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Academic Freedom as a Human Right: The Problem of Confucius Institutes

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ACADEMIC FREEDOM AS A HUMAN RIGHT:
THE PROBLEM OF CONFUCIUS INSTITUTES

A Capstone Project Presented in Partial Fulfillment
of the Requirements for the Degree Bachelor of Arts
with Honors College Graduate Distinction at
Western Kentucky University

By
Jay Todd Richey
May 2017

*****

CE/T Committee:
Professor Patricia Minter, Chair
Professor Jeffrey Samuels
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This work is dedicated to all scholars who seek to pursue knowledge uninhibited and to all human rights advocates.
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ABSTRACT

Academic freedom is the ability to explore, research, and analyze any topic without prohibitions or repercussions. In the Anglo-American tradition, it is both a fundamental aspect of academia and, as this thesis argues, a fundamental human right. Although the United States embraces this core principle of academia within American universities, the People’s Republic of China (PRC) seeks to suppress the acquisition of knowledge through restrictions on topics deemed politically-sensitive to the Chinese government.

Although human rights abuses pervade the PRC and academic freedom is suppressed, PRC-funded entities known as Confucius Institutes (CIs) are widely embraced at universities in liberal democracies. While CIs are entrusted with cultivating within non-Chinese youth an interest in Chinese culture and simplified Mandarin Chinese, they inherently jeopardize the mission of institutions of higher learning and violate standards of academic freedom.

Many questions persist about Confucius Institutes and the Chinese government’s intent on their expansion. Are human rights abuses in the PRC prominent enough to negatively affect its cultural mission abroad? What exactly are Confucius Institutes and why are they located at universities that value academic freedom? These questions require an examination and deciphering of the overall strategy and intentions of the PRC to assert global influence through overseas educational programming. Finally, Western Kentucky University is used as a case study to demonstrate the negative impact of having a CI operate at an institution of higher learning.
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PRESENTATIONS


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CHAPTER ONE: INTRODUCTION

Academic freedom is the ability to explore, research, and analyze any topic without prohibitions or repercussions. In the Anglo-American tradition, it is both a fundamental aspect of academia and, as this thesis argues, a fundamental human right. This conception of academic freedom, however, is absent in the People’s Republic of China (PRC). Yet, the PRC has successfully undermined academic freedom within states where it is valued through its international cultural outreach strategy with entities known as “Confucius Institutes.” Historically, the Chinese philosopher Confucius is emblematic of traditional Chinese culture and revered for his commentary on ethical behavior as it relates to social, governmental, and moral contexts. At the heart of his teachings is the infusion of personal happiness with the obligation of the individual to cultivating a better society, the foundation of a liberal arts education in China. Now, the philosopher’s name has been appropriated and affiliated with the suppression of academic freedom by the Chinese state.

Are human rights abuses in the PRC prominent enough to negatively affect its cultural mission abroad? Is academic freedom truly a universal human right? What exactly are Confucius Institutes and why are they primarily located at institutions of higher learning? To answer these questions, this thesis examines and deciphers the overall strategy and intentions of the Chinese government to assert global influence through overseas educational programming. This thesis analyzes prominent human rights abuses in the PRC, explores the origins of academic freedom and contends it is a human right, and demonstrates how Confucius Institutes violate academic freedom using Western Kentucky University as a case study. This thesis harbors no animosity towards
the Chinese people, is not rooted in xenophobia, and is not based on anti-communist sentiments.\textsuperscript{1} Instead, this thesis utilizes a human rights framework to argue that Confucius Institutes inherently jeopardize academic institutions and violate standards of academic freedom. To defend academic freedom, universities must either eliminate their Confucius Institute partnership or institute commonsense regulations that protects university autonomy over all academic matters.

\textsuperscript{1}This disclaimer takes inspiration from Marshall Sahlins’ similar sentiment in \textit{Confucius Institutes: Academic Malware}.
CHAPTER TWO: HUMAN RIGHTS ABUSES IN THE PEOPLE’S REPUBLIC OF CHINA

The atrocities committed during the Second World War prompted the newly-created United Nations to issue a call to action to improve the condition of human rights around the world. In 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights, proclaiming in Article I, “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” Immediately following, Article II commands, “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” This document was a milestone in the history of human rights, committing the world to a higher standard of human rights as a universal concept, not one that was limited to a few. One year later, on October 1, 1949, the Chinese Communist Party (CCP) established the People’s Republic of China (PRC). Over half a century later, the PRC has almost never been in compliance with the Universal Declaration of Human Rights.

The PRC, the world’s most populous state, is notorious for imposing draconian restrictions on the freedoms of speech, religion, and assembly while concurrently being the world’s leader in environmental pollution. Also a rising superpower and world’s second-largest economy, the PRC operates at the behest of the CCP, classifying China as

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3 Ibid.
a state administered by one-party, authoritarian rule. While domestic human rights issues may not seem relevant to an overseas language education program, it is necessary to understand the scope of these issues in China because of their inseparable connection to the academic freedom implications outlined later in this thesis.

The status of human rights in the PRC is less than stellar, earning considerable criticisms from Human Rights Watch (HRW), a nongovernmental organization that advocates for human rights around the world. In their 2016 review of China, it is evident that human rights are not a priority in President Xi Jinping’s agenda. “Ruled by the Chinese Communist Party (CCP) for more than six decades, China remains an authoritarian state, one that systematically curtails a wide range of fundamental human rights, including freedom of expression, association, assembly, and religion.”

Acknowledging a few areas of progress in 2015, such as instituting policies to require universities to offer students with disabilities “reasonable accommodation” in university entrance exams and reducing the number of death penalty-eligible crimes from fifty-five to forty-six, human rights in China still exist in a markedly dismal state. Moreover, “Senior Chinese leaders, perceiving a threat to their power, now explicitly reject the universality of human rights, characterizing these ideas as ‘foreign infiltration,’ and penalizing those who promote them. Freedoms of expression and religion, already

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5 Ibid.

6 Ibid.
limited, were hit particularly hard in 2015 by several restrictive new measures.”
Areas of intense contention among PRC leaders and human rights advocates are recognition of Tibetan independence and Chinese perpetration of cultural genocide within the semiautonomous region, the freedom of religious expression of members of the Falun Gong spiritual clan, draconian restrictions on internet access and Chinese media, and lack of academic freedom at Chinese universities.

Beginning with the movement for Tibetan independence, the PRC has persistently declared that Tibet is a territory under China, has never been an independent state, and its leader — the Dalai Lama — has no political authority. The People’s Daily, an official newspaper of the CCP and China’s largest newspaper group, wrote in 2008, “For more than 700 years, the central government of China has continuously exercised sovereignty over Tibet, and Tibet has never been an independent state. No government of any country in the world has ever recognised Tibet as an independent state.” However, human rights advocates with the Free Tibet movement, the official self-determination movement of Tibetans to repudiate Chinese occupancy of the region, reaffirm the proclamation of independence of the 13th Dalai Lama, Tibet’s premier political and spiritual leader: “We are a small, religious, and independent nation.”

Furthermore, the group asserts, “The country had its own national flag, currency, stamps, passports and army; signed international treaties, and maintained diplomatic

7 Ibid.
relations with neighbouring countries.” While self-determination movements themselves have been the subject of human rights debates, the existence of Tibet within China (much like Hong Kong, Xinjiang, and Taiwan) is widely regarded as one of the PRC’s leading human rights abuses. In addition, due to Chinese occupancy of Tibet and the perpetration of human rights abuses in the region, in 1994, pro-Tibetan independence students in New York City created Students for a Free Tibet (SFT), a nonviolent, social justice organization that “works in solidarity with the Tibetan people in their struggle for freedom and independence.” The movement seeks to campaign for Tibetans’ political freedom through “education, grassroots organizing, and non-violent direct action,” repudiating the occupation of the Chinese state and appealing to the international community for rightful recognition.

Another realm in which the PRC fails at upholding human rights is religious freedom, consisting of oppression of Tibetan Buddhists, Uyghur Muslims, and Chinese Christians. The general persecution of the Falun Gong religious sect is particularly problematic, including strategic propaganda, forced ideological conversion, and organ harvesting. Numbering tens of millions of followers, autonomous from the Chinese state, and characterized by meditation and slow-moving exercises infused with the moral philosophies of truthfulness, compassion, and forbearance, the Falun Gong is “an

10 Ibid.


advanced self-cultivation practice of the Buddha School” that was first taught publicly in
Northeast China in 1992.13 Founded by Li Hongzhi, Falun Gong practicecultivates the
body and mind to attain enlightenment, operating outside state regulations of proper
moral conduct and CCP approval.

Because of the religious sect’s capacity to mobilize adherents to participate in
peaceful protests that could potentially result in negative international press, incite
sympathy from Chinese citizens, or serve as the catalyst for legislative action that
expands religious freedom, the CCP views the Falun Gong as a threat to the CCP’s
authority. Consequently, the PRC responded to the emergence of this peaceful group by
establishing a government agency solely entrusted with disbanding the movement and
disposing of its members. In The 610 Office: Policing the Chinese Spirit, authors Sarah
Cook and Leeshai Lemish explain that on June 10, 1999, the Chinese government
established the “610 Office” for the sole and express purpose of effectuating the
persecution of members of the Falun Gong: “At its core, the 610 Office is a plainclothes
CCP-based extra-ministerial security force focused on suppressing the Falun Gong
spiritual group.”14 This government agency, headed by a member of the Politburo
Standing Committee, was designed not only to prohibit religious expression, but also to
intimidate practitioners through severe consequences, such as “extrajudicial killings,
torture, sexual assault, and illegal confiscation of property.”15

14 Sarah Cook and Leeshai Lemish, “The 610 Office: Policing the Chinese Spirit,” The Jamestown
Foundation, last modified September 16, 2011, https://jamestown.org/program/the-610-office-policing-the-
chinese-spirit/.
15 Ibid.
Canadian human rights lawyer David Matas detailed his work on human rights in China, particularly as it relates to the Falun Gong in his remarks at the University of Utah on September 19, 2014, posted on the website *End Organ Pillaging*, an international coalition to stop the practice in China. “Because my clients flee human rights violations, I have become familiar through my work with the human rights situation in many countries, including China.”

Revealing how government-led persecution of Falun Gong religious minority members has led to organ harvesting, Matas states:

> The Party has engaged in a prolonged, persistent, vitriolic national and international campaign of incitement to hatred against Falun Gong. The campaign has prompted their marginalization, depersonalization and dehumanization in the eyes of many Chinese nationals. To their jailors, Falun Gong are not human beings entitled to respect for their human rights and dignity.

This blatant disregard for personal autonomy and absence of religious freedom shows the brutal nature of the Chinese government in quelling dissent.

The PRC is also a state well-versed in propaganda and suppressing free speech, earning a striking 87/100 (0 indicating “Best,” 100 indicating “Worst”) by Freedom House, a non-profit organization dedicated to global human rights causes through analysis, advocacy, and action. Ironically, according to Article 35 of the Constitution of the People’s Republic of China, all citizens of the PRC are afforded the right to freedom “of speech, of the press, of assembly, of association, of procession and of

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17 Ibid.


demonstration.” Moreover, because judges are appointed by the CCP, the PRC fosters a legal environment completely absent of protections for journalists, free public access to official information, or respect for cybersecurity and freedom from content regulation. Unsurprisingly, hundreds of state-run media agencies follow marching orders and serve the interest of top CCP officials rather than broadcast pressing issues that are politically sensitive and could blemish the CCP’s reputation: “CCP leaders use control of the media to propagate positive views of the party, the government, and the president, while vilifying those deemed to be their enemies.” With this meager track record of legal protection for freedom of speech and expression, even analyzing the current state of human rights protections in China is vexing. Yet, one crucial area to consider because of its connection to foreign institutions is the current state of academic freedom at Chinese universities and U.S. universities in China.

In August 2016, the U.S. Government Accountability Office (GAO) conducted a study on academic freedom in China titled “U.S. Universities in China Emphasize Academic Freedom but Face Internet Censorship and Other Challenges.” This study was conducted after previous research found the state of academic freedom in China had worsened in 2015 when compared to other years. Focusing on the relationship between

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21 “China.”

22 “China.”


24 Ibid.
U.S. and Chinese universities, the GAO found that although these university agreements typically include language that protects academic freedom, internet censorship was pervasive. “About half of universities GAO reviewed address access to information, such as providing faculty and students with access to physical or online libraries, though few universities’ agreements and policies include language protecting Internet access.”

In addition, many of the agreements also lacked protections for fundamental rights enjoyed by U.S. students, such as the protection of “at least one other key freedom—speech, assembly, or religion.”

Finally, although the GAO reported that faculty and students indicated that they were able to teach or explore topics of their choosing, at several universities with censored internet, they indicated, “they sometimes faced challenges teaching, conducting research, and completing coursework.”

Politically-sensitive topics, such as the Tiananmen Square events of 1989 or the China-Taiwan relationship, “were [also] avoided in class.”

Damning reports from international organizations concerning the failure to uphold standards of academic integrity signify the poor state of human rights in the PRC.

Regardless of this reality, the PRC has capitalized on the global fascination with Chinese language and culture and has become adept at spreading its influence around the world. Rather than through coercion or force, the Chinese state has prioritized the expansion of language instruction, cultural programming, and performing arts. Politically-speaking,

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25 Ibid.
26 Ibid.
27 Ibid.
28 Ibid.
this concept is officially known as “soft power.” In *Soft Power: The Means to Success in World Politics*, Harvard University professor Joseph Nye coins the term “soft power” and describes it in this way:

A country may obtain the outcomes it wants in world politics because other countries – admiring its values, emulating its example, aspiring to its level of prosperity and openness – want to follow it. In this sense, it is also important to set the agenda and attract others in world politics, and not only to force them to change by threatening military force or economic sanctions. This soft power – getting others to want the outcomes that you want – co-opts people rather than coerces them.  

While Nye specifically describes a state’s foreign policy and geopolitical strategy, by inference this cooption may also apply in a contemporary cultural sense as it relates to language, history, and the arts, which has profound implications for the subject of this thesis.

