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The intellectual-state relationship and academic freedom in China: a reappraisal

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ABSTRACT
Existing academic literature on higher education in China tends to promote an argument that current norms of academic freedom and the broader intellectual-state relationship can be attributed primarily to Chinese political and cultural traditions, particularly Confucian political thought, creating a false dichotomy between 'Western' liberal individualist and 'Sinic' Confucian collectivist notions of academic freedom. In this article we seek to provide a reappraisal of the intellectual-state relationship both in Confucian thought and in the present day, challenging the claims made in existing work on three grounds. First, we contend that many of the formulations in current literature on academic freedom in China are based on a state-centric reading of Confucianism. We highlight that Confucian political thought is multifaceted: existing literature seeking to link current Chinese understandings of academic freedom to Confucianism presents 'State Confucianism', one facet of Confucian thought which is often evoked as a means of justifying contemporary authoritarian rule, as the entire Confucian tradition. Second, we highlight that existing accounts of academic freedom in China effectively draw on and extend the 'incompatibility thesis', and in doing so, engage in historical determinism and cultural essentialism, reading modern authoritarianism back into Chinese tradition. Third, we argue that this work also seems to 'soft-pedal' current restrictions on academic freedom in China, neglecting to mention increasingly pervasive surveillance and narrowing space for dissent, as well as the firing and imprisonment of scholars, as examples.

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Introduction

In this article, we aim to offer an alternative account of the cultural and political foundations of academic freedom in China, and of the factors that contribute to the contemporary state of academic freedom in the People's Republic of China (PRC) today. We put forward an argument that current understandings of culturally specific notions around the relationship between the state and academics, and thus of 'academic freedom' in China found in English language literature on the topic of academic freedom in China (e.g. Hayhoe 2011; Marginson 2014; Yang 2022; Zha 2012; Zha and Shen 2018) are flawed in three main ways. Existing work tends to present a one-dimensional account of, first, the cultural foundations of Chinese higher education, and second, of its current

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state. Third, in doing so, they tend to engage in historical determinism, effectively rehashing the 'incompatibility thesis' common in Western studies of China. Crucially, we seek to highlight that, while this work has tended to acknowledge the close relationship between the state and intellectuals in the Chinese cultural tradition, it has tended to ignore the equally important long-standing tension between the intellectual and the state. The result is an account of academic freedom in China that frames the current situation of academic freedom in China as an almost inevitable and unavoidable product of Chinese cultural and political traditions. As such, there is a consensus within this work that Western, liberal notions of academic freedom are simply 'not a good fit' (Hayhoe 2011, 17) with, or 'paradoxical' (Zha and Shen 2018) to China's cultural and political traditions, which these authors claim are the primary underlying reason for the contemporary state of academic freedom in China (Marginson 2014). We also highlight that this consensus is primarily found within English-language literature on the topic, thus having the potential to warp the perceptions of the global academic community: Chinese-language literature, as we explore, is markedly more critical, particularly about the current state of academic freedom China.

Our aim here is to challenge the illusion of consensus in English-language literature on academic freedom in China, highlighting the historical tension between intellectuals and the state, which has been neglected in existing work, in favour of emphasising state power and neglecting the agency of intellectuals. We also suggest that there are other ways of understanding Confucian thought that are not promoted by the contemporary Party-state. Drawing on these strands of thought potentially also implies a different understanding of academic freedom. We argue that understanding Chinese academic freedom from a state-centric perspective leads to a reproduction of justifying narratives of historical continuity promoted by the Party-state. Part of the reason these narratives are forwarded is to avoid 'imposing judgements on one system in terms of the norms of another' (Marginson 2014, 24). However, we argue against presenting Chinese cultural and political traditions as monolithic, thereby tacitly supporting one form of localisation, wherein 'Chinese tradition' is evoked as a *post hoc* justification for current circumstances, at the expense of other forms. A full account of Chinese intellectual and political traditions requires drawing on a broader body of literature than existing work has done.

Current understandings of academic freedom in China

First, we seek to provide a brief outline of the prevailing consensus on academic freedom in China. It is important to note that the motives of the authors reviewed in this section are not explicitly to provide historical justification for current circumstances, though this is an outcome: rather, they seek to evaluate China on its own terms, as opposed to viewing it through a homogenising 'Western' lens, or a universalising logic of 'becoming-sameness' (Vukovich 2013, 3). However, in attempting to do this, these authors fall into three 'traps'. First, they reproduce narratives around the relationship between tradition and contemporary circumstances that are used to justify the status quo, thus tacitly supporting those who promote these accounts, which are dominant due to state appropriation of 'tradition' to justify authoritarian rule. In turn, an illusion of consensus is created due to the fact that alternative narratives, and those who might seek to propose them, are silenced. Second, in attempting to see China on its own terms and to avoid pessimistic framings of academic freedom that are common in the West, they overcompensate, tending to sanitise or soft-pedal the current situation. Finally, in seeking to draw a distinction between China and the West, these authors essentialise China, creating a false dichotomy between liberal individualist 'Western' and Confucian collectivist 'Sinic' notions of academic freedom.

There are several key themes in existing work on academic freedom in China. The first is an argument for the incompatibility of 'Western' norms in the Chinese context. Marginson (2014) argues that variations in China's political culture and state traditions, and in university-state-society relations mean that Western norms of academic freedom cannot be easily applied to the Chinese context. Similarly, Hayhoe (2011, 17) argues that the term academic freedom is a poor fit for China, given that it ‘arose from the dominant epistemology of rationalism and dualism in a European context’. Zha and Shen (2018) suggest that the current state of academic freedom in China is a result of the ‘constraints of scholars from Confucian knowledge tradition’, and Zha (2010; 2012, 211) argues that differences in ‘Western’ and Chinese notions of academic freedom are related to ‘the contrasting knowledge traditions in Chinese and Western societies’. We concur with these authors that there cannot necessarily be a ‘one-size-fits-all’ approach to academic freedom. However, we refute the characterisation of first, Chinese political and intellectual traditions, second, the current situation of academic freedom in China, and third, the connection between ‘traditional’ intellectual culture and current practices. We now unpack each of these characterisations.

