which underpin the everyday practices of academic freedom and independence.

Whether or not we credit these developments with limiting academic freedom, many of them would be familiar to observers of Australia's higher education system. Australia arguably moved earlier and more uniformly toward adopting the corporate methods of the

enterprise university than the American higher education system. Writing only a few years ago, Ellen Schrecker remains hopeful that traditional academic freedoms would be maintained in American higher education 'by virtue of two practices that protect the job security and institutional authority of college and university teachers: tenure and faculty governance.'⁹ These last remaining pillars of 'traditional' academic freedom were long ago demolished in Australia, where universities moved from tenure, in the traditional sense, to enterprise practices of workplace employment, and where faculty governance is no longer practiced to any meaningful degree.

In Australia, however, it is by no means clear that the managerial university poses graver threats to traditional freedoms than the system that preceded it. In 1974, the Whitlam government's abolition of tuition fees made universities uniformly and wholly dependent on Commonwealth funding for operating and capital expenditure for over a decade. I recall senior academics of the old school highlighting at that time the threats to academic freedom likely to flow from universities' growing dependence on government. The late Professor A.R. ('Bertie') Davis, Professor of Oriental Studies at the University of Sydney, would rail in private conversation and protest in public over the loss of university autonomy arising from his university's financial dependence on Commonwealth funding. He had little patience with the Whitlam government but his concern went deeper, to the longer-term systemic threats to an academic freedom that he associated with institutional autonomy.

A decade later, similar concerns about excessive dependence on the Commonwealth were aired among university vice chancellors, although in this case with less concern for academic freedom than for the state of their university finances. From the mid-1970s to the late-1980s universities were made to feel their dependence on Commonwealth funding through a withering process of attrition — known as 'steady state' funding — that reduced their budgets to a parlous state by the end of that decade. Commonwealth funding failed to keep pace with operating expenses. Capital stock deteriorated as older buildings were

not maintained and new construction was postponed for years. It is said that the University of Sydney went without a new building for almost two decades.

Dependence on Commonwealth funding made universities especially vulnerable to managerial innovation. In the mid-1980s, the national economy was harnessed to the fortunes of the world economy following tariff reductions and the floating of the dollar. Vice chancellors and university councils then anticipated further shocks, including reductions in Commonwealth funding and greater demands for accountability to government agencies in relation to their enrolments, the courses they offered, their staff performance, and their financial accounting. Peter Karmel at the Australian National University and David Pennington at the University of Melbourne began to develop their own internal change-agendas that anticipated key features of what was to be called the Dawkins model.

In 1987 John Dawkins took advantage of the Commonwealth's dominance of the system to reduce dependence on Commonwealth funding and at the same time sharpen the tools of public administration to reshape the provision of higher education in Australia. With the introduction of the Unified National System, followed by a decade of institutional amalgamations and Quality Assurance rounds, virtually every Australian university had come to embrace the enterprise model of corporate governance.¹⁰

After Dawkins, the Commonwealth government shifted from rowing the boat to steering it, as the saying goes. The Commonwealth exchanged direct control for a dashboard of buttons and levers through which to shape higher education and research. In the early years these included rewards for institutional amalgamations and for shifting student load from generalist degrees toward skills development in areas identified by government (IT, engineering, business, and so on). The Commonwealth also reintroduced fees as well as funding incentives for expanding undergraduate enrolments along with incentives for linking competitive research funding with national research priorities.¹¹ It made improved corporate governance a condition for university entry to the Unified National System. Among

other things, improved governance involved redefining the role of vice chancellor from *primus inter pares* to CEO of the university enterprise, and led to reduced staff and student representation and greater business and government representation on governing university councils.¹²

