The Preservation of Academic Freedom in Hong Kong Universities after 1997

IHELG Monograph
04-03

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The Preservation of Academic Freedom in Hong Kong Universities after 1997

Jan Currie
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Academic freedom is often thought of as a key legitimating concept of the university. It allows academics to follow research where it leads, teach controversial ideas, and be a critical voice in society. How does it gain its legitimacy in different social-political contexts? How do universities protect themselves against the diminution of academic freedom in their societies or how do academics protect themselves against internal threats within the university to extinguish academic freedom? When there is a legitimisation crisis either in society or in the university concerning freedom of expression, do these crises embed freedoms more securely or are they further weakened? In other words, what is the process of legitimating the notion of academic freedom in universities and how do critical incidents affect this process?

Through analysing two separate incidents in Hong Kong, this paper examines how academic freedom survived in two universities. It suggests that as a result of these two incidents, Hong Kong universities were strengthened in their resolve to struggle against a threatening social order enabling academic freedom to become more firmly embedded in their institutions. This analysis is supplemented with the perceptions of academics and administrators surveyed and interviewed about academic freedom. An online survey on academic freedom was completed in 2002 by 39 academics and managers, mainly in one Hong Kong university. The interviews were with 40
academics and administrators in two Hong Kong universities during 2002-2003. Both the survey and protocol asked about how Chinese and western values intersected in Hong Kong universities and affected the concept of academic freedom and whether academic freedom had been threatened since the 1997 handover. Respondents were also asked about their perceptions of academic freedom, its importance to them and to Hong Kong academics in general, and their behaviour regarding it.

Hong Kong Context

Hong Kong is now a Special Administrative Region within the People’s Republic of China (known as HKSAR). Its partially independent status means that it retains its own legal and judiciary system, its currency, its economic system, and its governing system. Its legal system is based on the Basic Law negotiated between China and Britain in 1984 and revised since then. There is supposed to be movement towards universal suffrage and greater democracy after 2007, giving HKSAR ten years after the handover to agree upon the form democratic elections will take.

The island state is unique in many ways. DeGolyer (2001) writing about citizenship in Hong Kong gives an apt description of the setting: “The contextual complexities of Hong Kong—quasi-federated, quasi-autonomous, common law, capitalist enclave of 6.7 million people, encased in a rising, ‘socialist’ superpower of 1.2 billion, struggling to industrialize and develop the rule of law—have no parallel in the Western experience…” (pp. 166-167). Further he states that “In Hong Kong, traditional Chinese attitudes conflict with nationalistic attitudes which in turn collide with post-modern post-nationalism in the most internationalized, open society in Asia” (p. 168).

In essence, there are two contending perspectives about HKSAR, a more optimistic one that the “one country, two systems” is succeeding and a more pessimistic one that there has been a drift towards “one country, one system” with mainlandization taking place destroying the political, economic and legal system since the handover. The Asian economic crisis in late 1997 and early
1998 coincided with the handover and also prompted the HKSAR government to intervene in the stock market. Initially there was a feeling that the Asian financial crisis was a more dominant factor in HKSAR’s political vulnerability than the China factor. However, a general decline in political autonomy, a failure of political institutions to be sensitive to public opinion, and a lack of movement towards democratization have coalesced in feelings that HKSAR is no longer a separate system but is increasingly influenced by Beijing.

**Legitimation Crisis**

Political scientists writing about the Hong Kong Special Administrative Region (HKSAR) often use the term legitimation crisis to describe the general political situation of the city-state leading up to the handover in 1997 and since that time. Scott (1989), writing about the crisis of legitimacy in Hong Kong leading up to the handover, noted “A crisis of legitimacy occurs when powerful groups or significant segments of the population withdraw their support of consent and/or when the government loses its relative autonomy from these groups or from other governments” (p. 36). Lo (2001) encapsulates the reasons for the failure of the HKSAR to gain legitimacy after the handover:

Reverse democratisation, weak leadership, growing clientelism, administrative incompetence, an increased intolerance of political dissent, persistent legitimacy crises, and a serious communication problem between the ruler and the ruled characterized the first forty-five months of governance in the HKSAR. Unless the HKSAR government learns a bitter lesson from the absence of “dynamic self-governance” from July 1997 to April 2001, its legitimacy crisis will likely endure. (p. 30)

This paper adopts an analysis of *legitimation crisis* based on Dorothy Finnegan’s (2001) ASHE paper that explained how the Free University of Brussels coalesced to struggle against a threatening social order at four different times during its history. She borrowed from several writers on legitimation crises: Habermas (1976) who had the most elaborate analysis; O’Connor (1987) who described the meaning of a crisis; and Pearson and Clair (1998) who applied it to management crises. Adding to this analysis, I include two theorists, David Beetham (1991) and Ian Scott (1989, 2000). Scott wrote about a number of legitimacy crises occurring in Hong Kong before the
handover in 1997 and more recently about the declining legitimacy of the post-handover
government. Beetham identifies three dimensions of legitimacy: legal, moral authority, and consent
of the governed. His chart links the criteria of legitimacy with non-legitimate forms of power.

**Chart 1. Beetham’s Three Dimensions of Legitimacy**

<table>
<thead>
<tr>
<th>Criteria of Legitimacy</th>
<th>Form of Non-legitimate Power</th>
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<tr>
<td>1. Conformity to rules (legal validity)</td>
<td>Illegitimacy (breach of rules)</td>
</tr>
<tr>
<td>2. Justifiability of rules in terms of shared beliefs</td>
<td>Legitimacy deficit (discrepancy between rules and supporting beliefs, absence of shared beliefs)</td>
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<tr>
<td>3. Legitimation through expressed consent</td>
<td>Delegitimation (withdrawal of consent)</td>
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Following Beetham’s line of argument, it appears that the HKSAR government suffered a crisis
of legitimacy in 2003 when it tried to enact Article 23 too quickly, losing the consent of the
governed. There was a breakdown in shared beliefs with the majority of HKSAR’s people
believing that Article 23 had gone too far toward subservience to China’s authority, reducing the
autonomy of Hong Kong. The people took to the streets because they saw this as a critical moment
and feared that Article 23 was drawing HKSAR too much within the realm of Beijing’s authority
Similarly the crisis concerning academic freedom that threatened Hong Kong University (HKU)
was seen as a case of the university losing its autonomy from the state and causing a crisis of
confidence in the senior management of the university that resulted in political dissent. For the
university, the question of autonomy from the state (HKSAR) is similar to the need for HKSAR to
assert its autonomy from the People’s Republic of China.

**Academic Freedom in Hong Kong**

Although academic freedom was exercised almost at the inception of western universities, it was
seen as a narrower concept than it is today. It was perceived essentially as the right to the pursuit of
truth in scientific inquiries. Today the term is used to include the right to criticise your own
institution and to speak out on societal issues, reaching beyond the confines of the university and
the quest for independent inquiry. Thus, academic freedom is not an absolute concept but varies
with the historical era and the geopolitical location of a university.

Academic freedom has had a strong tradition in Hong Kong universities derived from its British
colonial past; however, this tradition is tempered by the development of the concept within a
largely Chinese community influenced by Confucianism. Established by the British in 1911, the
University of Hong Kong (HKU) honoured academic freedom from its beginnings. Its mission
statement declares that HKU will “endeavour to develop a collegial, flexible, pluralistic and
supportive environment that will attract, retain and nurture scholars, students and staff of the
highest calibre in a culture that inspires creativity, learning and freedom of thought, enquiry and
expression” (webpage, 09/08/2000). However, there is nothing in its statutes that protects academic
freedom, which seems to be the case with the other universities established in Hong Kong.
Currently the protection of academic freedom is embedded in the Basic Law passed in 1984, stating
“Educational institutions of all kinds may retain their autonomy and enjoy academic freedom”
(Article 137). It is also mentioned in the Joint Declaration which guarantees, “Rights and freedoms,
including those of the person, of speech, of the press, of assembly, of association, of travel, of
movement, of correspondence, of strike, of choice of occupation, of academic research and of
religious belief” (3, 5).

