Chapter 1
Academic Freedom Under Siege: What, Why, and What Is to Be Done

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Academic freedom is under siege everywhere in the world, and it cannot be taken for granted. Core academic values such as academic freedom, institutional autonomy, social responsibility, equity, integrity, etc. "need to be nurtured, actively pursued and defended" (Stølen and Gornitzka 2019; see also Myklebust 2019). This is true not only under authoritarianism and dictatorships but also in democracies (Scholars at Risk 2018a; Teichler et al. 2013; Tierney and Lanford 2014: 11–14). Some argue that academic freedom should be recognized as a transnational right "anchored in the political and intellectual history of different cultures and regions across the world" (Hoodfar 2017). Most recently, members of the European Parliament adopted a report that recommended making academic freedom a human rights consideration in EU's foreign policies (Scholars at Risk 2018b). A declaration from 1988 of the core values of the university, called Magna Charta Universitatum and signed since then by 906 universities worldwide, is now being updated and will be finalized by 2020 in light of the current situation (Stølen and Gornitzka 2019).

The examination of universities in some Asia-Pacific countries and regions in this book demonstrates how and why academic freedom is under siege and needs to be actively nurtured, pursued, and defended. The jurisdictions this book covers range from democracies such as the USA, Australia, Japan, South Korea, and Taiwan, through semi-democracies such as Hong Kong and Macau, to authoritarianism/dictatorship like mainland China. Although the problem manifests itself to different degrees in different political systems and cultures, commonalities abound (see also Tierney and Lanford 2014). For example, each jurisdiction has a different set of historical and political contexts and contemporary symptoms. Nationalism plays a more important role in East Asia in impeding academic freedom than in the USA. And in general the more democratic a country or region is, the more academic

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Z. Hao, P. Zabielskis (eds.), *Academic Freedom Under Siege*, Education in the Asia-Pacific Region: Issues, Concerns and Prospects 54,
https://doi.org/10.1007/978-3-030-49119-2_1

freedom there will be and vice versa. But the erosion or lack of academic freedom is found across all jurisdictions despite all these differences. And the nature of constraints and restraints of academic freedom is the same.

The pursuit of academic freedom is a historical as well as contemporary struggle. As Tierney and Lanford (2014: 8–9) point out, European universities in the Middle Ages were partly self-governing, but their charters of government could always be amended or taken away by the Pope or the Emperor. When the modern conception of academic freedom (i.e., *Lehrfreiheit*, "the right of the university professor to freedom of inquiry and to freedom of teaching, the right to study and to report on his findings in an atmosphere of consent") was developed in Europe, especially in Germany, in the late nineteenth century, and the European academy was vastly expanded in the late nineteenth and early twentieth centuries, "the president and board of trustees of an institution retained power over daily activities." Scholars in various disciplines then "created groups, unions, professional associations, and/or national associations to advance the rights of faculty and the notion of academic freedom." Since then a seesaw battle has been engaged between the profession and the powers that be. In the contemporary era, the academic profession is again facing an uphill battle in promoting and protecting academic freedom. We need to better understand how and why academic freedom is under siege and what can be done so that higher education can function as a common good searching for truth and its exposition, thereby benefiting the entire society politically, economically, socially, and culturally (see also Tierney and Lanford 2014: 7).

In this introductory chapter, I discuss what is academic freedom; why it is a universal value; how academic freedom is under siege, including shared governance and tenure, the pursuit of international rankings, student evaluations of teaching, extramural speech, etc.; why it is under siege, i.e., the ideological and political factors underlying the erosion of academic freedom; and what can be done to promote and protect academic freedom. In doing so, I cite the chapters in the book as well as other relevant literature. I am hoping that the reader will have a better idea of what the current status of the profession is like regarding academic freedom and what the stakeholders of higher education need to do in enhancing this public good.

1.1 Defining Academic Freedom

Academic freedom is a cultural construct composed of a belief, a value, and a set of norms. The American Association of University Professors' (AAUP) "1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments" is still arguably the most authoritative explanation of the concept. As a belief, academic freedom assumes that institutions of higher learning are "conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition" (AAUP 2001: 3; see also Scott 2019). This would also include free pursuit of extramural activities, e.g., writing and speaking

as citizens free from institutional censorship or discipline, although when they write and speak they should emphasize accuracy, exercise appropriate restraint, and show respect for the opinions of others (AAUP 2001: 4). We can see how this conception is related to the early European notion of the term, but it is more nuanced and developed.

Derived from this belief is the value of the essential freedom of research, teaching, and service in advancing truth. This value of freedom is more likely promoted in democracies than under authoritarianism, but it manifests itself across all the political spectrums we discuss in this book. We will further discuss this issue in the next section.

Academic freedom also refers to a set of norms, including shared governance (or faculty governance) and tenure, which are means to achieve the end of free research, teaching, and service for the common good. Shared governance means "appropriately shared responsibility and cooperative action among the components of the academic institution" (AAUP 2001: 217), especially between faculty and administration, over matters of the selection of a new president, academic deans, and other chief academic officers (AAUP 2001: 219), while the faculty has "primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process" (AAUP 2001: 221). Tenure means the permanent or continuous employment of teachers after a probationary period except in the cases of moral turpitude, retirement for age, or extraordinary circumstances of financial exigencies (p. 4). Tenure is a precondition of shared governance and thus of academic freedom (see also Tierney and Lanford 2014 and Chap. 2 for more on the genesis of academic freedom and tenure).

1.2 Academic Freedom as a Universal Value

In October 1998, UNESCO convened its first-ever World Conference on Higher Education in Paris, with 4,000 representatives from 182 states, including teachers, researchers, students, and members of parliament, of intergovernmental and non-governmental organizations, and of the world of work and business, financial institutions, publishing houses, etc. (UNESCO 1998). The Conference adopted the "World Declaration on Higher Education for the Twenty-first Century: Vision and Action." In Article 2 of the Declaration, the Conference states that higher education institutions (HEIs) and their personnel and students should "enjoy full academic autonomy and freedom, conceived as a set of rights and duties, while being fully responsible and accountable to society" (p. 22). This definition of academic freedom, at least the belief and value of it, corresponds to the AAUP definition above.

That academic freedom is a universal value, or what Tierney and Lanford (2014) also call "transcendent value," is demonstrated not only by the fact that the above Declaration was signed by representatives of almost all the nation-states in the world but that it is a demonstrated value in China's modern history of higher

education as well. Although the concept of academic freedom has evolved and been interpreted and practiced or constrained differently in different political, cultural, and historical contexts (Marginson 2014), it is increasingly becoming a universally recognized one due to globalization.

In Japan, the institutions and practices of faculty self-governance were established during the Meiji era (1868–1912, see Chap. 9). In China, the Imperial University, the predecessor of Peking University, was established in 1898 under the influence of progressive intellectuals from the Hundred Day Reform Movement. "It was patterned after the University of Tokyo, which in turn had been influenced by both French and German academic patterns" (Hayhoe 1996: 18; also cited in Rhoads et al. 2014: 65). It was renamed the National Beijing University after the 1911 revolution and became the first modern university in China. It is true that the concepts of institutional autonomy and academic freedom did not exist in traditional China (Hayhoe 1996: 9, 2011: 17); rather, self-mastery and intellectual freedom with Chinese characteristics were more likely their substitutes (Chapman et al. 2010: 14; Hayhoe 1996; Jun Li 2016: 23). But these ideas did develop further toward the Western interpretation in modern times.

When Cai Yuanpei became the president of Peking University in 1916, he adopted the principle of *sixiang ziyou, jianrong bingbao* (freedom of thinking and accommodation of different viewpoints). The university was going to be a place "where different ideas and values of Orient and Occident, antiquity and modernity, could be studied objectively, debated freely, and selected discriminately" (Israel 1998: 119, cited in Rhoads et al. 2014: 67; see also Weiling Deng 2016: 126 on this same point). Indeed, on one hand, he hired radical revolutionaries like Chen Duxiu and Li Dazhao, who later founded the Chinese Communist Party (CCP); on the other hand, he hired skeptical historian Gu Jiegang and Qing Dynasty loyalist Gu Hongming. Academic freedom was apparently on his mind. Soon Peking University played a key role in the May Fourth Movement in 1919 which was characterized by science and democracy. This tradition of faculty governance (*jiaoshou zhixiao*) and academic freedom, inherited mostly from a Western tradition, was solidified by Xinan Lianda (Southwest Associated University, composed of Peking University, Tsinghua University, and Nankai University) in Yunnan during the war against Japan in the late 1930s and early 1940s (Du Shengyan 2017: 520–21).

Even in contemporary authoritarian China, Peking University still officially claims on its website that academic freedom is one of its major principles. Hao Ping (2018), the CCP Party Secretary of Peking University and Chair of the University Council at the time, states in his message in the latter capacity: "Peking University is also renowned for its respected educational leaders and faculties, distinguished scholars, active student body, and an [sic] spirit of 'academic freedom and inclusiveness.'" This spirit is what Cai Yuanpei advocated as *sixiang ziyou, jianrong bingbao*. Lin Jianhua (2018), the then president of Peking University, also relays the same message: "With our democratic administration laying great emphasis on academic freedom and scientific research, we have proudly produced a great number of scholars in various areas of concentration and specialty." Lin even claims that his is a "democratic administration." The insistence on academic freedom and critical

thinking by the authorities is also clear in the official documents and declarations of the elite university in one of our case studies in Chap. 5.