We live with the consequences of these reforms. Decision-making powers over curricula and research have been transferred from participatory department and faculty committees to line management. Academic personnel policies have been redrafted to align the performance of individual academics with overarching corporate missions — translating corporate strategic goals into individual academic targets covering research, education, scholarship and engagement. On other fronts, university managers adjust their internal reward and punishment mechanisms to lift their university standings in global rankings, to hold academics accountable for burnishing the university's brand in public correspondence, and to encourage academic participation in both formally-structured engagement with corporate end-users and international cooperation in research and teaching. In the wake of these reforms, a team of American researchers visiting Australia in the 1990s found Australian universities were arguably ahead of US universities in implementing market mechanisms in support of research. Had they explored teaching programs, Stuart Macintyre remarks, they would have found that Australia's recrafting of university priorities, planning and management around international student recruitment was no less advanced in its embrace of the market.¹³

Whether the trend to corporate management of the enterprise university has, in itself, compromised freedom of expression among academic members of staff is for others to judge. Here I would draw attention to one incidental effect of corporatisation that surfaces at the point where Australian universities align their strategies and partnerships with universities overseas that do not share respect for academic freedom or tolerate the wider liberties in which this freedom is nested. The coincidental convergence of strategic planning styles and line-management methodologies in China and



(far left)
Image of
Barbarossa with
his sons Henry and
Frederick, from the
Constitutio Habita.
PUBLIC DOMAIN VIA
WIKIPEDIA COMMONS.

has risen from under 1% to around 25% of the current age cohort, in a population one third larger today than it was three decades ago. This achievement can be attributed in part to a model of higher education that Simon Marginson has termed ‘The Confucian Model’, a term referring to national university systems extending from the People’s Republic of China to Hong Kong, Taiwan, Singapore, Japan, Korea, and Vietnam, countries that have all been influenced by Confucian educational traditions. Each of these national systems converges with the others in an education system designed around four key elements:

- A strong central state shaping the structures, funding, and priorities of national higher education systems
- A trend to universal participation, driven by popular commitment embedded in cultural values
- The adoption of ‘one chance’ national competitive examination systems, highlighting and reinforcing hierarchy, discipline, meritocracy
- Accelerated public investment in education, research, and the attainment of ‘world-class’ status for universities.¹⁴

the West masks the incommensurability and ultimately *non-convertibility* of the values of the liberal university and the militant Leninist values underpinning the Chinese university system. When corporate managers do deals without regard to values they place values at risk.

THE CASE OF CHINA

My concern is not just with China. In universities that manage off-shore programs or campuses in southeast Asia, for example, how many academic staff feel free to come forward and acknowledge that colleagues are obliged to sign agreements to refrain from publishing research outcomes that might offend the host government? How many line-managers pressure academic researchers who have not signed on to these agreements to refrain from publishing material that might place their partner university agreements at risk? We could ask further questions, or ask similar questions of other countries. Here I propose to ask questions about Australian universities and their relations with China.

Domestically, higher education is one of China’s many success stories. Over the past three decades the national tertiary participation rate

As a rule, systems that hold higher education and research accountable to the principles, goals, and needs of the national state are prone to state interference in their executive autonomy and academic discovery and innovation.¹⁵ Nevertheless the degree of state interference varies significantly from one nation to another. The Confucian hierarchical model of education found in Singapore, Japan, and South Korea makes provision for academic freedom commensurable with the greater or lesser degrees of freedom tolerated in each country, including freedom of expression and of the press, and freedom of religion and assembly. China eschews such civic freedoms and shows commensurably little respect for the principles derived from those freedoms, including academic freedom. In the case of China, the convergence of Confucian and Leninist models of strategic management presents challenges for free and open critical inquiry of the highest order.