Characterisations of Chinese intellectual and political culture have tended to effectively reproduce a state-sanctioned narrative and present it as fact, insofar as they emphasise the state as an agent of Confucianism, without fully acknowledging other interpretations of the dualistic relationship between the state and intellectuals. For example, Marginson (2014) groups together China, Singapore, South Korea and Japan, four countries with markedly different norms of academic freedom, as ‘Sinic states’ (notably omitting Taiwan, Vietnam, and North Korea), in which intellectuals have traditionally not sought to challenge state legitimacy. The root of the issue here is this starting point: ascribing an excessive amount of significance to pre-modern political systems and intellectual traditions.

This literature also provides a ‘state-centred’ account of the Confucian tradition in China. Zha and Shen (2018, 449) argue that due to Confucianism, intellectuals in imperial China were expected to serve the long-term order and well-being of society. They draw a direct line between the Confucian tradition and today’s China where they argue scholars may choose to ‘sacrifice their faith in academic freedom to serve the interests of the people and the government’, implying that the interests of these two agents are in alignment. In a similar vein, Marginson (2014) argues that the role of the intellectual is to contribute to ‘good order’ and the ‘stable reproduction of state and society’, and Hayhoe (2011, 17) argues that there is a ‘strong tradition of intellectual freedom (思想自由) in China’, and that the main role of Chinese intellectuals contributes to the ‘public good’ and work in the collective interests of society. Overall, these accounts suggest that scholars do not directly challenge the government because of the tradition of Confucian intellectuals’ close links to governance and responsibility for connecting academic endeavours to the ‘national interest’.

This argument also requires these authors to present what we seek to suggest is a somewhat ‘rose-tinted’ view of academic freedom in today’s China, in which academics act in the public interest, for the collective benefit of society, while accepting limited restrictions on freedom of expression; a kind of ‘obedient autonomy’ (Evasdottir 2004). This framing relies on the omission of important events, but this omission is at least in part due to the fact that a rapid decline of academic freedom has taken place in the past decade, meaning much of this work is now outdated. Marginson (2014, 34–35) for example argues that ‘there is no blanket repression of criticism in the post-Confucian world’ again grouping several countries with different norms of academic freedom. Rather, he suggests there is self-censorship, but ‘dissent is expressed in distinctive ways’. He claims these issues are often debated in ‘leading national universities’ which have a ‘liberal atmosphere’, but that public criticism of the state occurs less frequently than in English-speaking systems, due to the aforementioned Confucian tradition. Similarly, Yang (2022, 140) suggests that the role of the academic in China is not to act as ‘independent critic’. Rather, she suggests academics are ‘mostly interested’ (implying a degree of agency around this decision) in ‘proposing suggestions and influencing policies’ (140), presumably within the limitations of speech set up by the Party-state. These authors thus imply that it is possible for academics to freely decide what constitutes the ‘public good’ or collective interests of society.

Finally, these authors connect this framing of the current situation with the aforementioned political and intellectual traditions. Zha and Shen (2018, 449) for example reflect on a remark made by General Secretary Xi Jinping that Chinese universities are, ‘rather than bringing forth bystanders or opponents’, to ‘produce builders and successors of socialism with Chinese characteristics’. They argue that is reflective of a notion, directly resulting from the 'pan-moralism' of the Confucian tradition, that failure to connect intellectual pursuits to the national interest is unethical. Yang (2022) also reads back the current situation into China's imperial history, arguing that current norms are the result of 'Confucian tradition', wherein 'the state functions as a kind of watchful parental figure for other spheres of social actions' (139). Similarly, Marginson (2014) and Hayhoe (2011) both argue that what they describe as scholars' responsibility for the public good in China and the resultant (in their argument) relative lack of open dissent, is a direct result of the Confucian tradition and its tendency towards pan-moralism, wherein scholars must connect knowledge to the state's interests. Importantly, 'the public good' in these accounts seems to be aligned with the goals of the state, raising the question of who decides what constitutes the public good.

Overall, this existing work essentially serves as an extension of the 'incompatibility thesis' (Yu 2016) common in Western writings on China, wherein it is argued that China's cultural traditions mean that 'Western' ideas (such as 'democracy' or 'human rights' broadly writ) cannot be successfully applied in 'Sinic' states. An example is the broad-stroke, culturally essentialist characterisation by Samuel Huntington (1993, 300–301) of 'Confucian societies' as places where 'harmony and cooperation were preferred over disagreement and competition' meaning that 'in practice Confucian or Confucian-influenced societies have been inhospitable to democracy'. Puzzlingly, these works also tend not to fully acknowledge the Chinese-language literature on academic freedom in China, which tends to be more critical in tone, usually highlighting a narrowing space for dissent among academics in China, and advocating for greater autonomy (e.g. He and Zhou 2007; Liu 2019; Xu 1991; Zhou 2003). We explore these works and their implications further in the section entitled 'Academic freedom in today's China'.

Towards comprehensive account of academic freedom and the state-intellectual relationship

In the following section, we seek to challenge existing accounts of academic freedom in China on three grounds. First, we argue that these accounts rely on a one-dimensional account of Confucian tradition which neglects important nuances. Second, we question the argument made in the extant literature that Confucian or broader 'Sinic' political and intellectual traditions are the primary explanatory factor behind current norms of academic freedom, arguing that this represents a form of historical determinism: this work appears to have fallen into a common trap, similar to that which Yu Ying-Shih (2016, 270) highlights of: 'read[ing] too much twentieth century Chinese totalitarianism back into Confucian tradition'. Third, this work tends to omit, downplay, or de-emphasise important details of the contemporary state-intellectual relationship, seemingly in order to portray the situation in a relatively positive way.