During the case known as the Robert Chung affair, the Independent Investigation Panel adopted a
definition of academic freedom, which included the “unhindered freedom to explore a given subject
to the extent that our rational powers of investigation are capable; and the freedom to do so without
influence or pressures external to the process” (2000, para 11). This definition suggests the notion
of independent inquiry. The HKU Senate established a Task Force on Academic Freedom in 2002
and this Task Force adopted the following working definition:
Academic freedom refers to the freedom of academic institutions, structure and individuals to study, teach, research and publish without being subject to undue interference, free of any authority or standard other than the rational methods by which truth is established. The notion of academic freedom reflects the belief that it enhances the pursuit, transmission and application of knowledge, and as such may be supported by society through the funding of academics and their institutions. Academic freedom embodies an acceptance of the need to encourage openness and flexibility in academic work, and of the accountability of academics to each other and to the norms of cooperative pursuit of knowledge. (p. 1)

These two definitions are not restricted to intramural freedoms yet they do not mention explicitly the right to criticise society. This contrasts with a Report from the University of Chicago on the “University’s Role in Political and Social Action” written over thirty years ago (Kalven Committee, 11 November 1967). A few excerpts follow:

A university has a great and unique role to play in fostering the development of social and political values in a society.

Its domain of inquiry and scrutiny includes all aspects and all values of society. A university faithful to its mission will provide enduring challenges to social values, policies, practices, and institutors. By design and by effect, it is the institution which creates discontent with the existing social arrangements and proposes new ones.

The very issue of whether academics should play a role as social critics in HKSAR became the centre of a controversy in HKU in 2000. Writing in 1998, Postiglione could sense some unease in Hong Kong about academic freedom just after the handover. He noted that academic freedom in HKSAR was greater than that of scholars in mainland China largely due to the integration of faculty members into the global academy and to the high proportion of scholars educated abroad who were accustomed to Western academic traditions. However, he was cautious about predicting the future of academic freedom in Hong Kong and wondered if campus life would be the same a year later. It would be less than a year later that HKU experienced a major threat to its campus culture, referred to earlier as the Robert Chong affair. It was to lead to grave concerns among Hong Kong academics that academic freedom was deteriorating. In 2003 an even more serious threat was posed by the introduction of Article 23 into the Hong Kong Basic Law that appeared as a major
challenge to academic freedom and freedom of expression in Hong Kong society. These two cases are explored within the theoretical concept of a legitimation crisis and its resolution.

**Robert Chung Affair**

Robert Chung Ting-yiu as a research associate at HKU was conducting regular opinion polls about public attitudes towards the first Chief Executive of the HKSAR, Tung Chee-hwa, and his government’s performance. These opinion polls noted a decline in public satisfaction with the Tung administration. In July 2000 the *South China Morning Post* cited findings of the Hong Kong Policy Research Institute which found that public trust in Tung had dropped from 86 points in July 1999 to 77.9 on a 200-point scale. In that same month, Robert Chung (2000) revealed that there was pressure on him to stop carrying out the opinion polls. Chung alleged that Tung, the Chief Executive, attempted to stop his polling through a third party, namely the Vice-Chancellor of HKU.

Lo (2001) identified the Robert Chung saga as one of the incidents that undermined the reputation of Tung, noting “that public dissatisfaction with the Tung administration rose to an all-time high following the Robert Chung affair” (2001, p. 9). Lo cited another survey conducted by the HKSAR’s Home Affairs Bureau that “found in July 2000 only 20 percent of the 1,562 respondents were satisfied with the overall performance of the government—a decline of 11 percent from its previous survey conducted in May 2000” (2001, p. 9).

As a result of Robert Chung’s allegations about government interference in his research, HKU established an inquiry to investigate the role of the Chief Executive’s Office and the Vice-Chancellor’s office in attempting to stop the publication of his opinion polls. According to Lo (2001) the incident went beyond HKU because it revealed the political influence of Tung’s personal assistant, Andrew Lo Cheung-on. Besides his attempt to silence Robert Chung, he put pressure on the Chinese University of Hong Kong not to reappoint Tony Fung as a council member because of his connections with the Next Media Group that frequently published articles
and reports critical of the Tung administration. So there was a general feeling that press freedom and academic freedom were being threatened and this incident served to exemplify the interconnection between these two freedoms.

The pressure to stop the opinion polls began in January 1999 when Andrew Lo had a meeting with HUK’s Vice-Chancellor (VC), Patrick Cheng Yiu-chung. The VC then discussed the issue with his Pro-Vice-Chancellor (PVC), Wong Siu-lun. It so happened that the PVC, Professor Wong was Robert Chung’s PhD supervisor. In an informal meeting with Chung, the PVC expressed the wishes of the VC that Robert Chung should stop his opinion polls. According to Lo (2001), there were differences of opinion about the nature of these meetings and whether the discussion was about conducting more sophisticated and rigorous analyses of the findings or to curtail the polls altogether. As a result of the independent investigatory panel (2000) set up by HKU, the report stated clearly that “There was a rather specific attack made on the polls carried out on the Chief Executive and the HKSAR government. They were a legitimate, if lowly ranked, academic activity and an attempt was made, in a covert way, without reference to the proper channels, to stop Dr Chung and [his] team from carrying them out” (p. 26).

The reaction of the Hong Kong university community was swift and effective. Students attacked the VC and accused him of yielding to outside political pressure. The university set up the independent inquiry into the Robert Chung affair. By this time, the incident had gained international attention as newspaper reports around the world reported the story, for example, a New York Times’ story by Mark Lander (July 16, 2000) expressed concern, “Citing Pressure, a Pollster Says Academic Freedom is Under Siege in Hong Kong” and the Higher Education Chronicle addressed concerns about changes to Hong Kong universities beginning in 1997 in a series of articles:

- 26 September 1997 “Universities in Hong Kong Start to see the Impact of Chinese Rule” (Hertling)
6 March 1998 “Under Chinese Rule, Subtle Changes for Universities and a Sense of Unease” (Postiglione)
21 July 2000 “Complaint by Scholar at U of Hong Kong Sparks Debate over Academic Freedom” (Bollag)
8 September 2000 “Top Officials Quit U of Hong Kong amid Charges They Violated a Scholar’s Academic Freedom” (Bollag)

The Hong Kong iMail gave this issue front page coverage (July 20 2000) and discussed it on its opinion page (July 22 2000). It is evident from these articles that academics were concerned about academic freedom as well as the increased power of the VC and the changes affecting their universities since the Chinese handover in 1997. Gould (2000) reported that academics were pressured to write positively about the government. In addition, HKU’s VC instituted a number of changes, increasing the power of management and reducing the role of academics in policy decisions. To increase the flexibility of employment, the VC increased contract employment to 35 per cent of academics, from a level of 20 per cent under the former VC. All of these changes were to affect the feeling of resentment against the VC and the desire to have him resign. Nevertheless, there were 42 Chair Professors who supported the VC and felt that the petitions calling for his resignation had gone too far. They were the more established members of the university community. One of these was Chair Professor Bell Yung who gave me a letter he wrote to the Chairman of HKU’s Council in which he defended the VC, focusing on the fine line between inhibition of academic freedom and legitimate and necessary advice that a mentor or senior researcher may give to a junior researcher. In the introduction to his letter he stated how much academic freedom he had experienced at HKU:

I state categorically, that, throughout my teaching and research activities at HKU, I have never sensed or received any kind of signal or pressure that might be interpreted as threatening or infringing upon my academic or intellectual freedom, from any member of the Senior Management Team or other administrative staff and colleagues. Nor have I heard of any such incident from a colleague. I have taught in the United States for over twenty years (at Cornell University, University of Pittsburgh, and University of California) and I do not find HKU to be any different from those institutions in so far as academic freedom is concerned.
Despite the support that the VC received from the Chair Professors, the vast majority of the academic staff did not support him. Within three days of the tabling of the Report from the Independent Investigation Panel, 439 academics, more than half of HKU academic staff signed a petition calling upon the Council to adopt the report. The signatories included six of the nine deans of faculties, 14 associate deans and 26 heads of departments. In addition, there were student protests and petitions from certain alumni groups calling for the VC to resign. Shortly before the Council met on 6 September 2000, the VC decided to resign from the university and the PVC resigned from his position and returned to his substantive position as Professor.