The strategies through which the Chinese Communist Party and Chinese Government guides and controls teaching, research and publication in higher education are embedded not in the principles of civic life, East or West, but in strategies for waging war. The old wartime United Front Department works to win the loyalty of non-party elements including ethnic Chinese overseas and students studying abroad.¹⁶ China's students overseas are exhorted, for example, to serve their country by helping to build scientific and technological capacity for heightened military preparedness, not least to prepare to take by force islands and sea-lanes in the South China Seas currently held or contested by other countries in the region.¹⁷

China's battle strategy for higher education is set out in formal state documents. The ruling State Council's guidelines for higher education, issued in 2015, present the higher education sector as a 'battlefield' between China and its enemies in the liberal West:

Higher education is a forward battlefield in ideological work, and shoulders the important tasks of studying, researching and propagating Marxism, fostering and carrying forward the Socialist core value system, and providing talent guarantees and intelligent support for the realization of the Chinese Dream of the great rejuvenation of the Chinese nation. Doing higher education propaganda and ideology work well and strengthening the construction of the higher education ideological battlefields are strategic projects... and have an extremely important and profound significance for consolidating the guiding position of Marxism in the ideological area and consolidating a common ideological basis for the united struggle of the entire Party, the entire country and all the people.¹⁸

At the institutional level, individual academics are accountable to university and national strategies through their university's performance appraisal system, as in Australia, although in this case under explicit direction from the Ministry of Education to measure compliance with Communist Party ideology and policy in joining battle with 'harmful ideas.' The Ministry's

guidelines on academic staff performance appraisal issued in August 2016 include the following criterion for performance appraisal (clause 10):

10. *Strengthen assessment of discipline in the classroom.* By taking adherence to the basic line of the Party as a basic requirement for teaching, and adhering to a correct educational orientation and strict discipline in University classroom teaching, strengthen supervision of teachers' educational activities in the classroom and actual teaching practices. The illegal spread of harmful ideas and expressions in the classroom will be dealt with severely according to regulation and law.¹⁹

The 'harmful ideas and expressions' to be banished from university classrooms were set out in another Party communiqué issued in April 2013, and forwarded to university presidents and party secretaries as a prescribed list of 'Seven Prohibitions' governing university teaching and research. The seven topical areas banned from university classrooms, research seminars and publications all fall within the domain of the humanities and social sciences. They include constitutional democracy, civil society, economic liberalisation, freedom of the press, historical critiques of the Communist Party, challenges to socialism with Chinese characteristics, and discussion of 'universal values' (local code for human rights and freedoms, including academic freedom).²⁰ Not only are these topics banned from the classroom and the seminar, the Party communiqué banning them was designated a secret state document, partly out of habit, partly to avoid embarrassing overseas universities partnering with Chinese ones that are compelled to comply with the 'Seven Prohibitions.' A seventy-year-old journalist, Gao Yu, was found guilty of leaking state secrets for allegedly sharing the communiqué with a foreign journalist. She was sentenced to seven years in gaol, subsequently commuted to five years under house arrest in deference to her age.

Finally, in December 2016 Xi Jinping placed his presidential seal of approval on the tightening of political controls over higher education in a widely-publicised speech

about placing 'ideological work' and 'political work' at the heart of university education and management. Among other things, he proclaimed that all science was based on Marx's scientific socialism, and that the duty of university managers and academics is to believe and inculcate the 'scientific theory of Marxism':

Proper management of higher education requires perseverance in thoroughly implementing Party education policies guided by Marxism. It means persevering without fail in making students appreciate throughout their lives, by grasping Marxist theoretical education, that the intellectual foundation of science is the scientific theory of Marxism.... All teachers and students must become firm believers in the core values of socialism.

pioneered locally by education theorists of the pre-Communist era, such as Cai Yuanpei and Tao Xingzhi, and in others was embedded deeply in their originating DNA as American missionary colleges.

In most of China's 2,400 universities, however, serious scholars revert to practices once favoured by mediaeval European philosophers when faced with the ecclesiastical authority of the Roman Catholic Church. Some get on with their studies quietly, ignoring restrictions as best they can without publishing or teaching anything that would directly challenge the authorities. Others defer to the right of higher authorities to correct their errors and oversights when they publish their research findings. Some seek refuge in one of a number of less restrictive urban jurisdictions where a particular university

THE SEVEN TOPICAL AREAS BANNED FROM UNIVERSITY CLASSROOMS, RESEARCH SEMINARS AND PUBLICATIONS ALL FALL WITHIN THE DOMAIN OF THE HUMANITIES AND SOCIAL SCIENCES.