Reconsidering the intellectual-state relationship in Confucianism

At the most basic level, the idea that the contemporary Chinese higher education system and understandings of academic freedom are strongly rooted in traditions of Confucianism are presented by these scholars and others as fact, but this actually highly contentious. In seeking to avoid viewing China through a 'Western' lens, this literature actually constructs a false dichotomy between two monolithic and essentialised notions of academic freedom: the 'Western' liberal individualist, and the 'Sinic' Confucian collectivist. This section serves to highlight that there are multiple possible interpretations of what academic freedom could look like in a 'Confucian heritage' society, just as there are varying levels of positive and negative freedom for academics across national contexts within the West. Drawing on Confucian thought, some may seek to contend that Confucian thought is straightforwardly incompatible with the individualist, negative freedom-focused Western liberal norm of academic freedom. On the other hand, elements of Confucian tradition could also be drawn upon to construct a different interpretation of the notion of academic freedom, with implications for the relationship between academics and the state. Counterintuitively, both these diametrically opposed accounts could both be seen as, in a sense, correct. This is because they would each draw on different elements of a diverse and sometimes contradictory set of ideas which fall under the umbrella of ‘Confucianism’. As such, creating a dichotomy between Western and Chinese ideas around academic freedom makes little sense given that the multifacetedness and internal contradictions of both cultural traditions. The argument for a dichotomy with two notions of academic freedom, wherein one is simply ‘not a good fit’ (Hayhoe 2011, 17) with, or ‘paradoxical’ (Zha and Shen 2018) to another, is only valid if one takes a particular interpretation of Confucianism (that happens to align with party-state’s self-justificatory political narrative).

The ‘Confucian tradition’, presented as unified in existing work, is actually fragmented. This presentation of Confucianism as homogenous is a common problem in studies which examine the link between the traditional and the modern in China (e.g. Huntington 1993; Fukuyama 1995). It is possible, as for example Zha and Shen (2018) do, to argue that these traditions mean that scholars were subservient to the political regime, rather than ‘functioning as an independent social critic or as a public intellectual’ (449). But this reflects the realities of the way Confucianism has been employed by the state to justify authoritarianism (see e.g. Ford 2015; Gao 2022; Jiang 2018). To expand on this, Yu (2014) highlights that: ‘from a historical perspective, China has had two “Confucianisms”, – “*institutional Confucianism”* and “*genuine Confucianism”*’. Yu here is not referring to schools of Confucianism. Rather, he implies that there is both a state endorsed Confucianism which provides a rationalisation for authoritatian rule, and another form more genuinely rooted in Confucian thought, which emphasises the need for scholars to have the autonomy and negative freedom to make judgements about societally beneficial actions without interference by the state.

Yu’s (2016) assertion that there are two varieties is useful insofar as it highlights that a particular form of Confucianism has been institutionalised into authoritarian rule. The form framed as the entire Confucian tradition by Zha and Shen (2018), Hayhoe (2011), Marginson (2014), Yang (2022) and others is referred to by Yu as ‘institutional Confucianism’, wherein Confucian ideas are drawn upon to offer justification for the state’s actions. Ackerly (2005, 557) outlines the development of this form of Confucianism:

> [O]ver time in the civil service exams, certain interpretations were required to pass the exam. State Confucianism became the practice of deference to authority by bureaucrats rather than the practice of advising authority by ministers. In this sense Confucianism was institutionalized in authoritarian rule.

Authors of existing work are therefore correct in highlighting that this is an important part of the way Confucianism has been employed throughout Chinese history to enhance the power of the authoritarian state.

However, a comprehensive account of the relationship between the state and intellectuals in China requires a recognition of the complexity of Confucianism, and the potential for this to be used in the construction of an alternative, Chinese vision of academic freedom based on the Confucian knowledge tradition, or in other words to demonstrate that there is nothing inevitable about the current state of affairs. While from an institutional Confucianism perspective, the inability of scholars to openly critique those with political power is aligned with ‘Confucian tradition’, insofar as scholars are expected to work in the interests of the political regime, other readings of Confucian texts highlight how the contemporary situation constrains a genuinely Confucian relationship between the state and academics. Currently, the overwhelming power of the modern authoritarian state prevents a situation in which intellectuals can properly fulfil something resembling the role outlined by Confucian scholars: it is difficult to argue, for example, that the institutional space exists for academics to openly reveal what they perceive to be the wrongdoings of those in power. As we explore in the following paragraphs, these are central components of an ‘ideal’ Confucian intellectual-state relationship.

In what Yu (2016) describes as ‘genuine’ Confucianist thought, the central duty of the Confucian intellectual is to speak for the metaphysical idea of *Tian* (天), i.e. ‘the moral imperative inherent in every human mind-heart' (De Bary 1996, 60). The purpose of the state is to enhance these human values. In other words, it is not to serve the interests of rulers, but to be the representatives of *Dao* (道) the moral guidelines of *Tian,* which stipulate the humane treatment of people, among other things. The role of scholars is to work for the state, but it is clear that they must be afforded the autonomy to act according to their own ethical principles, which should be aligned with *Dao*. Likewise, very clearly in the work of Confucius and his interpreters, most notably Mencius, the role of scholar-officials was to act as 'counterweight to the ruler' (De Bary 1996, 20), to serve as a counsel for the public good (in line with *Dao*), not subservient to the state or the ruler, with their loyalty being to *Tian*. Mencius makes clear that scholar-officials ought to be 'oblivious' to the power of rulers and instead act as representatives of *Dao*. As such, 'in ancient times it was not counsellors who sought out rulers but the other way around' (De Bary 1996, 16). Similarly, Yu Ying-Shih highlights in *Scholars and Chinese Culture* (士与中国文化) (1987, 107) that intellectuals in ancient China placed the authority of *Dao* above the authority of the ruler.

In sum, just because scholar officials have been embedded within the state, this does not mean that they cannot sharply and directly criticise government policies when these policies are unaligned with their moral convictions. This aspect of the role of scholars in Confucian tradition is overlooked in existing work which seems to imply that the role of scholars was to work in the interests of the state, exercising positive freedom, but with a contrained negative freedom (Zha 2010; Marginson 2014). However, the ability in accordance with one's moral convictions and highlighting the wrongdoings of the state clearly requires some degree of negative freedom.

