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House Committee on Foreign Affairs, Subcommittee on Africa, Global Human Rights, and International Organizations

December 4, 2014: "Is Academic Freedom Threatened by China's Influence on U.S. Universities?"

I am honored by the invitation of the U.S. House of Representatives House Committee on Foreign Affairs, Subcommittee on Africa, Global Human Rights, and International Organizations. I am here today, first and foremost, as a citizen who wishes to comment on exchanges and partnerships between U.S. and Chinese institutions of higher education and their possible implications for academic freedom in U.S. institutions.

My testimony is not motivated by any animus toward China, the Chinese people, or the outstanding students from the PRC whom it has been my distinct honor and pleasure to teach. My career as a scholar and human rights activist over the course of 30 years has focused on authoritarian regimes and their repression of fundamental human rights and liberties. My activities have focused on studying dissidents in authoritarian societies who are at risk and assisting them in their efforts to promote freedom. I have been an ardent supporter of Professor Xia Yeliang, the dissident economist, who was terminated from his post at Peking University in fall of 2013 for political reasons.

I was one of seven Wellesley professors who wrote an Open Letter to Peking University to protest the firing of Professor Xia.¹ This letter was signed by over 140 Wellesley faculty members, and served as a basis for a very contentious debate on the Wellesley-PKU partnership, which was formally instituted in June of 2013. I sought, unsuccessfully, to secure for him a two-year visiting scholar-in-residence position in the Department of Sociology and the Freedom Project at Wellesley College. He is currently a two-year

¹<http://www.boston.com/yourcampus/news/OpenLetterPekingUniversityXiaYeliang.pdf>

Visiting Associate of The Freedom Project and in October, 2014 was awarded the annual Freedom Project Award for Civil Courage.

In recent years, many US institutions of higher education have entered into formal relations with Chinese universities. These have ranged from large-scale institutional efforts involving “bricks and mortar” satellite campuses in China (e.g. Duke Kunshan University, New York University Shanghai) to relatively small-scale partnerships that involve exchanges of students and faculty and special events around common themes. From a scholarly perspective, such relations are vitally important in an increasingly globalized and interconnected world and should be maintained. No serious scholar could argue that the U.S should not have such relations with China. However, there are several troubling aspects of these relations that may infringe upon academic freedom in American universities, and more generally on the right of freedom of expression guaranteed by the First Amendment of the U.S. Constitution.

The Chinese government’s effort to developing extensive formal relations with U.S institutions is part of a more general “soft power” strategy toward the West. The aim is to partner with U.S. educational institutions at all levels to gain legitimacy abroad for China, in general, and to enhance the prestige of Chinese institutions of higher education, in particular. These partnerships work to “normalize” Chinese universities by using the prestige of American universities to build their own prestige in world university rankings. They also work to establish an official presence in American higher education that can work to achieve the propaganda goals of the CCP. This propaganda strategy was openly admitted by Liu Yunshan, Minister of Propaganda, in January 2010, who stressed that “we should actively carry out international propaganda battles against issues such as Tibet, Xinjiang, Taiwan, Human Rights, and Falun Gong.”² In addition, new cadres of

² Quoted in Marshall Sahlins, Marshall Sahlins, *Confucius Institutes: Academic Malware* (Chicago: Prickly Paradigm Press, 2014), p. 6. The original speech at Yongning Government Website is inaccessible as of November 28, 2014:

http://yongning.gov.cn/ynkxfg/contents/265/2221_5.html

current and future Chinese elites gain legitimacy from acquiring degrees from U.S. institutions and such degrees are important credentials for personal advancement and mobility in Chinese society. Given the control of Chinese universities by the Communist Party of China, and the intensification of repression of freedom of thought and expression with the ascent of Xi Jinping, partnerships cannot in any way be seen from the official point of view as means for the liberalization of intellectual life in China.

On the U.S. side, exchanges with China are beneficial to U.S. interests for learning more about China, a necessity given its emergence as a world power. There is no better way for young people in the U.S. to learn about their counterparts in China than sustained and vigorous interactions with them. U.S. institutions of higher education are a main mechanism of the 100,000 Strong Initiative put forth by the Obama administration in 2009.³ China is a rich source of revenue from the estimated 274,000 Chinese students studying in the US, the vast number of whom pay full tuition and costs.⁴ Students from the PRC bring huge benefits to the US economy, which are estimated by the Institute of International Education at \$27 billion per annum.⁵