Acknowledging that substantial human rights abuses persist in the West, when taken together, an alarming picture emerges. The HRW review, the Tibetan independence movement, Falun Gong religious persecution, control over domestic media outlets and internet access, and violations of academic freedom and the ability to collect information reveal the degree to which human rights are subject to abuse in the PRC. In a rights framework, academic freedom correlates with freedom of speech, enabling students and citizens to challenge information presented to them, even if it means dissenting from the government’s views. Indeed, while it is true that academia is enhanced when both students and faculty are both able to explore any subject, China’s draconian prohibitions on speech and intellectual freedom make this reality effectively impossible. If this

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represents the current status of speech and academic freedom within China, the exportation of such practices through the vessel of Confucius Institutes (CIs) has profound implications for non-Chinese students at universities around the world. Before delving into CIs and their mission, however, it is critical to explore academic freedom as a human right.
CHAPTER THREE: ACADEMIC FREEDOM AS A HUMAN RIGHT

Academic freedom is a fundamental principal of the academic world, enabling scholars to explore topics of their choosing without prohibitions or repercussions. It affords students the opportunity to explore any idea and perspective uninhibited while protecting a professor’s capability to research and teach topics that may be unorthodox or controversial. Concerning the latter, the protection of academic freedom indicates the importance of tenure to ensure faculty members are not removed from their position for intellectual curiosity or possible nonconformity to orthodox beliefs. To ensure the highest quality of education at an institution of higher learning, it is essential that academic freedom be both a priority and protected. Moreover, the ability to research any topic and pose challenging questions to expand intellectual capacity is not only integral to a comprehensive education, but it is also a fundamental human right worthy of international protection. Before analyzing academic freedom as a human right, however, it is essential to define the concept.

The origin of human rights and what constitutes them is the subject of contentious debate. From Lynn Hunt’s Inventing Human Rights to Samuel Moyn’s The Last Utopia, it is not easily reconciled. Hunt argues that the conception of human rights emerged with the American Declaration of Independence and expanded with the development of both empathy and individual autonomy among all peoples of all kinds.30 Furthermore, Hunt emphasizes the paramount importance of self-evident rights, believing that human rights only exist when they are protected within the secular political world, not contingent upon

religion but, instead, bolstered by their “equality, universality, and naturalness.”  

In contrast, Moyn asserts that human rights did not crystallize until 1977, at which time many people began to see human rights as a viable vision for the world after so many other transnational ideologies had failed.  

Moyn argues that the conceptions of rights, although they have long existed, “were from the beginning part of the authority of the state, not invoked to transcend it.” While Hunt and Moyn debate its genesis, human rights are ultimately fundamental rights enjoyed by all peoples without distinction of any kind and granted international protection. As it relates to academic freedom, various groups have advocated for granting the concept the same protections as other human rights.

Domestic protections of academic freedom have emerged throughout the past century. In 1915, the American Association of University Professors (AAUP), an organization representing over 47,000 professors, adopted the Declaration of Principles on Academic Freedom and Academic Tenure in which they outlined the definition of academic freedom as it relates to academia. “Academic freedom…comprises three elements: freedom of inquiry and research; freedom of teaching within the university or

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college; and freedom of extramural utterance and action.”

Twenty-five years later in 1940, the AAUP issued a *Statement of Principles on Academic Freedom and Tenure*. In it, they assert:

> The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to ensure them in colleges and universities. Institutions of higher education 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.

Both sources demonstrate the commitment of the official representative body of American professors to the notion that academic freedom is integral to academia and its promotion must be a core mission of institutions of higher learning. More broadly, regardless of grade level, academic freedom without undue burden should be afforded to all members of the academic community. However, while both documents provide clear evidence for domestic protections of academic freedom, neither expand outside the jurisdiction of universities nor claim academic freedom to be worthy of international protection.

> Outside of the classroom and the realm of academia, individuals should have the ability to research any topics of their choosing without prohibition and fear of repercussions. On April 16, 1963, Martin Luther King Jr. wrote *Letter from Birmingham*

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Jail, in which he defends nonviolent direct action as the catalyst for positive social change and originally used to protect academic freedom. Civil disobedience, he writes, is an essential strategy in repudiating unjust laws, and he asserts that academic freedom is a reality today because of the civil disobedience of Socrates: “To a degree, academic freedom is a reality today because Socrates practiced civil disobedience.” Within classrooms and in social justice movements, “Socratic teaching” is a dialectical teaching method in which opposing perspectives are challenged through questions grounded in reason, enabling the determination of truth through critical thinking. If some topics within the intellectual community are barred from discussion, critical thinking and the search for truth would be futile. Still, while this view of academic freedom is useful for individuals in both academic and social movement settings, neither King nor Socrates frame academic freedom as a fundamental human right that should be afforded to all human beings without distinction of any kind.

The Case for Academic Freedom as a Human Right

The Anglo-American conception of academic freedom prioritizes Enlightenment values of freedom of thought and the capacity to challenge opposing opinions without prohibitions or repercussions. In the university, academic freedom is foundational for

38 Ibid.
liberal arts and understanding truth. Although it is sacrosanct in Western academia, neither the PRC acknowledges its value nor has the international community ever framed such a conception as a human right worthy of protection.

After the terrorist attacks on September 11, 2001, the discussion around academic freedom began to be debated within a rights framework. One preeminent advocate for academic freedom as a human right is Balakrishnan Rajagopal, director of the Program on Human Rights and Justice at the Massachusetts Institute of Technology (MIT). In his 2003 essay titled *Academic Freedom as a Human Right: An Internationalist Perspective*, he argues that academic freedom is a fundamental human right deserving of widespread protection from the international community. His essay includes an analysis of the true meaning of academic freedom in Western academia, specifically as it relates to foreign-born individuals living in the U.S.

Rajagopal defines academic freedom and describes its origins in nineteenth-century German ideas by using the AAUP’s 1915 *Declaration of Principles on Academic Freedom*. As he recounts, some of the earliest, most contentious encounters between members of the academic community were “a series of confrontations in the late nineteenth century between economics professors and university administrations.” One instance in particular was the firing of economics professor Edward Ross at Stanford University in the early twentieth century for promulgating unorthodox economic ideas. Instances such as this brought academic freedom to the forefront of intellectual debates,

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41 Ibid.
ultimately leading to the design of academic tenure in order to enable “academics to express their views, even if those views transcend narrow disciplinary boundaries.” Rajagopal repudiates the understanding of academic freedom as one that is narrow and relegated to one’s field of study.

Rajagopal’s impetus for asserting that academic freedom is a human right emerged directly after 9/11 due to the subsequent response of the United States government curtailing human rights through acts such as the USA Patriot Act. During this period, legislation and regulatory acts mandated by the U.S. government had profound implications for the intellectual curiosity and livelihoods of foreign-born academics and scholars living in the U.S. “Now, it seems, the war on terror has extended to academia.” Before concluding that academic freedom is a human right worthy of international protection, Rajagopal defines academic freedom’s origins and analyzes academic freedom as a human right in three ways: a U.S. constitutional right of an individual, an institutional right of the academy, or an international human right.

The curtailing of academic freedom after 9/11 was regarded as a necessity to strengthen national security. “As freedom of expression, opinion, and association come under threat as a result of the global war on terror,” Rajagopal writes, “academic

42 Ibid.
43 Ibid.
44 Ibid.
45 Ibid.
46 Ibid.
47 Ibid.
freedoms are also being targeted.”⁴⁸ Foreign-born students from some “countries of concern” were required to “register with the U.S. Immigration and Naturalization Service and be monitored,” and universities were targeted by the U.S. government for requests concerning “invasive information about foreign students.”⁴⁹ In one instance, due to a selection of course material and individual opinion concerning the “War on Terror,” the “U.S. Federal Bureau of Investigation visited an Iraqi American professor at the University of Massachusetts in November 2002 to question him about his alleged anti-American views.”⁵⁰ During this time, protections for academic freedom for “scholars of Islamic origin or those who hail from Muslim-majority countries” were virtually nonexistent.⁵¹ In order to ensure that teaching or research not be criminalized or seen as a threat, Rajagopal formulated various ways in which academic freedom could be protected. This research supports Rajagopal’s argument and asserts that any protection besides that which is international is inadequate.

Evidence suggests that U.S. government protections are not adequate for protecting academic freedom as a human right. In 1967, the U.S. Supreme Court ruled 5-4 in Keyishian v. Board of Regents that states cannot prohibit employees from being members of the Communist Party due to broad and vague laws.⁵² Specifically, the Court determined, “Academic freedom is a special concern of the First Amendment, which does

⁴⁸ Ibid.
⁴⁹ Ibid.
⁵⁰ Ibid.
⁵¹ Ibid.
not tolerate laws that cast a pall of orthodoxy over the classroom.”

Here, “pall of orthodoxy” connotes a veil over the classroom that prohibits free discussion and the interchanging of ideas. Yet, precedent also exists that demonstrates how such First Amendment concerns can be eclipsed by national security interests if the case involves speech that is deterred by the U.S. government.

Particularly during the Cold War and the crackdown on “communist sympathizers,” academic freedoms were frequently curtailed in the name of national security. In the 1972 case of **Kleindienst v. Mandel**, the Supreme Court “refused to find any First Amendment rights of American academics to ‘receive information and ideas’ from a Belgian professor with communist leanings.” If academic freedom were a U.S. constitutional right entitled to all individuals, it would not be a human right but, instead, as Rajagopal states, a “limited freedom.” While precedent exists in American common law that protects academic freedom, merely framing academic freedom as a right of Americans is not adequate to justifying it as a human right.

Institutionalized university protections for academic freedom, which Rajagopal calls a “collective right of the academic body, or as a corporate right of the university,” are also inadequate. In the 1957 case **Sweezy v. New Hampshire**, Justice Felix Frankfurter wrote in a concurring opinion that a university “ceases to be true to its own nature if it

53 Ibid.


55 Rajagopal, Academic Freedom as a Human Right: An Internationalist Perspective.

56 Ibid.

57 Ibid.
becomes the tool of Church or State or any sectional interest. A university is characterized by the spirit of free inquiry.”

This implies that academic freedom is potentially an individual right and a “collective right of the institution…” However, while the academic body could be entrusted to defend academic freedom, the concern persists that there may be a general consensus to “disown” a faculty member — or possibly a student — if they hold radical or unorthodox views. Due to this uncertainty, entrusting individual universities to protect academic freedom also fails to enshrine such a concept as a fundamental human right.

To truly ensure academic freedom is protected against national laws or regulations, it must be declared as a human right worthy of international protection. As Rajagopal describes, “To say that something is a human right is to assert two things: first, that protecting such a right does not depend on national legal systems, but on international law; and, second, that transnational action, including that by international agencies, becomes legitimate for protecting such rights.”

By inference, protection from the international community would place academic freedom as a human right just as deserving of global protection as rights such as religious freedom, freedom from torture, and access to clean water. Furthermore, academic freedom as a human right is made possible when arguing that it is inseparable from the human rights to free expression and education.

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59 Rajagopal, Academic Freedom as a Human Right: An Internationalist Perspective.

60 Ibid.

61 Ibid.
The international community has already enshrined free expression and education as international human rights, even if individual states have not accepted their legitimacy. In December 1966, the United Nations General Assembly adopted both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) to legally bind the human rights listed in the 1948 Universal Declaration of Human Rights.\(^62\) Both documents offer insight as to how academic freedom, when connected with freedom of expression and right to education, may be protected as a human right. The ICCPR includes the declaration that “Everyone shall have the right to freedom of expression” and “Everyone shall have the right to hold opinions without interference.”\(^63\) The importance of this language cannot be understated: using a positive rights framework, every human being is entitled to their opinion without repercussions.

Furthermore, the document declares, “this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers.”\(^64\) In addition, the ICESCR declares that the member states present “recognize the right of everyone to education…[and] agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms.”\(^65\) Simply stated, every human

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\(^64\) Ibid.

being has a right to education. It is also important to note that the U.S. has ratified the ICCPR while China has not, but China has ratified the ICESCR while the U.S. has not.

In addition, in Right to Education: Scope and Implementation, members of the UN Committee on Economic, Social, and Cultural Rights follow the ICESCR with an elaboration on article 13, the section dealing with the human right to education. “[The] Committee has formed the view that the right to education can only be enjoyed if accompanied by the academic freedom of staff and students.” 66 Moreover, members of the Committee state that academic freedom is so important because “staff and students in higher education are especially vulnerable to political and other pressures which undermine academic freedom.” 67 The document continues to assert the following:

Members of the academic community, individually or collectively, are free to pursue, develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing. Academic freedom includes the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfill their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction. The enjoyment of academic freedom carries with it obligations, such as the duty to respect the academic freedom of others, to ensure the fair discussion of contrary views, and to treat all without discrimination on any of the prohibited grounds. 68


67 Ibid.

68 Ibid.
After analyzing academic freedom and international protections, the Committee asserts that universities should be free from outside, corrupting influences and maintain institutional autonomy. “The enjoyment of academic freedom requires the autonomy of institutions of higher education. Autonomy is that degree of self-governance necessary for effective decision-making by institutions of higher education in relation to their academic work, standards, management and related activities.”  

Through reliance on current international covenants and views concerning the human right to education and freedom of expression, this research determines that academic freedom is a human right worthy of international protection. As Rajagopal states, “A human right to education injects an ethical dimension into academic freedom by broadening the objectives of education. That is, academic freedom exists so that individual professors and their institutions can pursue important educational objectives.” It is a right that ensures the capability to explore any topic without prohibition and repercussions and one that should be afforded to every human being without distinction of any kind. As Rajagopal states, “[Asserting] academic freedom as a human right has become a moral and political imperative across the globe.” As this thesis asserts, the argument that protection of academic freedom is a moral and political imperative is strikingly appropriate as it relates to the PRC’s infiltration of institutions of higher learning around the world through vessels that mask human rights abuses known as Confucius Institutes.

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69 Ibid.

