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'A one-sided view of the world': women of colour at the intersections of academic freedom[1]

Mwenza Blell[a], Shan-Jan Sarah Liu [b] and Audrey Verma[a]

[a]Newcastle University, Faculty of Humanities and Social Sciences, Sociology, Newcastle upon Tyne, UK; [b]University of Edinburgh, Politics and International Relations, Edinburgh, Scotland

ABSTRACT

Academic freedom is a necessary principle. Current attempts to (re)conceptualise, (re)frame, and reduce the principles of free speech from universal concepts to specific and narrow conceptions are however underpinned by political expediency and accompanied by erosions to press freedom and protest rights. The current enacting and policing of academic freedom is purposely acontextual, colour-blind, and ignorant of differential costs of dissent and (non)compliance. This paper focuses instead on the interlinked conditions of precarity, neoliberalisation, internationalisation, digitisation, and state-encouraged intervention that lead to increased surveillance, (self-)censorship, and cultures of silencing, to show that women and people of colour are caught in the crosshairs of the 'culture wars' in unique ways. Drawing primarily on the United Kingdom Higher Education (UKHE) sector alongside other international examples, this paper contends that the conditions, structures, and policies around research and teaching amplify state-encouraged backlash against the teaching and research on specific topics. It shows that the renewed fervour for academic freedom continues to disguise bad faith ideologies whilst amplifying politicised interests keen to reinforce the status quo. Historically excluded and minoritised academics face new risks and greater pressures building on already deep-rooted institutional cultures of targeted silencing.

Introduction: intersectionality and academic freedom

Academic freedom is legally protected within many international human rights standards, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).a The Human Rights Committee, the body of independent experts that monitors implementation of the International Covenant on Civil

and Political Rights by its State parties, has stated that the right to academic freedom includes both teaching and public commentary by researchers.[2] With reference to the United Kingdom (UK), there is an extensive and robust regulatory framework protecting freedom of speech within the law that directly shapes academic expression.[3] Morrish summarises that in the UK, '[m]ost university statutes echo legislation and guarantee academics 'freedom within the law to question and test received wisdom, and to put forward new ideas and controversial and unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions' [Section 202 of the Education Reform Act 1988].'[4]

At the same time, the UK continues to grapple with the impacts of the Sewell report which denies the existence of institutional racism in the country.[5] The report may be read alongside the increasing moral panic around freedom of speech in key institutions, including across the press and in the education sector, constitutive of the 'culture wars'.[6] With regards to higher education, there has been a distinct change in tone at the highest levels of government in recent years. For example, in October 2020, in a Commons speech, the then UK Exchequer Secretary to the Treasury Kemi Badenoch declared critical race theory a 'dangerous trend in race relations'.[7] There have been state-facilitated calls for academic freedom that occur alongside fairly specific censure of scholarship offering critique and correctives to inaccuracies and erasures in the canon. The Department for Education issued guidance in 2020 to schools in England that couches anti-capitalism as an 'extreme political stance',[8] and ministers declared that teaching white privilege as 'uncontested fact' or that openly supports 'the anti-capitalist Black Lives Matter group' is illegal.[9] In 2021, Conservative MPs slated a research audit into the links between English heritage sites and the transatlantic slave trade as an effort to re-write history, reflecting a wider and ironic conflation of decolonisation and plugging existing knowledge gaps with erasure and 'cancellation'.[10]

We contend in this paper that the current framing of a crisis of academic freedom in the UK's universities is about power associated with neo-nationalism and populist neoliberalism, undergirded by institutional racism. The government's crackdown on academic freedom contradictorily co-opts the language of academic freedom to imagine a politicised crisis that has little basis in reality. This version of under-evidenced and narrow construction of hazards to academic freedom diverts attention from historic and underlying structural threats to academic freedom while wilfully overlooking how these actual problems are differentially experienced. The constructed crisis deflects from structural concerns raised by organisations like UNESCO around decreasing resources,[11] the UK's University and College Union (UCU) warnings around job security and precarity, and academics' distress over workloads and the constraining over-reliance on metrics.[12]