This spirit of democracy and academic freedom is echoed by faculty members as well although their response is mostly about the lack of them. In their investigation on research universities in China, Rhoads et al. (2014) studied four elite universities in Beijing: Tsinghua University, Peking University, Renmin University, and Minzu (Chinese nationalities) University. At Tsinghua University, professors were concerned about the degree to which they can pursue a full range of scholarly interests (Rhoads et al. 2014: 39). One professor reported his failure to find a publisher in China to accept his manuscript on oral histories of farmers (p. 40), apparently for political reasons. Peking University was to screen students with "radical thoughts" or "independent lifestyles" (p. 88). One of the consistent themes that arose from their discussion with faculty members at Renmin University was academic freedom, or more accurately the lack of it (pp. 101, 103). Zhang Ming, a political scientist, was removed from his post as department chair because of his criticism of the university administration (p. 121). As also mentioned in Chap. 4 of this book, a professor of Uyghur nationality from Minzu University has been sentenced to life in prison for his criticism of China's nationality policies.

It is true that the Higher Education Law of the People's Republic of China does not mention the phrase "academic freedom." But in Article 10 of the law, it does stipulate: "The State, in accordance with law, ensures the freedoms of scientific research, literary and artistic creation and other cultural activities conducted in higher education institutions" (Ministry of Education of the People's Republic of China 2009). All jurisdictions in this book, democratic or not, view academic freedom as crucial in their institutions of higher education. In light of the declaration of the World Conference on Higher Education and both the Chinese official and grassroots level discourses on the concept, it is fair to conclude that academic freedom is a universal value. Along with it there is a belief and a set of norms. Norms can be different but the belief and value are the same.

As I mentioned above, Hoodfar (2017) goes even further. She says that "academic freedom is the right to think outside the box and reflect on issues critically." And more importantly, it is a transnational right, echoing the view above that it is a universal value. It should not be that one has critical thinking and academic freedom in Canada or the USA, and then once one has entered into the air space of Iran or China, he or she will lose that right.

1.3 Academic Freedom Under Siege

The belief, value, and norms of academic freedom mentioned above are the ideal, a goal for academics to achieve. In reality, few have fully achieved that goal no matter the political inclination of the state they are in. As I said at the beginning of the chapter, academic freedom is fractured or otherwise threatened in almost all the jurisdictions we examine, not only in the usual suspect jurisdictions like

authoritarian mainland China but also in semi-democracies like Hong Kong and Macau and democracies like the USA and Australia which have a fairly strong tradition of academic freedom (see Chap. 11 for more on the institutional and cultural commitments to academic freedom in Australia).

Here are more examples in some other parts of the world. Yale-NUS (National University of Singapore) canceled a course on dissent, apparently because universities cannot be used "to sow dissent against the government" as Singapore's Education Minister Ong Ye Kung charged in a speech to parliament (Sharma 2019). In the UK, the Government's anti-extremism agenda has been used to create an expansive surveillance of the public, including students and professors, and to police dissent, while the institutional and legal mechanisms for protecting academic freedom are either weak or absent (Allen 2019). Audit frameworks of research and teaching and administrative exercises that follow strict market logic also place restrictions on faculty's academic pursuit there. In Italy, the far-right governing party, the League, is now beginning to attack universities as leftist bastions, and a local branch party representative argued that academics have a duty of loyalty to the state (Matthews 2019a). In Holland, the Forum for Democracy, a right-wing populist party, is seeking reports of "left indoctrination" at schools and universities, which has brought condemnation from university presidents and rectors (Morgan 2019).

In Russia, like in China, efforts are made to prevent "extremism" and "a color revolution"; as a result, books are removed from library bookshelves and people accused of such "crimes" are imprisoned (Dubrovskiy 2019). As China is resuming some Mao-era control mechanisms, Russia is undergoing what some call "structural Sovietization" (Dubrovskiy 2019). Likewise in Turkey, after co-opting the judiciary and the media, the government has launched an attack on universities by, for example, punishing and threatening to punish with investigations, arrests, interrogations, suspensions, and termination of positions about 2,000 academics for signing a petition denouncing deliberate massacre of Kurds and calling for peace negotiations (Redden 2016). In Hungary, the government has gained "control over the network of research institutes that formerly belonged to the Hungarian Academy of Sciences," arousing concerns within the European Union (Bothwell 2019a).

In India, any discussion about Kashmir is prohibited except to praise the government (Lau 2019). At the University of Delhi, curricula cannot contain controversial or provocative content, and the faculty of sociology, political science, history, and English had to revise their syllabi by, for example, removing some books from students' reading lists. In Brazil, the government tried but failed to eliminate university programs in philosophy and sociology after national and international pushbacks. But an order has been issued to "eliminate the use of the term *gender* in all educational activities supported by the state," and students are "encouraged to make video recordings of teachers or professors if they discuss gender in the classroom and to denounce them to the school administration and the Ministry of Education" (Green 2019).

But people everywhere still strive for the goal of academic freedom as demonstrated in this book. Each chapter here has a different focus on one or more aspects

of this struggle. For example, Chap. 2 is a comparative study on how commercialization and corporatization (C&C) affect faculty's political (organic, professional, and critical) and academic (research, teaching, and service) roles in both the USA and Greater China (including mainland China, Hong Kong, Macau, and Taiwan); Chap. 3 is about how C&C affect shared governance in the USA; Chap. 4 is about how professors play their political roles in teaching, research, and service in a provincial university under the circumstances in mainland China; Chap. 5 is on the dual functions of faculty in mainland China, also related to professorial roles but in an elite university; Chap. 6 is about how Hong Kong's academic capitalism affects faculty's education sovereignty; Chap. 7 is on Macau faculty's struggle for professional identity; Chaps. 8, 9, 10 and 11 are discussing C&C and academic freedom in democracies like Taiwan, Japan, South Korea, and Australia, respectively. Chapter 12 offers some concluding thoughts on the issue. In my discussion in this introductory chapter on the what, why, and how of academic freedom, I will frequently cite these other chapters as well.

I now introduce the major indicators of academic freedom under threat, such as shared governance, tenure, and extramural speech, and some stressors like the rankings game and student evaluations of teaching (SETs). These specific indicators demonstrate the extent to which academic freedom is under siege.

1.3.1 Erosion or a Lack of Shared Governance

One of the major factors leading to the erosion of shared governance is corporatization, and this is a major argument of this book. Universities are increasingly treating themselves as businesses and managing themselves as corporations, which is antithetical to shared governance as we defined it above. A study entitled The Changing Academic Profession (CAP) involving 18 countries and one region found that, across the jurisdictions under study, the power of the university management has increased while faculty role in governance is mixed (Teichler et al. 2013: 114, 171. According to the CAP survey, fewer than two out of every five respondents say that there is collegiality in decision-making, and 73% of the Hong Kong academics felt most frequently a top-down management style, following Australia's 74% (Chap. 2).

It is true that in democracies and even in a semi-democracy like Hong Kong, most academics felt they had some influence in faculty status like choosing new faculty, promotion, and tenure and approving new academic programs. In Japan, academics feel that the faculty committees have much power in "the selecting of key administrators, choosing new faculty, making faculty promotions and tenure decisions, determining budget priorities, determining the overall teaching load of faculty, setting admission standards for undergraduate students, approving new academic programmes, and evaluating teaching" (Morozumi 2015: 325). Indeed there is more shared governance in democracies than in authoritarianism. But no matter where, the power of university management has been strengthened. Autocratic

leaders are on the rise despite the fact that shared governance is still the dominant mode in democracies.

All this directly affects faculty morale. As a recent large survey funded by the TIAA (Teachers Insurance and Annuity Association of America) Institute found out, 42% of the academics identified their leaders as having a negative impact on job satisfaction, while 30% noted a positive impact and 28% were neutral (Webber 2018: 15). We now discuss the eroded and lack of shared governance in democracies, authoritarianism, and semi-democracies respectively, and the importance of faculty organizations.

1.3.1.1 Eroded Shared Governance in Democracies

Chapters 3 and 11 look at an American university and Australian HEIs, respectively, and find that faculty are losing influence in decision-making over a number of issues due to commercialization and corporatization: commercialized research, the development of applied programs for practical purposes, increased use of casualized faculty, budgeting, student-teacher relationship, grade inflation, the dramatic growth of international students mainly for tuition purposes and its ensuing problems, online teaching, teaching load, and the administration's unilateral decision to merge regional campuses—with no consultation with the faculty before the decision was made.

In South Korea as well as Japan to some extent, the government makes the most important decisions on higher educational policies and monitors their implementations (Chaps. 9 and 10). In the American case, neither the AAUP chapter nor the Faculty Senate is truly functioning (Chap. 3). That seems to be a typical problem. As one interviewee in the TIAA Institute funded survey says (Webber 2018: 15):

> University senate and that sort of thing are just sort of sham operations—they don't do anything productive as far as changing real policies of importance.

Another interviewee, apparently an administrator, says:

> I feel that my voice counts for decision making mainly because I make a lot of the decisions [in my role]. But when it comes to the university senate, I believe we have a very, very weak senate.

The first interviewee's words may sound harsh and the reality in most universities may not be that dire, but the erosion of shared governance is real. The National Tertiary Education Union in Australia also lacks clout to influence both enterprise bargaining agreements and individual cases to protect better academic work conditions (Chap. 11).