It was thus both an entitlement and a responsibility of intellectuals to openly criticise contemporary politics and society. In a similar vein to Mencius, Xunzi (2016) explicitly highlights the dangers of scholars blindly complying with or whitewashing the misdeeds of those with political power:

> if they [intellectuals] stop warnings [to the rulers], keep [the ruler's] wrongs hidden, and with those above comply foolishly, then the state surely has catastrophe. (Xunzi, ca. third century BCE/2014, Chapter 25, lines 19–21)

There are myriad other examples, throughout Chinese history, of works of Confucian political thought that challenge the 'state-centric' account and provide the basis for an alternative Chinese conception of academic freedom. A prominent example is Huang Zongxi's *Waiting for the Dawn: A Plan for the Prince* (明夷待访录) (Huang 1993), a seminal work in Chinese political thought which seeks to develop what Chan (2018) argues is a vision of Confucian democracy, pre-dating Rousseau's *The Social Contract* by one-hundred years. Central to Huang's work is what Field (2021) describes as an 'institutionalisation of integrity' (88), that is, an established system which protects space for political actors such as intellectuals to act with integrity (i.e. in line with their own ethical principles), without the threat of punishment. This in turn would allow them to achieve their political goals, based upon ethical principles aligned with *Dao*, without servility to those with political power. Huang effectively rails against a situation described by Marginson (2014, 35) as a norm of Chinese governance throughout history, shaping understandings of academic freedom to the present day, wherein, 'public attacks on the regime are acts of power' that amount to 'acts of individual courage', for which scholars pay a 'severe price'. Huang's central thesis is that this situation creates an unacceptable choice between martyrdom and servility. Our point here is that the norm outlined by Marginson is not a result of Confucian tradition: rather, from a Confucian perspective, this situation would occur when a state is corrupted, and refuses to listen to dissenting scholars, whose position within Confucianism is to act as counsels to the state. The situation Marginson describes is characteristic of imperial China throughout history, but represents a *failure* to realise Confucian ideals.

For this reason, Huang sets out a vision for Confucian schools: He emphasises a political function, wherein the emperor must attend the school as students and observe openly critical discussions of politics and social issues (Huang 1993). Yu (2016) observes that this idea did not originate from Huang: Confucius had praised ministers who had not taken any action against schools where their governance was openly and harshly criticised. Huang was the first scholar to propose an institutionalised protection of academic freedom, but drew on a longer tradition. His work is just one among many examples of Ming and Qing dynasty scholars (e.g. Wang Yangming, Gu Yanwu, Qian Daxin and others) that could be drawn on to further develop an alternative vision of academic freedom in China.

The argument that, in practice, China's academics have always been embedded within the state (Marginson 2014; Zha and Shen 2018) is also questionable. While this is true of those employed by the state, it is also true that scholar officials and a much larger group of cultural elites outside the official elite have consistently sought greater 'negative freedom', especially after the Opium War (Kuhn 2002). This group of cultural elites, among them Yan Fu, Kang Youwei, Liang Qichao, and Tan Sitong, were outspoken and played crucial roles in promoting political reform in China since the second half of the nineteenth century (Huang 2016). Historically, intellectuals and cultural elites have possessed autonomous moral standards rooted in humanitarian concerns, but at the same time, they have often struggled with the limitations resulting from the authoritarian system. For example, Yan Fu, among the most influential cultural elites in modern Chinese history, grappled with the conflict between state power and intellectual ethical principles. These struggles demonstrate the tension between the state and intellectuals running through Chinese history (Schwartz 1983).

Overall, existing research focuses on the state's traditionally stronger role in academia, but fails to adequately acknowledge the ways in which a lack of freedom from external interference and restraint represents a barrier to a genuinely Confucian relationship between the state and intellectuals that was also present throughout Chinese imperial history, resulting in a longstanding tension between the cultural elite and the state. This is highlighted by Xu Jilin (1991), a leading scholar in the history of Chinese thought, in *The Dignity of the Wise: Intellectuals and Modern Culture* (*智者的尊严 知识分子与近代文化*): Xu foregrounds a continuing tension between the state and intellectuals, and sharply criticises the placing of 'national objectives' above academic freedom. Here, along similar lines, we sought to provide a more comprehensive account of Confucian thought, demonstrating how academic freedom could be understood differently if not for the obstruction of the Party-state.

Historical determinism and the incompatibility thesis

This is just one of three grounds on which we seek to question the basis of current scholarly understandings of academic freedom in China. The second of these grounds is historical determinism, or to put it simply, reading the effects of modern authoritarianism back into Confucian tradition, and consequently arguing that the former is an inevitable result of the latter. As well as providing a somewhat 'state-centric' and thus one-dimensional view of Chinese political and cultural traditions, existing literature uniformly ascribes current norms to ancient Chinese political thought, while underplaying other factors. This is an example of cultural essentialism and historical determinism that resembles the broader 'incompatibility thesis' common in Western writings on China, associated most notably with Samuel Huntington. Huntington (1993) makes an argument around the idea of democracy which has close parallels to arguments in extant literature on academic freedom. He suggests that democracy, with its origins in European rationalism, is incompatible with Chinese civilisation. The primary reason for this incompatibility, in Huntington's argument, is the legacy of Confucianism, which prizes order, harmony, responsibilities, and cooperation for the public good over competition and individual rights. Similarly, Fukuyama (1995) and Ackerly (2005) suggest that the Western liberal idea of the rights-bearing individual is a barrier to democratisation outside the West and particularly in China.