At the classroom level, no classes or disciplines were to be spared these explicit political interventions:

We must fully utilise the important channel of the classroom by improving and strengthening classes on the theory of thought work and political work... and integrate classes on thought work and political work with other classes.²¹

Further, President Xi raised what he called the 'basic question' of who it was that could be entrusted to bear the 'sacred mission of engineering human souls' as academic teachers, and implied that academics were not only to be monitored for compliance but selected for appointment on the basis of prior demonstrated compliance with Party directives.

Directives such as these, designed to 'strengthen management of the ideological battlefield',²² are applied vigorously in all of China's higher education institutions apart from a handful of prestigious universities such as Peking and Tsinghua universities along with Wuhan, Nankai, Nanjing, Sun Yatsen, Fudan and a number of other elite institutions. These relatively exclusive universities preserve an ethic of critical inquiry that was in some cases

president or local Party Secretary is known to provide protection from over-weening central authority — assuming, that is, they are permitted to transfer their personal 'dossiers' from one jurisdiction to another, which is often forbidden. In a country where state and ideological authority are one and the same, at every level of government, interstitial spaces allowing scholarly refuge are relatively few compared with those in medieval and early modern Europe.²³

AUSTRALIA'S CHINA CHALLENGE

An iconic moment in recognising the independent scholar's right to move between towns, cities and states in search of refuge is the *Constitutio Habita* declaration of Bologna University in the mid-twelfth century. The declaration is remembered today chiefly because European university presidents cited the *Constitutio Habita* as precedent when they met to sign a continental charter of academic principles, *Magna Charta Universitatum*, in Bologna in 1088.²⁴ The 1088 *Charta* was a forward-looking document laying out the 'principles of academic freedom and institutional autonomy as a guideline for good governance and self-understanding of universities in the

future.²⁵ In the following year the *Charta* helped to guide and to govern mergers and transitions among East European and West European universities following the collapse of the Berlin Wall.

In higher education, Australia is part of this European story. Many will recall that Australian universities were caught up in the struggle for freedom in Eastern Europe in the post-war period through their hosting of a number of prominent intellectual refugees from Nazism, Leninism and Stalinism. Richard Krygier, Eugene Kamenka, Agnes Heller, Ferenc Fehér,

of Nazism, Leninism, and Stalinism were a real and malevolent accompaniment of their personal and family lives.²⁶

And yet Australia is also part of China's story. Since 1989 Australia has hosted a comparable number of intellectual refugees from Maoism and Leninism in China. Their reflections rarely make their way into public debate through mainstream journals and magazines. Their names are little known. Had they remained in China, they would today be university professors, deans and presidents. In Australia they remain part-time



(above)
Statue of Confucius
PHOTO: CC0 1.0
UNIVERSAL, PIXABAY.

Hugo Wolfsohn, Henry Mayer, among others, lectured and published widely in Australia. They built and led centres and departments of research and teaching in the humanities and social sciences, and founded and contributed to journals, magazines, professional associations and learned academies at a time of intellectual ferment arguably unparalleled in Australia. Martin Krygier reminded us a few years ago that, while for many Australians the Cold War was a 'free-floating fantasy' leavened by parochial political concerns, for his father and other intellectual refugees the spectres

tutors, lecturers and senior lecturers, usually in languages departments, with little prospect of promotion unless they make themselves useful by deploying their networks to open lucrative channels to the Chinese higher education market.