There are more examples of eroded faculty governance in the USA. At the time of this writing, the University of Wisconsin at Stevens Point announced a plan to cut 13 majors, all liberal arts oriented, "American studies, art (excluding graphic design), English (excluding English for teacher certification), French, geography, geoscience, German, history (excluding social science for teacher certification),

music, literature, philosophy, political science, sociology and Spanish," and to grow more job-oriented fields such as aquaculture, captive wildlife, ecosystem design and remediation, environmental engineering, geographic information science, master of business administration, master of natural resources, and doctor of physical therapy. More importantly, faculty members were not involved in this plan except participation in an earlier survey on what criteria to use for eliminating programs (Flaherty 2018b).

On the other hand, shared governance sometimes can go wrong even when the faculty have it. But it does not mean that it is not needed. It simply means that it should be carefully exercised. On July 6, 2018, the Wisconsin Supreme Court ordered Marquette University to reinstate and pay damages to John McAdams, a political science professor whose service was discontinued because he criticized a graduate student instructor by name on his own personal blog for the way she handled a classroom discussion (Flaherty 2018a). The majority opinion of the Wisconsin Supreme Court ruling is that the university violated McAdams' academic freedom by censuring the latter's speech on social media. The minority opinion sided with the university, arguing that McAdams was terminated not because of his writing about the student but because of his using her name and making her vulnerable to harassment. Furthermore, this decision of termination was made after McAdams refused to accept a seven-professor panel's recommendation in 2016 that he be suspended without pay for two semesters.

Procedurally Marquette University followed the principle of shared governance, a normal practice of academic freedom. The conflict is between one aspect of academic freedom, i.e., the protection of extramural speech, which we will further discuss below, and the other aspect of academic freedom, i.e., shared governance and institutional decision-making power. In fact, AAUP earlier had already made an amicus brief on the matter, stating that "a college or university administration cannot discipline a faculty member unless it proves that extramural speech 'clearly demonstrates the faculty member's unfitness to serve,' taking into account the faculty member's entire record as a teacher and a scholar" (Flaherty 2018a). Apparently, Marquette erred in failing to look at the case holistically. The professor should be disciplined but not by being fired. Shared governance can go wrong even if it is an ideal normal practice. But the way to solve the problem is to correct it, not to reduce shared governance.

Overall, however, in democracies faculty are usually intimately involved in the recruitment of new faculty members, tenure, and promotion, and curricular design, although they have little say in many other issues as we discussed above including the selection of academic officers, budgetary decisions, etc. But shared governance in democracies cannot be taken for granted; in fact, it has been seriously eroded. It is still better, though, than in semi-democracies and superior to the practices under authoritarianism.

1.3.1.2 Lack of Shared Governance in Authoritarianism and Semi-democracies

If there are some mechanisms in the USA and other democracies for shared governance, there are few if any in mainland China and Macau. Hong Kong and Taiwan are doing much better in shared governance, but they are also facing challenges (Chaps. 6 and 8).

In China's authoritarianism, with the central government making all the policies in higher education, "institutions and scholars have few opportunities to participate in the process of making academic policy" (Jia Song 2018). As we discuss in Chap. 2 what arises in China is called "administrationization," characterized by centralized policymaking by the Party-state, implemented by its branches at all levels of government. The Party secretary and president of each university function like the CEOs of a company, making all institutional hiring, firing, and budgetary decisions. Academic committees, unions, and professors' conferences are largely window dressing.

Chapters 2, 4, and 5 describe how specifically research and teaching are controlled tightly in mainland China by the Party-state. There is limited room for faculty members to pursue their own interest in research and to teach the contents they want to teach in humanities and social sciences. For more examples, before Xi Jinping came to power in 2012, there was much research on the land reform movement at the end of the 1940s and early 1950s, but after that one could find hardly any published papers on that issue. In fact, Tan Song was fired from Chongqing Normal University just because he did research on land reform and talked about it in and outside class (Luo Siling 2017). Other issues they cannot do research on now in China include the Cultural Revolution, civil society, political reform, etc. (see more on this issue below and in Chap. 4). Sun Yat-sen University (2017) in Guangzhou issued a notice to faculty members about ten things they cannot do in class. The top three are criticisms of the Chinese Constitution, criticism of the CCP's leadership in China, and spreading religious superstition (meaning any religion). It is an order from the administration, and faculty members can only follow or there will be consequences. Shared governance is the best practice, but there is almost nothing like that in mainland China.

Faculty members in Hong Kong, Macau, and Taiwan (Chaps. 2, 6, 7, and 8) enjoy much more academic freedom in research, teaching, and service than in mainland China. But the picture of shared governance is mixed. Professors can largely decide what to research and teach, but in Macau there are already signs of restriction. For example, faculty members are asked by the administration to report their academic exchanges with scholars from Taiwan, which sends a signal to the faculty that they should refrain from activities related to Taiwan. Nonetheless, academic freedom is largely intact in teaching and research. In Hong Kong and Taiwan, some professors participate in the selection of academic officers, but in Macau the opportunity is close to none. The role of faculty in Macau in the hiring and firing of professors is also very limited. Academic councils and faculty senate play the role of consultation and information sharing rather than collective decision-making in their relationship

with the administration. Faculty associations are rare in Macau, and even if there is one, it is not functioning as an advocacy or bargaining organization.

Chapter 7 mentions the cases of two professors fired in 2014 for extramural political activities or criticism of government officials. In one case, the faculty association was not even consulted on the issue. And the faculty hearing committee was organized by the administration and was biased to begin with. In the recruitment of new faculty members, promotion (there is no tenure in Macau's HEIs), program planning, and the selection of academic officers, faculty have only token involvement. In fact in the selection of the rector at the case university in 2017, no faculty members were on the selection committee. There is no shared governance in Macau's HEIs, and the administration makes almost all the major decisions. It corresponds to the mainland China practices.

Hong Kong is facing a lot of pressure from the Party-state to be more like Macau since it is also governed by the "one country, two systems" principle. In the earlier years after the return of Hong Kong to mainland China, there were already concerns about the future of academic freedom, but faculty were still largely optimistic (Currie et al. 2006). Twenty years later, however, those concerns have been gradually realized: two professors along with seven other social and political activists were tried in court for initiating a peaceful protest movement in favor of democracy and sentenced to prison terms. The academic community largely remained silent (Tierney 2018a). Chapter 6 gives more examples. Taiwan is doing much better, but they have also experienced political interference in the appointment of the president at National Taiwan University (Chap. 8). Still, Taiwan and Hong Kong are doing much better than Macau, which is more and more like mainland China now in the lack of shared governance and academic freedom.

1.3.1.3 The Importance of Faculty Organizations

In democracies, semi-democracies, and even in authoritarianism, faculty organizations are supposed to play an important role in shared governance, but their role is mixed (see Chap. 2). As we have discussed in this chapter, faculty senates and academic councils in the USA often find themselves marginalized and losing power. Most faculty members do not belong to a union or an advocacy organization like the AAUP. There are no independent faculty organizations in mainland China, and those in other parts of Greater China have mixed successes. Hong Kong's faculty associations are fairly strong, but Hong Kong Baptist University's president of the faculty union has just been fired, likely for political reasons (Chap. 6).

This lack of shared governance alienates faculty members and mitigates their institutional loyalty. The level of the feeling of affiliation to one's institution fell from 80% to 63% between 1997 and 2012, according to the CAP survey (Teichler et al. 2013). It is detrimental to the mission of higher education.

1.3.2 Erosion or Lack of Tenure and Job Security

One of the major threats to academic freedom is the increasing use of contingent or casual faculty such as in the USA and Australia and the decreasing number of tenured and tenure-track faculty members. The statistics cited in Chap. 2 are illuminating: in 2009, out of the nearly 1.8 million faculty members and instructors in HEIs in the USA, more than 1.3 million (75%) were in contingent positions off the tenure track (The Coalition of the Academic Workforce 2012: 1, citing 2009 data from the United States Department of Education). There might be some ups and downs over the years, but the general tendency is an erosion of tenure. According to AAUP's (2016: 14) report on the academic profession, for example, in 1975, 45.15% of instructors in the USA were either full-time tenured or tenure-track faculty, while in 2014, that number dwindled to 29.50%. Chapter 3 also discusses the increasing use of part-time faculty members in the case university in the USA. Chapter 11 further discusses how the use of casually employed staff undermines academic freedom in Australia. "The adjunctification of teaching in the United Kingdom passed a tipping point in 2015, when the numbers of academic staff on fixed-term or casual contracts exceeded those in permanent positions" (Allen 2019).

Some states in the USA are moving to restrict or eliminate tenure. In 2015, Wisconsin Governor, Scott Walker, a Republican, "signed into law a budget bill that removes provisions on tenure and shared governance from state law" (Jaschik 2015). It is under such circumstances that the University of Wisconsin at Stevens Point was contemplating closing 13 liberal arts programs and laying off tenured faculty members. In 2018, the legislators in Kentucky were contemplating allowing universities to dismiss tenured faculty members due to program changes or eliminations. Meanwhile the University of Tennessee System was "considering changes in post-tenure review that faculty leaders say will essentially gut tenure" (Jaschik 2018a).

In addition to Wisconsin, Kentucky, and Tennessee, Arkansas has also made explicit policy moves to weaken tenure. Legislators in Iowa and Missouri had introduced proposals which would effectively end tenure. They "didn't get far but it would've been unthinkable a generation ago" (Warner 2018).