Altbach, in a visit to Hong Kong at the time of this incident (August 18 2000), commented on the current concern about academic freedom at the University of Hong Kong in a local newspaper, noting that it was no exception from an international perspective. “In a sense, Hong Kong’s academics are swimming against two powerful currents: worldwide managerialism and academic bureaucracy, and domination by the state of the academic world. It is all the more impressive that the academic community has stood up to these powerful pressures, and that the civil society in Hong Kong has made their cause a topic of concern and struggle” (html document). As a footnote to this incident, it is salutary that Robert Chung is still quoted in the press giving his poll results during the protests against Article 23.

*Article 23 and Mass Protests*

Article 23 of the Basic Law (1984) stipulated that “the HKSAR shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People’s Government, or theft of state secrets, to prohibit foreign political organisations or bodies from conducting political activities in the region”. Following the enactment of the Basic Law in 1984, it was left to the Legislative Council to introduce the specifics of Article 23 and vote on the legislation. On September 24th 2002 the Legislative Council began circulating a consultation paper. It did not develop a White Paper to describe the need for the legislation and the arguments for it.
There were previous drafts of the legislation but these were not enacted into law because of controversy, especially over the draft concerning the concept of subversion. The Economist (9/28/2002) noted that “subversion is an alien term to Anglo-Saxon common law, on which Hong Kong’s legal system is based. After all, most citizens in free societies regard it as a basic right to subvert—peacefully—their own governments; they call it opposition” (p. 37). Even before the paper was released, a legislator, Margaret Ng, raised fears that political censorship would be rampant if the government fails to define clearly various meanings of sedition and subversion, saying “If there are some forbidden areas for freedom of speech, I’m afraid very soon there will be political self-censorship everywhere” (Cannix Yau, 2002, html document).

One of the more controversial proposals was to outlaw groups in Hong Kong affiliated to groups that were banned in the mainland. Another clause that raised the ire of university librarians was the proposal to make it an offence to deal with or possess seditious publications without reasonable excuse and with the knowledge or suspicion that they would incite treason, secession or subversion. “Police would be granted the power to enter and search libraries if they are suspected to have publications which are seen as seditious. Librarians fear this may infringe academic freedom and the freedom of information” (October 16 2002, html document). The librarians noted that “sensitive books” could include “publications on the Falun Gong, the 1989 Tiananmen Square crackdown, articles by Tiananmen student leader Wang Dan, collections on Taiwan independence and even publications on “how to overthrow a government”” (October 16 2002, html document).

In 2003, the protests became more vocal as the date for voting on the legislation drew nearer. A number of academics became involved in the critiques of the legislation. Academics and legal experts attended a forum to discuss whether the draft bill struck the right balance between freedom and national security on June 15-16 (Lee, June 16 2003, html document). A group of 50 local academics convened by Professor Joseph Cheng of City University called on their colleagues to join the anti-Article 23 demonstration on the anniversary of the handover, July 1st. Cheng called on
academics to stand up and clearly express their views. He pointed out that the lack of democracy in Hong Kong meant that people lacked confidence in the enforcement of the legislation, saying “We hope all academics will unite and strive for universal suffrage for [the appointment of] our Chief Executive and the Legislative council” (06/27/2003, html document).

On July 1st 2003 the protest alarmed even the Hong Kong leader, Tung Chee-hwa, when over 500,000 demonstrators rallied against the new security laws. “The massive crowd, marching in sweltering heat for seven hours, was also protesting at Mr Tung’s perceived incompetence, with many marchers carrying posters calling for him to resign” (Korporal, July 3, 2003). Two more protests occurred during the week following July 1st. Albert Chen, Dean of the Faculty of Law at HKU warned that the government should not ignore people’s views (Yau, July 3, 2003, html document). This was when the government announced that it would still vote on the law on July 9.

Bradsheer of The New York Times (July 6, 2003) called the dispute the biggest political crisis since Britain handed over Hong Kong to China in 1997. He noted that the problem with defeating the bill in the Legislative Council was that three-fifths of the legislature consisted of members chosen either by the government or by industries and most of these leaned toward Beijing. Most of the lawmakers elected by the general public opposed the bill but they were a minority of the Legislative Council. However, the situation abruptly changed when the chairman of the pro-business Liberal Party, James Tien, resigned from the Executive Council. He called for the legislation to be deferred until December. Without the support of the 8 Liberal Party members on the 60-member Legislative Council, the government would lack the votes to pass the security bill. Then two of the most unpopular ministers, Financial Secretary Antony Leung and Security Chief Regina Ip, resigned. Finally Tung agreed to delay the passage of the controversial security law. On September 5, 2003, Tung announced that the bill would be postponed indefinitely. A spokesman for the Civil Human Rights Front, a coalition of pro-democracy groups that organized the massive march welcomed the postponement because it showed that “Hong Kong people have the courage,
the power, to stand up and change history” (Bradsher, July 7, 2003). Commenting on the change in a National Public Radio interview, Professor Joseph Cheng of City University said: “It is very significant that the Tung administration has been reduced to a kind of lame-duck government now because it has lost the support of the public and it has not been able to secure the firm support even of the business community as represented by the Liberal Party” (Edwards, July 7, 2003). Sonny Lo (September 5, 2003,), a political analyst at the University of Hong Kong said, “It is a strategic move made by both Beijing and the Hong Kong government to win the hearts and minds of the people. The objective is to rescue the declining popularity and the legitimacy of Tung’s government” (html document). Even after the massive protests, Beijing did not ask Tung to step down.

The withdrawal of Article 23 occurred before the candlelight vigil that surrounded the Legislative Council building on July 9 with some 50,000 protestors. The organizers felt it was important to continue with the protest because they wanted Article 23 passed only after universal suffrage was established in Hong Kong. The constitution allows for universal suffrage to occur after 2007 but the government has refused to debate the issue. The current system ensures that a Beijing-backed candidate is elected by a group of 800 Hong Kong loyalists [to Beijing]. Democratic activists feel discouraged and do not believe that Hong Kong will move towards democracy under Mr Tung’s leadership.

**Analysis of Incidents as Legitimation Crises**

Writing about preserving academic freedom, Carole Petersen (2000), an associate professor in law at HKU, commented on the need for academics to speak out and university leaders to vigorously defend the autonomy of their institutions if the current freedoms enjoyed under Hong Kong’s constitution were to be preserved. She warned that even though the Robert Chung affair “reads like a strong victory for academic freedom—an academic had the courage to speak out; his allegations were upheld by an independent investigation conducted through public hearings; the
Report was published and ultimately brought about the resignation of the most powerful member of the university" (p. 170)—it was not the end of the story. Petersen was particularly alarmed that the University Council never formally adopted the Report. Moreover, she continues to be concerned about the strong links between the University and the government. The University Council is dominated by external members, many of whom are appointed by the government. The Chief Executive serves as the Chancellor of the University and the Chairman of the Council is appointed by the Chief Executive and happens also to be a member of his Executive Council (akin to a member of Cabinet). She also warns that the most dangerous threats are the covert ones, “the private meetings in which a senior academic expresses ‘concern’ to a junior colleague, genuinely believing that she will enjoy a brighter future at the University if she would only pursue less controversial research or steer away from certain ‘political’ topics in the classroom” (p. 176).