In stepping away from the current framings and co-optation of academic freedom, we pay attention instead to systems and the question of power. We thus return the discussion around freedom of speech from specific examples to principles and structures.[13] In exploring the terrain, we consider academic freedom as it applies to research, teaching, and public engagement.[14] Academic freedom is a crucial principle particularly for marginalised groups,[15] but we demonstrate how interlinked and oppressive existing structures that are built around precarity, neoliberalisation and internationalisation, digitisation and populist state-backed intervention result in increased surveillance, (self-)censorship, and cultures of silencing. Specifically, we argue that the differentiated

effects of current conceptions of academic freedom amplify institutional detriments that are already unequally faced by persons from underrepresented genders and ethnicities.

Where the renewed fervour for academic freedom continues to disguise bad faith ideologies while exacerbating politicised interests keen to reinforce the status quo, the misuse of the concept of academic freedom has become a justification for denuding particular groups of academics and students of that very freedom. Given the post-truth times and 'culture wars' in which we find ourselves, it is apparent that historically excluded and minoritised academics face new risks and greater pressures building on already deep-rooted institutional cultures of targeted silencing. The constructed crisis around academic freedom is creating, for instance, untested tensions with the protections afforded by socio-legal instruments, for example the Equality Act 2010 in the UK.

The attention we pay to interlinking oppressions and their impacts on people facing gendered and racialised forms of oppression constitutes an intersectional approach. We take this approach because, as Black feminist scholar Hill Collins points out: 'in the absence of intersectional analyses, [acts] can seem random, individualised and senseless.'[16] We show that repressive acts and their effects are not random. We draw from Crenshaw's original framing of intersectionality[17] and on subsequent feminist scholarship that builds on the concept,[18] to direct attention to the disproportionate impacts on women of colour brought about by particular discursive or institutional practices, in this case around academic freedom. To avoid the trap of analyses that claim intersectionality while ignoring the lives of women of colour,[19] our analysis centres on women of colour,[20] a term we use to refer to a diverse group of women subject to racism as a result of being racialised as non-white. While our paper draws heavily on the UK context but refers to examples from other countries, we recognise that women of colour are a non-homogenous group differently constituted across time and space, in part due to different colonial histories, ethnic compositions and race relations. Further, we take neither race nor gender as biologically determined categories but note the real impacts these have on people's experiences and life chances. We use under-represented genders or gender minorities to reflect that the notion of gender we refer to is inclusive and non-binary.

In line with this intersectional approach, our paper starts with an overview of how precarity and academic freedom are interlinked. Focusing on the neoliberalisation and internationalisation of the higher education sector, we then discuss how higher education has been treated as a commodity, thereby reinforcing governments and universities to sanction academic freedom with the aim to increase revenue. We discuss the specific ways in which academic freedom and basic human rights (to learn for students) are challenged at a time when research, teaching, and learning are occurring virtually at a higher rate than before in part due to digitisation accelerated by pandemic conditions. We then discuss transnational digital monitoring by centering on surveillance, non-disclosure agreements (NDAs), and academics' social media usage. We conclude by discussing the implications of such state and university surveillance, particularly what it means to international human rights, and ways to move forward to foster a truly safe and just environment for academics.

Job precarity, intersectionality, and academic freedom

Education International, the world's largest sectoral global union federation, noted in their 2019 Resolution on Academic Freedom In Higher Education that the global

trend toward casualisation in higher education is a threat to academic freedom given that 'casualisation undermines tenure or its equivalent as a necessary procedural safeguard for the exercise and protection of academic freedom'.[21] In the UKHE sector, a substantial insecure labour force keeps the sector functional: According to a UCU report of precarious work in the UKHE sector, a third of all academics working in academia in the UK are employed on fixed-term contracts. Almost half (49%) of teaching-only positions are undertaken on fixed term contracts and 67% of research-only staff are on these contracts.[22]