70 Rajagopal, Academic Freedom as a Human Right: An Internationalist Perspective.

71 Ibid.
CHAPTER FOUR: CONFUCIUS INSTITUTES: EXPORTING HUMAN RIGHTS ABUSES ABROAD

In June 2004, a pilot institute in Tashkent, Uzbekistan, designed to promote Chinese language learning and facilitate international cultural exchange was created by the PRC. Five months later, the first official Confucius Institute (CI) was unveiled in Seoul, South Korea. In 2017, over 500 CIs around the world and 1000 Confucius Classrooms exist at “foreign primary schools, secondary schools, communities and enterprises,” including locations in Asia, Africa, the Americas, Europe, and Oceania. The PRC seeks to have 1,000 CIs instituted around the world by 2020.

The conversation surrounding CIs is incredibly polarizing, ranging from praise for their innovative approach to language and cultural dissemination to repudiating their establishment as gross Chinese propaganda. Indeed, despite widespread perceptions, CIs are not simply autonomous organizations designed to teach Mandarin Chinese. This chapter will analyze how CIs are integral to Chinese public diplomacy, how their strict governance and regulations suffocate university autonomy, and the questionable behavior of Hanban and CI leadership. Following this section is an analysis of various criticisms and concerns of CIs, which shows how and why CIs violate basic standards of academic freedom and why either removing them entirely or instituting commonsense regulations is in the best interest of all institutions of higher learning.

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Chinese Public Diplomacy or Chinese Propaganda?

While some argue that CIs are emblematic of crude propaganda, others contend that CIs are merely one mechanism of the PRC to conduct public diplomacy. Although both propaganda and public diplomacy involve conveying state-approved information, the latter is not a one-way street and involves constructive dialogue. Understanding modern Chinese public diplomacy is essential for understanding why CIs have been created, which is to broadcast the PRC’s version of China to the world. Like most developing countries, especially those who are not categorized by Western hegemony, the PRC is intensely interested in successful public diplomacy. Due to the historically-negative media attention China receives primarily in Western media, modern Chinese public diplomacy strives to combat negative stereotypes and present China’s development as both cooperative with foreign states and peaceful. One mechanism by which the PRC connects with the rest of the world is by capitalizing on the global fascination with Chinese language and culture. By prioritizing the expansion of CIs around the world, one way China seeks to cultivate higher respectability around the world is through cooperation with universities and primary and secondary schools.

With the unpredictability of the future of the PRC, the Chinese government is intensely concerned over its international status and image. In *Chinese public diplomacy: the rise of the Confucius Institute*, Falk Hartig, a post-doctoral researcher at Goethe University presents “the first comprehensive analysis of Confucius Institutes (CIs), situating them as a tool of public diplomacy in the broader context of China’s foreign
affairs.” He crafts his argument not as a criticism of CIs, but as a perspective to demonstrate that they are merely the first point of contact for many individuals interested in Mandarin Chinese and the Chinese culture. Hartig argues that CIs are integral to Chinese foreign policy objectives, mechanisms of Chinese public diplomacy, and analyzes how CIs are cultural outposts designed to sell a “correct version of China” directed at an audience relatively unaware of the PRC. For China, “Public diplomacy is seen as a means for telling [its] story to the world and thereby countering the negative accounts of the country in foreign, mainly Western, media.”

While there are many definitions of public diplomacy and state diplomatic communication, Hartig offers one definition as it relates to two states as

[The] promotion of national interests and therefore should not be discounted as a ‘soft’ instrument or merely an altruistic affair. In the service of national interest, public diplomacy is about making friends and isolating enemies, promoting political dialogue, supporting trade and foreign investment, establishing links with civil society and it engages in the often quoted battle for hearts and minds.

Because of Western stereotypes about China and the PRC’s perceived challenge to the international status quo, Chinese public diplomacy is often phrased as “peaceful development.” This terminology signifies a commitment to multilateral cooperation and achieving Chinese state strength not through military prowess, but through constructive dialogue and cooperation, harkening back to Joseph Nye’s notion of “soft power.”

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75 Hartig, Chinese public diplomacy, 12.
76 Hartig, Chinese public diplomacy, 1.
77 Hartig, Chinese public diplomacy, 6.
78 Hartig, Chinese public diplomacy, 23.
However, Hartig admits that “While China wants to project the narrative of a peacefully developing country that aims to construct a Harmonious World, the global audience mainly perceives it as the big guy in the crowd who actually pushes others around and stands in their way.”79

In general, public diplomacy can be categorized as “old” or “new.” “Old” public diplomacy is understood as a “state/government centric endeavor, characterised by a one-way flow of information in which actors control the messages by making instrumentalist use of channels and allow only limited interactions between the sending and receiving side,”80 while “new” public diplomacy generally consists of “an emphasis on greater exchange and collaboration as well as dialogue, new technologies, and new actors such as non-governmental organisations, advocacy groups, or non-state actors.”81 When applying these definitions to CIs, it is fascinating that they operate as both “old” and “new” public diplomacy: state-led but focused on foreign, non-governmental organizations in order to tell China’s story.82

Hartig contends that international relations and understanding a state’s foreign policy objectives is more complex than broadly labeling government-approved information as propaganda. He asserts that CIs are ultimately more connected to Chinese public diplomacy due to their capacity to build relationships with local stakeholders. As he illustrates, “[While] China would describe its Confucius Institutes as a benign


81 Ibid.

82 Ibid.
instrument of public diplomacy or cultural exchange, critics perceive them as examples of crude state-directed propaganda; and while Western countries would use their public diplomacy to spread universal values, countries like China would strongly guard against what it interprets as the infiltration of highly unwelcomed values.”

However, this does not negate the fact that there is a profound difference between the “real” versus the “correct” China, the latter being the version CIs are designed to preserve and promulgate around the world.

CIs are also useful to the Chinese state for more than Mandarin Chinese promotion and cultural exchange. “For China’s economy and trade, Confucius Institutes can provide competitive advantages through language and cultural consulting.”

In this regard, Chinese public diplomacy through CIs is a proactive approach to strategic positioning in an increasingly-globalized economy and world. Because of the multi-faceted nature of CIs, this raises the question whether Chinese public diplomacy is more emblematic of Chinese imperialism rather than “soft power.” Because imperialism typically involves exploitation and territorial acquisition, this thesis argues that CIs are more representative of the latter than the former. Once more returning to Joseph Nye’s definition of “soft power,” CIs co-opt, rather than coerce, individuals to become interested in Chinese language and culture. As Hartig describes, “The soft power of a country rests primarily on its culture, its political values, and its foreign policies.”

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Due to the considerable gap between how China wants to be seen in the world and how the world sees China, CIs, acting as agents of Chinese public diplomacy, are inherently designed to represent the self-fashioning of the PRC. The “real” China connotes an uncensored version of the Chinese state where government censorship is not omnipresent. The “correct” China conveys an understanding of the PRC as being absent of all blemishes that may mar its self-proclaimed peaceful rise. Unfortunately, because of the undemocratic and authoritarian nature of the PRC, selling the PRC as it wants to be seen is futile. As Hartig acknowledges, “[It] does not matter how many Confucius Institutes promote the Chinese language and Chinese culture across the globe, and it does not matter how well they do so; as long as the Chinese government continues to arrest human rights lawyers, censor the media and bully its East Asian neighbours, all efforts by Confucius Institutes to promote China’s image can only hit a wall.”

Indeed, despite the billions of dollars invested in improving its global image in addition to the expansion of Confucius Institutes, Western audiences have not bought into China’s public diplomacy being anything more than crude propaganda. On March 23, 2017, *The Economist* published an article titled “China is spending billions to make the world love it.” Referencing “soft power,” *The Economist* writes:

> [When] Mr Nye wrote about soft power, he suggested that governments could not manufacture it. He argued that much of America’s had sprung from its civil society: “everything from universities and foundations to Hollywood and pop culture”. The party is distrustful of civil society; its soft-power building has been almost entirely state-led. China has tried to combine elements of soft power with the hard power of its illiberal

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86 Hartig, *Chinese public diplomacy*, 186.
politics. Far from enhancing China’s global image, this approach has often served to undermine it.\textsuperscript{87}

\textit{The Economist} also provides a graph that demonstrates global audiences have not been fooled by Chinese cultural promotion abroad.

\begin{figure}[h]
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\includegraphics[width=\textwidth]{figure1.png}
\caption{Graph showing PRC favorability ratings.}
\end{figure}

Global Chinese language instruction and cultural programming through official state-run entities generally benefits both the PRC’s foreign policy objectives and economic opportunities. However, Chinese public diplomacy does not venerate the Anglo-American conception of academic freedom, meaning that regardless of the reason for creating CIs and how they benefit the Chinese state, the protection of academic freedom is not a priority of the PRC. When analyzing CIs as representative of Chinese


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public diplomacy or propaganda, the latter definition is both more apt and more accurate. Additionally, the strict governance and regulation of CIs prioritizes stability and contributes to violations of academic freedom.

**Strict Governance and Strict Regulations**

CIs are primarily located at universities of higher learning in liberal democracies, managed and funded directly by the Chinese government through the Office of Chinese Language Council International, more commonly known as Hanban. Although CIs market themselves as focusing mainly on Chinese language instruction in local primary and secondary schools, it is essential to break through this veil and dissect their strict governance structure and what regulations exist that make them subordinate to the will of the Chinese state. Although there are numerous policies governing hundreds of CIs, this is a brief analysis of how strict governance and state regulations violate university standards of academic freedom.


Institute Magazine (an Editorial Division), and Logistics. This composition signifies that any policy set forth by Hanban is a directive of the PRC.

Hanban is designed and overseen by the Chinese government to pursue three core functions: “To make policies and development plans for promoting Chinese language internationally; [to] support Chinese language programs at educational institutions of various types and levels in other countries; [and to] draft international Chinese teaching standards and develop and promote Chinese language teaching materials.” As it relates to their connection with CIs, Hanban’s website offers an anodyne description of its operation: “Hanban/Confucius Institute Headquarters, as a public institution affiliated with the Chinese Ministry of Education, is committed to providing Chinese language and cultural teaching resources and services worldwide, it goes all out in meeting the demands of foreign Chinese learners and contributing to the development of multiculturalism and the building of a harmonious world.”

The most helpful resource in understanding CI regulations is the “Constitution and By-Laws of the Confucius Institutes.” This resource is “applicable to all Confucius Institutes worldwide.” While this thesis will not dissect every line of this document, a few striking quotes will be used to demonstrate how CIs have little to no individual autonomy. This document ensures that all CIs, without exception, will “abide by the laws

89 Ibid.
90 Ibid.
91 Ibid.
and regulations of the countries in which they are located, respect local cultural and educational traditions and social customs, and they shall not contravene concerning the laws and regulations of China.”93 In other words, inquisitive students are prohibited from discussing topics deemed sensitive or objectionable to the Chinese government with a CI teacher. According to this document, the primary purpose of CIs is to

[Devote] themselves to satisfying the demands of people from different countries and regions in the world who learn the Chinese language, to enhancing understanding of the Chinese language and culture by these peoples, to strengthening educational and cultural exchange and cooperation between China and other countries, to deepening friendly relationships with other nations, to promoting the development of multiculturalism, and to construct a harmonious world.94

On the national level, the daily operation of the Confucius Institute Headquarters, the official administrative residency of CI leadership in Beijing, is carried out under the leadership of the Council. The Council is comprised of “the Chair, the Vice Chairs, the Executive Council Members, and the Council Members.”95 While these members are “recommended by the education administrative agency of the Chinese State Council and approved by the State Council,”96 the fifteen Council Members are comprised in the following way: ten Council Members shall be the “Heads of the Board of Directors of Confucius Institutes overseas” and the other five are “representatives of Chinese partner institutions, appointed directly by the Headquarters.”97 The “daily operation” of the

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93 Ibid.
94 Ibid.
95 Ibid.
96 Ibid.
97 Ibid.
Confucius Institute Headquarters includes “Formulating and amending the Constitution and By-Laws of the Confucius Institutes, examining and approving the development strategies and plans of global Confucius Institutes, examining and approving annual reports and working plans of the Headquarters, and discussing issues of significance concerning the development of Confucius Institutes.”

The composition of the Council is rigidly hierarchical and highly resistant to change, which has implications for the establishment of CIs. While not every CI placement originates from Beijing (foreign organizations may request the establishment of a CI), Hanban oversees approving the establishment of all CIs. As the Constitution and By-Laws state, “Any corporate entity outside of China capable of facilitating language instruction, conducting educational and cultural exchange activities, and meeting the requirements for application as stated in this Constitution and By-Laws may apply to the Confucius Institute Headquarters for the permission to establish a Confucius Institute.”

Additionally, all host organizations, namely universities, with a CI must have a partner Chinese organization, which is often, but not always, a Chinese university. It is this element of CIs that makes them unique when compared to other nationally-sponsored educational initiatives.

CIs are established as joint ventures primarily between Chinese universities and universities around the world. This makes CIs unique when compared to the Western organizations such as the British Council, Germany’s Goethe-Institut, and France’s

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98 Ibid.
99 Ibid.
L’Alliance Française, which almost always act independently. According to Hartig, “These organisations, although acting independently, are also working for their governments and their government’s foreign policy goals. The fundamental difference, however, is in the nature of the political system Confucius Institute [sic] represent and the way they are structured and organised.”¹⁰⁰ The joint venture structure of CIs also helps the PRC detach CIs from the Chinese state and gain credibility with already-reputable institutions.

The joint venture aspect of public diplomacy further contributes to cost effectiveness of CIs because they rely on local expertise. Hartig explains the importance of local expertise in this way: “[Local] stakeholders have profound local knowledge that is helpful for almost any aspect of the work of Confucius Institutes, ranging from knowing the host university, public bodies for any kind of necessary administrative and bureaucratic matters such as handling resident permits for dispatched staff, knowing local sponsors and knowing local audience.”¹⁰¹ This connection with reputable individuals and institutions serves as the catalyst for disconnecting CIs from the Chinese state, and it also serves as a cost-effective measure in CI establishment.