It is neither possible nor desirable from a financial or cultural point of view to restrict formal educational programs with China, or the number of Chinese students coming to the U.S. There are distinct benefits to large numbers of Chinese students being exposed to an American society and to American ideas of rights and freedom that could be the source of positive social change in China. However, the expansion of partnerships between U.S. and Chinese institutions are taking place in a period of intensifying political repression of freedom of expression in China. Last year, Chinese president

³ See the Institute for International Education report at:
<http://www.iie.org/Research-and-Publications/Publications-and-Reports/IIE-Bookstore/US-Students-in-China>

⁴ <http://www.iie.org/Who-We-Are/News-and-Events/Press-Center/Press-Releases/2014/2014-11-17-Open-Doors-Data>

⁵ <http://www.iie.org/Who-We-Are/News-and-Events/Press-Center/Press-Releases/2014/2014-11-17-Open-Doors-Data>

Xi Jinping, issued a formal declaration of forbidden topics that are central ideas in the Western tradition of liberal democracy: universal values, freedom of speech, civil society, civil and political rights, the historical errors of the CCP, crony capitalism, and judicial independence.⁶ He declared an overt war on independent intellectuals, asserting that “We must strike hard at handful of reactionary intellectuals making use of the Internet to spread rumors, attack, and slander the CCP’s rule, the socialist system, and the national regime.”⁷ There has been an increase in the persecution, firing and imprisonment of critics of the CCP and its policies, including, most recently, the high profile case of Ilham Tohti, the Uighur professor of economics, who is now serving a life sentence for “separatism”.⁸

The general strategy of the CCP allows for some limited freedom of expression in small-scale social environments, but restricts severely such expression when it becomes more diffuse in the public sphere.⁹ The Chinese Communist Youth League exerts tight control over student freedom of expression in Chinese universities through strict procedural controls as well as surveillance and intimidation of those who cross the boundaries of tolerable public discussion.¹⁰ American students may experience some degree of openness in small-scale settings, and perhaps perceive that there is a high degree of public freedom of expression. They may be unaware of more repressive limitations on freedom of expression in the public sphere, or worse, believe that public criticism and civil society activism are, in fact,

⁶ <http://www.globalpost.com/dispatch/news/regions/asia-pacific/china/130529/censorship-chinese-communist-party>

⁷ <http://www.straitstimes.com/the-big-story/asia-report/opinion/story/xi-wages-ideological-war-against-liberals-20130925>

⁸ <http://www.hrw.org/news/2014/09/15/timeline-ilham-tohti-s-case>

⁹ King, Gary, Jennifer Pan, and Margaret E Roberts. 2013. “How Censorship in China Allows Government Criticism but Silences Collective Expression,” *American Political Science Review* 107, no. 2 (May): 1-18

<http://gking.harvard.edu/publications/how-censorship-china-allows-government-criticism-silences-collective-expression>

¹⁰ <http://articles.latimes.com/2012/dec/09/world/la-fg-china-students-20121209>

“rude”, “wrong,” or “offensive” and should be avoided. American students are compelled to engage self-censorship in public debates, as the Chinese people themselves must do. To do otherwise could constitute violations of Chinese law that criminalize public expression of controversial views, i.e., “creating public disturbances”, “illegal assembly”, etc.

There seems little that can be done from the U.S. side, by academics, to counter repression of freedom of expression within China. It is improbable, if not impossible, for American academics in China to push for open and public discussion of forbidden topics. It should be stressed that many professors may feel that this is inappropriate, especially if their research has nothing to do with sensitive political topics. They should be respected in this position. Overall, the essential precondition of the academic presence in the Chinese environment is a tacit agreement to engage in self-censorship.

There is much that academics can do, however, to ensure that there is maximal freedom of expression in American institutions of higher education. The moral imperative for U.S. universities – administrators and faculty alike - is to ensure that freedom of expression is not infringed upon because of the need to maintain formal relations with Chinese counterparts and the tangible material benefits that accrue from such relations.

American scholars are beginning to examine how relations with Chinese institutions have led to clear patterns of overt censorship and self-censorship on American campuses.¹¹ A focus of recent attention is The Confucius Institutes (CIs), of which there are an estimated 100 in the US, including at such prestigious universities as Stanford, Columbia, and, up until recently, The University of Chicago. The large majority of CIs are at state universities, many of which welcome the funds provided by the Chinese government in light of fiscal crises in the states that have reduced spending on higher education.¹² The American Association of University Professors “Committee

¹¹ See, for instance, Marshall Sahlins, *Confucius Institutes: Academic Malware* (Chicago: Prickly Paradigm Press, 2014).

