

Repressive Tolerance Revamped? The Illiberal Embrace of Academic Freedom

Andrew Ross

Abstract

The offshore boom in campus branches has produced enough evidence to make an initial assessment of how well academic freedoms are being observed in the illiberal locations—East Asia and the Gulf states—that are now hosting anglophone universities. Reviewing the history of AAUP policy making on the topic, and the circumstances under which a “gold rush” developed, the article analyzes the crackdown on speech in China, and focuses on the case study of New York University Abu Dhabi, where a vigorous debate about freedoms and labor standards was followed by a series of conflicts with state authorities, resulting in violations of AAUP principles. Though it may be too early to offer conclusive arguments, the record of the liberal arts in illiberal places so far suggests that Herbert Marcuse’s “repressive tolerance” may be cropping up in new versions.

Investors with an eye on the “college marketplace” had reason to rejoice when the post-2008 global recession largely spared higher education. Of course, public funding of education in the United States took a big hit, and never recovered, but overall growth, especially in student recruitment from overseas, continued apace. While the relentless rise in aggregate student debt levels suggested that homegrown demand for seats was still there, it also signaled that the domestic student supply, more and more constrained by debt burdens, might not be assured for too long. Administrators began to depend more and more on revenue from

international students to make up for the withdrawal of public financing. But state constraints on international mobility after September 11 had made it more difficult to bring recruits to the United States. Inevitably, they turned to the “emerging market” of overseas branches to solve the problem of revenue gaps.

In response, some commentators offered bullish estimates for the decade to come. In 2009, John Hudzick, president of NAFSA: Association of International Educators, buoyantly predicted that, by 2020, “global higher education demand for seats will double to 200 million. . . . We’re at about 110 or 115 right now.”¹ What fiscal manager would not be seduced by the prospect of a market with a short-term potential of 80 percent growth? To some degree, Hudzick’s projection was tied to further World Trade Organization (WTO) liberalization of the global trade in services. Faculty associations in many countries had been pushing back, with some success, against the inclusion of higher education under the free trade aegis of the WTO’s General Agreement on Trade and Services (GATS). Education, they insisted, was a public good and not a global service industry, and developing countries especially had the right to build up their national education systems in the absence of foreign penetration of this vital sector. Yet administrators looking for overseas “solutions” to the fiscal crunch had every reason to believe that the evolution of the global trade regime—GATS was conceived, and is administered, as an engine of “progressive liberalization”—was shifting the legal landscape in their favor. The near future, in other words, would see an easier entry path for Western institutions into countries, like India, which were striving to uphold the national interest by protecting and regulating their public education systems from outside competition and influence. Even if the legal obstacles to free trade in education services did not dissolve, ways would still be found to capture the spending power of rising middle classes in Asia and the Middle East. After all, corporations did not wait for the WTO to conclude its ministerial rounds before moving offshore.

University administrators, already under pressure to go offshore, were reluctant to miss out on the boom heralded by Hudzick and others. In the fast-liberalizing world of anglophone academe, college after college struck deals to set up shop in these emerging markets—primarily in Asia and the Gulf states—and by 2016 there were more than 230.² These cross-border ventures took a variety of forms—from the establishment of full-blown branch campuses to agreements with local universities on dual- or joint-degree programs and a variety of distance learning platforms that offered the most cost-effective way of reaching the sons and daughters of the newly affluent families in fast-developing countries. In the rush to take advantage of a perceived gap between supply and demand, managers overcame their initial fear that operating overseas would cut into their lucrative intake of international students. In any event, there was little evidence in the short term that students were opting to stay at home and attend a satellite campus rather than travel abroad

for a brand name degree. In collegiate bizspeak, it seemed there was little substitutability after all between the two distinct markets of “transnational education” and “international student mobility.”

The outcomes of this rush to go offshore were uneven. Many programs and campuses were shuttered after the projected student demand failed to materialize. Others fell afoul of the notoriously tricky political beast that is the international joint venture, a business arrangement in which two partners pool resources but the home, or host, partner retains a majority (51 percent) “share” in decision making. Under such circumstances, and especially in countries where the rule of law is only lightly observed, an initial “memorandum of agreement” is more like a statement of intent. Several branch campus plans were even aborted, most notably at George Washington University (China) and Bryn Mawr (Abu Dhabi), primarily because of faculty resistance at the home campus. Faculty opposition of this kind was particularly strong because, unlike the pioneer generation of study abroad programs, driven largely by curricular needs, this new paradigm of international education was almost wholly underpinned by fiscal decision making on the part of the executive administrator class. By 2015, more than thirty branches had failed, and there was some evidence that the offshore boom was over, or at least past its peak. A survey conducted by the European Association for International Education showed a significant decrease in branch campus activity on the part of European universities, and especially in the United Kingdom, which had led the way.³ Some operations had proved financially viable, but the growing list of casualties (a spectrum that includes Michigan State University in Dubai, the University of New South Wales and New York University in Singapore, Texas A&M University in Israel, University College London in Adelaide, Algonquin College in Saudi Arabia, Troy University in Sri Lanka, and George Mason University in the United Arab Emirates) had generated enough caution to slow the headlong rush. So, too, with a few notable exceptions, the hoped-for bounce in global university rankings had not really materialized. In retrospect, rosy projections like Hudzick’s have come to look like investor hype, even to their aspirants.