Billings, Milburn, and Schaalman’s (1980) model of defining a crisis shows that a number of events have to occur before action is taken. Some scholars have noted that a ‘precipitating event’ or a ‘change in the internal or external environment’ officially begins a crisis (Turner, 1976; Brecher, 1977); however, Billings, Milburn, & Schaalman (1980) indicate that it is more complicated and the problem must be sensed and there has to be a perceived loss and time pressure to build up into a crisis of magnitude to take action. In the case of Dr. Robert Chung, the action by the students and staff did not take place until well after a year from the event. During this time, a sense of the perceived value of possible loss to academic freedom gained in magnitude. There was a degree of uncertainty in the university because the Vice-Chancellor was new and instituting a lot of managerial reforms. The ‘state’ was new with the handover and academics were concerned about a possible loss of freedom in the society in general. There was a fear of more negative consequences if the university did not act to stop the kind of government interference that they believed was taking place in the Robert Chung case. Thus, the Council defined the problem as having potentially negative consequences for the university and decided to act to establish an Independent
Investigation Panel. The triggering event was the Robert Chung case; however, other events occurring simultaneously meant that academics were more gravely concerned about the potential negative consequences if they did not act immediately to stem the interference from the government. There were grave fears for the future autonomy of the university. The milieu in which the case took place was significant because there were perceptions that this could be the thin edge of a wedge in which Beijing began to take away freedoms from Hong Kong academics.

In terms of managing the crisis within the university, the Chair of the Council recognized that he must overcome the crisis in order to stabilize the organization. Pearson and Clair (1998) discuss the need to make decisions swiftly and lessen the impact of the event on the viability of the organization. In this case, the organization would continue but its reputation could be lessened. There was no doubt that the University Council saw the incident as a major threat to academic freedom. It decided quickly to set up the Independent Panel and before the end of the year, the Panel reported and the VC resigned. The immediate incident was resolved. However, there are lingering fears of both external and internal threats to academic freedom within the university.

Looking at the second incident, Article 23, it follows what O'Connor describes as “social struggle and social reintegration” (1987, p. 146). He posited that “Delegitimation must be subjectively shared by large numbers of people, who must also be organized and mobilized, for there to occur deep political reform or revolution” (1987, p. 141, footnote 58). Pearson and Clair argue that “a crisis arises from a breakdown in shared meaning, legitimation, and institutionalization of socially-constructed relationships” (1998, html document). Beetham concurs, “Actions ranging from non-cooperation and passive resistance to open disobedience and militant opposition on the part of those qualified to give consent will in different measure erode legitimacy, and the larger the numbers involved, the greater this erosion will be” (p. 19).

In the protests against Article 23 a large number of people, 500,000 in one protest, took to the streets to challenge the Tung government. It was a triggering even to indicate that there was a
breakdown in shared meanings between the people and the government. The government felt that they were introducing legislation that was currently in a number of western countries and had been in the former British colonial constitution and could not understand the reason for the protests. However, the people were worried that this legislation was introducing policies that resembled mainland legislation and suggested that this would lead to the breakdown of the "one country, two systems" agreement that allowed Hong Kong to be different from the mainland. There was the more general uncertainty of passing legislation when there was no democratically elected government. Therefore, legislation that is passed in this environment may be more threatening than when it is passed by a legislature that can be voted out of office. So there was a discrepancy between the existing state and the desired state in which democracy was implemented. Tung was supposed to initiate discussions towards democracy but he had failed to do this. Thus, the social milieu in which Article 23 was introduced was one in which people were advocating for universal suffrage and did not see any movement towards this more desirable state.
Survey and Interview Results about Academic Freedom

It is important to understand the background of those surveyed because a number of the characteristics of the sample can affect their responses. Some of the main variables that may affect their answers to this survey were: gender, ethnicity, employment status, age, rank, management responsibility, and whether they had worked in an overseas English-speaking university. These were analysed to determine if there were any significant differences in their responses to the survey questions based on these characteristics.

Sample of Survey Respondents

There were 31 male and 8 female respondents and a little over half of the males were non-Chinese and a quarter of the females were non-Chinese. The sample was evenly split between tenured and contract employment. However, more of the non-Chinese were tenured (71%) compared with the Chinese (29%) and consequently more of the Chinese were on contracts (67%) compared with the non-Chinese (33%). The sample was fairly evenly split among the three areas of sciences/health/engineering (14), social sciences/humanities/economics (10) and the professional schools of education/law/architecture (10). The majority (23) were older than 44, with 14 younger between 24 to 43 years of age (with 2 unspecified). In terms of academic rank, a small number (5) were professors and the rest evenly split (15 each) between associate and assistant professor ranks. Almost all (38 out of 39) had higher degrees with 34 of these at the doctorate level.

Table 1 shows that a little over a third of both males and females were currently in positions with management responsibilities (as Dean, Head of Department or Associate Dean/Head). Two-thirds of the sample did not have management responsibilities. This was one of the background variables that might particularly affect the responses.
Table 1 Gender by Management Responsibility

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<td>Yes</td>
</tr>
<tr>
<td>Male</td>
<td>20 (64.5)</td>
<td>11 (35.5)</td>
</tr>
<tr>
<td>Female</td>
<td>5 (62.5)</td>
<td>3 (37.5)</td>
</tr>
<tr>
<td>Total</td>
<td>25</td>
<td>14</td>
</tr>
</tbody>
</table>

Another characteristic that could affect responses was whether the respondents had worked in an overseas university in another English-speaking country where academic freedom may have been more visibly present. Table 2 shows that a little over half had worked overseas with approximately an equal number of males and females having had that experience.

Table 2. Gender by Worked in an Overseas English-Speaking University

<table>
<thead>
<tr>
<th>Gender</th>
<th>Worked Overseas</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Male</td>
<td>17 (54.8)</td>
<td>14 (45.2)</td>
</tr>
<tr>
<td>Female</td>
<td>4 (50.0)</td>
<td>4 (50.0)</td>
</tr>
<tr>
<td>Total</td>
<td>21</td>
<td>18</td>
</tr>
</tbody>
</table>

One might suspect that those with overseas experience would be more likely to be Non-Chinese, such as the British, Australians and Americans who were working in Hong Kong universities. Although ten of the Non-Chinese had worked in an overseas English-speaking country, surprisingly eight had not worked in another overseas university and an almost equal number of Chinese (9) had worked overseas in an English-speaking country.

Table 3. Chinese and Non-Chinese by Overseas English-Speaking Country University

<table>
<thead>
<tr>
<th>Chinese or Not</th>
<th>Overseas Experience</th>
<th>No Overseas Exp.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chinese</td>
<td>9</td>
<td>10</td>
<td>19</td>
</tr>
<tr>
<td>Non-Chinese</td>
<td>10</td>
<td>8</td>
<td>18</td>
</tr>
<tr>
<td>Total</td>
<td>19</td>
<td>18</td>
<td>37</td>
</tr>
</tbody>
</table>
Sample of Interview Respondents

I interviewed individuals face-to-face and by telephone across two universities. I decided to choose the oldest university, University of Hong Kong (HKU), a fairly traditional university, and one of the newer, more technological universities, City University of Hong Kong (CU). HKU had an enrolment of 14,216 students in 2000/01. CU, founded in 1984, had 18,000 students in 2000/01.

In choosing the participants, I used the snow-balling technique that generated a convenience sample. I stopped at 20 respondents at each university after getting both a range of responses and a feeling of consensus on many of the responses. Combining the respondents across the two universities, this produced a diverse group across a variety of disciplines and ranks, representing the range across the university but not representative of the population. Some had management responsibility and others did not. In terms of rank there were 13 professors, 13 associate professors, and 9 below associate professor rank (assistant professors, senior lecturers, lecturers, research assistants, etc). There were 4 in administrative positions such as manager or senior administrative officer (without academic rank) and 1 student (president of the student guild). In terms of administrative responsibility, almost half were in managerial positions (19) ranging from PVC to Head of Department. There was a predominance of interviewees in the social sciences (19), with 9 in the sciences and 8 in professional schools (law, education, and management). There was also a predominance of males (34) over females (6). Over half were born in Hong Kong (20) or China (2) and the others in the United Kingdom (8), North America (7), Australia (2), and Germany (1). They had been working in their respective Hong Kong universities between 2 and 25 years. All but six of the thirty-six academics had gained their postgraduate qualifications overseas.
Results

Only some results are presented in this paper, focusing on the definition of academic freedom, the behaviour the respondents undertook in regard to it, the importance academic freedom had for them, and the changes they experienced since 1997 in their perception of it. In addition, a set of questions on the influences on the concept in Hong Kong is reviewed.