As China patriots, Chinese-Australian intellectuals wish China well. And yet they value the freedoms Australia has to offer more than career opportunities available in China. Threats to their friends, families and students within China, and repeated injunctions to wage ideological warfare against them for choosing

to live in the liberal West, form a malevolent accompaniment to their everyday lives. Many look on in wonder as their university deans and vice chancellors enter into deals with Chinese universities that imply the moral equivalence of the Chinese and Australian higher education systems.

The entry of Confucius Institutes onto Australian campuses, twelve at last count, offers a pointed illustration of the challenges the corporate university presents for academic freedom in international engagements.²⁷ Confucius Institutes appear on the whole harmless and inconspicuous agencies in the Australian universities that host them. For this reason they are thought to be inconsequential.

It would be shortsighted to overlook their symbolic significance. Confucius Institutes breach fundamental principles of academic autonomy and freedom relating to curricula and appointments. As a rule, host universities have no say in the selection of Chinese staff, who are subject to the guidelines and restrictions on academics set out in the documents noted above and are monitored by the Communist Party Secretary of the overarching management office in Beijing, the Hanban. Their curricula and teaching materials are censored at the margins to pass the test of approved 'battlefront' scholarship. Their directors are expected to play a gate-keeping role to prevent the circulation of materials in Australia that Chinese government authorities may deem offensive, including those touching on China's territorial sovereignty, or the Seven Prohibitions, which are the bread and butter of a liberal arts education. Any discussion of the limits on academic freedom that apply within China is off limits as well.

On the Australian side, accepting an invitation to set up a Confucius Institute may be thought a gesture of good will on the part of university executives wishing to do business with China. To Chinese authorities, Australian universities' disregard for the principles of academic freedom and autonomy when allowing the establishment of these Institutes marks a significant breach in the battlefield with Western liberal values. On both sides, Confucius Institutes symbolise the equivalence of the principles governing

the Australian and Chinese higher education systems. Australian universities value academic freedom, China's do not. To host a Confucius Institute is to exchange academic freedom for Communist Party authoritarianism, as if in a currency exchange, at equal value of one to one. After swapping values, Australian universities pursue collaborative research and education opportunities with Chinese institutions on a scale that far outstrips anything a Confucius Institute could possibly match. Their innocuousness is then a measure of their success: the less conspicuous the Confucius Institute, the greater its achievement as an arbiter of values exchange.

HOW DID IT COME TO THIS?

In most cases, Confucius Institutes were introduced onto Australian campuses as an executive initiative with little involvement on the part of humanities academics familiar with the risks involved. Dr Jocelyn Chey, a former colleague of Professor Bertie Davis at the University of Sydney, told ABC radio's *Background Briefing* program that a proposal going before the University's Senate happened to fall into her hands while she was visiting the university in 2007. The proposal suggested that university management was considering folding its Chinese programs into a new Confucius Institute. Up to that point there had been little consultation with academic staff who had the capacity to advise of the risks to academic freedom implied by this arrangement. In Dr Chey's words, the proposal going to Council challenged 'the right of academics not just to teach but to research and to publish in areas where they are not under the guidance or direction of anybody.'²⁸ Even the watered-down version of a Confucius Institute that was admitted onto campus after Dr Chey's informal intervention would not have been admitted under the shared management model of academic and executive responsibility for university governance that applied when Bertie Davis ran the Oriental Studies Department at the University of Sydney.

I do not propose returning to the age of the powerful patriarchal professoriat — nor to the era of Oriental Studies — but I would suggest

that Australian universities need to recover the capacity to measure and manage risks in dealing with their counterparts in authoritarian states. The convergence of strategic planning and corporate management styles on both sides, I would suggest, blinds Australian university executives to the incommensurability of the values underpinning the two higher education systems.

Some decades ago when Beijing was obsessed with national development and domestic affairs this may not have mattered. Even today, State Council injunctions and Education Ministry guidelines are intended for domestic application, not application abroad. But the distinction between home and away is blurring as China follows its policy of 'going abroad', in effect exporting its world view and values well beyond its borders, including to Australia.²⁹

WHAT IS TO BE DONE?