Such precarity does not apply to all members of the sector, being instead intersectional as evidence shows that those with marginalised identities are more likely to be casualised workers. Women, for example, are more likely than men to be on fixed-term contracts.[23] Black and minority ethnic academics are more likely to be on fixed-term contracts than their white colleagues. Black academics are twice as likely as white academics to be on a zero-hours contract. White men are the least likely group to be on a fixed-term contract (28%) while Asian women are the most likely (45%).[24] These conditions illustrate the documented phenomenon of de-professionalisation and wage depression when women and ethnic minorities enter a field.[25] They also map onto the wider marginalisation of women of colour in academia in the UK, where in 2019, 18% of all academic staff were of Black, Asian or other minority ethnicity, and only 2.1% of professors were women of colour[26] and only 25 Black women were professors.[27][28]

Precarious work in higher education intersects with various identities, and has detrimental effects not just on the landscape of knowledge production and on the dignity and well-being of precarious staff themselves,[29] but also acts as a constraint on academic freedom. Specifically, not everyone can speak freely, let alone speak to power, without security, when employment often depends on institutional compliance, networks, and goodwill. This lack of freedom thus has two key dimensions: First, casualised staff face practical limitations given the time pressures of a fixed contract in an organisation where they likely have no status, visibility, recognition, clout or even the know-how and networks of support within the institution. Lack of security means fixed-term staff may feel the pressure to self-censor their research and teaching content and to eschew topics that may be deemed niche, risky or new. Unavoidable dependencies may further constrain the speech and practices of casualised academics. Many staff in fixed-term positions require positive references from senior colleagues and need to develop networks to secure goodwill to secure future employment. Failure to obtain these can have serious material consequences for those with the least job security. For fixed term academic staff on visas, the strain is particularly acute since the pool of jobs for which they were even eligible to apply was made much smaller by restrictions on eligibility based on minimum salary requirements for migrant visas.[30]

The second dimension creating a lack of academic freedom relates to psychic limitations arising from fear of how voices from particular positions may be perceived. Even in more secure positions, gender- and ethnic-minorities who speak critically experience a backlash or are perceived as troublemakers. Women of colour academics must already develop strategies for survival and success in a space dominated by masculinity and whiteness.[31] These common experiences shared by women of colour academics have been well documented, most notably in Sara Ahmed's work on complaints,[32] and are exacerbated by conditions of job precarity faced disproportionately by women and people of colour.

The differentiated experiences of freedom in academia

A UCU report contended that legal protection for academic freedom in the UK is the worst among all the European Union countries. UK-based respondents reported high levels of self-censorship, and that bullying and psychological pressure are common in the higher education institutions. These respondents also reported being more likely to be subjected to or threatened with infringement of academic freedom on the basis of their ethnicity, political views, sexual orientation, disability and gender.[33] In other words, historically marginalised academics who are also over-represented in precarious positions are more likely to be threatened for their views. Threats include being subjected to psychological pressure, sexual harassment, or with charges being brought against them because of their views.

A more detailed analysis by Kerran and Mallison in the appendix of the above report reveals a number of concerning patterns.[34] The analysis shows that, compared to white staff, Black and Asian staff reported higher rates of being subjected to or threatened with disciplinary action including dismissal or denial of promotion, and experiencing or being threatened with infringement of academic freedom because of gender or membership of an ethnic minority; for views expressed within the professional context. In each of these cases, the differences between Black and white and Asian and white staff were statistically significant. The differences between Black and Asian staff were however not statistically significant, meaning these groups may be treated equally poorly. Asian academics also reported higher rates of being subjected to or threatened with sexual abuse or assault because of their academic or political views. Women were statistically significantly more likely to report experiencing or being threatened with infringement of academic freedom because of membership of an ethnic minority. These statistics provide strong support for the need for an intersectional lens in reflecting on the issue of academic freedom in the UK since women and people colour in academia clearly perceive threats when exercising academic freedom.[35]

These threats and the lack of security and protection to academic freedom that minoritised groups face are not only an issue concerning what can be researched and taught in the university. The differential effects of academic freedom on academics with multiple oppressed identities are an issue of human rights as these marginalised groups' gender, race, citizen status, disability, sexuality, class, and casualisation status prevent them from exercising their full rights to liberty and security. For example, in 2019, the UCU made a formal allegation against the UK Government in respect to non-compliance with the 1997 UNESCO recommendation concerning the status of higher education teaching personnel.[36] This submission to the UNESCO/ILO Joint Committee of Experts on the Application of Recommendations concerning Teaching Personnel cited 'abolition of tenure and the growth of casualised employment' and corporatised governance as key problems. The years that followed have seen measures targeting the most vulnerable for greater infringement of liberties, instead of measures to redress these problems to protect those shown to be most vulnerable to infringements.