As for the operation of each individual CI at their host institution, each is required to establish a Board of Directors, consisting of members from both the CI and the host institution. The responsibilities of the Board of Directors include “assessing and approving the Confucius Institute’s development plans, annual plans, annual reports,


project implementation schemes, budget proposals, [and] final financial accounts.”\textsuperscript{102}

One of the major tasks of the Board of Directors is delegating power to one Director, who acts on behalf of the Board and is ultimately beholden to their collective will. The Director must “have in-depth comprehension of Chinese current national issues, a skillful command of the language of the country in which the Institute is located, suitable administrative experiences in this position, and a strong ability to promote public affiliation and market potential.”\textsuperscript{103}

Clearly, neither the Director nor Board of Directors have individual autonomy. As the Constitution and By-Laws show:

An individual Confucius Institute, in the allotted time, shall draw up executable plans for annual projects and budget proposals, summarizing the implemental [sic] efficacy reports of annual projects and final financial accounts, and submit them to the Headquarters for examination and approval. Changes and dispositions made to the assets on the Chinese side shall be reported to the Headquarters for examination and approval. Individual Confucius Institutes shall also submit the working schedules and summaries of their annual projects to the Headquarters for archiving purposes.\textsuperscript{104}

Based on this section, one can infer that failure to report and receive approval of a cultural event with the CI Headquarters is grounds for taking an individual CI to court, which has chilling implications in a university setting. Finally, “The Confucius Institute Headquarters shall be responsible for conducting assessments of individual Confucius Institutes. The Headquarters reserves the right to terminate the Agreements with those

\textsuperscript{102} “Constitution and By-Laws of the Confucius Institutes.”

\textsuperscript{103} Ibid.

\textsuperscript{104} Ibid.
Institutes that violate the principles or objectives, or fail to reach the teaching quality standards set forth by the head establishment.”^105

The CI Constitution and By-Laws also stipulate what business services must be offered through CIs, a requirement for designated space at the host institution, a necessity for the abundance of appropriate resources for language and cultural instruction, and evidence that there exists “a demand for learning the Chinese language and culture at the applicant’s location.”^106 The business services that must be offered are as follows:

Chinese language teaching; training Chinese language instructors and providing Chinese language teaching resources; holding the HSK examination (Chinese Proficiency Test) and tests for the Certification of the Chinese Language Teachers; providing information and consultative services concerning China’s education, culture, and so forth; [and] conducting language and cultural exchange activities between China and other countries.^107

This section shows that CI teachers cannot utilize non-PRC university materials relating to China and the Chinese government. As such, all CIs enjoy “the right of priority for obtaining teaching and cultural materials or resources provided by the Headquarters.”^108 While some would argue this benefits host institutions since funding would not be necessary to purchase pedagogical materials, there is perhaps no greater example of how CI autonomy is subsumed than the requirement to use Chinese-state authorized textbooks rather than textbooks approved by the host country or host institution.

105 Ibid.
106 Ibid.
107 Ibid.
108 Ibid.
The Constitution and By-Laws also stipulates that start-up funding (typically $100,000) for CIs be provided by Hanban, boosting the incentive for universities to accept the Chinese government’s offer. It pledges that a “newly established Confucius Institute will receive aid to its initial operation in the form of a set amount of funds provided by the Chinese Parties...[and] the funds for its annual projects shall be raised by individual Confucius Institutes and the Chinese Parties together in a ratio of approximately 1:1 commitment in general.” 109 According to Hartig, “The Chinese side provides international partners with start-up funding of about US$100,000 for the first years...” 110 Particularly in the U.S. where budget cuts to higher education are perennial and commonplace in most states, universities are jumping at alternative sources of funding regardless of their origin. 111 That this partial funding comes from an authoritarian, one-party regime is seen not as a threat to the mission of the academic institution but, instead, as an opportunity to connect with a rising global superpower, and the university will not even have to foot the bill. Ironically, the Chinese government is spending less than local institutions for the functioning of CIs. A 2014 work report on the global reception of CIs reveals that “the amount of foreign-partner side cash expenditure, personnel, teaching facilities and utilities cost totalled US$443 million and the total amount of Chinese expenditure was US$295 million.” 112

109 Ibid.

110 Hartig, Chinese public diplomacy, 167.


112 Hartig, Chinese public diplomacy, 167.
Finally, CIs are restricted because of teacher selection. The only mention of teacher selection in the Constitution and By-Laws is listed alongside the responsibilities of the Director and obligations of local-level CI governance, and it is noticeably lacking in detail: “Instructors appointed by Confucius Institutes shall have professional knowledge and teaching competence required by such positions as teachers.” While there are numerous clauses that mandate CI teacher “training,” the official selection process for teachers is completely absent from the document. A few articles on Hanban’s website translated in English, however, list the qualifications for becoming a CI teacher.

Titled “Overseas Volunteer Chinese Teacher Program” and focused on the need to “enhance the world’s understanding of Chinese language and culture,” the qualifications to become a CI educator are standard, with one notable exception. Firstly, Hanban requires “Those of willing and spirit of cooperation and dedication, in Chinese language teaching.” Secondly, they require a “Bachelor degree or above and standard Mandarin.” Thirdly, a candidate must be “Aged between 22 to 60, physical and mental healthy, no record of participation in Falun Gong and other illegal organizations and no criminal record.” Fourthly, they must be “Qualified to teach Chinese language teaching in the country (region) or with certain experience and skills in Chinese language 

113 “Constitution and By-Laws of the Confucius Institutes.”
115 Ibid.
116 Ibid.
117 Ibid.
teaching.”  

And fifthly, candidates must have “communication and cross-cultural communication capacity for living and working in the country.” The third qualification is the one that raises the greatest concern, significantly constraining a CI educator’s freedom of religion and expression.

Universities that value academic freedom are defined by institutional autonomy, enabling scholars to conduct research without seeking approval from a hierarchical governing body concerned with censoring topics in the name of political stability. The Constitution and By-Laws demand a strict governance structure and numerous regulations that places the authority of all CIs in Hanban. While seemingly non-controversial, the rigid hierarchy of Hanban and CIs creates an institutional environment of non-transparency and aversion to change. Moreover, the supply of Chinese funding to create CIs implies that while American state funding for higher education declines, CIs could come to play a greater role — if not take over — East Asian studies departments in the future.

_Alarming Executive Leadership_

The presence of corruption and administrative chicanery is rife among top CI leaders, raising numerous questions about the ethical standards under which CIs operate. No CI leader has been in the spotlight more concerning this behavior than a vice-minister-level official on the Chinese State Council — the chief administrative authority

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118 Ibid.
119 Ibid.
of the PRC — and the Chief Executive of the Confucius Institute Headquarters and Director General of Hanban since 2004, Madam Xu Lin. A young woman during the Cultural Revolution, Xu Lin was a worker at the Changzhi Bicycle Factory in China’s Shanxi province. In addition to graduating from Fudan University in Shanghai with a degree in Chemistry and attaining a master’s degree in Economics from Beijing Normal University, Xu Lin eventually began to be involved with CCP governance, becoming Assistant Mayor of Xuchang, Henan province and Director of the Foreign Loans Office of the Ministry of Education, among other positions. In her current position as head of Hanban, Xu Lin has been involved in a few controversies that challenge the integrity of Hanban and CIs.

One of the most prominent instances of questionable censorship occurred in 2014. The event was the European Association for Chinese Studies (EACS) conference in Portugal. The controversy at the EACS conference on July 22, 2014, involved her and CI educators ripping out pages of the conference agenda that dealt with Taiwanese academic institutions and the Taiwanese Chiang Ching-kuo Foundation for International Scholarly Exchange, a sponsor of the conference for twenty years. A few days following the conference, in a formal letter titled “Letter of Protest at Interference in EACS Conference in Portugal, July 2014,” Roger Greatrex, president of EACS, condemned the actions of Vice-Minister Xu Lin as utterly inappropriate, an “arbitrary seizure of conference


121 Ibid.

materials and deletion of pages in an unauthorized manner,” and “extremely
injudicious.” Although Hanban had effectively provided a grant to the conference to
cover program costs, Greatrex said there was no formal request to remove particular
pages. “Such interference in the internal organization of the international conference of
an independent and democratically organized non-profitable academic organization is
totally unacceptable.”

While it is not entirely clear what sections of the program Xu Lin deemed
contrary to Chinese laws or regulations, it may be inferred that any mention of Taiwanese
self-determination or existence outside the authority of the PRC was grounds for
censoring conference materials for a democratically-organized academic organization.
Regardless, the Global Times, another state-run media agency related to the People’s
Daily, praised Xu Lin’s actions as patriotism and revealed how non-Chinese scholars
working with Hanban are expected to master the art of self-censorship. Outside the
auspices of the Chinese state, in response to this incident, the Wall Street Journal
described Xu Lin’s behavior in an article titled “Beijing's Propaganda Lessons” as the
“bullying approach to academic freedom.”

In another example of Xu Lin’s leadership, her interview with the British
Broadcasting Corporation’s (BBC) in 2014 captures her reaction to the inability for

123 Ibid.
124 Ibid.
125 Ibid.
126 “Academic Malware.”
students to pose tough questions to CI teachers. When asked about teacher contracts and prohibition of membership in the Falun Gong regardless of if they are located on a university campus within the U.S., Canada, or any other state that promotes freedom of religious expression, Xu Lin replied, “When we send our teachers to go abroad, they must be a citizen of China. To be a Chinese citizen, they must obey Chinese law. According to Chinese law, no, Chinese law does not allow a teacher to be free to teach or say that Falun Gong is good in the campus. No. In our campus, you cannot. No. This is our law.”

With this response, the leader of all CIs confirms that Falun Gong practitioners are prohibited from instructing the Chinese language as CI teachers, even if their religious beliefs do not violate the CI host country’s laws. When asked if the Chinese teachers in CIs were free from Communist Party control, the BBC writes that Ms. Xu was certain “that her teachers are free from political control...because all teachers have to write a report at the end of their postings and are questioned on their return about whether they faced politically sensitive questions from students.” Perhaps there is no better indication of the presence of political meddling or non-neutral monitoring of foreigners learning Mandarin Chinese than teachers having to take a test upon return to China about tough questions to which they were exposed.

Finally, when asked what a CI teacher would say if a student asked about the issue of Taiwanese independence, she replied, “Every mainland teacher we send, all of them


129 Ibid.
will say Taiwan belongs to China. We should have one China. No hesitation.” While the one-China policy is the official position of both the PRC and the U.S., the implication that a student, whether they are at a university or in a Confucius Classroom in a primary or secondary school, is not allowed to discuss the history of Chinese nationalist resettlement strikes at the very core of the absence of academic freedom. In addition to their public diplomacy implications, this raises serious questions about the underlying political motivations for creating CIs. As the BBC writes, the CI mission is “coupled with a wider foreign policy goal - the bid to make China a cultural superpower, not just an economic one.” Ironically, for this to occur, CIs must function primarily at academic institutions, where they prohibit students from enjoying the academic freedom to explore politically-sensitive topics. As such, CIs around the world have received criticisms from various sources due to their violation of academic freedom and clandestine operations.

130 Ibid.
131 Ibid.
CHAPTER FIVE: CONFUCIUS INSTITUTE CRITICISMS AND CONCERNS

The previous sections have analyzed the creation of CIs as integral parts of Chinese public diplomacy, their strict governance structure’s jeopardizing of the autonomy of universities, and questionable leadership over all CIs. The following section will show how and why CIs violate academic freedom drawing from numerous criticisms and concerns about their operation and transparency. This section will focus primarily on foreign criticisms of CIs, incorporating some domestic concerns. Before analyzing various concerns, it also presents counterarguments that criticisms of CIs are unfounded and over-exaggerated.

In a 2011 article in The Diplomat titled “Confucius Controversy,” Ulara Nakagawa writes, “after speaking to a range of people I’ve seen little to support the notion of Confucius Institutes as ominous propaganda.”132 Similarly, only three years later, The George Washington University professor of History and International Affairs writes an article in The Diplomat titled “Confucius Institutes: Hardly a Threat to Academic Freedoms.” In this piece, he suggests that detractors of CIs do not have the evidence to reinforce their claim that they violate academic freedom. “In the absence of reports of widespread problems or abuses, it seem [sic] that the main worries about Confucius Institutes have not been substantiated.”133


Various host organizations, reputable news sources, and scholars, however, have criticized the operation of CIs. One of the primary reasons for these criticisms stems from the fact that a state with pervasive human rights abuses is spearheading an overseas educational initiative. While state-promoted entities that encourage the promotion of language learning and cultural competency have existed for decades, such as the British Council, Goethe-Institut, and L’Alliance Française, the requirement for such an entity to exist primarily at institutions of higher learning is a recent creation. Several episodes throughout the world raise troubling questions about the integrity of CIs.

Human rights advocacy groups have consistently repudiated the influence of CIs and their presence at universities, fearful that they effectively serve as trojan horses for Chinese educators to disseminate PRC propaganda. The topic of the contested region of Tibet and refusal of the Chinese government to acknowledge the authority of the Dalai Lama and independence of the Tibetan people is one that CI teachers are exclusively prohibited from discussing. As demonstrated by the work of Students for a Free Tibet (SFT) and their belief that “every individual has the right to be free,”\textsuperscript{134} it is no surprise that an entire section of the SFT website is dedicated to CIs, titled “Protect Academic Freedom: Say No To Confucius Institutes.”\textsuperscript{135}

\textsuperscript{134} “Who We Are.”

\textsuperscript{135} “Protect Academic Freedom: Say No to Confucius Institutes.”
An image featured on the SFT website depicts an outlined human hand painted as the PRC flag attempting to veil text that says, “Protect Academic Freedom: Say No To Confucius Institutes” and provides a link to protectacademicfreedom.org.\textsuperscript{136}

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\includegraphics[width=\textwidth]{image.jpg}
\caption{Image depicting an outlined human hand painted as the PRC flag attempting to veil text that says, “Protect Academic Freedom: Say No To Confucius Institutes.”}
\end{figure}

Some of the most revealing information about why the movement opposes CIs is in a section titled “What is the threat of Confucius Institutes?” Here, the group claims that “Chinese government censorship and propaganda on topics such as Tibet, Taiwan and Tiananmen are reaching our students in high schools and universities all over the world.”\textsuperscript{137} As such, “Chinese government-backed Confucius Institutes are making an insidious attempt to restrict academic freedom by silencing debate on human rights and other sensitive issues, and whitewash its atrocious human rights records in Tibet and

\textsuperscript{136} Ibid.