The Faculty Voice

From the outset, faculty voiced strong concerns about how the principles of academic freedom could be upheld in the illiberal societies where the new satellites were mostly being established. Wherever basic speech freedoms were lacking—and this was certainly the case in Singapore, Dubai, Doha, Beijing, Riyadh, and Kuala Lumpur—it seemed unlikely that the more recondite academic freedom rights would be easily recognized, let alone rigorously observed. Academic freedom is not well understood in the United States (not even by academics themselves), and its capacity to be communicated intact across borders is by no means

guaranteed. Administrators will ritually swear that it will be upheld overseas as assiduously as on home campuses, but it is simply not in their power to ensure this outcome. Nor is their definition of academic freedom always aligned with that of their faculty or with the AAUP's evolving set of policy standards. By the time the standing faculty at a branch campus manage to pull together governance committees, the habit of self-censorship has already worked its way into their central nervous system. A fledgling campus has to be given a chance to find its legs, they tell themselves, before it can defend itself from criticism or fully protect the potentially controversial speech of its faculty. But this honeymoon period is more likely to be a window for normalization, a state of exception when the customs and conduct of the speech community are formed before they can be road tested.

In this regard, the most relevant and most misunderstood category of speech covered by AAUP principles is extramural, because it pertains to expressed public opinion that may be quite removed from an academic's immediate workplace duties (see the AAUP's 1964 *Committee A Statement on Extramural Utterances*). Though it is fundamental to any understanding of the profession's obligation to share its knowledge with the public, the right to extramural speech is most likely to be abridged in overseas locations. Typically in a branch campus setting, administrators will seek guarantees to preserve academic freedom within the bubble zone of the campus, but speaking outside the walls, through the local press, and especially on local topics, will be discouraged, informally or otherwise.

Of course, the more typical scenario is the one in which faculty self-censor. They can hardly be unaware of the speech norms of the country that hosts them, and in illiberal environments where any criticism of the state can be construed as criminal conduct, and therefore subject to prosecution and imprisonment, faculty will not need any reminders from their employers that extramural silence is the safest option. Worse yet, the habit of self-censorship will migrate inward, infecting the norms of intramural speech, and may even affect the choice of curricula and research projects. Wherever the majority of the faculty body are not on the tenure track, these impacts will be even more corrosive. Under such circumstances, a satellite campus, especially one built around the US liberal arts model, is only semifunctional, operating under constraints that are inimical to the ideals of free inquiry and expression.

In countries like China, which has seen a significant increase in government controls over academic speech under Xi Jinping, state-level pressure on higher education has escalated. In early 2013, an internal Communist Party communiqué—Document 9—set out new prohibitions on seven topics of classroom discussion: universal values, press freedom, civil society, citizens' rights, the Party's historical aberrations, the "privileged capitalistic class," and the independence of the judiciary. The resulting chill was widely noted.

Subsequently, a group of leading research universities (the C9 members are Fudan, Nanjing, Shanghai Jiaotong, Tsinghua, X'ian Jiaotong, and Zhejiang universities, Harbin Institute of Technology, Peking University, and the University of Science and Technology of China) signed the Hefei Statement in support of academic freedom in conjunction with the League of European Research Universities (LERU), Australia's Group of Eight universities and the Association of American Universities (AAU). Notably, the agreement was announced as a response, not to the ideological thrust of seven taboos but to state directives to abandon "open inquiry" and focus instead on the kind of research that produces monetizable outcomes: "Research universities are increasingly under pressure to shift from fundamental to applied research to produce short-term benefits and to narrow their curricula in pursuit of instrumental educational objectives."⁴

Administrators at high-profile Western branches—Duke-Kunshan and NYU Shanghai—insisted that Document 9's repressive decrees did not apply to them. If this was indeed officially accurate, the special dispensation accorded to these institutions meant that faculty and students enjoyed something close to an extraterritorial regime of rights and freedoms, oddly redolent of the jurisdictionality claimed by the treaty ports during the colonial era. The most palpable dimension of the twenty-first-century version of freedom from local regulations was unfettered access to the web through a virtual private network that circumvented China's firewall. Other country locations offered similar forms of immunity to speech censorship. The upshot was that scholars at these branches benefited, in principle, from protections that were denied to all citizens (including teachers and students at domestic institutions) and other classes of expatriates. On the face of it, this is ostensibly unfair and undermines any notion of the university as a site of open inquiry in the public service. If the sole priority, for faculty advocates, is to ensure that their own speech protections are fully guaranteed, then it will be accompanied, and inevitably compromised, by the moral taint associated with the appearance of exceptional, or extraterritorial, privilege.

