

Addendum 6 September 2020

According to Professor TANG Wenfang, the title of his ‘Opinion’ in the *South China Morning Post* quoted below, “National Security Law: Hong Kong’s academic freedom is perfectly safe,” is not the title he chose. He says the title was chosen by the *South China Morning Post* and that he has written to them (in my understanding at least twice) asking that they adopt his title. As of 4 September 2020, the title had been changed to “National security law: Hong Kong’s academic freedom is safe, but the fear of losing it is harmful” (while the url still has the old title) and there is a possibility that this is still not Professor Tang’s chosen title.

3 September 2020

### **Is Hong Kong academia “perfectly safe” or is it “dead?”**

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On 19 August 2020, Professor Tang Wenfang, a colleague of mine at the Hong Kong University of Science & Technology (HKUST), published an ‘Opinion’ in this newspaper (the *South China Morning Post*) titled “Hong Kong’s academic freedom is perfectly safe.” He motivates his Opinion with an “alarmist voice” quoted in the same newspaper on 8 August 2020: “the national security law meant the death of academic freedom in Hong Kong.”<sup>1</sup>

An 8 August 2020 article on academic freedom in this newspaper quoted me with, among others, “academia in Hong Kong was dead,” and “It is no longer possible to conduct academic research and to teach in the fields of Hong Kong and China studies in Hong Kong.”<sup>2</sup>

Academia thrives on a diversity of argued views.

Professor Tang doesn’t say what he means by academic freedom when he says “Hong Kong’s academic freedom is perfectly safe.” What he offers is “For most members of Hong Kong’s academic community, I don’t see how our research will be impeded as long as we don’t openly advocate the overthrow of the Chinese government or call for Hong Kong independence.” This means that for *some* members of Hong Kong’s academic community, research will be impeded even if they don’t openly advocate the overthrow of the Chinese government or call for Hong Kong independence.

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<sup>1</sup> <https://www.scmp.com/comment/opinion/article/3097823/national-security-law-hong-kongs-academic-freedom-perfectly-safe>

<sup>2</sup> The full passage is:

Carsten Holz, an economics professor at Hong Kong University of Science and Technology (HKUST), said academia in Hong Kong was dead.

“It is no longer possible to conduct academic research and to teach in the fields of Hong Kong and China studies in Hong Kong,” said Holz. “One cannot expect professional academics to uphold the mission of academia, namely the quest for truth, under the threat of – de facto arbitrary – imprisonment in Hong Kong or ‘processing’ and disappearance on the mainland.”

The professor added: “The values of my university, the Hong Kong University of Science and Technology, from integrity and academic freedom to diversity and respect, have become debauched and empty fronts without meaning.”

See <https://www.scmp.com/week-asia/politics/article/3096370/national-security-law-hong-kong-scholars-fear-unknown>.

Academic freedom for “most” is not academic freedom. Academic freedom is a systemic feature: You either have it or you don’t. “Academic freedom for most” is a 200+ year throwback to the origins of universities in Europe when academics had to fear (and sometimes escape) the wrath of rulers under whose wings universities were established. “Most” complied.

Academic freedom isn’t even related to the right to advocate the overthrow of the Chinese government or to call for Hong Kong independence in the first place. Academic freedom has nothing to do with advocacy. As Professor Peter Baehr of Lingnan University explained, quite appropriately, in the Hong Kong Free Press on 2 June 2020, “Academic freedom is not the liberty for professors to do or say anything they please. Academic freedom is a norm which states that university professors should be free to teach, research and write on *academic matters* unconstrained by political and other kinds of interference.”<sup>3</sup>

How can we be unconstrained by political and other kinds of interference in the face of the “National Security Law?” Professor Donald Clarke of the Georgetown University Law School, in examining this “Law,” argues that the definitions of the substantive offences “don’t matter so much.” “Anything can be stretched as necessary to cover something done by the person being targeted.”<sup>4</sup> Among those power holders who may target other people, the holders of an identification document issued by the mainland’s “Office for Safeguarding National Security” in Hong Kong “are untouchable under Hong Kong law” and “untouchable under mainland law.” Professor Clarke calls this “real Gestapo-level stuff.”<sup>5</sup>

This new Gestapo strikes terror into my heart—and into the hearts of other academics. Why else would they have moved their datasets out of Hong Kong and deleted their twitter posts when the “National Security Law” appeared?