Definition

The first question that was asked of those interviewed was about the concept of academic freedom: “Academic freedom has been highlighted in the media recently. What does academic freedom mean to you?” Spontaneously most people talked first about research and publishing. I then probed about other freedoms such as the freedom to criticise your own institution and the freedom to publicly criticise social issues. The answers to these showed a slight hesitancy that also appeared in the survey results. A few responses from the two universities will demonstrate the similarity in their responses:

*Basically it means the right to engage in research as you like. To speak freely as an academic on an academic subject without fear, without handicaps of any kind and to be able to publish your ideas freely.* (CU04)

*Academic freedom means I can conduct research without hindrance and I can speak my mind about political issues without intimidation.* (HK03)

*It means to me all sorts of freedoms. Freedom to do research, freedom to say what you want to say through your writing and through the media.* (CU11)

*It means the liberty to pursue ideas that are of compelling interest or importance to one without fear of intimidation, political pressure, disapproval or derision.* (HK14)

When probed about the freedom to criticise your own institution, there was some doubt about the degree of freedom to do that.

*I haven’t thought about it in that way to be honest. I’ve looked at the issue in terms of academic research and I’ve not linked it to my own institution. There may possibly be some constraints on the freedom to criticise your own institution, either those implied or clear restrictions.* (CU11)
In explaining what some of these implied constraints might be another City University respondent made an important point about self-censorship and criticism that may harm an academic’s career.

*If you want to make comments about your colleagues, for example, individually you don’t have all the freedoms, you have to think about how this person will feel. I think we all subconsciously do our own censorship. Sometimes this is referred to as politeness. Being tactful. Even if you wanted to criticise the head of the department, you probably would try to think of a way to do it tactfully.* (CU12)

Several respondents when commenting on publicly criticising social issues mentioned that this should be the right of all citizens.

*I think especially the freedom to publicly criticise social issues is the freedom of every citizen within the country. It is a basic freedom and that is why I do not consider it an academic freedom per se.* (HK19)

*I wouldn’t regard publicly criticising social issues as academic freedom. I would say it is the right of each citizen to do that.* (CU13)

Similar comments were made about criticising your own institution:

*Of course any member of an institution, employee or member of a club, has a degree of freedom to criticise otherwise there could be no change or development. I’m not sure that academics have got any sort of special privilege in this regard.* (CU08)

*I would not perhaps think freedom to criticise your academic institution as an academic freedom per se. In any institution an employee should be able to express his or her views about how the institution is run, quite frankly, and there should be adequate channels for such views to be aired.* (CU17)

In sum, most people felt that all the freedoms mentioned were important to have but that some were regarded as more central to academic freedom and others were freedoms that should be in the society generally. Moreover, in the survey responses, the majority agreed (on a 4 point Likert scale) that academic freedom is a key legitimating concept of a university (M=3.6). Most
felt that Hong Kong allowed for these freedoms. This was put succinctly by one respondent from City University of Hong Kong:

Basically this is a very free place. I am one of the older critics here in this territory. I have been a critic since the late 70s before some of my younger colleagues became academics. The good thing about Hong Kong is that there is a very free press, a very free media. And especially in recent years, they are very fond of stories, scandals from universities. So if you are an academic who is willing to talk, to criticise, you have no lack of places to publish your ideas. (CU04)

A number of commentators on Hong Kong have remarked that it was a relatively free society. Chris Patten, the British Colonial Governor at the time of the handover, expressed this but identified the failure to institute democracy as a major freedom lacking in the colony. There is concern that there will be further delays in democratic reforms and that the review on HKSAR’s political development in 2007 will even further postpone democratic elections.

As a result of the promise of “Hong Kong people ruling Hong Kong,” they have become more participative and more critical of the government than ever before. Lo (2001) notes that HKSAR citizens are using talk-back radio, writing letters to the editor, and in general using their press freedom to express their views about the government. In commenting on HKSAR’s development in the British Parliament (2001), the Secretary of State concluded that “Hong Kong remains a free and open society” (p. 10). The US State Department made a similar remark in 2000: “Hong Kong remains a free and open society where human rights are generally respected” (US Department of State’s website).

To gauge the extent to which academic freedom was seen as a British university tradition or influenced by Confucian doctrines and blended with British traditions, three questions were asked on the survey with a response based on a Likert scale of 4 points, strongly disagree=1, disagree=2, agree=3, strongly agree=4. The means (M) show that most agreed that it was a British tradition (M=2.7), or a blend of the two (M=2.2), rather than a Confucian
belief (M=1.6) derived from the East. “No, it’s just a British concept” (CU09). “I would assume it’s entirely British” (HK05). “I think it’s from the British because according to Chinese traditions, you don’t have those freedoms, you’re not supposed to have that abstract freedom” (CU11). “It’s a Western concept. The current structure of universities is largely derived from German, North American or British views of the world” (CU19). One overseas-born respondent at City University felt the influence was mostly from Britain but he made an interesting comment on the influence of Confucianism within the university. “The one thing about Confucianism is the notion of civility and the lack of confrontation. That might be a good thing in that it reduces open conflict in departments and within the university. But it’s bad when things happen that do require open conflict and resolution” (CU02). Another British-born academic (CU03) remarked how City University could be located in Britain and how comfortable he felt at the university having worked most of his life in a British university and finding himself equally at ease here.

A City University Chinese academic (CU04) who saw it as a blend of the two made an insightful distinction between the Confucian notion of freedom and the western one.

There is a very strong Confucian concept that intellectuals have tremendous responsibility towards the state and towards the people. Intellectuals are expected to be critics and to be opinion leaders who stand up against injustice and articulate the grievances of the people. The western idea of freedom is highly individualistic — I should be able to speak freely, to publish freely and so on. But the tradition of the Confucian concept is very much a responsibility: an obligation towards the people.

He went on to discuss how the concepts have been blended together because of the experience of academics.

The vast majority of us have been educated in western countries so we have all been influenced by western ideas. Many of us share the western idea of academic freedom and feel that this is the beauty of being an academic. Whereas if you work in a major firm or in the government, you can’t do this and this is the privilege of an academic and many of us are very jealous of this freedom as well. At the same time, to teach something that is controversial is very much circumscribed by the conservative culture
in this society and also very much circumscribed by the expectations of a teacher, influenced as it is by Confucian traditions.

A University of Hong Kong Chinese academic (HK07) made a similar comment.

I think most people in our university would have been educated outside of Hong Kong so I think broadly speaking the notion of academic freedom is more western. But people who grew up in Hong Kong could be influenced by certain social norms, such as whether you have to respect your superiors. But there is also a critical element in the Confucian tradition, in terms of people writing critiques and criticising things.

Another University of Hong Kong British-born academic (HK11) suggested there was a blend as well:

I would say it is predominantly British but there is a certain amount of Chinese influence. There is a concept of community, a concept where one works as part of a collective more so than complete individual freedom. Maybe individual freedom is not the right word because you can still have that as a member of a community. Let’s say that more respect is paid to the community view than is to individual freedom.

Joseph Chan (2002), writing about moral autonomy, civil liberties and Confucianism, states that there are two elements embedded in Confucianism that would allow a moderate amount of personal autonomy: voluntary endorsement (not coercion) in developing one’s ethical position and reflective engagement in making moral choices. He also notes that there are many instances in Confucianism when moral heroes defy what they regard as immoral political authority. Nevertheless, he admits that in classical Confucianism “There is a strong tendency to adopt an intolerant attitude toward thoughts and expressions that it takes to be unethical or wrong” (p. 295) [e.g. a contemporary example of this would be the case of Falun Gong]. Furthermore, he states “Confucianism would be worried about the harmful effects of heresies on social harmony and stability, which are important values in the Confucian scheme” (p. 295).