In 2009, as the boom was under way, the AAUP was asked to offer recommendations about the security of faculty rights at overseas campuses. I was a member of Committee A at the time and helped to draft the policy document "*On Conditions of Employment at Overseas Campuses*." Jim Turk, president of the Canadian Association of University Teachers (CAUT), who was a nonvoting committee member, participated in the drafting, and the outcome was the first joint statement between the AAUP and CAUT. It committed both organizations to the support of overseas faculty who were expecting the same protections (that is, the AAUP banner principles) as their colleagues at home campuses. Since one of the motivating goals was to prevent universities from lowering their standards as they rushed to enter the international sphere, the statement called for the recruitment of a standing faculty of tenure-track instructors at overseas branches.

In its drafting process, the code of standards to which Committee A referred was the *Recommendation Concerning the Status of Higher Education Teaching Personnel*, adopted by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) in November 1997. This, it was agreed, was the most effective way of heading off criticism that the AAUP was advocating the imposition of North American, or Western, standards regarding tenure and academic freedom. Indeed, the UNESCO document was adopted at a time when the United States was not even a member nation, and it was opposed initially by the United Kingdom, where Margaret Thatcher's government was in the process of abolishing tenure, and by other, more authoritarian member states like Saudi Arabia and Nigeria. Another major source of opposition was the International Association of Universities, a body that represents the managerial interests of vice-chancellors, presidents, and rectors of universities.

While the UNESCO Recommendation is often violated by its signatories, it is a powerful statement about the need, among other things, to protect "institutional autonomy" and guard against "the vulnerability of the academic community to untoward political pressures which could undermine academic freedom." It remains the most comprehensive effort at establishing international standards for academic freedom, observing that "the right to education, teaching and research can only be fully enjoyed in an atmosphere of academic freedom and autonomy for institutions of higher education and that the open communication of findings, hypotheses and opinions lies at the very heart of higher education and provides the strongest guarantee of the accuracy and objectivity of scholarship and research." In the course of endorsing these principles, the UNESCO document highlights the perils of treating higher education as a market commodity, as advocated by proponents for its inclusion in the General Agreement on Trade in Services.

In formulating its own statement, the AAUP's Committee A was not only attentive to academic freedom among faculty and students. In another first, we also decided to address the rights of noninstructional staff, such as construction and maintenance workers. Fast-developing states in the Persian Gulf and East Asia rely on vast armies of migrant workers to undertake the physical labor of nation-building. Lacking any rights in the host country, heavily indebted from recruitment fees, and dependent on a domestic sponsor (or *kafeel* in the Gulf system), these workers are vulnerable to extreme exploitation. In China, the "floating" population of internal migrants who have no household registration (*hukou*) rights in the developed coastal cities occupies the same precarious niche in the labor market.

The AAUP statement was guided by the principle that students and faculty should not be asked to study or teach in classrooms built on the backs of abused workers. The speech freedoms of academic employees would be diminished if the rights of those who laid the concrete and cleaned the hallways were not respected.

Inside the footprint of corporate globalization, there is little acknowledgment of the cross-class continuum between expatriate professionals and low-wage migrant workers, even though both can be deported overnight. Yet it seemed appropriate that a liberal institution like the university, with a more coextensive notion of community, should be able to embrace the connections between these different classes of employees, insofar as they were engaged in a common enterprise.

Abu Dhabi under Scrutiny

Efforts to embrace these connections were pursued quite strenuously by faculty at NYU, which, under the expansionist leadership of John Sexton, had moved aggressively, and with minimal faculty consultation, to establish full-service branch campuses in Abu Dhabi and Shanghai. Both campuses were built and largely bankrolled by the respective host governments, rendering it all the more difficult to influence labor policies and on-site practices. Nonetheless, a faculty-student group, founded in 2008 as the NYU Coalition for Fair Labor, was partially successful in doing so.

Working in conjunction with Human Rights Watch, the coalition pressured the administration to adopt a code of conduct guaranteeing fair labor provisions for all workers on the project. In the meantime, NYU's AAUP chapter was pushing for the recruitment of a standing tenure-track faculty in Abu Dhabi (in contrast to the usual study abroad program practice of employing contract faculty, moonlighting from their local university jobs). Largely successful in this effort (offshore hires have been a mix of tenure-track and "twilight" faculty from other institutions in member states of the Organization for Economic Co-operation and Development), the chapter pushed the administration further on the code of conduct proposal.⁵ In February 2010, the NYU administration and the Executive Affairs Authority of Abu Dhabi issued a joint *Statement of Labor Values*, which was certainly a first for the emirate, and for the United Arab Emirates itself. The statement included provisions that went beyond any existing labor standards in the Gulf region.