However, we contest this line of argument with regard to academic freedom. While a Chinese understanding of academic freedom may well look different to its Western equivalent, there is no reason to assume that it would mirror intellectual-state relationships in Imperial China. Much of the existing literature falls into the trap of reading back modern authoritarianism into Confucian tradition, in a similar way to Huntington and other advocates of the incompatibility thesis. This literature, in the same vein as other work which advocates for the incompatibility thesis, creates an essentialising and false dichotomy between monolithic 'Western' liberal individualist and 'Sinic' Confucian collectivist notions of academic freedom. Arguing that cultural and political tradition tie China to a particular vision of academic freedom in the present day is also a form of historical determinism, insofar as it implies a certain inevitability in the development of China's contemporary university-state-society relations. This line of argument is clearly followed by Zha and Shen (2018, 449) for example:

> Confucian knowledge tradition is closely linked with social and political life, with an emphasis on the Confucian intellectuals' dedicated and direct responsibility for ensuring social order and benevolent governance … Such values resonate in the present day, as evidenced in the recent remark made by China's Leader when meeting with the Advisory Board of Tsinghua University School of Economics and Management, that Chinese universities, rather than bringing forth bystanders or opponents, are to produce builders and successors of socialism with Chinese characteristics.

Underlying this understanding of academic freedom, as well as the broader incompatibility thesis, is the notion that norms and traditions in China's past create a narrow range of possible directions in 'modernisation'. Even if cultural and political factors are accepted as being central to the development of the situation of academic freedom as it currently stands, it is clearly not the case that China is somehow bound to the status quo: to suggest this is to deny how forces of uncertainty contribute to change over time.

Relatedly, in existing literature, the connection between cultural traditions and current norms appears to be slightly overstated, and the impact of modern political ideologies is understated. This is evidenced by the fact that 'Confucian heritage' societies today (for example, Japan, North Korea, South Korea, The People's Republic of China, Vietnam, Taiwan, and Singapore) each have differing norms of academic freedom that appeared to be moored to a greater extent in contemporary forms of governance in those respective national contexts. For example, academic freedom in Japan is constitutionally guaranteed and in practice is closer (although not identical) to the Western understanding than to notions of academic freedom in the PRC. Perhaps most indicative of the relevance of current political system over cultural tradition is the juxtaposition of the trajectories of mainland China and Taiwan. Pre-1987, the relationship between Taiwanese academics and the state was somewhat similar to that which some (Hayhoe 2011; Marginson 2014; Marginson and Yang 2020; Zha and Shen 2018) insist is a Confucian or 'post-Confucian' norm: academics were part of the 'administrative machine of government' (Chan 2010, 142), unable to openly criticise the state due to their 'nesting' within it. However, since the democratic transition, academics have been able to freely criticise government policy without threat of punishment (Shieh and Chan 2020). It would seem illogical and perhaps even demeaning to argue that Taiwanese society is less 'Confucian' or less influenced by its cultural tradition than the PRC as a result of the democratic transition. As such, this strongly suggests that the influence of contemporary political ideologies underpinning forms of government in a given national context are more important in determining the situation of academic freedom than 'cultural tradition' and underlying cultural norms. In other words, the status-quo of academic freedom is better explained with reference to modern political ideology. Marginson (2014, 35) argues that 'open public criticism of the state occurs less frequently than in English-speaking systems because in the Sinic tradition such criticism must confront the very legitimacy of the state' – the example of Taiwan suggests that political ideology to a much greater extent than 'tradition' is responsible for this discrepancy.

As such, it appears inaccurate and overly deterministic to frame cultural and political traditions as the primary factor shaping the PRC's contemporary university-state-society relations. Cultural traditions do not determine contemporary norms to the extent implied in existing work. This is especially true in the PRC, where Confucian values have been weakened as part of the response to Western and Japanese imperialism: from the New Culture movement (新文化运动) onwards, and particularly during the Cultural Revolution (文化大革命), elements of Confucianism were subject to sustained attempts at eradication (e.g. Zhang and Schwartz 1997). This fact further weakens the claim that Confucian traditions, as opposed to for example the influence of Marxist-Leninist political ideology, are the primary underlying factor in contemporary university-state-society relations in the PRC.

Academic freedom in today's China

As well as often underplaying the impact of the modern authoritarianism on higher education institutions, these accounts of academic freedom in the PRC also tend to omit important details of the current situation. While it is true that the government tolerates dissenting voices on some issues, particularly within the most 'prestigious' universities, and that there is a diversity of opinion on key social and political issues, this is far from the whole story. It is highly problematic to attribute Chinese scholars' self-censorship to a connecting of the 'pursuit of knowledge to the national interest' (Zha and Shen 2018, 449). Zha (2010, 18) for example argues that Chinese intellectuals have voluntarily adopted a stance of 'constructive criticism' in light of China's 'economic success', and that directly criticising government is a 'Western idea' that has 'lost its attractiveness'. However, the negative freedom to directly criticise government without the threat of punishment is not a 'Western idea' – this is also an end that has been pursued by Confucian scholars throughout history, who acknowledged that both negative and positive freedom are important in allowing intellectuals to fulfil their role, in particular after the Opium War (Kuhn 2002; Yu 2016).

That scholars do not directly criticise the government is not due to 'tradition' or a voluntary agreement to 'constructively criticise', but due to the power of the contemporary authoritarian state in restraining academics and ensuring they are unable to do this. Self-censorship is closely related to increasingly complex surveillance systems and harsher restrictions on teaching and research in recent years. Scholars, particularly those working in the social sciences, are not always able to fulfil their role as advisors to the state as, while they do have a degree of 'positive' freedom, this is sometimes constrained by a lack of negative freedom to express their own ideas on what constitutes the national interest without punishment if they differ from the Party line. In other words, positive and negative freedom are interdependent. As Sen (2004, 586) highlights, positive freedom is essentially a person's ability to achieve valued ends 'taking everything into account', including external restraints. Therefore, positive and negative freedom cannot be viewed separately, because 'a violation of negative freedom must also be … a violation of positive freedom' (Sen 2004, 586). Restrictions on negative freedom inevitably limit positive freedom in some cases, as external restraint (i.e. a limitation on negative freedom) is also a limitation on positive freedom. This is why He and Zhou (2007) suggest that we must be very careful when using concepts such as 'public good' and 'national interest' to explain away or justify limitations on academic freedom: they emphasise that the evoking of 'national interest' can be used to limit academic freedom and that there is thus a need to ensure 'national interests' do not become an obstacle to academic freedom in the negative sense. This is particularly obvious when one considers the wide range of important social issues the government deems to be 'sensitive', where even 'constructive criticism' is circumscribed, such as labour relations, ethnic relations, civil society constitutionalism, and even modern Chinese history (Hao and Guo 2020; Jiang 2022; Woodman and Pringle 2022).