Chan then proposes a blend of Confucianism and J. S. Mill’s notion of freedom of expression because of the need to develop an environment that encourages “a certain degree of open-
mindedness, not blind dogmatism” (p. 296). However, Chan is aware that a totally open society that allowed a large number of bad ways of life to develop would not be conducive to Confucian moral reflection. Thus, he opts for “a morally conservative society in which liberties and their restriction are balanced in such a way as best to promote the moral good” (p. 297). Creating a contemporary version of Confucian ethics, he includes a moderate version of personal autonomy which would allow for greater civil liberties. He tries to balance the value of personal autonomy (making individual choices in life) with the importance of the ethical good. His article suggests that in contemporary Hong Kong, a blend of both personal autonomy and Confucian ethics may be necessary for the life style of its citizens. It is clear that there is a certain degree of pragmatism in Hong Kong that tries to balance the need for harmony with the need for greater civil liberties and freedom of expression. This was expressed by some of the respondents when discussing how Hong Kong was a free society and the universities allowed for academic freedom but all of this was within an environment based on social harmony.

**Importance**

A set of survey questions asked about how important academic freedom was for the respondents, choosing from a Likert scale with the range, not at all important (1), of some importance (2), very important (3), extremely important (4). The stems for these questions were:

- the freedom to present my ideas in regular classes
- the freedom to pursue my own research interests
- the freedom to publish without fear of censorship
- the freedom to speak out on university policies
- the freedom to criticise societal policies in public

As can be seen by the responses in Graph 1, most respondents felt that these freedoms were very to extremely important. It was interesting to note the slight variation in their responses, valuing research and publishing more than speaking out on university policies or criticising societal policies
in public. Presenting my ideas in classes fell between these two groupings. These survey responses echoed the type of responses from those interviewed who more spontaneously referred to research and publishing as the important aspects of academic freedom.

Graph 1. Importance of Academic Freedom

Assessing whether there were any differences among the respondents in how they saw these range of freedoms, there was a significant difference (p<.01) between the Non-Chinese and Chinese. The Non-Chinese responded at a higher level with a mean (M) of 3.9 compared with the Chinese (M = 3.3) on one item, the freedom to publish without fear of censorship. Also there was a difference on this item based on overseas experience and employment status. Table 4 demonstrates that those on contract with no experience in working in an English-speaking university overseas had the highest mean (M=4.0), followed by those with tenure who had experience working overseas (M=3.7).
Table 4. Importance of ‘The freedom to publish without fear of censorship’ by Overseas Experience and Employment Status*

<table>
<thead>
<tr>
<th>Freedom to publish</th>
<th>Tenure</th>
<th>Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overseas Experience</td>
<td>3.7</td>
<td>2.7</td>
</tr>
<tr>
<td>No Overseas Exp.</td>
<td>3.3</td>
<td>4.0</td>
</tr>
</tbody>
</table>

*p<.05

Interestingly, there was also a significant difference (p<.01) on the importance of criticising societal policies in public between those with experience working in an English-speaking university overseas (M = 3.0) and those who had not had that experience (M = 3.7). This suggests that those with local experience, whether Chinese or Non-Chinese, were more likely to strongly endorse this item.

**Change in Degree of Freedoms**

Another set of survey questions asked about any changes to academic freedom in Hong Kong universities:

- There has been a change in academic freedom in Hong Kong universities in the past five years.
- I am concerned about the state of academic freedom in Hong Kong universities.
- Academic freedom is strongly protected in Hong Kong universities.

The first item was based on a five point scale: major improvement (1), minor improvement (2), no change (3), minor deterioration (4), and major deterioration (5). The mean (M) was 3.63, somewhere between no change and minor deterioration. The respondents felt that only a minor deterioration had occurred in the state of academic freedom in Hong Kong universities.
Table 5. Change in Academic Freedom by Academic Rank*, Gender* and Overseas Experience*

<table>
<thead>
<tr>
<th>Change in Academic Freedom</th>
<th>Professor</th>
<th>Associate Professor</th>
<th>Assistant Professor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>3.5</td>
<td>3.4</td>
<td>3.6</td>
</tr>
<tr>
<td>Female</td>
<td>1.5</td>
<td>4.0</td>
<td>3.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Overseas Experience No Overseas Exp.</th>
<th>3.5</th>
<th>3.5</th>
<th>3.6</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.5</td>
<td>3.3</td>
<td>3.0</td>
</tr>
</tbody>
</table>

*p<.05

Table 5 indicates that there were significant differences (p<.05) by gender, rank and overseas experience. Male professors and assistant professors felt that the changes were greater than females at those levels. The mean differences were reversed between males and females at the associate professor level with females having greater concerns about the change in academic freedom than males. In terms of overseas experience in English-speaking countries, the differences are again more prominent at the professor and assistant professor level with only marginal differences at the associate professor level. In each case, those who have had experience overseas were more likely to think that there had been a minor deterioration in academic freedom in Hong Kong universities.

Table 6 shows another significant difference (p<.05) between males and females and whether tenured or contract and the degree of change they felt had occurred in academic freedom. Tenured males (M=3.9) felt that academic freedom had changed the most and next were the contract males (M=3.3), with contract females (M=3.0) indicating more change than tenured female (M=2.3).

Table 6. Change in Academic Freedom by Gender* and Employment Status*

<table>
<thead>
<tr>
<th>Change in Academic Freedom</th>
<th>Fulltime Tenured</th>
<th>Fulltime Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Males</td>
<td>3.9</td>
<td>3.3</td>
</tr>
<tr>
<td>Females</td>
<td>2.3</td>
<td>3.0</td>
</tr>
</tbody>
</table>

*<.05
The next two items were on a 4 point Likert scale of strongly disagree (1), disagree (2), agree (3), and strongly agree (4). Academics agreed that they had some concerns about academic freedom (M = 2.95) and its protection in Hong Kong universities (M = 2.59). There were significant differences among the respondents by rank (p<.01) and whether they had overseas experience (p<.01) and whether they were Chinese or not (p<.05). Table 7 shows for all the ranks, those with overseas experience at English-speaking universities were more concerned about academic freedom in Hong Kong universities. For Professors and Associate Professors the Non-Chinese were more concerned than the Chinese but at the Assistant Professor level the Chinese were more concerned than the Non-Chinese.

**Table 7. Concern about Academic Freedom in Hong Kong Universities by Rank**, Overseas Experience**, and Non-Chinese vs. Chinese**

<table>
<thead>
<tr>
<th>Concern about Academic Freedom</th>
<th>Professor</th>
<th>Associate Professor</th>
<th>Assistant Professor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overseas Experience</td>
<td>2.0</td>
<td>3.2</td>
<td>3.4</td>
</tr>
<tr>
<td>No Overseas Exp</td>
<td>1.5</td>
<td>2.3</td>
<td>2.0</td>
</tr>
<tr>
<td>Non-Chinese</td>
<td>2.0</td>
<td>3.0</td>
<td>3.0</td>
</tr>
<tr>
<td>Chinese</td>
<td>1.0</td>
<td>2.7</td>
<td>3.3</td>
</tr>
</tbody>
</table>

*p<.05, **p<.01

Table 8 indicates that those most concerned about academic freedom were those academics on fulltime contracts and those who were tenured who had had experience teaching in English-speaking universities overseas. Those least concerned were those who had no overseas experience, whether tenured or on contract.
Table 8. Concern about Academic Freedom in Hong Kong Universities by Overseas Experience** and Employment Status**

<table>
<thead>
<tr>
<th>Concern about Academic Freedom</th>
<th>Fulltime Tenured</th>
<th>Fulltime Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overseas Experience</td>
<td>2.9</td>
<td>3.3</td>
</tr>
<tr>
<td>No Overseas Exp.</td>
<td>1.7</td>
<td>2.3</td>
</tr>
</tbody>
</table>

**p<.01

For each type of academic freedom, the respondents were asked about the extent of change over the last five years, with choices of decreased a great deal (1) to increased a great deal (5). In each case, they responded closest to 'not changed significantly' (3) with means around 3.0 for the items, ideas, research and publish, and a little closer to 'decreased a little' (2) with means of 2.7 for speaking out on university policies and criticising societal policies. The next question asked whether the change was for the better or worse. The means across the five items were close to 2.0, meaning neither better nor worse, with research at 2.0, publish and ideas at 1.9, and speaking out on university policy and criticising social policy at 1.7, slightly closer to the change is for the worse. So there was some consistency across the two sets of responses with a feeling that for ideas, research and publishing, there had been little change; however, for speaking out on university policies and criticising societal policies, the change was towards a little decrease in the extent of freedom that was seen for the worse, but not dramatically.