Implementation and enforcement of these provisions was another matter, however, as we subsequently failed to persuade the NYU administration to engage an appropriate third-party monitor to audit and evaluate the employment practices. Mott McDonald, the firm chosen for the task, had a clear conflict of interest (it was contracted to deliver the utility infrastructure on Saadiyat Island), not to mention a lack of experience in this area, and so it fell down on the job. Labor abuses uncovered by a series of journalistic investigations—by the *Guardian*, the *New York Times*, the *Independent*, and nongovernmental organizations such as Human Rights Watch and the Gulf Labor Coalition (formed to put pressure on the Guggenheim Museum, which is trying to

build a branch alongside NYUAD on Saadiyat Island)—sounded the alarm consistently.⁶ These abuses included wage theft, substandard housing, confiscation of passports, compulsory overtime, and harsh punishments for any expression of grievances.

A front-page exposé by the *New York Times* in May 2014 reported extensively on these violations, further detailing how striking workers were beaten, imprisoned, and deported.⁷ The printing of that issue was forbidden in the United Arab Emirates, and so, for the first time in its publication history, the newspaper was not in circulation in Abu Dhabi. Subsequently, the Abu Dhabi authorities commissioned an independent study by Nardello, a New York–based corporate investigative group. The Nardello report confirmed many of these allegations and found that a full third of the workers (ten thousand) involved in the construction of the NYUAD campus had been excluded from the NYUAD protections regarding fair wages, living conditions, and debt reimbursement. So, too, only a handful of workers had their recruitment fees reimbursed, due to the university’s narrow interpretation of the stated requirement to discharge these debts.⁸

In March 2015, I was barred from entry to the United Arab Emirates while attempting to travel with fellow Gulf Labor Coalition members to do field research in Abu Dhabi labor camps.⁹ Unlike the investigators from Human Rights Watch and Amnesty International who had previously been blacklisted and deported, I was an NYU professor, whose academic freedom and rights of smooth passage to the United Arab Emirates are supposed to be guaranteed by NYU’s agreement with its UAE partner. The resulting scandal generated a very public debate about the hollow nature of these guarantees on the part of NYUAD. The incident clearly demonstrated that promises of academic freedom on the part of university administrators meant little when they could so easily be overridden by the autocratic exercise of state authority. In addition, I found out that a private investigator had been hired to interrogate academic acquaintances about *New York Times* journalist Ariel Kaminer, coauthor of the exposé about NYUAD labor conditions, and me. The public revelation of the private investigator’s activities cast even more public suspicion over the effort by UAE authorities to block access and suppress coverage of labor abuses.¹⁰

In May, in the lead-up to another Gulf Labor field trip, Indian artist Ashok Sukumaran was denied a visa to travel to the United Arab Emirates, and Lebanese American artist Walid Raad was turned back at the Dubai airport.¹¹ Despite efforts to intercede by the leadership of the Guggenheim Museum (who concluded that the issue was “outside” of “our sphere of influence”), and an artworld protest letter signed by dozens of museum leaders around the world, the travel bans were not overturned.¹² In my case, the NYU administration implicitly upheld the right of the UAE state to decide whom to exclude under the rubric of “security reasons” (the catchall category under which the bans were labeled).

In a December 2016 *New York Times* op-ed article, Kristina Bogos, a former NYU student, revealed that she too had been barred from entering the United Arab Emirates, ostensibly for her own reporting on labor conditions.¹³ Because the countries in the Gulf Cooperation Council (GCC) share a “blacklist,” she was subsequently barred from Qatar, where she was doing fieldwork on labor camps for her master’s degree at Georgetown University. Her e-mail account had also been hacked, and she was informed, from an undisclosed e-mail source, that intelligence about her “dirty tricks” mission to Qatar (aka her academic research) would be passed on to the Qatari authorities. Bogos had been active in the NYU Coalition and also in Gulf Labor, but it is likely that the UAE state’s interest in her had been initially triggered by an article she had published, as a student journalist, about a trip to a NYUAD labor camp.¹⁴ Like NYU and the Guggenheim, neither the relevant Georgetown administrators nor State Department officials had any success in lifting her ban.

But a much more serious fate than ours had been visited on the handful of Emirati dissidents who were brave enough to speak out in favor of basic civil liberties in the wake of the Arab Spring. In April 2011, Ahmed Mansoor, an engineer and human rights advocate, and Nasser bin Ghaith, an Emirati economist and lecturer at the Sorbonne’s Abu Dhabi branch, were arrested for their prodemocracy commentaries. Notably, the Sorbonne made no public statements on the arrest of bin Ghaith, its own faculty employee. Three more arrests followed, with dozens more interrogated by police, and the subsequent trial of the “UAE Five” attracted international condemnation.¹⁵ The five were released from prison following a sixteen-day hunger strike, but the crackdown left a palpable chill over public expression of dissent. In the wake of his release, Mansoor was attacked, beaten, and deprived of some of his assets.