¹² A list of Confucius Institutes in the U.S., which ought to be continually checked and updated, can be found at:

A on Academic Freedom and Tenure” issued a statement in Confucius Institutes issued a statement in June 2014, calling for increased scrutiny of CIs.¹³ The report notes that:

Confucius Institutes function as an arm of the Chinese state and are allowed to ignore academic freedom. Their academic activities are under the supervision of Hanban, a Chinese state agency which is chaired by a member of the Politburo and the vice-premier of the People’s Republic of China. Most agreements establishing Confucius Institutes feature nondisclosure clauses and unacceptable concessions to the political aims and practices of the government of China. Specifically, North American universities permit Confucius Institutes to advance a state agenda in the recruitment and control of academic staff, in the choice of curriculum, and in the restriction of debate.”

The report calls for ensuring that American universities exercise unilateral control over CIs, guarantee academic freedom for CI employees, and make all university-Hanban agreements available to “all members of the university community.” An important part of the report is the concluding statement, which states that... “*More generally, these conditions should apply to any partnerships or collaborations with foreign governments or foreign government-related agencies (emphasis added).*”¹⁵

The CIs are only the most obvious institutional partnerships between China and the US, and have garnered the most attention. More common, smaller-scale, and less institutionalized partnerships and exchanges have emerged, however, without adequate consideration of the same issues that have been raised regarding CIs. The usual process for establishing a partnership between a U.S. and Chinese institution is to sign a “Memorandum of Understanding” (MOU), in which common goals and plans are specified.

http://confucius.gmu.edu/upload/Resources_Alphabetical-list-of-Confucius-Institutes-in-the-USA.pdf

¹³ <http://www.aaup.org/report/confucius-institutes>

¹⁴ <http://www.aaup.org/report/confucius-institutes>

¹⁵ <http://www.aaup.org/report/confucius-institutes>

These are essentially loose contracts that appear to have no legal status, and there is no one type of MOU. At the present time, it is difficult to know exactly how many partnerships have been established between U.S. and Chinese institutions. To the best of my knowledge, the process of forming partnerships is unregulated by any political authority and they are usually initiated and carried out by academic administrators in non-transparent negotiations, which are then announced to faculty.

The central questions about partnerships are:

1. How might academic freedom and freedom of expression, more generally, in American universities and colleges be affected by these formal partnerships with the Chinese government and the Communist Party of China?
2. What does it mean for institutions of higher education in a liberal democratic society to be in "partnerships" with an authoritarian, one-party regime?
3. What does it mean that many of these partnerships claim they are committed to academic freedom and liberalization at a particular time in history when the CCP is intensifying its programs of "thought management" in Chinese universities, and increasing repression of independent and dissident voices in civil society?

The formation of partnerships with Chinese universities has far outpaced the development of procedures and mechanisms for the monitoring and protection of academic freedom on American campuses. The fundamental task of all U.S. universities ought to be the protection of academic freedom as the most fundamental, non-negotiable foundations of the modern university. While there are usually mentions of "academic freedom" in MOUs that establish formal partnerships, these appear to be purely rhetorical and symbolic, and specify no procedures for monitoring and ensuring the exercise of academic freedom.

Central Concerns Regarding Partnerships

Based on my own experiences with the Wellesley-PKU partnership, and on sociological observations in the more general American (and in some cases the European environment), I offer the following concerns in answer to the central question: *Is academic freedom threatened by Chinese influence in U.S. universities?* The word “threatened” is perhaps too strong as a general term to describe all the potentially negative effects of Chinese influence, though, in some cases, it might be appropriate. Perhaps a more appropriate concern, taken from the language of the U.S. Constitution, should be on the possible and actual *infringements* of academic freedom.

1. Formal exchanges and partnerships provide platforms for official positions of the CCP to be aired on US campuses and at formal events in China. At many academic events, whether in China or the US, one can expect the presence of representatives of the CCP who monitor events, engage in surveillance of Chinese participants, and, when possible, use such events for official propaganda purposes.
2. Institutions and programs may decide not to cover certain topics because of concern for offending or being “rude” to their Chinese counterparts. This possibility is enhanced by the culture of civility in China in which public criticism of any aspect of Chinese society causes China to “lose face.” There are numerous cases in which American professors admit openly to self-censorship and to consciously limiting the discussion of controversial issues such as Tibet (and the Dalai Lama), Taiwan, human rights, dissidents, or ethnic and nationalities problems.¹⁶ The most serious consequence of this is that the realities of repression and violations of fundamental human rights in China become hidden beneath a “beautified” version of China, making these repressions and violations all the more effective. In a recent pronouncement, President Xi Jinping noted that Chinese foreign policy should be designed to “increase China’s soft power, give a good Chinese narrative and better communicate