Inevitably the threat to the tenure system has to do with budget cuts initiated by the legislative bodies at the state level. Public universities in Kentucky were already talking about deep cuts, and Eastern Kentucky University was considering the elimination of 200 jobs along with program cuts (Jaschik 2018a).

Warner (2018) argues that tenure is already dead, and for many it was never alive, but "the values tenure is meant to promote can and must endure." He believes that "tenure will survive as a kind of status marker for elite institutions," but "it will become increasingly rare, particularly at public colleges and universities. It is already nearly extinct in community colleges." Similarly in Australia, the term "tenure" is now replaced with the word "tenurial," capturing the change that faculty employment is no longer permanent (Chap. 11).

The lack of tenure and job security has dire consequences. It exacerbates faculty reticence to speak out for fear of reprisals in front of increasing workloads and

declining work conditions. Faculty are already silenced, "either implicitly or explicitly, fearing reprisal if they speak freely" (Warner 2018 citing another professor on the loss of tenure or "the soul of higher education," ditto below). Academia is already "less attractive as compared to private industry, resulting in a brain drain out of the academy." Faculty "loyalty and level of engagement in the institutional mission" are already diminished, "affecting governance, advising, and mentoring."

In most universities in Japan, there is no tenure system for determining permanent appointments (Chap. 9). There is no tenure system in mainland China and Macau, either. But there is relative job security although it is based on the condition that faculty members are careful about not running into conflict with their superiors, especially in China and Macau (see the chapters on China and Macau and Scholars at Risk 2019). Hong Kong and Taiwan are doing better, and it is less easy to fire people for political reasons, but it is difficult to say if this will continue in the future as C&C accelerate there.

On the whole, democracies are still doing much better on tenure and job security notwithstanding all the problems they still face. No matter where we are, the lack of job security and fear of reprisal for speaking out are detrimental to the health of not only higher education but the general society as well. And it will lead to more social inequalities and injustices. We will discuss this further in the section on extramural speech.

1.3.3 The University Rankings Game Versus Research and Teaching

As discussed in Chap. 2 the university rankings game is not a serious issue in the USA, since major colleges and universities are well-established historically and do not need to make improving international rankings a mission. Some colleges and universities do provide misinformation to the *US News & World Report* to boost their rankings in the USA—eight of them did so in 2018 (Jaschik 2018d), but it is not a widespread problem and not usually done by world-renowned and well-established universities.

But in what are called "striving" institutions of higher education (Gonzales et al. 2014), such as the major universities in mainland China, the University of Macau, most universities in Hong Kong, and some in Taiwan, South Korea, Japan, and Australia, improving one's position in international rankings is an obsession. For mainland China and other former colonies, this may be a result of colonial psyche and complexes (Chap. 10). Universities will emphasize research more than teaching, and faculty members will have to publish their research in international journals since such publications are counted heavily in the rankings game. As a result, teaching is often relegated to a secondary position, and research neglects local issues. And with the emphasis on research, more teaching is allocated to staff as a punishment for less research (Chaps. 7 and 11).

Some undergraduate students in the Hong Kong case study (Chap. 6) indicate that at least some faculty members and students do not care much about teaching and learning. Some graduate students are complaining that they do not get much help from their supervisors. It seems that much of the student-teacher relationship is very business-like.

Even in Australia rankings are important since they determine whether universities can attract foreign students who will bring in tuition dollars in a time of budget cuts for higher education (Chap. 11). In Taiwan it is done in the name of internationalization, and higher education is viewed as an industry that is full of competition and successes and failures (Chap. 8).

Since local research has fewer chances to get into international journals, scholars are reluctant to do it. Indigenous knowledge is often marginalized. Research is for the sake of improving rankings rather than creating new and locally relevant knowledge. HEIs are not conducted for the common good but mainly serve as a tool of the state for its control as in mainland China and as a mechanism of the striving institutions and individuals for their own reputation. A community of scholars has become an enterprise producing papers to serve the purpose of the Party-state or improve university rankings. Professors' sense of calling in research, teaching, and service is getting lost, and their professional identity eroded.

1.3.4 Student Evaluations of Teaching (SET) and Other Mechanisms of Faculty Control

In democracies and semi-democracies, professors are largely free to decide what and how to teach in their classrooms. But as we discuss in Chap. 2 adjunct professors, especially in for-profit institutions, are much less free to decide on such matters. Furthermore, because SETs are usually the primary indicator of faculty performance when making tenure and/or promotion decisions, professors are often forced to grade their students more leniently to make them happy. This results in grade inflation and lowers the quality of education, which is true across all jurisdictions (see also Lewis 2007; Tong and Liu 2014). Treating students as consumers and seeking to improve customer satisfaction level is part of C&C.

In addition, there is mounting evidence of bias in SETs against female and minority instructors in the USA which negatively affects female and minority faculty members' chances of tenure and promotion. Research also finds that difficult topics one teaches, like statistics, tend to disadvantage the instructor in student evaluations (Flaherty 2017a, b; Grove 2014). In other words, professors are not able to exercise academic freedom in terms of what and how to teach. SETs are doing more harm than good for higher education, and steps need to be taken to reform them and the way they are used.

Indeed SETs have so many problems that the University of Southern California (USC) has decided to stop using them in promotion decisions in favor of

peer-review models (Flaherty 2018c). The University of Oregon is also thinking about replacing traditional SETs and adopting a new tool of non-numerical feedback to evaluate teaching. In fact, the AAUP has urged "chairs, deans, provosts and institutions to end the practice of allowing numerical rankings from student evaluations to serve as the only or the primary indicator of teaching quality, or to be interpreted as expressing the quality of the faculty member's job performance" (cited in Flaherty 2018c).

Under authoritarianism and in semi-democracies, however, there are even more serious and flawed mechanisms of faculty control. In mainland China, there are specific rules as to what to say and what not to say in the classroom. We have already mentioned some in the discussion of shared governance above. Here are the well-known "Seven No's" in both research and teaching, i.e., seven things faculty members are not supposed to do research on or discuss in class: civil society, civil rights, universal values, legal independence, press freedom, the bourgeois class with money and power, and the historical wrongs of the Party (Chaps. 2 and 4). That is why the interviewees in Rhoads and his colleagues' (2014) study all expressed the hope for academic freedom.

There are ubiquitous student informers and surveillance cameras in the classroom that will make sure these rules are followed. Student informers will report to the authorities any violations of the Seven No's in the classroom. It is reported that some informers are directly recruited by the national security and supervision agencies since they do not always trust the university administrators to do the "right" thing and are afraid that they may excuse their professors for their "wrong" doing (Huang Yuxin 2018; Anonymous 2018; see also Xiaojun Yan 2014 on the control and domination of students).

In censorship and self-censorship, Macau is catching up with the mainland, and Hong Kong is catching up with Macau. The Macau government has just established a branch in the government specializing in national security. It is understood that the Central Liaison Office is watching closely what the professors say and do in Macau (see Chap. 7). And there are reports that they asked student informers to tape-record professors' teaching. Hong Kong is fast catching up in censorship and self-censorship with the imposition of a national security law in 2020. One could only hope that Taiwan and other democracies discussed in this book will keep more of their academic freedom in a time of C&C and will stand up to various political pressures which we will discuss later in this chapter.

At any rate, SETs make faculty members self-censor themselves in the classroom to avoid sensitive topics for fear of antagonizing students. They water down the quality of teaching and seriously endanger academic freedom. In democracies, reforms are needed as they have done in the USC and the University of Oregon. Under authoritarianism, faculty members need to keep fighting political censorship and find ways to counter political and ideological control in the classroom as we discuss in Chaps. 4 and 5. In semi-democracies, faculty members need to protect however much academic freedom they have and fend off as much political interference as possible.

1.3.5 Extramural Speech Penalized

Too many times, shared governance fails to protect faculty members for their extramural speech let alone when there is no shared governance. Kenneth Storey lost his job as an adjunct sociology professor at the University of Tampa, Florida, over a 145 word insensitive tweet mocking Republicans over Hurricane Harvey in 2017. At the time of this writing, he was working two part-time jobs, which paid less than a third of what he used to earn, and his rent, car payments and electric bills were all past due (Peters 2018). There was no clear policy and procedure on protections for speech like Storey's at the University of Tampa even though the university's Faculty Handbook uses the AAUP guidelines regarding extramural speech (McNeill 2017). But Storey's example is not an isolated one. As McNeill (2017) points out:

> In recent months, professors from California to New Jersey have been fired for social media posts and speaking appearances. At Fresno State, a lecturer tweeted that President Trump "must hang" to "save American democracy." A professor at Brigham Young University-Idaho wrote a private Facebook post supporting LGBT equality. Both lost their jobs.

In these cases academic freedom is at risk. As one University of Tampa faculty member commented, "I can feel a slight chill in the air over this" (McNeill 2017). Indeed, as Ari Cohn, an attorney with the Foundation for Individual Rights in Education comments, "Other faculty members are going to think twice before speaking publicly, and that's to the detriment of everybody" (McNeill 2017).

University administrations tend to respond to pressure expressed on social media. Kenneth Storey caused a stir online with his tweet. "A #FireKenStorey hashtag spread far beyond the university. Angry Facebook comments piled up" (McNeill 2017). They include angry tweets like this:

> "Don't think this is a school we will be looking at for my daughter anymore," one commenter said. An alumnus wrote, "Good thing I already paid you, because I'll never send the school another dime again."