In August 2015, bin Ghaith was arrested again, while enjoying the hospitality of the Abu Dhabi’s Armed Forces Officers Club. He appeared before the Abu Dhabi Federal Supreme Court in the spring of 2016, and was accused of ridiculing the Egyptian president in tweets, and then, on 29 March 2017, the Abu Dhabi Court of Appeals issued its final verdict, sentencing him to ten years in prison.¹⁶ On September 26, 2015, after his initial arrest, Paris-Sorbonne University’s president, Georges Molinié, issued a public statement saying that bin Ghaith’s prosecution was unrelated to his university lectures and that the university could not “comment on this individual case as an institution.”¹⁷ No statements were made by the university after his sentencing. In other words, the Sorbonne administration saw no need to protect the “extramural” speech of its employee.

Nine days before bin Ghaith’s final court appearance, Ahmed Mansoor was arrested again. The Middle Eastern Studies Association’s Committee on Academic Freedom issued statements condemning his detention

and bin Ghaith's sentencing, and several human rights organization issued their own¹⁸ Subsequently, our NYU-AAUP chapter officers circulated a letter addressed to Khaldoon al-Mubarak, who is on the NYU Board of Trustees and is a senior advisor to the de facto ruler of the UAE, Crown Prince Mohamed bin Zayed Al Nahyan. The letter, which was signed by several hundred members of the NYU community, and sent at the end of June 2017, appealed to al-Mubarak's responsibilities as an NYU board member to use his influence to ensure Mansoor's release:

“We seek your personal intervention to free Mr. Mansoor because, as a member of NYU's Board of Trustees, it is your responsibility to “pay particularly close attention to the mission and the obligations to society that are unique to the academic enterprise.” At a bare minimum, these obligations surely include respect for free speech and other fundamental civil liberties. Moreover, the fact that NYU has a campus in Abu Dhabi gives it, and you, a special responsibility to denounce violations of human and civil rights in the UAE. We also note, however, that you serve as chair of the Abu Dhabi Executive Affairs Authority, which provides strategic policy and communications advice to the UAE's de facto ruler, Sheikh Mohamed bin Zayed Al Nahyan. That puts you in a unique position to influence the policies and decisions of the UAE government.”

At the time of writing, there has been no response, either from al-Mubarak, the NYU administration, or the chair of its board. State managers, of course, have their own priorities to pursue, and, in the United Arab Emirates at least, this has clearly resulted in an increase in the extrajudicial criminalization of dissent. But liberal academic and artistic institutions depend, for their long-term reputation, on the promotion of critical thought and free expression.¹⁹ The ability of NYU and the Guggenheim to operate in illiberal Abu Dhabi has been closely watched by many who worry that the university and museums would be there to serve simply as window dressing, or to help sell sumptuous homes on Saadiyat Island, which has been master-planned as a luxury real estate development.²⁰ The travel bans doubtless gratified those who never believed that the cultural projects were anything other than world-class amenities on offer to the buyers of the luxury villas. But it is important to acknowledge that, in our cases at least, the speech targeted for censure was categorically tied to efforts to protect migrant laborers from abuse. Speech critical of the royal family is subject to criminal prosecution in the United Arab Emirates, and that legal category is very elastic, stretched in the case of the Emirati detainees to cover many kinds of speech. But collecting data on the plight of indentured workers is an offense that seems to apply primarily to outsiders. No doubt, this has little to do with speech norms themselves. Revelations about the human costs of the *kafala* labor regime go to the heart of the power

structure in the GCC countries, since the privilege of native-born elites rests entirely on the vulnerability of the migrant workforce.

Excluding labor advocates from access to workers or workplaces is a common response by employers and complicit officials everywhere, and it is only the least extreme sanction—the historical record of labor organizing is littered with assassinations, torture, and lifelong imprisonment in locations well beyond the Persian Gulf. But the NYU and Gulf labor bans attracted an extra layer of public attention because they were perceived as a curtailment of artistic and academic freedoms, the lifeblood of the cultural institutions lured to set up shop in Abu Dhabi.²¹ From the outset, administrators at NYU and the Guggenheim had to be pushed hard to acknowledge any responsibility for the laborers' rights, but they expressed confidence that their Emirati partners, at the very least, would respect the freedoms of the professionals at the core of these institutions' missions. The travel bans proved how ill-founded, or naive, this optimism had been.