More generally, current work on academic freedom tends to underplay current restrictions. There has been scarce recognition, beyond an occasional cursory mention (e.g. Hayhoe 2022) by scholars working in the field of education studies of the narrowing space for discussion in the PRC since 2012. This narrowing calls into question the assertion that academics merely forego the opportunity to openly criticise the name of the collective benefit of society (Hayhoe 2011; Zha and Shen 2018). Conversely, it may be more accurate to say that scholars are subservient to the government, and in order to contribute to policymaking, must not deviate from the government's interpretation of what constitutes ‘public good’, regardless of whether they agree with this framing. As Jiang (2022, 124) puts it, this situation:

> requires an individual to submit one’s autonomous moral agency to a single authority and dispel doctrines other than the single authority that is defined or endorsed by the Party-state.

This situation stands in contrast to the role of the scholar as counsel able to pursue political goals according to their own ethical principles, outlined in the previous section. This is particularly true since the shift towards ideological orthodoxy and intensified authoritarianism since 2012. Other work provides a franker appraisal of academic freedom in today’s China. Pringle and Woodman (2022, 1790) highlight General Secretary Xi’s statement that universities must become ‘strongholds that adhere to the Party’s leadership’ as well as the 2019 removal of ‘spirit of independence and freedom of thought’ from Fudan University’s charter as exemplifying how the swing towards more severe authoritarianism has impacted academic freedom in the PRC. In line with these shifts, there has been increasing pressure on lecturers to ensure that teaching promotes Party ideology. This is associated with the 2013 ‘Communiqué on the Current State of the Ideological Sphere’ which effectively circumscribes the discussion of seven topics, known as ‘seven no mentions’ (七不讲) in the classroom. These include press freedom, civil society, civic rights and judicial independence (Pringle and Woodman 2022). This troubles the notion that there is no ‘blanket repression’ of discussion in the present day (Marginson 2014). Jiang (2022) describes two results of these changes: first, explicit restrictions on class content have become more systematic and institutionalised. Second, the punishment of teaching staff is now more commonplace. These are combined with an increasingly complex system of surveillance which enables the enforcement of restrictions, employing both cameras in many classrooms (Cui 2023; Pringle and Woodman 2022) and an increasingly pro-active network of student informants (Cui 2023; Jiang 2022). This surveillance inevitably creates an atmosphere of apprehension, meaning lecturers are less likely to touch on important political and social issues deemed by the government to be ‘sensitive’.

Where avenues for dissent (or at least the advocacy of political reform) existed, for example through the internet and mass media, they have become more restricted since 2012. Hao and Guo (2020) describe how media outlets previously used by liberal academics to voice opinions, such as those belonging to The Southern Media Group (南方报业传媒集团), have been ‘brought into the orbit of the Party-state’s propaganda machine’ (87). The prominent liberal, reform-oriented online journal *Yanhuang Chunqiu* (炎黄春秋) was also taken over by Party conservatives in 2016, and numerous reform-oriented websites have been closed by the government since 2012. In addition, on a number of important ‘controversial’ issues that are highly relevant to the public interest, such as ethnic relations and political reform, scholars must operate within increasingly tight confines, regardless of their own concerns about current developments in these areas (Hao and Guo 2020; Jiang 2022; Woodman and Pringle 2022). Academics researching these topics have also come under increasing scrutiny since 2012. A prominent example is labour relations scholars, who have faced heightened pressure from authorities since a crackdown on labour NGOs in 2015 (Pringle 2016). There are also more serious, well-documented instances of the silencing of scholars on the Mainland that go beyond questions of academic freedom: hundreds of ethnic minority are currently incarcerated and serving long prison sentences as part of a campaign of ‘eliticide’ (Qazanchi and Ayup 2021). This again raises the question of what the ‘public’ or ‘common good’ is, and who has the authority to determine this.

This narrowing of the space for discussion of political and social issues is not limited to the Mainland. The central government has increased pressure on dissenting academics in Hong Kong since 2014, and particularly after the implementation of the National Security Law in 2020. The decline of academic freedom, and the development of a climate of self-censorship and fear in Hong Kong is well documented (Baehr 2022; Holz 2022).

Overall, the situation outlined here does not align well with the argument that scholars in the PRC do not speak out on particular issues simply because of a ‘Confucian’ commitment to acting in ‘the national interest' (Zha and Shen 2018). Indeed, the argument could just as easily be made that this contraction of the space for discussion and dissent by academics is in direct opposition to core tenets of Confucianism, and prevents scholars from voicing concerns in the public interest around what are deemed by the Party-state to be 'sensitive issues'. The reality on the ground in 2023, even in leading universities, certainly does not resemble a 'liberal atmosphere' (Marginson, 2014), in which scholars simply forfeit negative freedoms in order to 'influence policy' (Yang 2022) in the 'national interest' (Zha and Shen 2018). At the same time, it is important to acknowledge again that, despite these restrictions, the PRC continues to produce innovative research, and that the government does tolerate dissenting academic opinion on a range of issues, although the space for dissent is markedly narrower than in the past.

Concluding thoughts

The intention of this article was not to suggest Chinese higher education ought to adhere to 'Western' values and norms, which, as Hayhoe (2011), Marginson (2014) and others rightly point out, have their foundations in European rationalism. Rather, it is to say that a Chinese understanding of academic freedom could take many forms: there is no reason to engage in historical determinism by framing the current status-quo of academic freedom and broader university-state-society relations as an inevitable by-product of China's political and cultural traditions. What we seek to advise against is the tacit support for one form of localisation – wherein 'Chinese tradition' is evoked to justify authoritarian rule – at the expense of another. The implicit aim of scholars that fall into this trap is the disruption of what they perceive as a 'good/evil polarity' (Marginson 2021, 3) in a monolithic 'Western' perception of China, or the avoidance of judging one system based on the norms of another (Marginson 2014, 24). However, what must be avoided is merely seeking to provide *post-hoc* justifications for a status quo in which the state silences academics, or underplaying current restrictions on academic freedom in China. This is especially important when academics are effectively required to yield their moral agency to the Party-state (Jiang 2022), and when the punishment and imprisonment of academics is becoming more commonplace.