\textsuperscript{137} Ibid.
In addition, a number of reputable news sources and scholars have also denounced the operation of CIs at institutions of higher learning.

In a print edition of The Economist on October 22, 2009, the editors claim in an article titled “A message from Confucius” that CIs are vessels of Chinese “soft power,” serve to fill the gap of foreign attraction to China due to the PRC’s political model and human rights abuses, and expose former CCP leader Li Changchun’s statement that CIs are “an important part of China's overseas propaganda set-up.” The editors write the following:

China’s decision to rely on Confucius as the standard-bearer of its soft-power projection is an admission that communism lacks pulling power. Long gone are the days when Chairman Mao was idolised by radicals (and even respected by some mainstream academics) on American university campuses. Mao vilified Confucius as a symbol of the backward conservatism of pre-communist China. Now the philosopher, who lived in the 6th century BC, has been recast as a promoter of peace and harmony….”

In a 2011 China Heritage Quarterly article titled “Confucius Institutes and Controlling Chinese Languages,” The Australian National University’s Michael Churchman, a PhD scholar in Chinese history, excoriates CIs as, essentially, CCP propaganda machines and vessels of linguistic manipulation to bolster PRC influence. Firstly, he illustrates precisely why CIs are vastly different creatures than other state-promoted entities by stating that while they are similar to other state-backed institutions,

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138 Ibid.


140 Ibid.
the requirement to be “founded within pre-existing international educational institutions” is a discomforting new concept, which leads to “a widely-held suspicion that these institutes are aimed less at fostering interest in China and Chinese culture itself, and more at ensuring that such interest is guided along lines approved of by the Chinese party-state.”

Churchman’s argument against CIs stems not from their educators’ proximity to, and inability to, answer challenging questions from inquisitive scholars, but from the language instruction itself. “It is naïve to believe that Confucius Institutes are politically disinterested teachers [sic] imparting Chinese culture and language. They exist for the express purpose of letting foreigners understand China on terms acceptable to official China.” Indeed, the mechanism by which these teachers convey these terms acceptable to Beijing is through Standard Chinese language learning. Ostensibly, promoting the learning of the Chinese language, the most important task of all CIs, is an innocuous task. However, the truth is that the language used by the PRC, Mandarin Chinese, is their own regulated, “simplified” creation, emblematic of cultural erasure of thousands of years of Chinese history and a repudiation of the traditional characters still utilized in Taiwan, Macao, Hong Kong, and other regions under CCP control. While some would argue that CIs offer a mere introduction to Chinese and “traditional” or “ancient” Chinese characters would not be included anyway, Churchman believes it is fundamentally counterintuitive to begin language instruction with only one official, PRC-approved language textbook.


142 Ibid.
The language taught within CI classrooms, known as Confucius Classrooms, is, according to the Tenth Principle of the CI Constitution and By-Laws, labeled as “Standard Chinese,” which is most commonly known as Chinese Mandarin or Putonghua (普通话).\textsuperscript{143} As Churchman describes, “This Tenth Principle is…explicit evidence for the exclusion of certain subjects from the teaching syllabus of Confucius Institutes.”\textsuperscript{144} Based on Churchman’s argument, the greatest task entrusted to CI educators leads to its greatest failure: the promotion of semi-literacy in Chinese. Not only is this a disservice to the students who wish to learn Chinese, but also the exclusive instruction of the PRC-mandated language, which is inherently manipulated and constricting, is a flagrant violation of academic integrity. As Churchman observes, “Chinese literacy restricted to simplified characters still only constitutes semi-literacy in Chinese.”\textsuperscript{145} Furthermore, he asserts:

Chinese languages are far more rich and diverse than the single version taught by Hanban…and tested in the HSK (Hanyu Shuiping Kaoshi 漢語水平考試 / 汉语水平考试). Non-Chinese speakers should have the chance to learn as many and varied versions of Chinese and Chinese languages as possible and not be limited by the restrictive language policy current in China.\textsuperscript{146}

Even though CIs are designed to simply introduce simplified Chinese, Churchman contends that the omission of traditional characters and the fact that Hanban must

\textsuperscript{143} “Constitution and By-Laws of the Confucius Institutes.”
\textsuperscript{144} “Confucius Institutes and Controlling Chinese Languages.”
\textsuperscript{145} Ibid.
\textsuperscript{146} Ibid.
approve of the characters being used in primary and secondary schools through Confucius Classrooms constitutes a violation of academic freedom. Notably, while numerous textbooks used around the world require the approval of a governmental entity before classroom instruction, it is striking that even a budding Sinologist would not be able to study non-Hanban-approved characters under the auspices of their CI teacher.

In addition to this analysis, on March 4, 2012, D.D. Guttenplan wrote an article in *The New York Times* titled “Critics Worry About Influence of Chinese Institutes on U.S. Campuses.” The most revealing evidence from this article is from June Teufel Dreyer, who teaches Chinese government and foreign policy at the University of Miami and demonstrates the suppression of free speech of CI educators. “‘You’re told not to discuss the Dalai Lama — or to invite the Dalai Lama to campus. Tibet, Taiwan, China’s military buildup, factional fights inside the Chinese leadership — these are all off limits.’”147 The implications for this message are twofold: academics would not be able to interact with CI educators to ask pressing questions about their home country, and young students in Confucius Classrooms would not be able to learn about the China that contradicts the one presented to them. While the latter scenario is less likely than the former, this caliber of classroom censorship is indicative of the greater issue of academic freedom playing second fiddle to state propaganda.

Some have even criticized CIs during congressional testimonies. On March 28, 2012, Steven W. Mosher, an American social scientist who specializes in human rights in

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China, testified to the U.S. Subcommittee on Oversight and Investigations under the House Committee on Foreign Affairs concerning CIs. His testimony, titled “Confucius Institutes: Trojan Horses with Chinese Characteristics,” presented that Chinese language teaching “leaves out a number of purposes both salient and sinister, namely, sanitizing China’s image abroad, enhancing its ‘soft power’ globally, and creating a new generation of China watchers who [are] well-disposed towards the Communist dictatorship.”

Mosher focuses on the fact that Hanban is directly connected with the United Front Work Department, which he says was designed to practice “subversion, cooption and control” of political parties outside of the CCP. This indicates that “one of the chief purposes of the Confucius Institutes are, namely, to subvert, coopt, and ultimately control Western academic discourse on matters pertaining to China.”

Mosher explores elements of CIs that have generated great controversy such as “allegations of Confucius Institutes undermining academic freedom at host universities, engaging in industrial and military espionage, monitoring the activities of Chinese students abroad, and attempting to advance the Chinese Party-State’s political agenda on such issues as the Dalai Lama and Tibet, Taiwan independence, the pro-democracy movement abroad, and dissent within China itself.” Mosher also devotes a portion of his testimony to address the recruitment of CI teachers, who are “carefully vetted for ideological purity before being assigned to indoctrinate young Americans in a ‘correct,’

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148 “Confucius Institutes: Trojan Horses with Chinese Characteristics.”
149 Ibid.
150 Ibid.
151 Ibid.
which is to say positive, understanding of the Chinese Party-State and its growing role in
the world.”\textsuperscript{152} Here, as stated previously, Hanban’s stipulations to become a CI educator
is again emblematic of an egregious violation of human rights. As Mosher describes,
“Such discrimination against Falun Gong and, presumable, others who have tried to
exercise their rights to freedom of conscience, assembly, speech, and association violates
anti-discrimination laws and international standards of human rights.”\textsuperscript{153}

He also incorporates into his testimony the perspective of Fabrice De Pierrebourg,
a French investigative journalist, and Michel Juneau-Katsuya, a former senior
intelligence officer and manager at the Canadian Security Intelligence Service. According
to both, “a number of individuals holding positions within the Confucius Institute system
have backgrounds in Chinese security agencies and the United Front Work Department.
Together, these agencies are responsible for a number of activities in foreign countries,
including propaganda, the monitoring and control of Chinese students abroad, the
recruiting of agents among the Overseas Chinese diaspora and sympathetic foreigners,
and long-term clandestine operations.”\textsuperscript{154}

To conclude his remarks, Mosher explains that some foreign governments have
responded to CIs differently than the U.S. As he describes, outside of the U.S. and
Canada, both India and Japan have also seen CIs appear at their universities. According
to domain-b.com, India’s first online business magazine, the Indian Ministry of External
Affairs opposed the establishment of CIs at Indian universities three years before this

\textsuperscript{152} Ibid.
\textsuperscript{153} Ibid.
\textsuperscript{154} Ibid.
testimony, arguing that the “Indian government suspects that this is a Chinese design to spread its ‘soft power’ - widening influence by using culture as a propagational tool.”155 Concerning Japan, Mosher states, “The Japanese government has serious reservations as well. It is telling that of 20 or so CIs that Hanban has been able to set up in Japan, all were at private colleges.”156 In his final statement to the Subcommittee, Mosher returns to U.S. interests and invokes the stark political, economic, and social differences between the U.S. and China as a reason to not allow entities like CIs to educate American youth. “Given that the Chinese Party-State does not share our democratic institutions, nor our commitment to open markets, nor our understanding of human rights, their purposes are antithetical to ours. Should we really be allowing a cruel, tyrannical and repressive regime to educate our young people?”157

One Canadian university decided that it could no longer allow this on its campus. On February 7, 2013, McMaster University terminated its CI agreement after an instance of discriminatory hiring.158 The impetus for this termination was because Sonia Zhao, a CI teacher at McMaster University and a Falun Gong practitioner, filed a human rights complaint against the university. Prior to becoming a CI teacher, she was required to sign


156 Ibid.

157 “Confucius Institutes: Trojan Horses with Chinese Characteristics.”

a statement promising not to practice Falun Gong.159 After her time at McMaster University, she made a complaint against the university to the Ontario Human Rights Tribunal based on the university condoning discriminatory hiring practices preventing her from practicing her religion. After McMaster University determined it did not want to be affiliated with discriminatory hiring, it ceased further operation with Hanban. This instance served as an example for other universities considering opening a CI. Referencing this incident, Terry Russell, the director of Asian studies at the University of Manitoba, who opposed opening a CI at his university, stated that CIs “have no particular interest in what we would consider critical enquiry or academic freedom.”160

Following this episode, one of the most critical analyses of CIs emerged on October 30, 2013, when anthropology professor Marshall Sahlins published a scathing rebuke of the CI at his University of Chicago in an article in The Nation titled “China U.” Beginning with an objective description much like other scholars and those critical of CIs, Sahlins defines a CI as “an academic unit that provides accredited instruction in Chinese language and culture and sponsors a variety of extracurricular activities, including art exhibitions, lectures, conferences, film screenings and celebrations of Chinese festivals.”161 Also like other scholars and those critical of CIs, however, Sahlins follows this description by criticizing Hanban as “an instrument of the party state

159 Ibid.


operating as an international pedagogical organization” and ridicules the clandestine procedures that surround CI contracts.\textsuperscript{162}

Sahlins is highly critical of the clause within the CI Constitution and By-Laws that stipulates that all CI activities “conform to the customs, laws and regulations of China as well as those of the host institution’s country.”\textsuperscript{163} Believing such a clause to be paradoxical, Sahlins questions how this would function at U.S. institutions of higher learning. “Hanban operates under Chinese laws that criminalize forms of political speech and systems of belief that are protected in the United States by the First Amendment, making it likely that…American universities would be complicit in discriminatory hiring or violations of freedom of speech.”\textsuperscript{164} Moreover, “because the constitution of the Confucius Institutes stipulates that it and its bylaws are ‘applicable to all Confucius Institutes,’ the officers of host universities must accept the Chinese control of academic work in their institutions and agree to keep this arrangement secret. Is this even legal?”\textsuperscript{165}

Much like Dreyer, Sahlins has a similar view and observes that several topics are off-limits for CI educators. This includes the “Tiananmen massacre, blacklisted authors, human rights, the jailing of dissidents, the democracy movement, currency manipulation, environmental pollution and the Uighur autonomy movement in Xinjiang.”\textsuperscript{166} In a plea for a upholding a higher standard of academic freedom, Sahlins urges CI host universities

\begin{itemize}
\item \textsuperscript{162} Ibid.
\item \textsuperscript{163} Ibid.
\item \textsuperscript{164} Ibid.
\item \textsuperscript{165} Ibid.
\item \textsuperscript{166} Ibid.
\end{itemize}
to reverse their course and stand for collective academic interests over pecuniary and individual benefit: “[By] hosting a Confucius Institute, [universities] have become engaged in the political and propaganda efforts of a foreign government in a way that contradicts the values of free inquiry and human welfare to which they are otherwise committed.”

Sahlins reinforces this article with his 2015 publication titled *Confucius Institutes: Academic Malware*. In this publication, he combines the arguments made in “China U.” with public media reports and communications with individuals who either have a role with CIs or those who have encountered CIs to demonstrate that CIs are not politically-uninterested, non-profit organizations, but instead catalysts for academic malpractice and violators of academic integrity.