Nor did these institutional leaders take strong positions against the sanctions, further reinforcing the appearance of complicity in the illiberalism of the United Arab Emirates. In my case, the precedent set by the passivity of the administration left the Abu Dhabi authorities in the position of determining which kinds of academic research would be permissible for NYU faculty to pursue in Abu Dhabi and which would not. On the face of it, this dispensation clearly violates the spirit of “open inquiry” that must preside over academic research choices. But it would be disingenuous to imagine that this outcome was not foreordained. No one was all that surprised, let alone shocked, when the basic canons of academic freedom were violated at NYUAD. For many of us at NYU itself, it was not a matter of if but when.

Not only had the core freedoms been infringed, but the UAE authorities seemed to have thought very little about how their actions would embarrass NYU and the Guggenheim, leaving their administrators in the awkward position of conceding that they had no influence over decisions about whose freedoms would be embargoed or censured. Skeptics could hardly be faulted for speculating that the crackdown was evidence that, far from promoting liberalization of speech (an ideal to which most advocates for penetrating ideologically restricted markets routinely pay lip service), the presence of the museums and the university appeared to be generating quite the opposite effect.

Repressive Tolerance Revamped?

Is it too early to draw a direct correspondence between the establishment, in illiberal societies, of liberal institutions like universities and contemporary art museums and the escalation of domestic repression? In the

1960s heyday of student revolt, Herbert Marcuse argued that capitalist democracies exercised their most subtle forms of domination when promoting liberal tolerance of repressive views or practices.²² Is there a counterpart today in these efforts, on the part of authoritarian societies, to placate their Western allies' concerns about illiberality? Is their tolerance of liberal arts institutions a vehicle for deepening repression of populations that reside outside of these quarantined culture zones? Such a relationship cannot be ruled out. In the case of the United Arab Emirates, annual reports from Human Rights Watch and Amnesty International show a marked deterioration in the country's human rights record over the last several years. Despite all of the international scrutiny of migrant labor abuses—driven now by attention to the 2022 World Cup in neighboring Qatar—the structural exploitation at the core of the *kafala* sponsorship system remains intact, and in some respects the defense of that cruel system has been reinforced. For example, the growing preference, in the Gulf states, for sequestering workers in vast, high-security labor camps (housing forty thousand or more) is designed, in part, to curtail any access to, or contact with, journalists or worker advocates. The broad curricular offerings at NYUAD, and other Western satellites in the Gulf region, help to burnish the public image of tolerance and innovation required of nation branding. Outside the campus bubble, however, we see a stepped-up regime of arbitrary detention and pretrial torture.

So, too, in China, the 2013 communiqué—“Document 9”—on the seven taboos was buttressed by an explanation that “Western-influenced” notions had to be kept at bay, if not expunged altogether, from university classrooms. In January 2015, a new directive—“Document 30”—that reinforced the prohibitions was more discreetly circulated. Xinhua, the official news agency, reported that Xi Jinping urged universities to “enhance guidance over thinking and keep a tight grip on leading ideological work in higher education.” In a formulation that instantly entered Party phrase-making lore, Xi warned, “Never allow eating the Communist Party's food and then smashing the Communist Party's cooking pots.” This tightening of ideological controls against “Western values” has accompanied a crackdown on academic speech not seen since the immediate aftermath of the Tiananmen Square incidents in 1989, and it has extended to journalists and other rights-oriented professionals: more than two hundred human rights lawyers were detained in July 2015, and a group of prominent labor advocates were arrested in Guangzhou in January 2016.

As in the Gulf, the increasing presence of Western universities on Chinese soil is directly at odds with the state's quashing of open speech and, in Beijing's case, represents the demolition of anything that resembles academic freedom in the nation's universities. In response to a 2011 query regarding speech protections at NYU's Shanghai campus, then-president John Sexton declared that he had “no trouble distinguishing between rights of academic freedom and rights of political expression; these are two different things.”²³ But he should have been troubled, because the distinction makes no sense from an AAUP perspective, which

quite clearly insists that extramural speech is protected. Gao Xiqing, a senior Chinese investment manager who serves on Duke's board of trustees, was at least more forthright when asked about whether academic freedom could be guaranteed at the university's Kunshan campus: "Academic freedom," he drily responded, "is a relative concept."²⁴

In June 2015, Jeffrey Lehman, the vice-chancellor of NYU Shanghai, gave testimony at a US congressional subcommittee hearing on the threat posed to academic freedom by China's growing influence on US universities. Lehmann reported that NYU Shanghai had enjoyed "full academic freedom" in China so far. "We came on a condition and that condition was that NYU would be NYU." But, if circumstances changed, he warned, NYU Shanghai would have to be closed down: "If they said we want you but you can't have academic freedom, then we would leave."²⁵ In an earlier communication with the AAUP chapter officers (May 31, 2013), Lehmann explained that "we have been granted a mandate to serve as an experiment with liberal education in China. Our mandate is premised on academic freedom, since liberal education cannot exist without academic freedom, and our Chinese colleagues understand that."