For the question whether the freedom to pursue my own research interests had changed for the better or worse, there were some significant differences (p<.05) among the respondents. Table 9 shows that Chinese females were more likely to think the change was for the better (M=2.8) whereas the Non-Chinese females were more likely to say it was neither better nor worse (M=2.0) and the males, both Chinese and Non-Chinese said it was for the worse (M=1.7). It did not matter for the males whether they were on contract or tenured; however, for the females those on contract were more likely to think the change had been for the better compared with tenured females.
Table 9. The freedom to pursue my own research interests has changed for the better or worse by Gender* and Chinese/Non-Chinese* and Tenured/Contract*  

<table>
<thead>
<tr>
<th>Freedom for research—</th>
<th>Chinese</th>
<th>Non-Chinese</th>
<th>Tenured</th>
<th>Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change for better or worse</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>1.7</td>
<td>1.7</td>
<td>1.7</td>
<td>1.7</td>
</tr>
<tr>
<td>Female</td>
<td>2.8</td>
<td>2.0</td>
<td>2.3</td>
<td>3.0</td>
</tr>
</tbody>
</table>

*p<.05

There were some significant differences (p<.05) in the assessment of whether ‘the freedom to pursue my own research interests’ had changed for the better or worse by whether Chinese or Non-Chinese and by academic rank. Table 10 indicates that Chinese Professors felt that the freedom to pursue research had increased a great deal (M=5.0) in contrast to the Non-Chinese Assistant Professors who thought it had decreased a little (M=2.0). The rest indicated that there had been very little change over the last five years (M=2.7 to 3.0).

Table 10. The extent of change in ‘the freedom to pursue my own research interests’ by Chinese/Non-Chinese* and Academic Rank*  

<table>
<thead>
<tr>
<th>Freedom for research—</th>
<th>Professor</th>
<th>Associate Professor</th>
<th>Assistant Professor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extent of Change</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chinese</td>
<td>5.0</td>
<td>2.7</td>
<td>2.7</td>
</tr>
<tr>
<td>Non-Chinese</td>
<td>3.0</td>
<td>3.0</td>
<td>2.0</td>
</tr>
</tbody>
</table>

*p<.05

Regarding ‘the freedom to pursue my own research interests’, Table 11 indicates that female Assistant Professors (M=3.0) and Professors (M=2.5) were more likely to think that the change was for the better. The biggest difference in response to this question was between male (M=1.4) and female Assistant Professors (M=3.0) with the males more likely to think that the change had been for the worse.
Table 11. ‘The freedom to pursue my own research interests’ by Gender* and Academic Rank*

<table>
<thead>
<tr>
<th>Freedom for research—Change for better or worse</th>
<th>Professor</th>
<th>Associate Professor</th>
<th>Assistant Professor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Males</td>
<td>2.0</td>
<td>1.9</td>
<td>1.4</td>
</tr>
<tr>
<td>Females</td>
<td>2.5</td>
<td>2.0</td>
<td>3.0</td>
</tr>
</tbody>
</table>

p<.05

There were some significant differences (p<.01) in the assessment of whether ‘the freedom to present my ideas in regular classes’ had changed for the better or worse by gender, employment status, Chinese/Non-Chinese and rank. Table 12 demonstrates that Chinese females (M=2.8) and those on contract (M=3.0) were more likely to think that the change was for the better. Chinese males (M=1.9) and tenured males (M=1.9) and contract males (M=2.0) were more likely to think that this freedom had stayed the same.

Table 12. ‘The freedom to present my ideas in regular classes’ has changed for the better or worse by Gender**, Employment Status** and Chinese/Non-Chinese**

<table>
<thead>
<tr>
<th>Freedom for ideas—Change for better or worse</th>
<th>Tenured</th>
<th>Contract</th>
<th>Chinese</th>
<th>Non-Chinese</th>
</tr>
</thead>
<tbody>
<tr>
<td>Males</td>
<td>1.9</td>
<td>2.0</td>
<td>1.9</td>
<td>2.0</td>
</tr>
<tr>
<td>Females</td>
<td>2.3</td>
<td>3.0</td>
<td>2.8</td>
<td>2.0</td>
</tr>
</tbody>
</table>

**p<.01

Table 13 indicates that female Associate (M=3.0) and Assistant Professors (M+3.0) are more likely to think that the freedom to present my ideas in regular classes had changed for the better (p<.05). In contrast, male Associate Professors were more likely to think that it had stayed the same or had slightly declined (M=1.8).
Table 13. ‘The freedom to present my ideas in regular classes’ has changed for the better or worse by Gender* and Rank*

<table>
<thead>
<tr>
<th>Freedom for ideas—</th>
<th>Professor</th>
<th>Associate Professor</th>
<th>Assistant Professor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change for better or worse</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Males</td>
<td>2.0</td>
<td>1.8</td>
<td>2.0</td>
</tr>
<tr>
<td>Females</td>
<td>2.0</td>
<td>3.0</td>
<td>3.0</td>
</tr>
</tbody>
</table>

*p<.05

The final table in this section examines ‘the freedom to publish without fear of censorship’ and shows significant differences (p<.01) by employment status and gender. The greatest difference in the means was between the contract males (M=1.7) and females (M=3.0) with the females perceiving the freedom to publish had gotten better and the males feeling it had stayed the same or gotten worse. The tenured males (M=1.9) and females (M=2.0) were more likely to respond that it had not changed.

Table 14. ‘The freedom to publish without fear of censorship’ by Gender** and Employment Status**

<table>
<thead>
<tr>
<th>Freedom to publish—</th>
<th>Tenured</th>
<th>Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change for better or worse</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Males</td>
<td>1.9</td>
<td>1.7</td>
</tr>
<tr>
<td>Females</td>
<td>2.0</td>
<td>3.0</td>
</tr>
</tbody>
</table>

**p<.01

Behaviour regarding Academic Freedom

A set of eight questions asked about their perceptions of their own working conditions related to academic freedom and their perceptions about how they use their academic freedom and how other Hong Kong academics use their academic freedom. The Likert scale gave them four choices: not at all (1), seldom (2), sometimes (3), and all the time (4). Before looking at significant differences among the groups, it is useful to examine the means and standard deviations on the eight items from the highest to the lowest means as shown in Table 15.
Table 15. Means and Standard Deviations on Behaviour regarding Academic Freedom

<table>
<thead>
<tr>
<th>Question</th>
<th>Mean</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>I can focus my research on any topic of special interest to me.</td>
<td>3.5</td>
<td>.80</td>
</tr>
<tr>
<td>At my university I am fully free to determine the content of the courses</td>
<td>3.3</td>
<td>.88</td>
</tr>
<tr>
<td>I teach controversial ideas.</td>
<td>2.7</td>
<td>.69</td>
</tr>
<tr>
<td>I criticise the government and/or government policies in public.</td>
<td>2.5</td>
<td>.92</td>
</tr>
</tbody>
</table>

*This item was reversed so that the mean could be compared with the other items.

The first four items had means between 3 and 3.5 suggesting that they or Hong Kong academics ‘sometimes’ to ‘all of the time’ used their freedom to research areas of interest, to decide on the content of their teaching and to criticise the government. The next four items had means between 2.5 and 2.8, indicating that they or Hong Kong academics ‘seldom’ to ‘sometimes’ used their freedoms to teach controversial ideas, criticise the government, or did not avoid politically sensitive research areas.