As McNeill (2017) reports, Storey's name had been:

> added to a website called Professor Watchlist, a project to "expose and document college professors who discriminate against conservative students and advance leftist propaganda in the classroom."

The professor was then fired. Other faculty members felt a chill, as we mentioned above. A group that fights for civil liberties in academe was "disappointed that UT 'caved' to the pressure of 'outrage mobs' online" (McNeill 2017).

Increasingly, social media has become a double-edged sword for academics: They can use it for off-duty speech, or extramural speech, called for by their academic freedom, and they can be hurt by online outrage, justified or not. This is true especially when the administration "caves" in or succumbs to what McNeill (2017) calls "internet crusaders" who "hold serious sway" in this era. The AAUP is calling on "college and university leaders to denounce the targeted online harassment of their faculty members and to more forthrightly defend academic freedom" (cited in McNeill 2017), but it is not clear whether the leaders are listening.

At the time of writing, a professor from Rutgers University, James Livingston, was facing disciplinary action up to and including discharge because of his online speech of what is termed as racist remarks against whites. Right-wing media like *The Daily Caller, The Blaze, The College Fix,* Fox News, and Professor Watchlist all participated in the condemnation of the professor along with online harassment and death threats. The administration felt the pressure and was contemplating disciplinary actions, arguing that "a reasonable [white] student may have concerns that he or she would be stigmatized in his classes because of his or her race. As such, Professor James Livingston's comments violated university policy" (Whitford 2018).

The Foundation for Individual Rights in Education (FIRE) was concerned that "this is part of a trend, and if would-be internet trolls see that flooding universities with hate mail and being loud online is a successful way to silence faculty members whose views they disagree with, that will be repeated" (Whitford 2018). FIRE and Livingston were considering their options for legal action while awaiting university disciplinary decisions. Following the AAUP principles, however, the university would need to prove that white students would be stigmatized in his classes. Otherwise, discharging would not be justified although less serious disciplinary action might be possible since his comments were not very appropriate after all.

The Marquette case we cited earlier originated from an undergraduate's secret recording of his conversation with the graduate student instructor (Flaherty 2018a). The undergraduate student shared the recording with McAdams who

> then wrote about it in a post called "Marquette Philosophy Instructor: 'Gay Rights' Can't Be Discussed in Class Since Any Disagreement Would Offend Gay Students" on his blog, *Marquette Warrior*, which has a wide following in conservative circles.

McAdams was apparently inciting emotions although that was within his rights except that he mentioned the graduate student instructor's name which caused her to face online attack and threats.

Social media is a double-edged sword in other jurisdictions as well although it holds more sway in a democratic country than in a semi-democratic or authoritarian state. In mainland China, social media is the only venue where liberal intellectuals can express their political views since it is less controlled or more difficult to censure by the government than traditional media. But even here, their criticism can be quickly taken off and could still cause them serious consequences. Some of the cases of professors fired because of their online and/or in-class speech criticizing the CCP and its state include Yang Shaozheng of Guizhou University (Ling Yun 2018), Shi Jiepeng of Beijing Normal University (Shi Tao 2017), Wang Gang of Hebei Engineering University and You Shengdong of Xiamen University (Mingpo 2018), Deng Xiangchao of Shangdong Jianzhu University (Lin Ping 2017), Tan Song of Chongqing Normal University (Luo Siling) 2017, etc. This is only a short list of professors sacked for online critical speech (see more examples in Scholars at Risk 2019). Many more got sacked and even more got warnings from their respective universities. Most professors therefore have got the cue and kept silent.

In Hong Kong, 100,000 people placed their signatures online requesting the University of Hong Kong to fire one of its faculty members, Benny Tai, for his

alleged promotion of Hong Kong independence. Tai, a professor of law, was one of the two professors sentenced to prison terms for his role in the Occupy Central movement in 2014 (Zao Bao 2018). The other professor was Chan Kin-man, a sociologist. Tai was fired in 2020, and Chan retired before he went to prison in 2019.

Online attacks on professors and the punishment of academics for their extramural speech and activities severely erode their academic freedom. If there may be some recourse for faculty in democracies, such as faculty organizations and the courts, those in authoritarian regimes have to largely fend for themselves.

1.4 Why Academic Freedom Is Under Siege: Ideologies and Politics

The problems discussed above are arguably a result of both ideologies and politics. By ideologies, I mean academic capitalism derived from neoliberalism mostly in democracies and semi-democracies, and authoritarianism in mostly mainland China but also in Hong Kong and Macau. Ideologies are a major factor influencing academic freedom. Politics refers to the coordination of different stakeholders in higher education, including politicians, judges (especially in democracies), higher education administrators, students, and faculty members. The extent to which there is academic freedom is determined by the struggles among these stakeholders. We will now discuss these two factors respectively although they are related to one another.

1.4.1 Ideological Factors and the Consequences of Eroding Academic Freedom

In democracies and semi-democracies, the major ideology is academic capitalism, which results in commercialization and corporatization that erode academic freedom (see also Tierney and Lanford 2014 on commercialization). Academic capitalism is derived from neoliberalism characterized by managerialism, competition, efficiency, productivity, and accountability (see also Chap. 2; Jung Cheol Shin 2015: 16–17). Rhoades and Slaughter (2004) also discuss how government funding cuts for public higher education are related to the ascendance of neo-liberal and neo-conservative politics and policies.

Academic capitalism is related to economic capitalism (Chap. 6) not only in the democracies we cover in this book but also for semi-democracies and even in Chinese authoritarianism which is arguably capitalism with Chinese characteristics. The entrepreneurial mode of neoliberalism and economic managerialism that emphasizes excellence, cost-effectiveness, and public accountability is now transferred to the governance of higher education (see also Chap. 11). As a result, faculty

is losing power, and austerity has become a *casus belli* for the powers that be to materialize their social and political agenda (Chaps. 9 and 10).

Academic capitalism leads to universities' striving to produce world-class research and attaining institutional prestige in global rankings. Performativity derives from accountability, i.e., universities have to answer for public and private money spent on higher education. Performativity is used in evaluating a professor's research and teaching, both of which have to be quantified and calculable (Chap. 6) as in research production and SETs. Universities have become economic organizations and have created academic dystopia, i.e., the academy is now less of a community that seeks truth and pursues justice.

As is the case in democracies, the Hong Kong government has also cut funding to universities, 4% in 2000, and a further 10% in 2003 (Chap. 6). This leads to the marketization of HEIs that result in massive expansion of self-financed postgraduate programs and of applied research, increased quota for non-local students, the hiring of staff on contract terms and adaptive salaries, and university-industry partnerships which invite conflicts of interest and self-censorship. This is also true in Australia (Chap. 11) where international students account for about one quarter of all HE enrolments nationally and are important in offsetting budget cuts with their tuitions and fees.

As a result of the above, educational sovereignty is eroded. Education is conducted as an economic activity for personal or even partisan political gains rather than for public good. The board of trustees or regents is often predominantly composed of businessmen and women who make sure that HEIs are run as a business just for those purposes.

Furthermore, in the cases of Hong Kong and Macau, "mainlandization" or "intra-nationalization" in city governance further erodes educational sovereignty. After all, the system in Hong Kong and Macau is semi-democratic, as mentioned earlier, which also means that it is semi-authoritarian. The problem is that now it is leaning toward authoritarianism rather than democracy. That does not bode well for academic freedom since academic capitalism is now combined with authoritarianism.

If in democracies and semi-democracies, it is neoliberalism, then in mainland China it is mainly authoritarianism that is restricting academic freedom. The main ideology that governs the management of universities there is Chinese Marxism, which emphasizes that the role of the university is to promote socialism (or capitalism) with Chinese characteristics. Professors are supposed to instill in students' minds the correctness of the CCP and therefore the support of the CCP leadership. Yuan Guiren, the former Minister of Education, directed that Western values not be taught in the Chinese classrooms (see Chap. 5). Only one ideology of Chinese Marxism and one leadership of the CCP are allowed, and they have become the guiding principles of Chinese higher education. Therefore HEIs in mainland China are more likely a tool for ideological control than a place to seek truth. It is therefore understandable why there are Seven No's and other restrictions in place in China's colleges and universities and why professors are fired for violations of them in teaching and research and extramural speech.

As discussed in Chaps. 9 and 10 ideological constraints play a role in faculty research on politically sensitive issues in Japan and South Korea, too, and faculty members are afraid to touch on certain issues like that of the "comfort women" in WWII. Social sciences and humanities are required to fulfill the job needs of society or face consequences. But at least the government does not have as many constraints as there are in mainland China, and academic freedom is still viewed as sacred.

In a nutshell, academic capitalism is one of the underlying factors that dictate C&C which affect shared governance, tenure, the university rankings game, and SETs in democracies, semi-democracies, and authoritarianism (see also Johnson 2019 for the same point). But in the latter two systems, academic capitalism combines with authoritarianism to make the situation even worse. Indeed there is a strong feeling for academic freedom in all these jurisdictions, but it is under siege although at different degrees in different places. It may be a perennial struggle between academic freedom and academic capitalism and authoritarianism.

1.4.2 Political Factors and the Consequences of Eroding Academic Freedom

Politics is another underlying factor that influences academic freedom. We will discuss how politics in democracies, authoritarianism and semi-democracies have eroded academic freedom first. And then we will move on to how Chinese authoritarianism is affecting academic freedom worldwide.