As my colleague Professor Tang writes, “Fear is a powerful and effective tool to change people’s attitude and behaviour.” Quite so. Professor Tang continues “Creating fear has no cost and does not need facts to back up.” Quite so. He writes “I have not seen any *hard evidence* of its [academic freedom’s] infringement in Hong Kong” (emphasis added), congruent with his view that creating fear does not need facts.

Professor Tang mentions the danger of self-censorship. Some of my colleagues indeed wonder “can I still do this research?” The question was raised already well before the current discussion. My impression from a particular instance at HKUST was that the answer is ‘No.’ Nobody will talk publicly about such instances.

It is difficult if not impossible to ascertain if and how censorship and self-censorship affect our individual research agendas.

Censorship might be easier to detect in our teaching. The mission statements of HKUST and of the School of Humanities and Social Sciences (HSS) at HKUST ask me to engage in

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<sup>3</sup> <https://hongkongfp.com/2020/06/02/hong-kong-must-now-rely-on-its-own-efforts-to-protect-academic-freedom/> For further discussion of “academic freedom” see, for example, Karran (2009a,b,c).

<sup>4</sup> <https://thechinacollection.org/hong-kongs-national-security-law-first-look/>

<sup>5</sup> Ibid. Also see, by the same author, <https://thechinacollection.org/hong-kongs-national-security-law-dangerous-article-38/>, <https://thechinacollection.org/article-38-hong-kongs-national-security-law-yes-want-get/>, <https://www.prcleader.org/clarke>, and <https://www.scmp.com/comment/opinion/article/3093316/hong-kong-national-security-law-new-institutions-show-chinas-true> .

current Hong Kong issues, to expose students to “challenges” in human societies, and to provide organized information for understanding of cultures and diversities from multiple perspectives.<sup>6</sup> My task is to help students make sense of the world we live in.

Given HKUST and HSS’s mission, do our political scientists in their teaching explore the character of our central government? Do they offer perspective by contrasting it with variations of the Western democratic model, family dictatorships such as the North Korean model, the Qing dynasty model, the fascist model, and a “meritocratic”/technical model (with real-world features such as oligarchic clan formations and price lists for the acquisition of official positions)? Do they offer perspective by introducing the structures and operations of cults?

Do they give space to the perspective offered by Professor Cai Xia, (now: former) professor at the Central Party School, a member of the “second red generation,” who speaks of Xi Jinping as a “mafia boss?”<sup>7</sup> If Xi Jinping is a mafia boss, then the organization he controls is a mafia.<sup>8</sup> If the organization Xi Jinping controls is a mafia, then, since this organization controls the central government, our central government has been hijacked by a criminal organization.

A first step in any scientific inquiry—the acquisition of knowledge using systematic and objective methods to understand a phenomenon<sup>9</sup>— is the unambiguous definition of the terms we use. If “mafia” is the appropriate term for Xi Jinping’s organization, then our perception of the society we are living in will inevitably be colored differently than if our association, consciously or unconsciously, is with political parties in the West.

Do my political science and sociology colleagues in their classes examine the place of Hong Kong within the PRC? Do they provide perspective via cross-country and historical comparisons? Colonialism immediately comes to mind. And from colonialism follow the paths that societies have taken to leave colonialism behind (gain independence). Are the experiences of civilized nations today, from independence referenda in Quebec and Scotland to failed attempts as in Catalonia central to our political science and sociology classes?