There were only two items where there were significant differences (p<.01): ‘I teach controversial ideas’ and ‘I criticise government policies’. There were differences by overseas experience, employment status and rank for the first of these two. Surprisingly, Table 16 shows that those who are associate professors on contract with no overseas experience in English-speaking universities had the highest means (M=3.3), suggesting that they would more often teach controversial ideas than those with overseas experience, tenure and who were either professors.
(M=2.5) or assistant professors (M=1.8). Those who were least likely to teach controversial ideas are assistant professors with overseas experience.

Table 16. ‘I teach controversial ideas’ by Overseas Experience**, Employment Status**, and Rank**

<table>
<thead>
<tr>
<th>I teach controversial ideas</th>
<th>Professor</th>
<th>Associate Professor</th>
<th>Assistant Professor</th>
<th>Tenured</th>
<th>Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overseas Experience</td>
<td>2.5</td>
<td>2.8</td>
<td>1.8</td>
<td>2.7</td>
<td>2.0</td>
</tr>
<tr>
<td>No Overseas Experience</td>
<td>3.0</td>
<td>3.3</td>
<td>3.0</td>
<td>2.0</td>
<td>3.3</td>
</tr>
</tbody>
</table>

**p<.01

The other item that showed a significant difference (p<.01) was ‘I use my freedom to criticise the government and/or government policies in public’. Table 17 shows the differences by overseas experience and whether tenured or on contract. Surprisingly, those most likely to criticise government policies were those on contract and those without overseas experience in an English-speaking country (M=3.7) and those least likely were also those on contract but with overseas experience (M=1.7).

Table 17. ‘I criticise government policies’ by Overseas Experience**, Employment Status**

<table>
<thead>
<tr>
<th>I criticise government policies</th>
<th>Tenured</th>
<th>Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overseas Experience</td>
<td>2.4</td>
<td>1.7</td>
</tr>
<tr>
<td>No Overseas Experience</td>
<td>2.7</td>
<td>3.7</td>
</tr>
</tbody>
</table>

*p<.01

Table 18 shows a significant difference (p<.01) for the same item by ethnicity and rank. Those most likely to criticise government policies were the Chinese Professors (M=3.0) and the Non-Chinese Associate Professors (M=2.7). The least likely were the Chinese Assistant Professors...
(M=1.3) and the Non-Chinese Professors (M=2.3). Among the Chinese, the higher the rank, the more likely they are to criticise government policies but a clear trend is not present among the Non-Chinese.

<table>
<thead>
<tr>
<th>I criticise government policies</th>
<th>Professor</th>
<th>Associate Professor</th>
<th>Assistant Professor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chinese</td>
<td>3.0</td>
<td>2.7</td>
<td>1.3</td>
</tr>
<tr>
<td>Non-Chinese</td>
<td>2.3</td>
<td>3.0</td>
<td>2.7</td>
</tr>
</tbody>
</table>

**p<.01

**Table 18. ‘I criticise government policies’ by Chinese/Non-Chinese**

**and Academic Rank**

**Discussion and Concluding Comments**

It is clear from the responses to the critical incidents, the survey, and the interviews that academic freedom is important to Hong Kong academics. Living in a civil society that cherishes freedom of expression enables academics to criticise the government, petition their university councils when threats to academic freedom are present and take to the streets in protest when legislation denies the citizenry of important freedoms. Despite the threats to diminish citizen’s rights, Hong Kong is still characterised as a free and open society.

According to Beetham’s criteria, these incidents triggered legitimacy crises for the governing institutions. In the case of the University of Hong Kong, the vice-chancellor lost his support because of a breach of rules (and he lost the support of council and his staff leading to delegitimation. In the case of the Hong Kong government introducing Article 23 there was a legitimacy deficit as there was an absence of shared beliefs between the Chief Executive Tung and the people. By sheer numbers protesting in the street they showed their withdrawal of consent and with the resignation of key individuals from the executive council and withdrawal of support for the legislation from pro-Beijing members of the legislative council, Tung was forced to back down and withdraw the legislation. He did not resign and his government was still in tact but the people
were able to exert their strength to stop the voting on Article 23 that would have introduced legislation about subversion.

Most academics felt that all the freedoms were important but some were more central to academic freedom and others were freedoms that should be part of society in general and they would not classify them as academic freedoms. Those surveyed agreed that academic freedom is a key legitimating concept of the university and most felt that Hong Kong as a society allowed freedoms found in most western societies, such as a free press, freedom of expression, freedom to protest and academics were often leaders in criticizing the government.

For most respondents, academic freedom is perceived to be derived from British university traditions. Yet the notion is tempered by how it has been social constructed within HKSAR. Both Chinese and Overseas academics mentioned the conservative nature of Hong Kong society and the need to preserve social harmony within the academic community. These more collectivistic notions of society suggest a Confucian moralistic tone to the concept of academic freedom that operates in a fairly pragmatic way in Hong Kong universities. To maintain stability, you need to criticise with tact and some more junior members will resist the temptation to criticise a superior at all and engage in self-censorship.

There is a feeling that only a minor change has occurred in regard to academic freedom. Those who have had experience teaching in an overseas English-speaking university are more likely to think that there has been a minor deterioration in academic freedom. In contrast, those who would be considered locals feel that not much has changed. Most feel that academic freedom was protected by the protest actions of academics. Almost without exception, those interviewed said that they believed that academics would take the same action again if a similar incident were to occur.
When writing about an incident, such as the Robert Chung affair, it may appear as though it would have been easy to engage in the protest action since the result ended in the vice-chancellor and his deputy resigning. However, it must be noted that at the time key academics were putting their careers on the line. A newspaper article published on the day of the university council’s meeting commented on the risk that several high-profile organisers were taking if the vice-chancellor were to survive the meeting. Professor Chan was quoted as saying: “It may not be easy for me to find another job if I lose my job. But you can’t worry too much about that. You can only act upon your conscience” (Yeung and Gittings, 2000, p. 17).

This strong feeling of social conscience linked with activism is explained by one of my respondents:

_It seems to me there is an even greater tradition in Hong Kong than even in Australia of academics getting involved in social criticism. They are very much involved in social movements as well. They’re involved in the democracy movement. There’s a history to this. If you look at the backgrounds of many academics in Hong Kong, they come from the student movements in the 1970s and the growth of civil society in the 1970s in Hong Kong. Civil society is quite strong and has been so vociferous over the years. (HK21)_

He went on to express some concern about the current government. “I’m not sure that I would trust the government on this issue. I think the government would like to clamp down on some of these academics” (HK21). This is echoed by others in the academic community but not all for the same reasons. There is still unease in the academic community as other incidents after Dr Chung’s case have caused concern. Cheung (2002), a professor at City University, wrote about two academics (Dr Li Shomin and Tsui Chak-wing) who were imprisoned and accused of spying or accessing state secrets by China. However, Cheung finds more insidious than these incidents the growing threat to academic freedom from institutional pressures and the encroaching market culture on university campuses. “There is more talk of money and numbers and less of intellectual worth, scientific imagination, and care for society and humanity” (2002, p. 12). Hong Kong universities have followed the lead of Anglo-American countries in introducing a ‘performativity’
culture that is more extreme than most countries in the world in judging individuals by their productivity output in publications in international journals and grants. This means academics are giving up writing for local publications and pushing the system towards academic conformity. This may be the real threat to academic freedom.

References


When you look at this kind of activism and see how it is expressed, you realize that there is something wrong with the political system because they express it on the streets. Since 1997, there have been 10,000 demonstrations in Hong Kong. Some of them will be two men and a dog. Some of them are major protests. They are running at something like 8 a day. The police are counting these and it’s huge, it’s enormous. It says to me there aren’t the proper channels for them to express what they want to happen. The things are linked: the social activism is linked with academics who feel that they can express themselves in Hong Kong and get very upset when they can’t express themselves in Hong Kong.