¹⁶ See, for examples, Sahlins, *op.cit.*

China's message to the world." ¹⁷ *It should be stressed that partnerships between Chinese and U.S. academic institutions will be a major means for promoting this foreign policy objective.*

3. Scholars of China may self-censor and avoid public criticism of aspects of China for fear of losing access to China. That this happens is well known in the community of Western Sinologists, many of whom are banned from entering China for writing critically about aspects of Chinese society. ¹⁸ This constant fear of losing access serves as a strong motivation for self-censorship. Very often, this self-censorship is subtle. For instance, when a group of Harvard University professors invited the dissident poet, Liao Yiwu, to read his emotional and controversial poem about Tiananmen Square, "Massacre," gave him private accolades for doing it, but declined to put a video of it on their website.¹⁹

4. This process is also asymmetrical: US scholars are subject to close scrutiny for their work and banned from China, whereas Chinese scholars are free from such constraints and can, theoretically, discuss the problems of American society with impunity. This is a general problem of open societies: they must allow the expression of ideas and values that are critical of them, whereas closed societies operate under no such constraints. Given the dominance of perspectives that are critical of America in U.S. universities, they are likely to find support for doing so. Chinese propagandists are very skillful in raising the specter of Western imperialism, U.S. hegemony, the ill-treatment of Chinese and other Asian populations in American history, and other topics that are of central

¹⁷ http://www.nytimes.com/2014/12/01/world/asia/leader-asserts-chinas-growing-role-on-global-stage.html?_r=0

¹⁸ See, for example, <http://www.bloomberg.com/news/2011-08-11/china-banning-u-s-professors-elicits-silence-from-colleges.html> and <http://www.nytimes.com/2014/07/08/world/asia/us-scholar-who-supported-uighur-colleague-is-denied-entry-to-china.html>

¹⁹ <http://www.sampsoniaway.org/interviews/2014/01/07/if-i%E2%80%99m-not-speaking-that-means-im-dead-an-interview-with-liao-yiwu/>

concern to left-leaning professors, who predominate in American universities.

5. For many U.S. faculty members of Chinese origin, exchanges between institutions in the U.S. and their home countries represent research and intercultural opportunities that could not be dreamed of just a short time ago. These faculty members serve as important informal ambassadors who create valuable linkages between U.S. and Chinese universities and they should be commended for this. Some faculty members, however, might be more hesitant to criticize China in order to protect these new opportunities, to protect their access to China, and, especially, *to protect family members who remain there*.²⁰ In some cases, they may articulate, intentionally or unintentionally, positions that mirror official views of the Chinese government and the CCP, and as a result serve, intentionally or unintentionally, as proxies of or apologists for the soft power strategy of the Chinese government.²¹ Assessments of the extent to which this occurs must always be based on careful assessment of evidence, and must never be the product of generalized suspicion of faculty members of Chinese origin.

6. Professors who are subject to evaluation for promotion, tenure and salary increases may avoid discussing sensitive topics about China in their classes out of fear of negative evaluations by Chinese students. It is safe to say that Chinese students coming to study in the U.S. have no direct experience of the Western idea of academic freedom. They might be inclined to see critical or outspoken professors as “troublemakers”, as

²⁰ In discussions with Wellesley faculty members, this point regarding family members was stressed to me several times as a key reason why some Chinese faculty members were hesitant to be more vocal about criticisms of the Chinese government.

²¹ The process of the Chinese government’s propaganda strategy regarding overseas Chinese is extensively documented in James To, “Hand-in-Hand, heart to heart: Thought management and the Overseas Chinese”, in Anne-Marie Brady, ed., *China’s Thought Management* (London and New York, 2012), pp. 164-182.

they are viewed back home. Chinese students coming to the US at present have been brought up in a post-Tiananmen environment of strict political socialization under the "Great Patriotic Education" campaign. Recent sociological research has shown that Chinese students who come to the US express nationalist sentiments: "the current cohort of overseas Chinese students seems, overall, far less critically inclined, and more self-consciously 'patriotic,' than their 1980s predecessors."²² In U.S contexts, many Chinese students, understandably, respond defensively to criticisms of Chinese society.²³ It is sociologically inconceivable that the presence of nearly 300,000 Chinese students in American higher educational institutions would not have some discernible effects on discussions of sensitive topics related to China.