However, Lehmann's approach toward labor monitoring during the construction of the NYU Shanghai campus seemed more indulgent of local norms that were at odds with AAUP standards. NYU-AAUP chapter officials first called attention to the issue in November 2011. Six months later, we were informed that Jones Lang Lasalle (a company that offers "commercial real estate services for corporations and investors across the globe") had been selected "to oversee the construction" and that this oversight would "include health, site safety, and environment monitoring." Despite repeated requests addressed to the NYU Shanghai administration, it took until September 2014, *almost three years after our initial request*, for us to learn that the company had made no serious effort at monitoring, and therefore, according to Lehmann, "was not able to produce a thorough review of compliance with the worker rights that are set forth in our statement of labor values." Paul Hastings, an international law firm, was wheeled in to produce a report, but by that time the campus construction was largely complete and any effort at labor compliance on the job was all but pointless. In the course of a meeting with an NYU faculty committee, Lehmann suggested that labor compliance demands made of local contractors might be misconstrued (that is, as a perceived violation of "saving face"). "Demands of that kind," he wrote, in an internal NYU correspondence to the committee, "when presented from a posture of suspicion and disrespect, would resonate badly with a history in which western entities have projected inside China an unwarranted belief in their own ethical superiority. . . . When NYU chose to develop NYU Shanghai, it was offered an opportunity to present a different, non-imperialist vision of how a modern, multicultural western institution can behave. It is important that we not squander that opportunity. We must work in appropriate and effective ways to see that international labor principles are respected."

Readers can judge for themselves whether the decision not to hold contractors to labor compliance oversight was a prudent “non-imperialist” gesture or simply a concession to local norms of labor noncompliance under circumstances in which the host municipality was footing the bill. Either way, the outcome was less than satisfactory. When all was said and done, and in spite of the well-documented failures in Abu Dhabi, there had been no adequate oversight of the rights and conditions of workers, and no transparency in how these (non)results were communicated to faculty and students.

For foreign institutions, the attractions of setting up shop in countries like China are well known. These include generous funding from the government for campus construction costs and operating costs; revenue from nationals who pay full fee (at a level much higher than charged by local universities); brand promotion that boosts the recruitment of overseas students who pay full fee to home campuses; and the opportunity to further cut costs by moving research overseas. But the perils of operating in an environment where academic, labor, and other human rights are being flattened are just as obvious. These include an erosion of the integrity of the institution’s name, the exposure of faculty and students to personal risk, and, arguably most pernicious, the implicit encouragement of self-censorship.

For corporations, such detriments are understood as the costs of doing business. But for universities these are core elements, and when they are contaminated this can result in something akin to a nuclear meltdown.²⁶ Even when the core is safeguarded, and basic academic freedoms are seen to be observed, a liberal arts campus in an illiberal society will always operate in a zone of exemption. In the United States, academic freedom and tenure are often publicly perceived as aberrant concessions, denied to almost all other classes of employees and therefore unwarranted. In countries without an independent judiciary, and where dissent can be criminalized by diktat, they will be viewed as an extraterritorial entitlement, unless, or until, their attendant speech privileges are exercised in the public interest, and to the benefit of all.

Andrew Ross is professor of social and cultural analysis at New York University. A contributor to the Guardian, the New York Times, the Nation, and Al Jazeera, he is the author of many books, including Creditocracy and the Case for Debt Refusal, Bird on Fire: Lessons from the World’s Least Sustainable City, Nice Work if You Can Get It, Fast Boat to China, No-Collar: The Humane Workplace and Its Hidden Costs, and The Celebration Chronicles. He is also the editor of The Gulf: High Culture/Hard Labor (OR Books).

Notes

¹ Elizabeth Redden, "In Global Recession, Global Ed Still Growing," *Inside Higher Ed*, May 29, 2009.

² Richard Garrett et al., "International Branch Campuses—2016," *Observatory on Borderless Higher Education and The Cross-Border Education Research Team*, December 2016, <http://www.globalhighered.org/>.

³ Chris Havergal, "End of Branch Campus Boom," *Inside Higher Ed*, May 28, 2015, <https://www.insidehighered.com/news/2015/05/28/survey-european-universities-finds-end-boom-branch-campuses>; European Association for International Education, "The EAIE Barometer: Internationalization in Europe," <http://www.eaie.org/blog/revealing-the-state-of-internationalisation-in-europe-the-eaie-barometer-results-are-out/>.

⁴ "Four Int'l Groups of Research Universities Jointly Issued Hefei Statement," *Xinhua Net*, October 17, 2013.

⁵ Andrew Ross, "Away from Home: The Case of University Employees Overseas," *South Atlantic Quarterly* 108, no. 4 (2009): 765–79.

⁶ Andrew Ross, ed. (for Gulf Labor), *The Gulf: High Culture/Hard Labor* (New York: OR Books, 2015).