Academic freedom is nested in wider forms of freedom but is fundamentally embedded in institutions. Put to the test, the contemporary Australian university does not appear well equipped to manage the risks that can arise when it aligns its research, teaching and corporate missions with universities in other national systems that hold academic freedom in low regard.

Changes to higher education triggered by the Dawkins reforms enhanced the autonomy of institutions but placed enhanced autonomy in the hands of an executive leadership inclined to place issues of revenue, status and performance ahead of traditional academic values.

In particular, there appears to be little independent academic input into executive

THE DOMESTIC REPRESSION OF ACADEMIC EXPRESSION WHICH IS AN EVERY DAY EVENT
IN CHINA IS NOW EXPORTED ALONG WITH CONFUCIUS INSTITUTES

Education is part of China's going abroad strategy. On the pull side, the appeal of China's 'Confucian' education model is growing among countries in the region.³⁰ On the push side, Chinese education specialists now call for Australian universities that accept Chinese students to give greater weighting to the values of the education system that produced them.³¹ And China's Ministry of Education has begun to export the style of interventionist academic policing it routinely practices at home. In July 2014 the Director of the Ministry's Hanban agency which manages Confucius Institutes overseas, Madame Xu Lin, ordered that a page be ripped out of the conference program of the 20th Annual Conference of the European Association of Chinese Studies, an independent academic fellowship then convening in Portugal. Her staff removed the pages without consulting the academic conference organisers who put the program together. The domestic repression of academic expression which is an everyday event in China is now exported along with Confucius Institutes.³²

decisions relating to China. When invited, independent academic input is often ignored if it fails to match the higher corporate vision. Faced with opportunities for aligning universities with institutional partners and systems that do not value freedom, the current corporate model is systematically inclined to go for alignment and set aside values once considered a liberal university's greatest assets.

Some say that we should go along with it all because China is changing, or in the words of Bob Carr, formerly Australia's Minister for Foreign Affairs and now Director of the Australia-China Relations Institute at the University of Technology, Sydney, China is 'becoming more like us'.³³ This claim rests on slim evidence. China's education system is geared to ensuring precisely that China does not become 'more like us' in the sense of embracing universal values, human rights, constitutional government, civil society or freedom of religion, speech and assembly. It certainly has no intention of embracing academic freedom. Not only are ideals and institutions such as these banned in China; discussion of them is specifically outlawed on

China's campuses and in institutes governed by China on Australian campuses.

It is not China that is changing but Australia. The ABC has censored its own news programs for fear of offending Beijing. Chinese Communist Party propaganda bureau publications are delivered to the homes of subscribers to Fairfax newspapers each month. Sky News co-produces news and current affairs programs with CCTV in China where the outcomes of cooperation are censored before broadcasting. Australia's Chinese-language media — print, radio, online and social media — are largely owned or dominated by arms of the Chinese Communist Party and government. Beijing monitors and restricts the freedom of Chinese Australians to practice religion by threatening to harm family members in China if they join this or that religious congregation. Our university executives invite onto our campuses institutions and political representatives who profess to be at war with our values, including academic freedom.

One thing to be done is to call out this kind of behaviour in our universities. During her visit to Australia in October this year, Anson Chan, head of the Hong Kong public service from 1993 to 2001, spelled out a lesson for Australia. 'I don't think Australians understand the sort of country they're dealing with ... By the time China's infiltration of Australia is readily apparent, it will be too late.' Despite Hong Kong reverting to Chinese sovereignty in 1997, she reminds us, the Communist Party remains an underground organisation in that city. In the early years of Chinese sovereignty, Communist agents moved quietly into the city to remould Hong Kong's media, universities, non-profit and government agencies in Beijing's likeness. Within two decades they were openly intimidating journalists, kidnapping publishers, and intervening in the appointment of senior university administrators. To Anson Chan, Australia appears to sit now where Hong Kong sat two decades ago. 'Australia is a very open society so it wouldn't occur to most people, the designs of the one-party state. And it wouldn't have occurred to the people of Hong Kong until we experienced it first hand.'³⁴