1.4.2.1 Politics in Democracies Eroding Academic Freedom

Academic capitalism is realized through political operations by politicians, legislators, judges, boards of trustees, faculty organizations, etc. As Warner (2018) points out, legislators and boards of trustees "are likely motivated by problems of cost and efficiency, rather than values like freedom and curiosity." Politicians and trustees are less likely to see "tenure as an essential protection, a tenet of democracy, the foundation of academic freedom" or "what allows professors to teach, write, or do research that challenges the status quo without fearing reprisal" (Warner 2018, citing the University of Tennessee professor Monica Black arguing before its board of trustees). Politicians, often with submissive trustees and presidents of universities, tend to make an effort to "alter or curtail expression, research, teaching, or publication, or to impose a regime of orthodoxy" upon the faculty, which threatens "the integrity of strong universities and of vibrant constitutional democracies" (Nichol 2019). In fact, the same happens even more often in semi-democracies and under authoritarianism, which we will discuss in the next section.

We have already given many examples above about how politicians influence tenure and shared governance in universities in democracies. In Taiwan, as we

mentioned earlier, politicians generally do not intervene in academic affairs, but in 2017 the government refused to accept Taiwan University's selection of its president, in disregard of the traditional principles of shared governance (it relented at the end of 2018). In Japan, the government has required national universities to abolish or reorganize social sciences and humanities to make them useful, by their definition, for society and to raise the national flag and sing the national anthem at entrance and graduation ceremonies (Chap. 9), just as they have begun to do at the University of Macau.

In South Korea and Australia, government austerity measures seem to dictate program, faculty, and university mergers. Chapter 10 describes in detail how politicians in South Korea have directly involved themselves in the various reforms of HEIs, both private and public, in the direction of neoliberalism and managerialism resulting in the erosion of academic freedom. The most recent government effort in 2016 was to drastically cut humanities and social sciences enrolments and increase the number of students majoring in science, technology, engineering, and mathematics (STEM) so that they can raise the graduate employment rate. The heads of state-run research institutes and universities even have to resign in the middle of their terms because of regime change, often interrupting long-term development and research plans of the university (Bothwell 2019b). Similar things have happened in Australia (Chap. 11), where budget cuts and political interference by the Minister of Education vetoed 11 successful peer-reviewed projects in the 2017 Australian Research Council grants worth over AUD$4 million without telling the applicants why they were rejected. Government officials may pay lip service to academic freedom while instituting policies of C&C that hurt it.

In democracies, judges can also play a major role. Judges are supposed to be neutral politically and will adjudicate only according to the law. But judges can also be appointed by political parties or otherwise heavily influenced by politics. Some can be more conservative and others more liberal, but as is in the case of the USA, more and more very conservative and free market-oriented judges have been appointed to the federal judiciary.

It is true that judges, even if conservative judges, can protect academic freedom, as in the case of the Marquette suit. It was the American Supreme Court Justice Felix Frankfurter who, in 1957, asserted "four essential freedoms" of a university: the freedom to determine for itself who may teach, what may be taught, how it should be taught, and who may be admitted to study (cited in Thelin 2004, see Chap. 2).

But judges can also hinder academic freedom as in the following cases. Three professors in Texas sued the state for its campus gun carry law. As AAUP states, the campus carry law directly affects academic freedom (cited in Jaschik 2018b):

> It predictably affects not only the choice of course materials, but how a particular professor can and should interact with her students – how far she should press a student or a class to wrestle with unsettling ideas, how trenchantly and forthrightly she can evaluate student work. Permitting handguns in the classroom also affects the extent to which faculty can or should prompt students to challenge each other. The law and policy thus implicate concerns at the very core of academic freedom: They compel faculty to alter their pedagogical

> choices, deprive them of the decision to exclude guns from their classrooms, and censor their protected speech.

A federal appeals court rejected the challenge to the law by these three professors on the ground that there is not enough evidence to show that academic freedom would be impaired (Jaschik 2018b). In South Korea, the Seoul High Court overturned a lower court decision and fined a scholar "for her writings challenging conventional wisdom on the euphemistically termed 'comfort women,' women who were forced into sexual slavery by the Japanese" during WWII. She was suggesting that not all of the women were coerced (Redden 2017a). Other professors who hold similar views on the same issue are also facing serious backlashes from the administration and civil society groups (Chung 2019). Apparently even judges, who are the last line of defense for academic freedom, may not stand with professors or at least may not always agree with how the latter interpret and use the term.

When the US Supreme Court's conservative majority rules to cut off unions' fair share fees for collective bargaining, the justices are also hurting academic freedom. As Wilson (2018) argues:

> Unions are a leading force protecting faculty rights, and starving them of money will make professors more vulnerable and violate their First Amendment right of association. In particular, the American Association of University Professors, where I work, is the leading defender of academic freedom, and it depends on money from collective bargaining units to sustain the entire organization.

Indeed, faculty organizations are the first line of defense of academic freedom. Any weakening of them is weakening academic freedom. With the conservative judges in the US Supreme Court having a solid majority, faculty organizations will have a difficult time advancing and protecting academic freedom, and universities are less likely to see funding increase for their operation.

1.4.2.2 Politics in Authoritarianism and Semi-democracies Harming Academic Freedom

If there are still some checks and balances in the USA, it is a very different story in mainland China, where the Party, the state, the legislature, the court, and the university administration are one and the same. No independent faculty organizations are allowed so there is no recourse for faculty academic freedom violations. Examples of faculty firing because of sensitive online speech abound as we discussed above. It is reported that almost all the classrooms in colleges and universities throughout China have installed surveillance cameras (Huang Yuxin 2018). National security agencies are directly involved in policing professors' classroom behavior and discourse, as we mentioned earlier, and they are monitoring what is posted on the university's LAN (local area network) regarding their teaching materials. The violators of the Party ideology would be invited to "have tea" or "coffee" with their agents and required to write confession papers (Chap. 5) if not directly fired as in the many cases we have cited above. Academics are "caught between serving

governmental agendas and pursuing their own goals as an academic community" (Zha and Hayhoe 2014: 42).

Scholars based in the West who do academic investigations in China are also subject to various restrictions. A recent survey found that "Roughly 9% of China scholars report having been 'taken for tea' by authorities within the past ten years; 26% of scholars who conduct archival research report being denied access; and 5% of researchers report some difficulty obtaining a visa" (Greitens and Truex 2018; Redden 2018a). In addition, about two dozen of the 500 scholars who responded either had their computer or other materials confiscated or experienced temporary detention by police or physical intimidation during field research, especially in Tibet and Xinjiang.

The academic presses in the West are also feeling the pressure. The Cambridge University press removed from its websites in China 300 *The China Quarterly* articles related to the three Ts (Tibet, Tiananmen, and Taiwan) and Xinjiang only to reverse its decision later upon protests by scholars all over the world (Buckley 2018). Allen and Unwin canceled its publication of *Silent Invasion*, "a book by the Australian academic Clive Hamilton that claimed the Chinese government was eroding Australian sovereignty by controlling Chinese businessmen and students in the country, as well as manipulating Australian politicians into taking pro-China stances" (Siu 2018; see also Chap. 11). "Springer Nature has blocked access to more than 1,000 journal articles in China to comply with government censors," and some journals have received "requests from Chinese censors to block access to certain journal articles" (Redden 2017b).

Greitens and Truex (2018) found that Western-based scholars cope with the situation by adjusting their research strategies: 48.9% of them use a different language to describe a project, while in China, 23.7% of them shift a project's focus away from the most sensitive aspects, and 15.5% simply abandoned a project entirely (cited in Redden 2018a). As Chaps. 4 and 5 discuss, Chinese faculty members in China can still talk about politically sensitive issues in class, but this is increasingly difficult. Professorial violators of Party ideology are rarely fired in elite universities, but it is not clear how long this will last. At the time of writing, Xiamen University has just fired a professor (Zhou Yunzhong) and expelled a student (Tian Jialiang) for online speech (*Xiamen Daily* 2018).

Hong Kong's and Macau's higher education fares a bit better, but mainlandization, meaning doing things the way they are done in mainland China, is becoming more and more serious (Chaps. 6 and 7). The Central Liaison Office (CLO), the representative of the Chinese Party-state in each place, is playing a dominant role. As we mentioned earlier, recently the faculty association head of Hong Kong Baptist University, Benson Wong, was denied promotion and fired on grounds of teaching but actually for political reasons as reported in Chap. 6. Indeed in Hong Kong, the Chief Executive of the government functions as the Chancellor of all public universities. The Chief Executive of Macau is also the Chancellor of the University of Macau. They tend to appoint pro-government members and businessmen and women to the University Council (in both Hong Kong and Macau) and to the University Assembly (in Macau, a higher organ where the Chief Executive is the

Chancellor, or Chair). Structurally and under the instructions of the CLO, they make sure that the direction of HEIs will be politically aligned with the mainland Chinese government and serve its interests.

One of the reasons why the former Vice Chancellor and President of the University of Hong Kong (HKU) resigned 2 years before the expiration of his contract is pressure from the government. The University Council rejected Johannes Chan as Vice President of HKU because he was pro-democracy even though he was recommended unanimously by the selection committee (Chap. 6). These are in addition to Benson Wong's example. More professors in Hong Kong were let go in 2020 because of political reasons. They are all part of the mainlandization trend in Hong Kong and Macau.