As the submission notes, tenure was abolished in the UK in 1988, a step that cleared the way for the redundancies threatening the sector now in the wake of the pandemic. Where previous mass redundancies at the beginning of the pandemic affected primarily academic staff on fixed and short-term contracts, there is now the prospect of entire

departments and groups of academic staff on open-ended contracts at threat. Many of those currently under threat come from critical scholarship traditions or are union members.[37] In both waves of redundancies, persons from underrepresented categories have been more likely to be in precarious and dispensable positions. The same legislation which abolished tenure, the Education Reform Act 1988, also established for the first time in UK law the legal right to academic freedom.

Higher education as export commodity

As with many countries, UKHE's teaching and research are internationalised commodities. The UK's Department for Education estimates the country's total education exports and transnational education activity to be worth £21.4 billion in 2017, an increase of approximately 34.7% since 2010. Of the total 2017 value, Higher Education Institutions contributed £14.4 billion (67%), much of it accrued from non-EU and EU student fees and living expenditure.[38] The high economic value of internationalised higher education means competition among universities for resources and income, expressed most clearly in the iterative logics and pursuit of prestigious reputation and high rankings by institutions.

Rankings by US News & World Report and QS World University Rankings, for example, have become tools for students across the world to compare options for universities to attend. Where these rankings have been heavily used by students, parents, secondary schools, and counsellors, universities have entered a game to rank higher than other universities, with the aim of attracting higher student enrolment.[39] In the pursuit of favourable rankings, universities make short-term investments for immediate payoffs e.g. such as new buildings and physical infrastructure, rather than investing in safe working environments and manageable workloads for academic staff.[40] Although academic staff are the cornerstone of universities, investing in them does not yield quick results in terms of higher rankings and student enrolment figures.

Where university managements now operate within corporatised structures and performance logics, they often choose shortcuts, metrics and appearance. Increasing amounts of institutional resources are thus spent on pursuing higher rankings to reach beyond the domestic market. To maintain or maximise the profits, universities cut corners on staffing costs, leading to stagnant salaries and high casualisation rates in the sector. Casualisation and precarity are not flaws in the system but very much an integrated part of the business model, which in turn impacts on academic freedom. Within this operating model, appearance trumps substance; investment in buildings and brochures override investment in staff; and reputation is everything. Such a neoliberal business model is problematic for the preservation of academic freedom, and the following discussion explicates some of the salient issues.

The implications of internationalisation for academic freedom

International students are a lucrative source of income sought after by institutions in the UK higher education sector. Where the economic and monetary stakes for drawing international student monies in are high, universities may value this income far more than they value academic freedom. International students therefore become the priority.

For example, international education is Australia's top four foreign exchange earners, constituting an AU$37 billion market.[41] An academic at Murdoch University in Australia was recently removed from his elected role in the Faculty Senate and sued for millions in damages by his university for expressing concerns about universities profiteering from inappropriate international student enrolments.[42] Loss of international tuition fees were grounds for the institution's retaliation.

Universities worldwide have expanded over recent decades, notably by increasing their enrolment of students who are financially capable of paying for tuition fees, particularly inflated international student fees. The value of this income for universities may put institutions in tricky or contradictory positions with regards to the protection of academic freedom. A proportion of students with the financial capabilities come from wealthy authoritarian regimes, such as China and the Middle East. Income from Chinese students, for example, accounts for more than 10% of all income in many of the UK's universities.[43] The current figure of 86,000 Chinese students studying in the UK is an increase of 50% since 2014–2015. The data shows increasing reliance of UK universities on fees from Chinese students, plausibly a combined reaction to the increased economic power of Chinese nationals, and the potentially decreased student numbers from European Union nations post-Brexit. While universities have been indirectly encouraged to recruit students from China due to dwindling state finance and support for UKHE, universities are now criticised by the UK government for being too dependent on China for student income.[44]