Do my colleagues cover the “United Front” governance mechanisms and the ways in which the “Liaison Office” effectively runs Hong Kong?<sup>10</sup> Do they explore if, and how, an army of

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<sup>6</sup> The mission statement of HKUST includes “To assist in the economic and social development of Hong Kong” (<https://www.ust.hk/about/mission-vision#mission%20&%20vision>). The mission statement of HSS includes “Students should be exposed to organized information for understanding human cultures and diversities, be able to see a problem from multiple perspectives, and be prepared for the future world and to become responsible citizens of the local, national and global communities.” The accompanying research statement asks for students to be exposed to challenges in human societies and for our research results to be made public. ([https://www.shss.ust.hk/teaching\\_learning/index/](https://www.shss.ust.hk/teaching_learning/index/))

<sup>7</sup> <https://www.theguardian.com/world/2020/aug/18/cai-xia-chinese-insider-hits-out-at-xi-jinping-he-killed-a-party-and-a-country>. Interestingly, the corresponding coverage in the *South China Morning Post* relied on “official” statements and did not mention the mafia reference; see <https://www.scmp.com/news/china/politics/article/3097706/chinas-communist-party-expels-outspoken-retired-professor-over>. Cai Xia has not been charged under Hong Kong’s “National Security Law,” which applies worldwide. This means that if “laws” apply equally to everyone, we are guaranteed to be free to discuss Cai Xia’s arguments and their implications.

<sup>8</sup> Cai Xia is not the only one to find “mafia” an appropriate designation for the “Chinese Communist Party;” see Holz (2007).

<sup>9</sup> See Crano, Brewer and Lac (2014), p. 3.

<sup>10</sup> Among a larger literature, Lee (2020) offers a starting point.

Xi Jinping’s strategists, with the experience of a century of oppression in their bag, devised a way forward, perhaps following Occupy Central in 2014, to take full control of Hong Kong? Do they cover the placement of “ideologically” obedient (or economically bribed) personnel in strategic positions throughout Hong Kong, including in Hong Kong’s academia? Do they dissect the fine details of the “National Security Law” which tightly places all effective control in the hands of Xi Jinping’s organization? Do they contrast the autonomy of Hong Kong, safeguarded by international law, and the promises of autonomy and democracy made by Xi Jinping’s organization with the reality on the ground? Do our political scientists translate their enormous home advantage and the possibility to fruitfully combine teaching and research into worldwide research leadership on Xi Jinping’s organization and its operations?

Do economists, in their teaching, delve into the key issue of our times—an issue that has occupied the minds of generations of great thinkers, from the classical economists to Karl Marx—namely, the issue of income and wealth distribution? Do they define communism and thereby reveal that the PRC is one of the *least* communist (or socialist) countries in the world? Do they explore in their classes who the beneficiaries of Xi Jinping’s system are?<sup>11</sup> Do they ask why Hong Kong is one of the most unequal societies in the world and explore the power structures and governance mechanisms that have created, and are actively being used to maintain this outcome? Do they explore to whose benefit this outcome is? Do they examine the economics of the Hong Kong “government,” from its “competition policy” to the white elephant connecting Hong Kong to Macau and Zhuhai, and what that reveals about the “government’s” preferences?<sup>12</sup> (Serving the Hong Kong people it will not be.)

Do our legal scholars in their classes examine the legality of a new “law” that violates existing laws (including international law)?<sup>13</sup> What happens if a passage in a law contradicts another passage in the same law? Is a “law” whose substance consists of little more than “invisible lines” a law? Does a “law” passed by a front-organization of a mafia-like organization deserve the English language label “law,” or should it perhaps, rather, be called something like “edict?” Is a “law” that does not apply to all citizens equally and functions solely as a weapon of the new Gestapo to pursue those disliked by the mafia boss still a “law?” (Art 38 of the “National Security Law” specifies that the “Law” applies to the 7.8 billion people on planet Earth; Xi Jinping’s organization, no matter how advanced their surveillance operations, cannot possibly maintain surveillance of what these 7.8 billion people say day in day out in order to identify those who violate the “Law.”) What are the consequences if this is not a valid law?

Do our legal scholars cover the historical use of “law” as a means of oppression? In Karl Marx’s view, law ought to be “the positive existence of freedom” and not the ‘coercive structure representing the actual dominance of the bourgeoisie (the ‘dominant class’ at the

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<sup>11</sup> An easy starting point is <https://www.nytimes.com/2012/10/26/business/global/family-of-wen-jiabao-holds-a-hidden-fortune-in-china.html> and [https://archive.nytimes.com/www.nytimes.com/interactive/2012/10/25/business/the-wen-family-empire.html?\\_r=0](https://archive.nytimes.com/www.nytimes.com/interactive/2012/10/25/business/the-wen-family-empire.html?_r=0).