Similar to the social media attacks on professors for their extramural speech in the USA, in both Hong Kong and Macau, there is a strong presence of traditional pro-government media. They often launch campaigns to call on the universities to fire professors who are engaged in political activism, like Benny Tai of HKU (Chap. 6). Dr. Horace Chin Wan-kan was removed from his university post at Lingnan University in 2015 with the university president's letter saying that his activism "severely hurt the reputation of Lingnan." One piece of evidence against the professor at the University of Macau in his firing in 2014 was a newspaper article criticizing him for his comments on the political processes there. In all these instances, one can see an invisible government hand.

1.4.2.3 The Politics of Chinese Authoritarianism in the World

In fact, Chinese mainlandization has been flexing its muscles and spreading to other parts of the world, both economically and politically. We have already discussed the Chinese government's interference in academic research and publications in or about China by non-Chinese organizations and individuals. With China's emergence as a global superpower and its "ability to direct Chinese students to cash-strapped universities—or take them away" (Fish 2018), the situation of censorship and self-censorship is going to get worse even outside China. The Chinese government has already vastly reduced the number of tourists to Taiwan as a punishment of the pro-independence government in the past few years and strongly affected its economy. It can do something similar with the students going to other parts of the world. Indeed, the University of California (UC)-San Diego invited the Dalai Lama to speak at its commencement in 2017, and the Chinese government then "froze funding to Chinese scholars wishing to attend the school" (Fish 2018). Roughly 14% of UC-San Diego's student body are Chinese, and one can see how much effect there would be to its finances if Chinese students stopped coming. And they are paying more than twice what local students pay.

In Australia, 26% of university students are international, the bulk of whom are Chinese. Higher education in Australia is an export industry, third in line after coal and iron ore or "the cultural equivalent of iron ore." In 2013 overseas students paid $4.3 billion in tuition and fees to Australian universities, out of a total of $6 billion,

and international student tuition and fee income constituted 18% of university funding nationally in 2015, much of which came from Chinese students (Chap. 11). One can imagine the financial effect if China were to reduce the number of its students to Australia.

For fear of economic and political retaliation, in what Fish (2018) calls "a sophisticated global censorship regime," Columbia University in New York canceled several talks for fear of upsetting Chinese officials in 2015; North Carolina State University canceled a visit from the Dalai Lama in 2009; The provost of New York's Alfred University personally ejected a researcher from campus for investigating Chinese government influence at the school. Indeed, many professors (including Perry Link, Andrew Nathan, and the professors who wrote a book on Xinjiang) are denied visas to China for their research on sensitive topics such as the three T's and Xinjiang. Chinese students and scholars face even more pressure to self-censor: Yang Shuping gave a commencement speech at the University of Maryland praising the USA in May 2017 and experienced an Internet mob attack and threat to her family members in China.

The PRC representatives in Western countries and the large number of Chinese students there are already changing their academic atmosphere. A recent study may sound alarmist, but some facts remain (Lloyd-Damnjanovic 2018 cited in Redden 2018c):

> The study, authored by Anastasya Lloyd-Damnjanovic, a Schwarzman Associate at the Wilson Center for 2017–18, concludes that "over the past two decades, PRC diplomats stationed in the United States have infringed on the academic freedom of American university faculty, students, administrators, and staff by: complaining to universities about invited speakers and events; pressuring and/or offering inducements to faculty whose work involves content deemed sensitive by the PRC authorities … and retaliating against American universities' cooperative initiatives with PRC partner institutions."
>
> Individual Chinese students, meanwhile, have – according to the report – in various cases infringed on academic freedom by "demanding the removal of research, promotional and decorative materials involving sensitive content from university spaces"; "demanding faculty alter their language or teaching materials involving sensitive content on political rather than evidence-based grounds"; "interrupting and heckling other members of the university community who engage in critical discussion of China"; and "pressuring universities to cancel academic activities involving sensitive content."
>
> In addition, the report documents cases in which Chinese students have "acted in ways that concerned or intimidated faculty, staff, and other students at American universities," such as by "monitoring people and activities on campus involving sensitive content"; "probing faculty for information in a suspicious manner"; and "engaging in intimidation, abusive conduct, or harassment of other members of the university community."

Granted that these activities may involve only a tiny number of the 350,000 PRC nationals currently studying in the USA, and one should not stereotype them especially in a time of renewed American xenophobia (see also Lee 2019 for the same point), it remains a challenge especially for academics related to China studies to deal with censorship and self-censorship as they do in Greater China.

More examples of censorship and self-censorship from other parts of the world are below. Two academics from European universities decided to withdraw their papers from a special edition of *The China Quarterly* because they did not want their papers to be published together with another paper, authored by an Australian academic, James Leibold, which argued that state surveillance in Xinjiang is at odds with Beijing's Belt and Roald Initiative (Siu 2018). These happened alongside the Chinese government's request to 44 foreign airlines in 2018 that they indicate in their public-facing content that Taiwan is part of China, or they would be punished. These airlines have caved, one way or the other.

A threatening letter from the Chinese Embassy in Spain to the University of Salamanca exhorting it to cancel its program to celebrate Taiwanese culture is also a good case in point (Sociopolitica de Asia Pacifico 2018):

> We demand your University adheres [sic] to the "One china [sic] Principle" and takes [sic] measures to avoid and eliminate the adverse effects….we demand you cancel the remaining ["Taiwan Cultural Days"] scheduled events. We reserve the right to contact you again as the case may be [sic], we hope that the University of Salamanca acts with caution on this subject and avoids a similar unpleasant incident.

The university was scared of angering Beijing and its retaliation against it so it cancelled the event (Redden 2018b). This threat is similar to those issued to other universities, whether directly or indirectly. Other examples include Chinese embassies or consulates interfering in US university events on Taiwan or speech invitations to the Dalai Lama deemed sensitive to China's interests (see Lloyd-Damnjanovic 2018: 51–55; for more examples, see also Scholars at Risk 2019).

In Australia, pro-PRC course content is demanded by Chinese students. Questions arise as to whether Chinese students are being monitored in Australia and whether they report each other to Chinese authorities. Most recently, Zihan Liu, a Chinese student at the University of Adelaide, claimed on social media that he reported to the university authorities and the local Chinese consulate about his fellow students' anti-socialism statement in a student organization election campaign (Radio Free Asia 2018). In 2016 an assistant professor of Chinese origin named Wu Wei was forced to resign because of his online speech critical of China after online attacks of him by Chinese students in Australia and elsewhere. People are afraid whether universities can "remain true" to their values in front of attempts at untoward influence and interference that silences dissent (Chap. 11; for more examples of China's influence on Australia, see Lloyd-Damnjanovic 2018: 28–30). That seems to be a question for other Western universities, too.

China's influence in the world is also seen in its Confucius Institutes. There are 525 of them in 146 countries and regions around the world, including over 100 in the USA and 29 in the UK, enrolling over 9 million students. They are housed in universities and are generously funded by the Chinese government. They offer instruction in Chinese language and culture but avoid issues considered taboo. They are "an important part of China's overseas propaganda apparatus," in the words of Li Changchun in 2009, then a member of the Politburo Standing Committee of the CCP, serving the Chinese government's interests with implicit codes of speech

considered proper (Fish 2018). Several US universities have discontinued their contracts with the Chinese government on the institute, but one doubts many are going to follow for fear of losing the funding for teaching Chinese language and culture and hurting their relationship with their counterparts in China. The result is reduced academic freedom on the part of the faculty (see also Chap. 11 on the Confucius Institutes in Australia).

In a nutshell, politics is a formidable and instrumental factor eroding academic freedom across all jurisdictions. It is probably the most challenging force to deal with if academics everywhere want to protect and promote academic freedom.

1.5 Facing the Challenges

To deal with the problem of eroding or lack of academic freedom, one has to first recognize it is a problem. It seems that in democracies, semi-democracies, and authoritarianism, grassroots faculty members are beginning to understand that there is a problem. But most seem to go along to get along as the restrictions become gradually normalized (Allen 2019). Most faculty members themselves do not feel the importance of academic freedom until they lose it (see Hoodfar 2017). People in power tend not to recognize the problem at all. In response to the Lloyd-Damnjanovic (2018) report, the Chinese Embassy in Washington says, "This allegation of the report you mentioned is totally groundless, full of prejudice, discrimination and hostility" (cited in Redden 2018c), in spite of the countless concrete examples cited in the report. Can academics across jurisdictions convince the authorities that there is a problem? Do they themselves know that there is a problem? Much still needs to be done in consciousness raising, as discussed in Chap. 9 about the situation in Japan.

In the USA, one of the major tools for faculty members who feel that their academic freedom is violated is to sue in court. Sometimes they win, as in the Marquette case, and other times they lose, as in the campus carry law suit in Texas. With the US Supreme Court ruling we mentioned earlier, unionization is also difficult. But they keep trying.

In Canada, courts are playing a minimalist role; rather, academic freedom disputes are resolved through labor arbitrators (Robinson 2019). For example, the faculty association of Ryerson University in Canada recently won an ongoing dispute with the administration over the use of SETs. An arbitrator ordered the administration to stop using SETs to measure teaching effectiveness for promotion or tenure. The order says that "the best way to assess teaching effectiveness is through the careful assessment of the teaching dossier and in-class peer evaluations" (Flaherty 2018d). SETs cannot be used to reach conclusions about teaching effectiveness.