Avoiding tacit support for such a situation is inevitably more challenging because it necessitates drawing on a more comprehensive understanding of Chinese intellectual culture, as well as a franker discussion of current realities. We hope that others choose to draw on perspectives and scholars we have foregrounded here, thereby contributing to providing a more comprehensive picture of China's cultural and political traditions. But it is also politically difficult to highlight these alternative visions. It requires both courage and integrity from those who are bound to the country in some way, given a situation where it is far easier and more rewarding to further legitimise and empower those who seek to distort the historical record in their favour.

Relatedly, it is also important to recognise that the apparent consensus on this topic may be due to the fact that it is likely unsafe for scholars working in China or those with connections to the country to publicly disagree with the prevailing arguments made in the existing work reviewed here. While there are published works by authors in the mainland from prior to 2012, critical discussions of academic freedom are much less common now. It is important that scholars based outside of the mainland, Hong Kong and Macau acknowledge this fact, so as not to give the impression that the lack of debate on this issue is due to a genuine consensus rather than the silencing of those who might wish to present alterative narratives.

Finally, it is important to note that this discussion has implications beyond China. We concur with those who warn against the epistemological colonialism of demanding adherence to Western values and norms. At the same time, it is important to acknowledge that a well-meaning argument against the universality of academic freedom can easily be appropriated by an authoritarian regime which aims to ensure control over academics and to quash dissent. It is thus crucially important that, in advocating against the idea of a single 'one-size-fits-all' definition of academic freedom, we do not contribute to the legitimising of entities that seek to limit research agendas and quash dissent by providing post-hoc justifications for and soft-pedalled accounts of their actions. As Owen (2020) highlights, doing the latter, given the transnational nature of higher education, runs the risk of contributing to the rise of epistemological illiberalism globally.

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References

Ackerly, Brooke A. 2005. “Is Liberalism the Only Way Toward Democracy? Confucianism and Democracy.” *Political Theory* 33 (4): 547–76. https://doi.org/10.1177/0090591705276879.

Baehr, Peter. 2022. “Hong Kong Universities in the Shadow of the National Security Law.” *Society* 59 (3): 225–39. https://doi.org/10.1007/s12115-022-00709-9.

Chan, Sheng-Ju. 2010. “Shifting Governance Patterns in Taiwanese Higher Education: A Recentralized Future.” In *The Search for New Governance of Higher Education in Asia*, edited by Ka-Ho Mok, 139–152. New York: Palgrave Macmillan US.

Chan, Elton. 2018. “Huang Zongxi as a Republican: A Theory of Governance for Confucian Democracy.” *Dao* 17 (2): 203–18. https://doi.org/10.1007/s11712-018-9601-2.

Cui, L. 2023. “Heteronormative Classrooms Under Surveillance: Gay Academics’ Concerns about Addressing Queer Issues in China.” *Journal of LGBT Youth* 20 (1): 129–142.

De Bary, William Theodore. 1996. *The Trouble with Confucianism: The Tanner Lectures on Human Values*. Cambridge, MA: Harvard University Press.

Evasdottir, Erika E. S. 2004. *Obedient Autonomy: Chinese Intellectuals and the Achievement of Orderly Life*. Vancouver: UBC Press.

Field, Sandra Leonie. 2021. “Huang Zongxi: Making It Safe Not to Be Servile.” In *Portraits of Integrity*, edited by Charlotte Alston, Amber D. Carpenter, and Rachael Wiseman, 83–92. London: Bloomsbury.

Ford, Christopher. 2015. “The Party and the Sage: Communist China’s use of Quasi-Confucian Rationalizations for One-party Dictatorship and Imperial Ambition.” *Journal of Contemporary China* 24 (96): 1032–1047.

Fukuyama, Francis. 1995. “Confucianism and Democracy.” *Journal of Democracy* 6: 20–33.

Gao, Gengsong. 2022. “Post-Tiananmen Chinese Liberal Intellectuals’ Political Uses of Confucian Tradition and Chinese History.” *Journal of Contemporary China* 31 (137): 709–725.

Hao, Zhidong, and Zhengyang Guo. 2020. “Professors as Intellectuals in China: Political Roles and Academic Freedom in a Provincial University.” In *Academic Freedom Under Siege: Higher Education in East Asia, the US and Australia*, edited by Zhidong Hao and Peter Zabielskis, 81–102. Cham: Springer.

Hayhoe, Ruth. 2011. “Introduction and Acknowledgements.” In *Portraits of 21st Century Chinese Universities: In the Move to Mass Higher Education*, edited by Ruth Hayhoe, Jun Li, Jing Lin, and Qiang Zha, 1–19. Dordrecht: Springer.

Hayhoe, Ruth. 2022. “Potential Benefits of Reciprocity Between Sinic and Anglo-American Values in Higher Education.” *Globalisation, Societies and Education* 20 (1): 32–5. https://doi.org/10.1080/14767724.2021.1940878.

He, Shenggen, and Hui Zhou. 2007. “论学术自由的法律界限 [On the Legal Boundaries of Academic Freedom].” *Legal Science (Journal of the Northwest University of Political Science and Law)* (2): 57–71.

Holz, Karsten. 2022. “Hong Kong’s Contested Academic Freedom.” *The Diplomat*, January 27. Accessed January 30, 2023. https://thediplomat.com/2022/01/hong-kongs-contested-academic-freedom/.

Huang, Zongxi. (1662) 1993. *Waiting for the Dawn: A Plan for the Prince*. Translated by William Theodore de Bary. New York: Columbia University Press.

Huang, Max. 2016. "The Concept of Democracy during the Transitional Period of Modern China." *Contemporary Chinese Thought* 47 (3): 186–207.