Following these events and a growing number of criticism, two influential organizations that represent faculty members of institutions of higher learning in their respective states, the American Association of University Professors (AAUP) and the Canadian Association of University Teachers (CAUT), voiced concern over CIs. In the 2014 statement, titled “On Partnerships with Foreign Governments: The Case of Confucius Institutes,” the AAUP joins the CAUT in their 2013 statement and “[calls] on all universities currently hosting Confucius Institutes to cease doing so.” As the AAUP elaborates:

> Globalization has...meant that university administrators have welcomed involvement of foreign governments, corporations, foundations, and donors on campuses in North America. These relationships have often...

\[\text{\footnotesize 167} \text{ Ibid.}\]


been beneficial. But university administrations have entered into partnerships that sacrificed the integrity of the university and its academic staff. Exemplifying the latter are Confucius Institutes…[which] 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.¹⁷⁰

Acknowledging the existence of the British Council, Goethe-Institut, and L’Alliance Française along with their connections with imperialist pasts, ongoing geopolitical strategies, and “soft power” objectives, the AAUP and CAUT joined together in drawing the largest distinction between these entities and CIs. “None of them are located on a university or college campus. Instead, their connection to national political agendas and interests require that they be established where they can fulfill their mandates openly without threatening the independence and integrity of academic institutions in host countries.”¹⁷¹ Moreover, both representative bodies send a resounding, unified message to the PRC: “Allowing any third-party control of academic matters is inconsistent with principles of academic freedom, shared governance, and the institutional autonomy of colleges and universities.”¹⁷²

Finally, the AAUP offers three recommendations on precisely how CIs could be compatible with the mission of the academic institution. Stating that “universities

¹⁷⁰ Ibid.
¹⁷¹ Ibid.
¹⁷² Ibid.
[should] cease their involvement in Confucius Institutes unless the agreement between
the university and Hanban is renegotiated,"\textsuperscript{173} both organizations demand the following
concessions. Firstly, the university must have “unilateral control, consistent with
principles articulated in the AAUP’s Statement on Government of Colleges and
Universities, over all academic matters, including recruitment of teachers, determination
of curriculum, and choice of texts.”\textsuperscript{174} Secondly, the university must afford “Confucius
Institute teachers the same academic freedom rights, as defined in the 1940 Statement of
Principles on Academic Freedom and Tenure, that it affords all other faculty in the
university.”\textsuperscript{175} Lastly, “the university-Hanban agreement [must be] made available to all
members of the university community.”\textsuperscript{176} Clearly, the current terms of agreement
between universities and Hanban are not acceptable among those who are ultimately
entrusted with carrying out the academic mission of the institution.

National university faculty representation is not the only issue on which the U.S.
and Canada share concern over CIs. During his remarks at the University of Utah on
September 19, 2014, David Matas utilized horrific images of brutal repression and organ
harvesting of members of the Falun Gong to implore the University of Utah to “close its
Confucius Institute.”\textsuperscript{177} Matas bolstered this request by recounting the history of
McMaster University’s removal of its CI. Matas stated that, because the University of

\textsuperscript{173} Ibid.
\textsuperscript{174} Ibid.
\textsuperscript{175} Ibid.
\textsuperscript{176} Ibid.
\textsuperscript{177} “David Matas Combatting in Utah.”
Utah has an Equal Opportunity and Nondiscrimination Employment policy, if they investigate they will find that a “Confucius Institute functions in violation of the policy by discriminating in hiring against Falun Gong as McMaster University has done. The University should not maintain the Institute in violation of that policy.” Indeed, much like McMaster University harboring an institution that takes orders from the Chinese government, the University of Utah is complicit in discriminatory hiring. The same is true for all American universities that have a CI.

Seemingly heeding Matas’ advice, the end of 2014 included two American universities, the University of Chicago and Pennsylvania State University, that severed ties with their CI. After a petition circulated among faculty raised concerns that “in hosting the Chinese government-funded center for research and language teaching, Chicago was ceding control over faculty hiring, course content, and programming to Confucius Institute headquarters in Beijing,” the University of Chicago refused to negotiate another agreement with Hanban, effectively removing the CI from its campus on September 25, 2014. In the official statement from the University of Chicago, members of the academic community pledged their support to academic freedom over a partnership with the PRC. “The University of Chicago remains committed to supporting the strong connections and longstanding collaborations between University of Chicago faculty and students and Chinese scholars, students, and institutions. As always, the

178 Ibid.
University is guided by its core values and faculty leadership in all matters of academic importance. “

Pennsylvania State University became the second prominent instance of an American university removing its CI. Only one week after the announcement at the University of Chicago, Dean Susan Welch of the College of the Liberal Arts issued a statement (first reported by Inside Higher Ed) that “‘several of our goals are not consistent with those of the Office of Chinese Languages Council International, known as the Hanban, which provides support to Confucius Institutes throughout the world.’”

One area of concern was that the Penn State Asian Studies department “‘had more ambitious ideas for the ways CI funding could be used’” such as “‘research not only in the humanities or on Chinese culture, but also on science, politics, the environment, and a variety of other topics,’” which Hanban purportedly failed to accept. These concerns also extended to dissatisfaction over the use of Hanban pedagogical materials and propaganda-like nature of CI cultural programming.

Outside of the realm of academia, there also exists domestic concerns about CIs. On September 1, 2014, Peng Xiaohua published an article on the “Shared Knowledge Network” in which she criticizes CIs from a domestic perspective. In this article,

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181 “Chicago to Close Confucius Institute.”

182 Ibid.

183 Ibid.

184 Ibid.
translated on the European Association for Chinese Studies website, she writes, “When the government spends large sums of taxpayer money, gathered up by people saving on clothing and eating sparingly, on building up the image of the country and spread [Chinese] culture, build up soft power, if they fail, then so be it, but here they were spending large sums of money achieving the opposite result, a negative result, taking their ways of doing things at home with them abroad….”

She also criticizes the RPC for prioritizing Chinese language learning of native speakers rather than helping rural youth in access to an adequate education.

Criticisms and concerns over CIs also transcend ideological or political affiliation. In February 2015, the conservative think tank The Heritage Foundation published a report titled “China’s Public Opinion Warfare: How Our Culture Industry Learned to Stop Worrying and Love the PRC,” which lambasts CIs as Trojan Horses for PRC influence in American universities. The author, Mike Gonzalez, a Senior Fellow with the Heritage Foundation blames CIs for promoting propaganda through U.S. academia and writes, “Efforts to influence, if not corrupt, our culture-making industries and indoctrinate the American people in a favorable view of the PRC regime may pose a threat to our long-term national security.”

Rather than just focusing on how CIs at American universities are strongholds of industrial espionage, absent of informed debate, and

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186 Ibid.

designed to avoid transparency, Gonzalez believes that CIs are emblematic of a greater plot of Chinese propaganda in the West that also pervades the film industry.\textsuperscript{188}

In films such as \textit{The Mummy: Tomb of the Dragon Emperor}, the newly-adapted version of \textit{The Karate Kid, World War Z, and Red Dawn} before they can be screened in China — if they are even screened at all — they must be vetted by Chinese censors to ensure that the film reflects a positive view of China.\textsuperscript{189} Of course, much like universities in dire need of adequate funding after years of state cuts to higher education, film directors will abandon freedom of creative art in order to attract the enormous Chinese audience for financial gain. In other words, profit eclipses principle, which is the same reason market-driven universities jump at Chinese funding.\textsuperscript{190} It is no surprise that CIs emulate this broader behavior by the Chinese government. In a final word on CIs at American universities, Gonzalez states, “The evidence is ample that this association is questionable at best and may pose national security risks,” and “when universities do not stay true to their core mission of the free pursuit of facts, they indoctrinate rather than educate.”\textsuperscript{191}

Most recently, on April 26, 2017, Rachelle Peterson with the National Association of Scholars (NAS) called on “all universities [to] close their Confucius Institutes.”\textsuperscript{192} The

\begin{flushleft}
\textsuperscript{188} Ibid.
\textsuperscript{189} Ibid.
\textsuperscript{190} Ibid.
\textsuperscript{191} Ibid.
\end{flushleft}
NAS is perceived in higher education as a conservative-leaning organization. 193

According to Peterson, “Confucius Institutes permit an agency of a foreign government to have access to university courses, and on principle that is a university function. Institutions should have full control over who they hire, over what they teach, and Confucius Institutes basically act like class-in-a-box kits that come ready-made for universities to use.” 194 Citing numerous concerns outlined in this thesis in addition to anecdotal evidence from CI teachers, Peterson recommends to universities to either remove their CI or institute oversight provisions to protect academic integrity.

These provisions include the disclosure of all contracts and agreements between Hanban and the host institution, requirement of separate budgets between the host institution and CI, have universities select CI teachers, ensure legal disputes are handled in the host country rather than in China, require CI teacher orientation on matters related to academic freedom, and require a public lecture course about contemporary issues that are often neglected, such as the Tiananmen Square protests. 195 Furthermore, the report recommends that “state and federal legislative bodies exercise oversight.” 196 This includes a formal investigation of CIs by Congress to evaluate national security concerns and the potential of CIs to “monitor, intimidate, and harass Chinese students,” 197 hampering their ability to enjoy U.S. standards of academic freedom.


194 Ibid.


196 Ibid.

197 Ibid.
As these examples show, it is evident that criticism of CIs and their violations of academic freedom are not limited to one region of the world or to one ideological framework. Numerous scholars of various nationalities and backgrounds have identified that CIs jeopardize academic freedom and are clearly representative of Chinese propaganda.

CIs violate basic standards of academic freedom, a tenet of academia that should be protected as a human right. The previous sections show how CIs are integral to Chinese public diplomacy through analysis by a neutral observer, how the strict governance structure and regulations undermine individual autonomy of CIs, how CI executive leadership undermines their reputation, and the numerous criticisms from scholars of various nationalities, backgrounds, and ideological affiliations. Collectively, the evidence and concerns reveal that CIs are a threat to academic freedom. However, universities around the world are jumping at the opportunity to be the home to a CI and demonstrate their commitment to taking advantage of globalization and connection to the world’s second-largest economy and a rising superpower. This thesis argues that, in order to protect academic freedom, universities must terminate their agreements with Hanban or implement commonsense oversight provisions outlined in the AAUP statement: the university must maintain control over all academic matters, including choices of text and teacher selection, the CI must affirm the 1940 Statement of Principles on Academic Freedom and Tenure, and the university-Hanban agreement must be a public document accessible to all members of the academic community. Despite these logical requests, one primary instance of a place where a CI has found a welcoming home is Western Kentucky University.
CHAPTER SIX: THE WESTERN KENTUCKY UNIVERSITY CONFUCIUS INSTITUTE

Pan’s Labyrinth

Western Kentucky University (WKU) is a comprehensive, public university in the Commonwealth of Kentucky that harbors a diverse student, faculty, and staff population. The state’s third-largest university, WKU “encourages engaged research and public service in support of economic development, quality of life, and improvement of education at all levels. WKU faculty contribute to the identification and solution of key social, economic, scientific, health, and environmental problems.”198 WKU is also the home of Kentucky’s first Confucius Institute (CI).

Not to be confused with the U.S. Department of Defense-sponsored Chinese Language Flagship Program, the WKU CI was established in April 2010. Customary of the CI joint-venture structure, the WKU CI is partnered with North China Electric Power University (华北电力大学).199 The official WKU CI website describes its activities as being “aimed at disseminating the Chinese culture and language throughout the state of Kentucky.”200 In addition, the WKU CI “recruits Chinese teachers from China, and strategically places the Chinese teachers in K-12 institutions throughout the state, offering Chinese language and culture classes.”201 Moreover, the WKU CI “serves as a

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200 Ibid.
201 Ibid.
regional center for Chinese teacher training, and Chinese curriculum development at the K-12 level. The CI at WKU is a conduit for Chinese language and culture programming.”

The WKU CI website also boasts a description of Hanban as “[going] all out in meeting the demands of foreign Chinese learners and contributing to the development of multiculturalism and the building of a harmonious world.”

In a video titled “WKU CI Overview,” WKU president Gary Ransdell narrates the achievements of the WKU CI since its inception and how its presence at WKU has expanded to local communities across Kentucky. Ransdell recounts how after he visited the CI Headquarters in Beijing, he wanted students to experience China at WKU every time they walk through the library. During a cultural performance hosted by the WKU CI, Ransdell remarked, “Nothing represents WKU’s international reach more than our partnership with the Chinese Ministry of Education to host Kentucky’s first Confucius Institute on the campus of Western Kentucky University.” Following Ransdell was former secretary of labor Elaine Chao — a Taiwanese American. “America and China are part of an increasingly interconnected and diverse world. America is the world’s largest developed country and China is the world’s largest developing country, and this

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202 Ibid.

203 Ibid.


205 Ibid.

206 Elaine Chao is the current Secretary of Transportation under President Donald Trump.
relationship is among the most important bilateral relationships in the world. And our contact and interactions with one another will only accelerate in the years to come.”

The video tells the emotional stories of CI teachers leaving their families in China behind to help young Kentuckians learn Mandarin Chinese through Confucius Classrooms, the opportunities the CI affords young students to travel to China, and a RV-turned-Chinese mobile unit to take “The Chinese Cultural Experience” across Kentucky. The WKU CI also introduces to students who grew up in rural, predominately white communities a culture vastly different from their own. One student from Barren County High School, because of the influence of the WKU CI, remarked about CI programming, “I hope that one day when I have children I will be able to teach them to be open to other cultures and not to stay in just one culture.” The video also announces that the WKU CI was “honored with the 2013 CI of the Year Award at the eighth annual global CI conference in Beijing.” Moreover, Xu Lin, who is featured in the video, praised Ransdell and called WKU, due to its commitment to expanding its CI, a “very good university.” She received an honorary degree from WKU in 2011.

Yet, despite the grandiose language and celebration of U.S.-China unity through a comprehensive university in Kentucky, the video does not include the intense scrutiny by members of the campus community concerning the WKU CI’s lack of transparency,

207 Ibid.
208 Ibid.
209 Ibid.
210 Ibid.
211 Ibid.
unethical practices, and influence over university policy. Indeed, in many ways, the WKU CI is a labyrinthian puzzle, and each controversy surrounding the WKU CI jeopardizes WKU’s commitment to higher learning as a “leading American university” committed to academic freedom.

In 2010, Hanban News announced that the person of contact for the WKU CI would be Pan Weiping (潘伟平)\(^{212}\), a position he still holds as of the spring 2017 semester. The governance of the WKU CI consists of Dr. Pan Weiping, Assistant to the President & Sumpter Emeritus Professor of Chemistry for the Institute for Combustion Science and Environmental Technology (ICSET), Terrill Martin, the WKU CI Managing Director and Operations Manager for the ICSET, and Guan Chunmei, WKU CI Associate Director of Educational Outreach. Notably, Pan and Martin work for both the WKU CI and ICSET, an inherent conflict of interest. The union between these two sectors of WKU will eventually result in an unprecedented fifty-year partnership between WKU and the Chinese government.