Calling out abuses can itself invite abuse. On ABC national radio, Professor Bob Carr accused humanities scholars of being vehemently anti-



China for drawing attention to what Chinese authorities themselves were saying in Chinese.³⁵ In fact we do China a courtesy by reading and translating what Party and government agencies are saying in their own language and to their own people. We extend a further courtesy when we accept what they say as true statements of intent. It is Australia's political leaders, media owners, business managers and university executives who do China a disservice by ignoring what Beijing is saying every day through its government and media proclamations in favour of their own ill-founded presuppositions. More important, we do our Chinese colleagues in Australia and in China a disservice by not accepting the obligation to speak up about it.

Second, we can deploy the tools and drivers that corporate universities themselves employ to enhance their status and promote their services. One readily available set of tools is competitive global rankings. The entry of Chinese universities into the top echelons of published league tables, Oxford Professor Rana Mitter astutely observes, suggests that academic freedom no longer matters for university standing.³⁶ It could equally be read as an indictment of ranking systems that make no provision in their measurement indicators for free and open critical inquiry in the humanities and social sciences. This omission could be remedied by encouraging ranking



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agencies to introduce a minimal commitment to academic freedom as a threshold for entry onto competitive league tables, and to devise a workable measure of the exercise of academic freedom in each national system and university that crosses the threshold. Global rankings could then drive reforms favouring freedom through the competitive market mechanisms that currently stifle them.

A third course of action is to encourage more Australian universities to sign on to the 1988 *Magna Charta Universitatum* and encourage prospective Chinese partners to become signatories on the understanding that they will seek to abide by the principles governing the *Charta*, and submit to routine monitoring and reporting on matters relating to academic freedom. To date four universities in China have signed — Peking, Nankai, Tongji, and Wuhan — and eight Australian universities have done so. Australian universities could opt to give preference to research and teaching partnerships with universities that are prepared to sign the *Charta*.

A fourth action concerns the influence of external donors on shaping university appointments and research. Given the value differences separating our national higher education systems, Australian universities dealing with China face unprecedented pressures to meet the expectations of external donors and partners wishing to shape their research and teaching activities. Risks to academic freedom are magnified when university executives place the prospect of promising opportunities, big money and long-term strategic partnerships with Chinese entities ahead of academic values. One remedy would be to invite an overarching body, such as Universities Australia, to develop and promote a best-practice guide for accepting and managing donor funds. This would ensure that the sources and origins of donations are clearly documented, that donors present minimal risk to the standing of the university, and that firewalls are erected separating donor engagement from the selection of academic staff and research and teaching projects.

Fifth, the external funding and appointment processes applying to Confucius Institutes give their host universities in Australia a direct stake in the management of China's higher education system. Every university hosting a Confucius Institute should routinely ask its China-appointed staff to report publicly on the terms and conditions of their employment, including the terms of their annual performance appraisals. Australian universities hosting Institutes should also monitor the formal terms and conditions under which State Council guidelines, Education Ministry directives and institutional performance appraisal mechanisms apply to visiting teachers and professors.

In bringing values more clearly into view, moving them from the doorway and putting them on the table as it were, the aim should not be to impose them on others but to impose them on ourselves — to remind ourselves of who we are and what we believe and where we draw the line. International engagements vital for the future development of higher education in Australia should not be allowed to place at risk the values that mark the university as an institution.

In the Academy we need to talk about values. We have a duty to speak out about contemporary risks to academic freedom in the knowledge that the liberties we enjoy in the academy play an important role in the life of the community at large. And it is our duty to speak out in the knowledge that freedoms rarely exercised are freedoms readily surrendered. ¶

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