Huntington, Samuel P. 1993. *The Third Wave: Democratization in the Late Twentieth Century*. Norman, OK: University of Oklahoma Press.

Jiang, Yi-Huah. 2018. "Confucian Political Theory in Contemporary China." *Annual Review of Political Science* 21: 155–173.

Jiang, Jue. 2022. "Academic Freedom in China: An Empirical Inquiry Through the Lens of the System of Student Informants (*Xuesheng Xinxiyuan*)." In *New Threats to Academic Freedom in Asia*, edited by Dimitar D. Gueorguiev, 101–32. New York: Columbia University Press.

Kuhn, Philip. 2002. *Origins of the Modern Chinese State*. Stanford, CA: Stanford University Press.

Liu, Qiang. 2019. "论大学自治权对学术自由权的僭越与回归 [On the Arrogation and Regression of University Autonomy to the Right of Academic Freedom]." *Journal of Higher Education Management* 13 (2): 101–107.

Marginson, Simon. 2014. "Academic Freedom: A Global Comparative Approach." *Frontiers of Education in China* 9 (1): 24–41. https://doi.org/10.3868/s110-003-014-0003-x.

Marginson, Simon. 2021. "One Country, Two Political Cultures: What Way Forward for Hong Kong's Universities?" *International Journal of Educational Development* 84:102426. https://doi.org/10.1016/j.ijedudev.2021.102426.

Marginson, Simon, and Lili Yang. 2020. "The Role of Higher Education in Generating 'Public' and 'Common' Goods: A Comparison of Sinic and Anglo-American Political Cultures." Centre for Global Higher Education. Accessed January 27, 2023. https://www.researchcghe.org/publications/working-paper/the-role-of-higher-education-in-generating-public-and-common-goods-a-comparison-of-sinic-and-anglo-american-political-cultures/.

Owen, Catherine. 2020. "The 'Internationalisation Agenda'and the Rise of the Chinese University: Towards the Inevitable Erosion of Academic Freedom." *The British Journal of Politics and International Relations* 22 (2): 238–255.

Pringle, Tim. 2016. "Strikes and Labour Relations in China." *Workers of the World: International Journal on Strikes and Social Conflicts* 1 (8): 122–142.

Pringle, Tim, and Sophia Woodman. 2022. "Between a Rock and a Hard Place: Academic Freedom in Globalising Chinese Universities." *The International Journal of Human Rights* 26 (10): 1782–1802. https://doi.org/10.1080/13642987.2022.2074979.

Qazanchi, Abdullah, and Abduweli Ayup. 2021. "The Disappearance of Uyghur Intellectual and Cultural Elites: A New Form of Eliticide." Uyghur Human Rights Project. Accessed January 30, 2023. https://uhrp.org/report/the-disappearance-of-uyghur-intellectual-and-cultural-elites-a-new-form-of-eliticide/.

Schwartz, Benjamin. 1983. *In Search of Wealth and Power: Yen Fu and the West*. 3rd ed. Cambridge: Harvard University Press.

Sen, Amartya. 2004. *Rationality and Freedom*. Cambridge, MA: Harvard University Press.

Shieh, Jin Jy, and Chan, Sheng Ju. 2020. "How Commercialization and Corporatization Affect Academic Freedom in Higher Education: A Case Analysis of a University in Taiwan." In *Academic Freedom Under Siege: Higher Education in East Asia, the US and Australia*, edited by Zhidong Hao and Peter Zabielskis, 165–180. Cham: Springer.

Vukovich, Daniel. 2013. *China and Orientalism: Western knowledge production and the PRC*. London: Routledge.

Woodman, Sophia, and Tim Pringle. 2022. "Differentiating Risks to Academic Freedom in the Globalised University in China." *Philosophy & Social Criticism* 48 (4): 642–51. https://doi.org/10.1177/01914537221092176.

Xu, Jilin. 1991. *智者的尊严 知识分子与近代文化* [The dignity of the wise: Intellectuals and modern culture]. 1st ed. Shanghai: Xuelin Publishing House.

Xunzi. 2016. *Xunzi: The Complete Text*. Translated by Eric L. Hutton. Princeton: Princeton University Press.

Yang, Lili. 2022. *Higher Education, State and Society: Comparing the Chinese and Anglo-American Approaches*. London: Bloomsbury Publishing.

Yu, Ying-shih. 1987. *士与中国文化* [Scholars and Chinese culture]. Shanghai: 上海人民出版社 [Shanghai People's Publishing House].

Yu, Ying-Shih. 2014. "大陆提倡儒家是儒家的死亡之吻 [The mainland's promotion of Confucianism is the kiss of death for Confucianism]." *儒家网* [Confucianism Network]. https://www.rujiazg.com/article/4495.

Yu, Ying-shih. 2016. *Chinese History and Culture: Seventeenth Century Through Twentieth Century, Volume 2*. New York: Columbia University Press.

Zha, Qiang. 2010. "Academic Freedom and Public Intellectuals in China." *International Higher Education* 58: 17–18.

Zha, Qiang. 2012. "Intellectuals, Academic Freedom, and University Autonomy in China." In *University Governance and Reform: Policy, Fads, and Experience in International Perspective*, edited by Hans G. Schuetze, William Bruneau, and Garnet Grosjean, 209–24. International and Development Education. New York: Palgrave Macmillan US. https://doi.org/10.1057/9781137040107_14.

Zha, Qiang, and Wenqin Shen. 2018. "The Paradox of Academic Freedom in the Chinese Context." *History of Education Quarterly* 58 (3): 447–52. https://doi.org/10.1017/heq.2018.22.

Zhang, Tong, and Barry Schwartz. 1997. "Confucius and the Cultural Revolution: A Study in Collective Memory." *International Journal of Politics, Culture, and Society* 11 (2): 189–212. https://doi.org/10.1023/A:1025187406580.

Zhou, Guangli. 2003. *学术自由与社会干预 – 大学学术自由的制度分析* [Academic freedom and social intervention – an institutional analysis of academic freedom in universities]. Wuhan: Huazhong University of Science and Technology Publishing Co., Ltd.