7. Professors who are publicly critical of particular practices in China, especially those of the CCP, run the risk of being labeled as "anti-China" or "anti-Chinese." This is a common propaganda tactic of the CCP in the face of criticism of its policies and practice, especially with regard to foreign entities. It should always be stressed that criticism of the Chinese government or the CCP is not equitable with "anti-China" or "anti-Chinese" animus. Indeed, the opposite is the case: critical voices, especially those in the Chinese diaspora dissident community, are actively "pro-China" and "pro-Chinese" and criticize the CCP because, in their view, it hurts the Chinese people, thwarts their autonomy, and blocks their path to full realization of their civil and political liberties. The deliberate confusion of critique of specific policies of the CCP with criticism of persons of Chinese or Asian descent is especially effective in the current climate of multiculturalism and identity politics that predominates on American campuses. Accusations of ethnic or racial prejudice or discrimination are particularly effectual tools for silencing dissent and limiting freedom of expression on many different issues. *This tactic is likely to be one of the most effective ones on American*

²² Rowena He, "Identifying with a "rising China"?: Overseas Chinese student nationalism", in Edward Vickers and Krishna Kumar, editors, *Constructing Modern Asian Citizenship* (London and New York: Routledge, 2015), p. 335.

²³ *Ibid.*, p. 336.

campuses for limiting freedom of expression and criticisms of the Chinese government, its authoritarian policies, and propaganda efforts abroad.

What Should Be Done at U.S. Universities?

The fundamental duty of all U.S. universities is the protection of academic freedom as the inalienable moral foundation of the modern university. My concern is that the “default position” that is emerging is one of acceptance of partnerships with Chinese institutions and acceptance of the limitations on and infringements of freedom of speech that these engender. Faculty members whose institutions have partnerships, and who are concerned with the ways in which they might infringe on academic freedom, should be active by:

1. Fostering debates on controversial issues that are avoided on campuses. Since U.S.- China partnerships earmark considerable funds for programming, faculty who wish beyond the boundaries of that programming must be prepared for administrative and collegial resistance and be industrious in seeking out sources of funding for contentious events.
2. Exposing CCP propaganda efforts associated with events carried out in the U.S. under the aegis of partnerships. This task can be enhanced by drawing on the considerable experience and expertise of Chinese dissidents and human rights activists, so as to avoid charges of being “anti-China” or “anti-Chinese”. These activists and dissidents should be brought to campuses at every available opportunity.
3. Providing Chinese students with the tools for critical thinking that are the core of the liberal arts, while at the same time understanding and respecting their views and experiences as students who were educated in an environment where independent and critical thinking are highly circumscribed. This is a difficult, but crucial pedagogical challenge and one that is most likely to instill in Chinese students an appreciation for

freedom of thought and conscience that might drive progressive social change in China.

4. Developing courses that deliberately examine controversial topics that are avoided in China and which other faculty in the U.S. environment might not teach in order to avoid "giving offense." These curricular efforts should not be attempts to politicize the curriculum, or present one-sided views, but should endeavor to understand the complexities of controversial issues.

Public Policy Recommendations

Recognizing the threats to freedom of expression that may result from US-China partnerships in higher education is the first step, which this hearing is making possible. Even at this early stage some concrete policy suggestions to political authorities outside of academe who are concerned with the topic of this hearing can be made:

1. There should be an audit of all U.S. institutions of higher education that receive federal funds to establish and document the extent and content of their exchanges with Chinese institutions. Such audits will indicate the precise nature of the relationships between the US and Chinese institutions, with particular attention to how federal funds are being used both in the U.S. and China and indicating any conflicts of interest. In addition, all institutions should provide information on all financial aid and awards taken from official Chinese organizations in the U.S., i.e., Chinese consulates.

2. U.S institutions of higher education that receive federal funds must declare any conflicts of interest that might arise as a result of pursuit of financial gain from the Chinese government. All official ties and activities of U.S. professors or university officers with agencies and apparatuses of the Chinese government and the Communist Party of China should be declared openly, so that actual and potential conflicts of interests of faculty members and officers are open and transparent.

3. All U.S. institutions of higher education that receive federal funds and that have partnerships with the Chinese government must develop real mechanisms and procedures for ensuring academic freedom on American campuses in the course of all formal and informal operations of these partnerships. At U.S. universities, an office, officer, or committee should be charged with making annual audits and reports of all activities that arise from the partnership and making sure that faculty can report irregularities or infringements of academic freedom without fear of retaliation or censure.