Sometimes the disputes are resolved within the university albeit with outside support. Purdue Global, an online branch campus of Purdue University, decided to discontinue its use of nondisclosure agreement (NDA) which would restrict the right of faculty members to own their own course materials. It happened only after

a national protest. As an AAUP email indicates (personal document, September 7, 2018; see also Toppo 2018):

> Purdue Global's announcement comes in response to a public outcry that followed upon the work by the Indiana Conference of the AAUP and the national AAUP to expose its use of NDAs; thousands of AAUP members and supporters signed our petition demanding the end of the practice. The victory demonstrates that when faculty join together they have a powerful voice to protect academic freedom, shared governance, and higher education for the common good.

The national AAUP was also involved along with the local AAUP chapter in rebuilding shared governance and turning sanction to collaboration at the University of Iowa and with the state board of regents (Daack-Hirsch et al. 2019).

Unionization is apparently one important tool to resolve disputes and defend academic freedom. "Academic and student unions can be a powerful force for fighting back against the ideologies and policies stifling academic freedom today" (Allen 2019). Academic faculty in Canada seems to be in a better position since about 90% of them are covered by collective bargaining agreements including legal protections for academic freedom (Robinson 2019), and they seem to be doing exceptionally well.

Although few faculty members are unionized in the USA, most HEIs have some kind of senate, chaired mostly by an elected professor. But faculty senates need to participate in collaborative decision-making, rather than simple consultation or information sharing with the administration (see Gerber 2014: 160 on the status quo of the faculty senates). The latter is also the case in Macau as Chap. 7 explores.

Faculty can exert pressure in other ways as well. The president of Edinboro University of Pennsylvania "was quoted in *The Chronicle of Higher Education* as saying that he needed to bypass the faculty in order to make necessary changes" and that he "knew [he] would never be able to reason with the faculty" (Jaschik 2018c). He resigned under faculty pressure. At Bethune-Cookman University, about 30 faculty members went to the president's office to deliver a letter in August 2018, complaining that the university faculty were "blatantly disregarded, the Faculty Senate mocked, and the work of the Faculty Senate discounted" (Seltzer 2018). They wanted the administration to share with the faculty information about the financial and accreditation status of the university. Apparently such information was not shared before: the university was in crisis and the faculty had been in the dark. Faculty members themselves have to strive for shared governance; it is not, has not been and will never be, a given.

Apparently the lack of shared governance hurts administrators as well. Tierney (2018b) examined the recent string of presidential resignations and found that a key problem is a lack of shared governance. This may cause what Lovett (2018) calls a mismatch or misalignment resulting in the declining median tenure of presidents at 4-year HEIs in the USA.

Indeed, much more can be done in terms of shared governance in democracies and semi-democracies. In Japan, some senior public intellectuals wrote forcefully in defense of humanities and social sciences (Chap. 9). Faculty have also resisted the government regulation of a president/dean responsibility system: faculty

committees are making important decisions which the president/dean will then sign and implement (Dong Hongqing 2017). In South Korea, faculty and public resistance substantially slowed down the privatization and incorporation of public universities under two regimes (Chap. 10). In Germany, the University of Göttingen has had to rerun the search for a president after faculty protests of a "clandestine" selection process (Matthews 2019b).

In semi-democratic Hong Kong, faculty members can also join together for academic freedom. In 2015, more than one thousand people in higher education signed a petition entitled "Staunchly Defend Freedom and Civility in the Academia—Public Statement of Faculty, Administrative Staff and Students" calling on the protection of academic freedom (Denyer 2015). How much success they have achieved is hard to say but things could be worse if there had been no protests. We have not heard much about what the academic staff associations do in Hong Kong HEIs, but considering what the AAUP has done in the USA, there is certainly a lot they can do.

Even under authoritarianism, faculty engage in "obedient autonomy" and creative dissent, as we can see in Chaps. 4 and 5. Things are bad, but they can get worse if faculty do nothing. This, in fact, is true everywhere in the world (for more on organizational and individual responses, see Tierney and Lanford 2014: 18–20).

Meanwhile, some international advocacy groups have been set up for academic freedom. In Europe, the Magna Charta Observatory (MCO), the guardian of fundamental university values expressed in the Magna Charta Universitatum (MCU), is planning to obtain 1000 or more worldwide signatories of the MCU by 2020 and to become the leading global organization that supports fundamental values for higher education. This is in addition to their other activities like holding and participating in conferences and workshops, creating a vibrant website, launching publications, etc. (Myklebust 2019). Scholars at Risk (SAR), founded 20 years ago and based at New York University, has built a network of over 500 institutions in 39 countries that assists scholars under some of the severest of attacks for seeking truth and asking questions, including dismissal, arrest, imprisonment, and even execution. It has also built student advocacy, clinical programs, regional partnerships, courses, and workshops aiming to document violations of academic freedom and train more defenders. Indeed, academic freedom should be a core part of professional training for PhD students, many of whom may enter the ranks of the faculty in the future (Whittington 2020). SAR, also a member of the Global Coalition to Protect Education from Attack, currently has a caseload of over 800 scholars, but in 2018 alone they documented nearly 300 attacks in 47 countries involving thousands of scholars and students (Quinn 2019). More organizations like MCO and SAR are needed.

One of the major campaigns these organizations should engage themselves in, however, is to put academic freedom on university ranking metrics (Dutta et al. 2019). As they stand now, university rankings are based mostly on research output, teaching, internationalization, etc. But without academic freedom, what will be the point of those evaluations? How can a university with little or no academic freedom, like those in China, be placed among the top universities in the world? Because universities are concerned about their rankings, to add a measurement of the state of

academic freedom at HEIs would go a long way toward its protection and promotion. The Global Public Policy Institute based in Germany has already constructed an index on academic freedom (Hoffmann and Kinzelbach 2019), and there is no reason why it cannot be refined and used by the university ranking regimes.

Apparently, faced with all these challenges, faculty are not totally powerless. While in democracies there are courts, arbitrators, unions, and faculty senates, in semi-democracies and autocratic countries and regions, faculty have to find other means to protect academic freedom. But most importantly, all need to raise their consciousness to see that there is a problem, and they have to confront it. They need to communicate the importance of the university as a public good and the integrity of their profession as the means of delivery of that good to other stakeholders—the state, the board of trustees, staff, students, parents, and the general public—rather than hiding in an ivory tower and pretending that attacks on academic freedom will eventually go away (see also Hoodfar 2017 and Quinn 2019 on this point). Academic freedom needs to be systematically nurtured, conscientiously and determinately pursued, and strongly and effectively defended.

1.6 Conclusion

Academic freedom is a universal value. From the heads of Peking University to the judges in Wisconsin's Supreme Court, let alone university administrators and professors, all will probably believe in academic freedom and the thinking behind it. But they diverge significantly in how to implement that value. Shared governance is a mechanism, but it is being eroded in democracies, and there is little of it under authoritarianism. Faculty in semi-democracies have a difficult time striving for shared governance. Tenure or job security is another mechanism to guarantee academic freedom, but as discussed in this chapter and throughout the book, most university professors do not have tenure. There are fewer and fewer tenured positions. In addition, the university rankings game, SETs, and the attack on professors' extramural speech have all harmed academic freedom.

Nevertheless, "the country benefits when faculty are able to search for truth without external hindrance and when they are able to report their findings regardless of what those findings may be" (Tierney and Lechuga 2005: 7). Because higher education is a public good, and university professors need the freedom to teach, research, and serve in order to provide that good, academic freedom has to be protected and promoted. It is difficult for faculty members and their organizations, if and where they exist, to stand up for academic freedom. But in protecting and promoting academic freedom, it is possible to ally themselves with any in the government and the board of trustees who truly believe in the concept. All the stakeholders in higher education need to work together to defend academic freedom for the betterment of society.

Academic freedom is better protected and practiced in democracies, or even in a semi-democracy like Hong Kong, because of their existing mechanisms, despite all

the challenges professors still face there. Even in mainland China, there is the possibility of "obedient autonomy" or creative dissent (Chaps. 4 and 5) in exercising some academic freedom. In Australia, as one Australian academic claims, academia as a whole has not succumbed to the pressure of Chinese mainlandization (Siu 2018). The same is true elsewhere.

Nonetheless, protecting academic freedom will be an uphill battle everywhere for all the reasons discussed in this book. As in the situation in Japan (Chap. 9), academics in the USA have already had a long and arduous struggle over academic freedom, and they are still fighting (AAUP 2009; Tierney and Lechuga 2005). The fight is just beginning in mainland China, Hong Kong, and Macau, and it is hard to build the academy into a "bulwark against conventional thought and received opinion not just for the benefits of its members but for society at large" (Robinson 2019). But it is a battle or a war worth fighting and a struggle that faculty cannot afford to lose.

"[F]ree inquiry is indispensable to the good life," "universities exist for the sake of such inquiry," and without academic freedom, universities "cease to be universities" (Tierney and Lechuga 2005: 20, citing Robert Hutchins). University professors have a calling to foster critical and creative thinkers and produce research that has long-term intellectual value for society. A docile and alienated faculty with little academic freedom is detrimental to such a calling. Rather than adapting to authoritarianism, as the American professor interviewed in Macau comments on what he was doing (Chap. 7), faculty members need to step up to strive for shared governance and academic freedom and to "develop campus cultures that nurture and expand basic freedoms" (Tierney and Lechuga 2005: 20)—or they will be stepped down and the entire society will suffer.

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