<sup>12</sup> Stephen Vines adds a non-financial dimension by making an argument for it being a “bridge of death.” See <https://hongkongfp.com/2020/08/30/how-much-is-a-life-worth-not-much-if-measured-by-fines-for-employer-negligence-in-macau-bridge-construction/>.

<sup>13</sup> <https://www.zeit.de/politik/2020-07/sicherheitsgesetz-hongkong-voelkerrechtsverstoss-frank-walter-steinmeier>.

time) of the means of production,’ with laws as the means by which the ‘masses are quelled and co-opted by this internalization of ideas.’<sup>14</sup>

Do our psychology professors cover the concept of mass insanity and calculated use of insanity as a tool of oppression?<sup>15</sup> Do they examine the statements of our ruling elite for logic?<sup>16</sup> Do they trace the use of lies and misinformation, and the suppression of information, to create a biased picture that justifies the current system of power distribution? Do they cover the effect of religious idolatry of “law and order” when “law” means the rules set by the dominant class and “order” refers to the order desired by the dominant class? Do they cover the benefits that the dominant class derives from this “law and order?”

Every instance of scientific inquiry involves a judgment that something is worthy of investigation. In the humanities and social sciences, that judgment invariably is based on moral precepts. We inquire into the Holocaust not because we are interested in the number of man hours required for the maintenance of a concentration camp, but because we are interested in the humanity or inhumanity of it all. In the case of Xi Jinping’s organization, it is the duty of an academic to explore the morality (and legitimacy in light of our moral values) for this organization to dominate our central government, our public life, and academia.

HKUST’s core values provide some guidance with values such as integrity, academic freedom, local commitment, global vision, inclusiveness, diversity, and respect (although truth, a core value of U.S. universities such as Harvard, is sorely missing, as is honesty).<sup>17</sup> The International Covenant on Civil and Political Rights as well as the International Covenant on Economic, Social, and Cultural Rights—both guaranteed for Hong Kong under Article 4 of the “National Security Law”—provide clear benchmarks. Take Article 1 of the first: “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

To sum up, if such topics are not taught in our classes, in the proper format of bias-free scientific inquiry, then we have censorship, whether that is self-censorship or external censorship, and Hong Kong academia is not “perfectly safe” but dead.

I appreciate Professor Tang’s public statement that Hong Kong’s academic freedom is “perfectly safe.” As head of the Social Science Division at HKUST, he is in an eminent position to encourage and schedule courses that fulfill HKUST and HSS’s mission, to encourage faculty to fully and freely engage in scientific inquiry in their teaching and research, and to aggressively protect them from any attempts at limiting academic freedom,

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<sup>14</sup> See Vincent (1993), p. 378 for the (first) quote here of Marx, and pp. 381 and 384 for the here subsequent quotes, of Vincent. Vincent’s understanding of Marx’s writings also includes such observations as (p. 384) “One view of the state and law, which predominates in Marx’s writings, is that they are a condensation of the economic interests of the dominant class. The state is thus viewed as the ‘executive committee to manage the affairs of the bourgeoisie’. The state acts as its oppressive agent in civil society, suppressing proletarian interests in favour of capital accumulation. The personnel of the state owe allegiance to one particular class - the bourgeoisie. Lawyers would be viewed as waged lackeys of the bourgeoisie. Law is part of this oppressive mechanism and embodies the ideological mystifications of bourgeois intellectualism.”

<sup>15</sup> A starting point could be Gruen, 1992.

<sup>16</sup> Friedrich Hegel could provide an appropriate framework: “Was vernünftig ist, das ist wirklich; und was wirklich ist, das ist vernünftig” (What is reasonable is real; that which is real is reasonable).

<sup>17</sup> <https://strategicplan.ust.hk/our-core-values.html>

whether originating inside or outside the university. But the easiest way forward to free academia of the new regime of terror and to allow academics to do their job is still the one advocated by the Federal Republic of Germany: withdraw the “National Security Law” now.<sup>18</sup>

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<sup>18</sup> <https://www.scmp.com/news/china/article/3099804/germany-urges-withdrawal-hong-kong-national-security-law-seeks-access>

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