Concerns about the WKU CI by members of the campus community are often dismissed by WKU CI officials and administrators since it is not directly involved in academic research, but, instead, only involved with teaching K-12 students a basic introduction to Chinese. As stated in the BBC article, “Western defenders of Confucius Institutes argue that they are primarily language training centres, so there is little room

for Beijing to use them to brainwash foreign students.” It is telling the WKU President Gary Ransdell remarked to the *College Heights Herald*, the WKU student newspaper, that the WKU CI is solely a language-training center by stating that CI teachers are “not directly involved in the curriculum.” As reported by the *College Heights Herald*, “Ransdell said he doesn't expect the...program to generate similar controversy as at University of Chicago and University of Pennsylvania State. Both schools terminated their Confucius Institutes within the last year due to faculty restrictions on curriculum.” While these comments are likely directed to university students using CI educators as resources to conduct research on East Asia, they also make the false assumption that language instruction with Chinese-mandated textbooks is somehow divorced from curriculum.

In American higher education, public universities face almost-perennial budget reductions and lack of commitment from lawmakers to postsecondary opportunities, and Kentucky is no exception. In this environment, American universities tend to jump at funding, regardless of if the strings attached are connected to an authoritarian regime with very little respect for academic freedom. According to Marshall Sahlins in *The Nation*:

> Another reason Hanban is willing to accommodate some American universities is that their interests are different in scale and character. As an instrument of the Chinese government, Hanban wants to spread the influence of the Chinese state worldwide, particularly in strategically consequential regions, and above all in the United States. The apparent loss Hanban suffers by making a concession may be a long-term gain for a

213 “Confucius institute: The hard side of China's soft power.”


215 Ibid.
global program. By contrast, American universities are concerned only with their parochial welfare as academic institutions. They are thus inclined to ignore or dismiss the unsavory political aspects of Confucius Institutes—which is to say, the larger implications of their own participation—so long as they get a good deal. Then again, given these private interests, American universities have other good reasons for refraining from objecting to the CI program. Directly or indirectly, but ever-increasingly, American institutions of higher learning are heavily dependent on Chinese money.216

In this case, WKU is a prime example of an institution willing to forfeit academic freedom and institutional integrity for funding. As Ransdell stated to the *Bowling Green Daily News* on September 10, 2016, “‘There’s nothing that we know of with the Chinese education ministry and Hanban that suggests any scaling back of their commitment,’ he said. ‘So as long as they're willing to fund us, we’re willing to provide these services.’”217 If the Kentucky state government continues to reduce funding to institutions of higher learning and prioritizing workforce development over a liberal arts education, will the eventual outcome be that undergraduate teaching authority be delegated to outside groups with the money for such endeavors? It is possible that instruction concerning topics in Asia and China will be delegated to CI teachers, which should alarm any supporter of academic freedom.

In this same article by the *Bowling Green Daily News*, Aaron Mudd reported that reputable universities like the University of Chicago and Pennsylvania State University have removed their CIs due to concerns over their violation of academic freedom. In

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216 “China U.”

response, Ransdell said, “the problem at those two universities was that the Confucius Institute became too involved in curriculum. That hasn’t been a problem for WKU.”

Concerning Hanban interference with academic programming, “The issue on a very few campuses has been shaped by an over-engagement of the CI in the curriculum and that – in my opinion – is a mistake. You don’t want another government involved in your curriculum. You don’t want it to be an academic program.”

Admitting that involvement by a foreign government to stifle debate and influence American academia is a programmatic overreach, it stands to reason that the WKU CI has no influence on university curriculum. However, according to Dr. Jeffrey Samuels, WKU professor of Asian religions and cultures, CIs inherently jeopardize the university’s academic mission.

Samuels recalls his attempt to bring a Tibetan monk to WKU to showcase Tibetan dance as religious practice, but the CI could not support such a blatant disrespect of their interpretation of Chinese traditions. Furthermore, Samuels believes that the WKU CI “could be fraught with conflicting values between the institution and the Chinese government. Whereas American universities hold academic freedom as sacrosanct, the Chinese government doesn’t.”

This instance shows that despite the preference of an East Asian studies professor to demonstrate to students genuine Tibetan culture, the WKU CI did not believe in or endorse this interpretation of “real” China. Instead, they objected to this request and halted it in its tracks, showing that the Chinese government

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218 Ibid.
219 Ibid.
220 Ibid.
221 Ibid.
has the power to control the conversation on China at WKU and that they clearly exercise it. Regardless, these violations of academic freedom are guaranteed to exist at WKU for the next fifty years.

The Fifty-Year Deal

On January 23, 2015, WKU President Gary Ransdell introduced to the university Board of Regents a proposition to approve the “Confucius Institute Design/Build Project.” This project essentially combined awarded funds by Hanban and designated funds through the university to create a building on WKU’s Bowling Green campus that would be used mainly for CI teachers. Ransdell sold this to the Board as an award from Hanban after being in “heated competition with the other 99 CIs across America to get one of these buildings.” He specified that Hanban would commit $1.5 million in constructing this building and the university would need to match that amount. His recommendation was to use $700,000.00 in in-kind donations and $800,000.00 from reserve funding from ICSET, a coal chemistry lab that has no relation to Chinese language instruction. It is, however, the sector of campus that employs both Dr. Pan Weiping and Terrill Martin.

In describing the building, Ransdell indicated that there would be “two classrooms, two kind of flex spaces, four offices, a copy center, five offices, excuse me, one on the first floor and four on the second floor, and a modest little kitchen, where I


\[\text{\^{223} Ibid.}\]
assume our Chinese teachers will most likely cook stuff.”\textsuperscript{224} Coupled with this anodyne description of the building, the president also insisted that academic freedom remains a top priority of WKU: “We try to keep some distance with our Confucius Institute and direct engagement of our curriculum because we do not want to do anything that would involve our Chinese friends in anything related to academic freedom or anything of that nature.”\textsuperscript{225}

Opening the floor for discussion, Regent Phillip Bale remarked that having such a building would, perhaps, increase enrollment by Chinese students, who comprise WKU’s third-largest international group.\textsuperscript{226} Regent Gillard Johnson questioned if there would be a contract or agreement, signifying that the Board was not aware of any type of contractual obligation. The faculty regent, Barbara Burch, harboring many concerns about such a building, expressed that such a building was not necessary and argued that she “really struggle[d] with the Chinese Teacher Training Institute that is not connected to our academics. They are not in the teacher training business.”\textsuperscript{227} Another regent, John Ridley, indicating caution with a university, financial partnership with a foreign government, remarked, “What if politically, geopolitically something took place with the Chinese government and the relationships with the United States?”\textsuperscript{228} After assuaging

\textsuperscript{224} Ibid.
\textsuperscript{225} Ibid.
\textsuperscript{226} Ibid.
\textsuperscript{227} Ibid.
\textsuperscript{228} Ibid.
Ridley’s concerns by saying WKU will keep the building if Hanban withdraws from the deal, Ransdell pivoted to say:

There is one caution. I want to be careful to keep this a program and not part of our actual curriculum because I don’t think we want to be involved with the Chinese government in matters that relate to our curriculum per say. Institutions have gotten crossways with their faculty in that regard and I don’t ever want our Chinese relations to be an issue with anything that we relate to academic freedom or anything of that nature. I tell our students, and our faculty, every chance I get: you don’t have to condone a country’s politics to understand its culture and embrace its people and understand the value of trade. Those three things that our CI is mostly about [sic]: understanding culture, language, and trade. Let other people deal with the politics and governmental policies.229

While this statement seems to support separation of university curriculum and PRC policies, CIs are intrinsically tied to the Chinese government’s views of culture, which includes overlooking numerous human rights abuses and no protection of academic freedom. While in the realm of international relations it is necessary for governments with conflicting views to cooperate, CIs enable the Chinese government to control the conversation on the PRC at an institution of higher learning, the very antithesis of academic freedom. After the final vote of nine in favor, one against (Faculty Regent Burch), and one abstention, the WKU Board of Regents approved the partnership. A few months later, members of the campus community became privy to the stipulations outlined in the contract when it became available because of an open records request. As it turns out, Ransdell failed to mention some of the contract’s key provisions, most notably its non-disclosure clause and its duration of fifty years.

229 Ibid.
The CI contract, dated December 18, 2014, explicitly states the following: according to Article 35, “Both parties shall treat this as a confidential file,” implying that any third party should be excluded from viewings its provisions and, according to Article 21, “the Dedicated Site…shall be subject to the free and exclusive use of the Model Confucius Institute for 50 years…and that during this period the University shall not change the functions of the Dedicated Site.” This and other provisions of the contract make it clear that this new building was not only intended to house the WKU CI, but it was also designed exclusively as a Chinese government foothold on a college campus.

As the WKU student body president and student regent at the time that the contract provisions became public (but not when the Board approved the contract231), many people shared their concerns with me about what this meant for the university in the long-term. After I raised concerns in the local press about the contents of the contract and how it would affect WKU, I was contacted by Padma Dolma, the Europe and Campaigns Director for Students for a Free Tibet. Dolma stated:

I can see…that you have exactly the same concerns regarding their contracts and secret decision-making as us…We have successfully helped to cancel two Confucius Institute deals, last year in Toronto and this year Stuttgart, Germany… [and] I will be able to also share the in-depth research that we have undertaken over the past 12 months regarding the Confucius Institutes as we have been in touch with academic staff, students worldwide who are concerned about the threat that CIs pose to academic freedom.232


231 I was sworn in as student regent on September 25, 2015.

232 Padma Dolma, e-mail message to author, September 17, 2015.
I was also contacted by Joel Chip, a Canadian who worked to stop the CI at the Toronto District School Board. He explained to me that he felt “it of utmost importance to stop CI from entering WKU.” In the email, he explained that the “chair of the TDSB brought the CI in and discreetly signed the contract to have CI open in Sept 2015. When we brought attention of the controversies surrounding CI to all the board trustees they voted unanimously to cancel it. They were furious how the chair did not bring these issues to light.”

He lambasted CIs as “a political tool by the regime under the disguise of a ‘cultural and language program,’” an entity that “censors information and disseminates communist propaganda in their textbooks and learning materials that are used by students,” and a mechanism by which the PRC can “censor academic freedoms to protect the image of the communist party.”

He also included an explanation of why McMaster University terminated their CI. According to Chip, the university was taken to the Human Rights Tribunal of Ontario because CI discriminated in their hiring practices against one of their teachers who came from China. The teacher practiced Falun Gong, the spiritual faith that is being unjustly persecuted by the Chinese regime. Lawyers found that the teacher was forced to sign a contract in China stating that she would not practice any religion including Falun Gong while overseas. However, the signing of the contract and discrimination in China did not make a difference because CI was operating under the umbrella of McMaster, so McMaster had to take responsibility for the discrimination.

233 Joel Chip, e-mail message to author, September 16, 2015.
234 Ibid.
235 Ibid.
236 Ibid.
Although such discrimination violated the university’s anti-discrimination policies, McMaster was held accountable for this discriminatory behavior, thus resulting in the university removing its CI. Chip concluded his email by stating, “Regardless of how much money is involved WKU has the responsibility to uphold democracy and academic freedom,” and encouraged me not to be “blind to the fact that nothing is free and that the Chinese communist regime has massive ulterior motives for setting up CI on your campus and giving you money.”

The response within the WKU community was no less critical. In an opinion editorial on September 14, 2015, titled “SGA tables resolution that asks Ransdell to revisit $1.5 million Hanban contract,” the College Heights Herald depicts the Board meeting at which Ransdell introduced the CI building, calling it the “Confusion Institute”

\[237\] Ibid.

and portraying an anonymous regent stating they would approve it because “it’s all Chinese” to them.  

Moreover, their stance is made explicit: “The approval to sign this contract by the Board of Regents without receiving a copy of it seems ill-considered and premature.”

After recounting the discussion during the January board meeting, the student newspaper closes with “Through this contract with Hanban, Ransdell is giving a foreign agency a means to control part of the university’s functions. Granting an outside force the ability to make decisions at the university level, even if only for one building, seems risky and irresponsible.”

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239 Ibid.
240 Ibid.
241 Ibid.
With growing concerns about the implications of the Chinese government being present on a university campus for fifty years, members of the campus community requested the Board of Regents reconsider approval of the contract. On August 17, 2015, the Senate Executive Committee (SEC), the executive arm of the University Senate, the governing body for all faculty members at WKU, unanimously approved a motion to submit the following statement for a vote at the next University Senate meeting on August 27:

The WKU Senate Executive Committee strongly believes that the Confucius Institute building contract signed by President Gary Ransdell is not in the best interest of Western Kentucky University. For that reason, the WKU Senate Executive Committee asks that Faculty Regent Barbara Burch suggest to President Ransdell, and to the Board of Regents if needed, that the contract be revisited and no contractual obligations be undertaken until that time.242

On August 27, 2015, the University Senate voted unanimously in favor of the motion.

One month later on September 22, 2015, the WKU Student Government Association (SGA) passed Resolution 2-15-F, a “Resolution to Disapprove of the Procedure by which the Model Confucius Institute at Western Kentucky University was Effectuated.”243

Ultimately, the Board of Regents, even with unanimous encouragement from leaders in the university community to reconsider the contract in light of the new evidence presented to them, declined to revisit the contract due to the failure of Board executive leadership to bring the matter forward for discussion. In the end, the building


was constructed as planned. It even includes a “Chinese Friendship Garden” situated between the new building and the recently-constructed Honors College and International Center, which was built only months prior. Located on Normal Drive, the WKU CI building now stands adjacent to Jody Richards Hall, the center for free speech studies and journalism at WKU, where it will remain for fifty years.

A Series of Unfortunate Events

Only two months after the controversy over the CI building, the University Senate set their sights on the university’s responsibility to protect intellectual property. This shift in focus came after two professors became victims of “state-sponsored espionage” while on a WKU CI-sponsored trip in China. The events that follow are anecdotal stories from two professors who have no connection with the CI, but whose intellectual property was stolen.