⁷ Ariel Kaminer and Sean O'Driscoll, "Workers at N.Y.U.'s Abu Dhabi Site Faced Harsh Conditions," *New York Times*, May 18, 2014.

⁸ Nardello and Co., *Report of the Independent Investigator into Allegations of Labor and Compliance Issues during the Construction of the NYU Abu Dhabi Campus on Saadiyat Island, United Arab Emirates*, New York, April 16, 2015, <http://www.nardelloandco.com/pdf/NYU%20Abu%20Dhabi%20Campus%20Investigative%20Report.pdf>.

Subsequently, the CFL has been working with the administration to help identify and locate workers who were underpaid, or deported for striking. In May 2017, the administration and Tamkeen, its UAE partner, announced that 6,600 out of the 10,000 had been contacted, and that they had received "one-time payments....to bring their compensation into line with what they should have received under our standards." *NYU-Tamkeen Joint Statement on Wage Remediation* (May 1, 2017), <http://nyuad.nyu.edu/content/nyuad/en/home/news/press-room/press-releases/nyu-tamkeen-joint-statement-on-wage-remediation.html>.

⁹ Stephanie Saul, "N.Y.U. Professor Is Barred by United Arab Emirates," *New York Times*, March 16, 2015.

¹⁰ Jim Dwyer, "Murky Inquiry Targets Critic of N.Y.U. Role in Abu Dhabi, and a Reporter," *New York Times*, March 26, 2015.

¹¹ Noelle Bodick, "Gulf Labor Artists Walid Raad, Ashok Sukumaran Barred from U.A.E.," *BlouinArtInfo*, May 14, 2015, <http://www.blouinartinfo.com/news/story/1157939/gulf-labor-artists-walid-raad-ashok-sukumaran-barred-from-uae>. In January 2017, British art critic, Guy Mannes-Abbot, was also denied entry to the UAE at Dubai airport, making him the fifth Gulf Labor member to be banned from the country.

¹² Colin Moynihan, "Dozens of Museum Leaders Sign Protest Letter over Exclusion of Gulf Labor Activists," *New York Times*, June 1, 2015.

¹³ Kristina Bogos, "American Universities in a Gulf of Hypocrisy," *New York Times* December 15, 2016.

¹⁴ Kristina Bogos, "As a Student, I Travelled to NYU's Satellite Campus and Was Shocked by Its Human Rights Abuses," *Quartz*, September 3, 2015, <http://qz.com/485165/im-embarrassed-by-my-alma-maters-exploitation-of-workers-in-the-uae/>.

¹⁵ Nour Malas, "Five Activists Sentenced in U.A.E.," *Wall Street Journal*, November 28, 2011.

¹⁶ International Campaign for Freedom in the United Arab Emirates, "Dr Nasser Bin Ghaith Sentenced to 10 Years in Prison," March 29, 2017, <http://icfuae.org.uk/news/dr-nasser-bin-ghaith-sentenced-10-years-prison>.

¹⁷ Human Rights Watch, "UAE: Sorbonne Should Condemn Lecturer's Prosecution," October 13, 2011, <https://www.hrw.org/news/2011/10/13/uae-sorbonne-should-condemn-lecturers-prosecution>.

¹⁸ Middle Eastern Studies Association's Committee on Academic Freedom, Letters on March 29 and April 5, respectively. <http://mesana.org/committees/academic-freedom/intervention/letters-uae.html#UAE20170329>.

¹⁹ Jim Sleeper, "Innocents Abroad? Liberal Educators in Illiberal Societies," *Ethics and International Affairs* 29, no. 2 (July 2015): 127–44, <https://www.ethicsandinternationalaffairs.org/2015/innocents-abroad-liberal-educators-illiberal-societies/>.

²⁰ The range of homes on offer can be viewed at <http://www.saadiyat.ae/en/your-home>.

²¹ Nicholas McGeehan, "Art and Hypocrisy in the Gulf," *New York Times*, May 28, 2015.

²² Herbert Marcuse, "Repressive Tolerance," in *A Critique of Pure Tolerance*, edited by Robert Paul Wolff et al. (Boston: Beacon, 1965).

²³ Andrew Ross, "Professor Non Grata," *Chronicle of Higher Education*, March 18, 2015.

²⁴ Danielle Muoio, "DKU Grand Opening Gives Rise to Questions on Academic Freedom," *Duke Chronicle*, November 17, 2014.

²⁵ Jacqueline Thomsen, "Scrutiny for Campuses in China," *Inside Higher Ed*, June 26, 2015.

²⁶ Andrew Ross, "Degrees of Danger in the United Arab Emirates," *Baffler*, March 17, 2017, <http://thebaffler.com/salvos/degrees-danger>; Ross, "Human Rights, Academic Freedom, and Offshore Academics," *Academe*, January–February 2011.