In a College Heights Herald article titled “Gone in a Flash,” Andrew Henderson recounts the puzzling events that occurred throughout August 2015. “Martha Day, SKyTeach education codirector, GSKyTeach executive director and associate professor of science education, and Lynn Hines, professional in residence at the School of Teacher Education, traveled to China from Aug. 3-7, 2015, to conduct teacher training.”


245 Ibid.
was both professors’ third time traveling to China for this same reason (albeit it was to train college educators and not K-12 teachers), meaning that they were not naïve tourists who were unprepared for the journey.246

While in China, Day had a flash drive stolen, on which she had stored “projects related to the Confucius Institute, lesson plans she had taught to Hanban teachers, evaluation documents related to Hanban teachers, [and] information pertaining to her students and training materials.”247 At 4:17 AM Central Standard Time, Pan Weiping received an email from Day stating her flash drive had been compromised: “Day stated her flash drive was taken out of her classroom by one of the Hanban personnel. Day said this person claimed Day had given her permission, but Day said that was not the case. She said when the drive was returned to her, it was loaded with files that were corrupt.”248

Clearly concerned about her intellectual property, Day immediately reached out to Paul Mooney, the WKU Compliance Manager, whose job is to provide guidance and support to faculty, staff, and students engaging in research at WKU. In an email response to Day, Mooney said “‘Try to keep this on the Down Low, and delete these emails to me. I will let you know that if you put up any more of a fuss while there you will be questioned more…Try to keep the flash drive on you but do not fight for it. If your equipment is corrupt you can get it cleaned I promise. Just be careful.’”249 The article

246 Ibid.
247 Ibid.
248 Ibid.
249 Ibid.
delves into all communication between WKU CI officials and members of the administration, including Ransdell. “Martin drafted a memorandum to Ransdell on Aug. 14, 2015, that was also sent to Pan, Evans, Yu, Mooney and Deborah Wilkins, general counsel for the university. The memorandum covers various aspects of planning that went into the trip, events that transpired, Day and Hines’ budget for their training, two appendices and a letter from CTI.”

According to the IT Coordinator at North China Electric Power University (NCEPU), whose name is not listed in the article, they “encountered Day in a classroom while she was attempting to use her flash drive to open a document on a computer. Day was unable to open the document,” and they had told Day that her flash drive had, in fact, been infected by a virus. After a series of steps, the IT Coordinator said they had managed to remove the virus and salvage all original files, “but fake files remained.”

Although these statements indicate a willingness of Chinese academic officials to help Day, she repudiates this narrative entirely. Instead, Day believes this narrative “holds no merit and is false. She said her flash drive was taken out of the room while she was distracted, and when it was returned, it contained malware. She also said her flash drive still contains the malware.”

250 Ibid.
251 Ibid.
252 Ibid.
253 Ibid.
When asked about these events, Terrill Martin indicated that he “does not believe there was malice on either side and said this was just a misunderstanding.” He stated, “CTI only conducted and organized the teacher training. It was an NCEPU IT employee who was actually involved with the flash drive, Martin said; CTI never took the flash drive.” After her return to the U.S., Day had given her flash drive to the FBI. According to a copy of the FBI report some weeks later, it was clear that the flash drive had been infected with a Backdoor:Win32/Bifrose.IZ Trojan virus “that allows unauthorized access and control of an affected computer.” Finally, according to Brent Haselhoff, WKU Manager of Enterprise Security and Identity Management, he stated, “because every computer on the internet is technically connected to every other computer on the internet, it was a possible [sic] for one computer on the university’s network to infect another computer,” indicating the potential for such a virus to infect the entire WKU shared drive.

This was not the end of either professors’ troubles. Besides the stolen intellectual property, after their return to the U.S. both professors discovered something very troubling about their trip: the WKU CI had lied to them about who provided the training. “Day and Hines were told the Hanban/Confucius Institute would be hosting the teacher training when in fact they were not.” Instead, “they later discovered they were working

254 Ibid.
255 Ibid.
256 Ibid.
257 Ibid.
258 Ibid.
for a for-profit company called Chinese Testing International, which publishes teaching materials in China. “259 According to the Chinese Testing International (CTI) website, it is “an independent legal entity that specializes in Chinese language testing services.”260

Both Day and Hines had indicated multiple times that they were under the impression they were working for the CI: “Day said all documents, emails and correspondence sent to her and Hines by the WKU Confucius Institute stated that they were conducting training for Hanban. Day said she and Hines went through all the correspondence the two received and never found a reference to CTI.”261 In fact, in an email, Martin had told Day and Hines they “had been selected to teach Hanban teachers due to training both had completed previously.”262 Additionally, Martin said “from Hanban’s perspective, it’s likely they thought nothing of having another entity affiliated with them perform the training and that it might not have been a big deal on their part.”263

When Pan was asked about the CTI’s explanation on these events and the misunderstanding, he said “‘I wasn’t there, do not know what conversations where [sic], and have no perspective on the intentions of the others in attendance.’”264 Martin gave the same reply. Ultimately, both professors indicated that had they have known that CTI

259 Ibid.


261 “Confusion over Confucius training results in possible intellectual property theft.”

262 Ibid.

263 Ibid.

264 Ibid.
were involved and Hanban was not presenting all information about the teacher training to them accurately, their decision to go would have been drastically different.265

On November 19, 2015, the University Senate, prompted by these events and what had happened to their colleagues, discussed enhancing the protections for intellectual property relating to international travel. At this meeting, Day presented her version of this incident. “‘This is a serious matter,’ Day said at the November senate meeting. ‘I had four years of my scholarly work stolen from me and a virus installed on my flash drive.’”266 Day also stated that she had a formal grievance in process. Although grievances almost always flow through the academic hierarchy of department head, dean, and provost, because this dealt with the WKU CI, the president of the university would have to be involved. As the College Heights Herald explains, “While grievances typically go through the Division of Academic Affairs, any grievance filed against an administrator within the Confucius Institute would be taken to Ransdell since the Confucius Institute reports directly to him.”267

The University Senate meeting minutes for November 19, 2015, summarize the entire series of events succinctly:

Martha Day said the issues have not yet been addressed by the administration of the university. Flash drives were taken without permission and a virus was installed on the flash drive. The Confucius Institute misrepresented themselves and were told they would be working for Hanban; but they were actually working for a profit agency called CTI. Chair Hudepohl clarified that CTI is an arm of Hanban; this was all revealed after the fact. They did not work with or hear the acronym CTI

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265 Ibid.
266 Ibid.
267 Ibid.
until after the fact. CTI publishes academic materials all over China. Hudepohl stated that she understands self-censorship and the reluctance to talk about the Confucius Institute. She thanked Dr. Day for bringing it to senate’s attention. Dr. Day then thanked the committees for their work.268

After this meeting, while additional measures were implemented and forums were held concerning protecting one’s intellectual property when studying abroad, the WKU CI, once again, got a free pass. Neither punitive action nor public acknowledgement of wrongdoing by the CI occurred. Instead, the university president defended the CI throughout this process. The final few lines in the College Heights Herald show clearly the special relationship between Ransdell and the WKU CI:

When all is said and done, neither Ransdell, Pan nor Martin believes this incident damages the university’s relationship with the Confucius Institute. Martin said it’s important to keep things in perspective; 300 individuals have gone to China through WKU, and this has been the first significant issue to come up. Pan echoed the same sentiments almost verbatim but at a different time. Ransdell said this incident could have happened anywhere — France, Spain, Germany or Ecuador — and rattled off a few countries. “I hate that this happened to two distinguished members of our faculty, but I don’t see it having any bearing on our WKU Confucius Institute,” he said.269

Even after members of the university community voiced concerns about the Chinese government’s permanent residency at WKU, misleading professors, and jeopardizing intellectual property, it was still not enough to make any CI official or


269 “Confusion over Confucius training results in possible intellectual property theft.”
university administrator publicly question that the WKU-Hanban relationship remained in the best interests of the university.

“Mischief Mongers”

Far from acknowledging mistakes or wrongdoing, the Western Kentucky University 2015 Confucius Institute Annual Report provides a summary of the successes of the Confucius Institute during its time at WKU. Topics range from its arrangement of performance tours, community outreach, and innovative marketing strategies.²⁷⁰ Standing in stark contrast to the hopeful tone of this report, however, is one section about CI leadership and its communication with members of the academic community. On these two pages, a large quotation about CI leadership asserts, “Each position is critical to the success of the program, but it is the experience of the CI at WKU that ensures there is cohesion between the leadership.”²⁷¹

Near this quotation in smaller font, the report describes how CIs are to effectively communicate with members of the campus community. It acknowledges a difference between American and Chinese leadership styles: “Chinese operations have clear lines of control…where title and defined lines of leadership are clearly defined. The Director

²⁷¹ Ibid.
makes all the decisions, whereas, in the U.S. there is a more leadership mentality [sic], where everyone has a voice, and relies a bit more on group consensus.”\(^{272}\)

The report then shifts from acknowledging the differences between U.S. and Chinese decision-making styles and pivots to how the CI should deal with negative publicity spread by those who are ignorant to the true purpose of CIs:

Negative publicity can be viewed as the adverse publicity that an organization may incur due to a particular reason, which may lead to potentially disastrous consequences. Some of the causes are disillusions of individuals, angry constituents, misleading interpretations of blogs/forums, posts/interviews, or mischief mongers spreading unsubstantiated rumors. The effects, whether the allegations are true or unsubstantiated is irrelevant, as these allegations become damaging to the reputation of an organization as a whole.\(^{273}\)

Neither “potentially disastrous consequences” nor “mischief mongers” are clearly defined, but both imply pejorative labels for those who critique or question the mission of the WKU CI. Immediately following this quotation, the report acknowledges that misperceptions may exist among faculty and staff.

One of the main issues that exist with faculty and staff is the lack of education and explanation of what a Confucius Institute is, its mission, and purpose. As with any new program, collaborating with another country, all communication is directed from the top down. It is up to the President/Chancellor of the University to set the vision, purpose, and tone for the campus at-large. One of the tones that must be established is that the CI program is not an “Academic Unit,” and does not set curriculum, recruit students, or hire faculty.\(^{274}\)

\(^{272}\) Ibid.

\(^{273}\) Ibid.

\(^{274}\) Ibid.
For those who may express concern over the CI muddying the view of China for those largely unaware about Chinese history or human rights abuses pervasive in the PRC, the report highlights that, “The CI program is only a feeder program into these Chinese/Asian studies programs on campus.”\textsuperscript{275} The report also makes clear that “Everyone is not going to buy into the programs’ mission, and will continue to look at the program as Chinese propaganda, a take-over, or soft power.”\textsuperscript{276} Because of these assessments of CIs, the report offers a solution: “If these issues go unaddressed by both the University and the CI, they will continue to fester, grow, and these thoughts and ideas will begin influencing more faculty/staff across campus. These issues must be addressed quickly and concisely.”\textsuperscript{277} While there is no mention of how to “address” these issues, the WKU CI emphasizes that it encourages “a spirit of openness, honesty, and transparency” in order for claims by critics to become “unsupported allegations, and their real motives will be exposed.”\textsuperscript{278}

Finally, the report issues a warning to those who may hear negative reports about CIs. “Investigative reports are running loose trying to get their story of the Confucius Institute, thus, a lot of the Universities [sic] are receiving pressure to interview, and discuss with journalists about some of these negative comments or actions.”\textsuperscript{279} For any CI teacher that may be questioned about CIs, the report offers a warning: “[One] must be

\textsuperscript{275} Ibid.
\textsuperscript{276} Ibid.
\textsuperscript{277} Ibid.
\textsuperscript{278} Ibid.
\textsuperscript{279} Ibid.
strategic about what is said, how it is said, and ensure that what is being presented is exactly what the CI wants shared.”

Based on this report, it is evident that the WKU CI is identical to all other CIs that have been criticized by those who value academic freedom. Although the WKU CI has neither been removed nor made international headlines, the criticisms and concerns that are pervasive around the world are just as applicable in western Kentucky. By harboring a CI, WKU is complicit in discriminatory hiring, a direct violation of federal law, willingly aiding an undemocratic, authoritarian state’s public diplomacy efforts, and sacrificing academic freedom for funding and recognition from the Chinese state. While some argue that the WKU CI is not involved in curriculum or student research, these concerns combined with the unprecedented nature of the fifty-year agreement raises larger, serious questions about allowing the Chinese government to exercise soft power, embraced with open arms, at an institution of higher learning that claims to value academic freedom.

\(^{280}\) Ibid.
CHAPTER SEVEN: CONCLUSION

The People’s Republic of China (PRC) is one of the world’s leading human rights abusers. For individuals to explore, research, and analyze any topic without prohibitions or repercussions, academic freedom must be a human right worthy of international protection. As agents of the Chinese state, Confucius Institutes represent a stark departure from the commitment to and respect for the Anglo-American conception of academic freedom. The implications of promoting the public diplomacy of the PRC at universities and enabling PRC propaganda to infiltrate academia cannot be understated. From the rigid, multitiered hierarchy to violations of basic standards of academic integrity, it is evident that universities lose their credibility as institutions of higher learning that value
academic freedom by promoting the expansion and influence of CIs. Finally, a university that condones the presence of a CI on its campus signifies to the global community that the influence of — and money from — the PRC eclipse academic freedom. The examples used in this thesis make this abundantly clear.

Due to its omnipresent human rights abuses, China should not be able to so easily sell itself to global institutions of higher learning until it commits to liberal democratic reforms to expand human rights. To truly defend academic freedom as a human right, universities must terminate their agreements with Hanban or, at the very least, implement the commonsense oversight provisions outlined by the AAUP. These provisions require the university to maintain control over all academic matters, including choices of text and teacher selection, require CIs to affirm the 1940 Statement of Principles on Academic Freedom and Tenure, and demand the university-Hanban agreement to be a public document accessible to all members of the academic community. However, if American state governments do not commit to adequately funding higher education, it is likely that cash-strapped universities will continue to accept Chinese money, raising the question that the Chinese government may one day administer East Asian Studies departments in liberal democracies.

Based on this research, it is evident that academic freedom is a human right worthy of international protection. As such, it must never be forfeited, especially when a foreign government seeks to promote its interests abroad through “soft power.”
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