The pursuit of international student monies also creates tensions and contradictions for higher education staff, particularly as many parts of the world face populist political leaders, making the universities' protection of academic freedom a challenge. For example, a recent sanctioning of individuals in the UK for their criticism of the Chinese government, including an academic, has fuelled speculation that the effective Chinese financial underwriting of UK's higher education institutions is leverage that the Chinese government is willing to use to erode academic freedom.[45]

The UKHE sector has however thus far appeared passive in their practical responses to these interventions. Few universities, in the UK and elsewhere, have clear, articulated thinking and supportive protocols in place to protect researchers and teachers who undertake research and teaching in hostile regimes and governments.[46] Current protocol and processes, for example risk assessments, are inadequate and place responsibility for safety, security and compliance on individual researchers undertaking transnational work or work within contested spaces and areas. At the same time, some educators and researchers have been imprisoned, tortured, and murdered for their work. For example, in Turkey, as many as 5,000 academics were dismissed following the failed army coup in Turkey in 2017.[47] Academic staff were fired and jailed for speaking up against the administration who used a state of emergency to quash political dissent. There is also a growing number of examples in recent years of academics and students experiencing dismissal, punitive legal action, violent attacks, and even assassinations for the content of their research, teaching, or public communication in their home countries across a broad geography. In 2020 and 2021, there were multiple instances from places as diverse as Colombia, Spain, Belarus, India, Myanmar, the Philippines, and Somalia.[48,49] On April 15 2021, Moscow police raided an independent student-

run journal that has become a critical voice in Russian higher education, and detained four student editors.[50]

Within the UK, a substantial number of students come from countries with increasingly draconian regimes. Yet, the sector's management appears unable, unprepared or unwilling to proactively protect forms of academic freedom that may require institutions to make difficult or costly decisions. By way of example, the passage of the Hong Kong National Security Law, which punishes individuals for criticising the government, has resulted in much pressure on members of the academic community.[51] Under this anti-sedition law, students in the People's Republic of China may feel the need to monitor what they say in class or in their assignments, as any criticism of the Chinese Communist Party could result in their imprisonment. As of the time of writing, hundreds of Hong Kongers have been arrested and tried.[52] Not only does the Hong Kong National Security Law affect Chinese students' ability to exercise the freedom of speech, even while enrolled at universities outside of China, it also affects academic staff's (both inside and outside of China) ability to critically research and teach.

Regimes and universities are not the only actors that actively prevent academics from exercising academic freedom. Outside the classroom, some academic journals also have a history of banning research that violates the one-China policy, including journals such as *China Quarterly* and others published by Springer Nature.[53] Further, while students from and in autocracies are particularly affected by anti-sedition laws and government's crackdowns on political dissents, citizens of these countries are not the only ones who are affected by these measures. The Hong Kong National Security Law is far-reaching and extends beyond sovereign jurisdiction, banning and punishing citizens of any country that criticises the Chinese Communist Party, with the aim of curtailing what even non-Chinese academic staff can research and teach outside of China. The new law also affects the type of engagement and materials that non-Chinese students in universities outside of China can access in relation to China.

The threat to academic freedom is a threat to students' right to learn

The internationalisation of UKHE means that universities may opt to comply with laws that violate human rights, with the Hong Kong National Security Law being a recent and egregious example. Such compliance is not only a threat to researchers' and teachers' autonomy over their academic activities, but has serious implications for students' right to learn. Self-censorship, especially when practised by academic staff in their own course design and information dissemination, could take the students' right to learn away – both students from/in China and students outside of China. The recent Chinese authority's discouragement of Chinese students from studying in Australia is an example of how universities could be hit with the threat of financial challenges from losing a significant proportion of the international student population.[54]

To prevent stoking ire or violating Chinese laws, universities assume that Chinese students are a homogeneous group in support of all national policies, leading to unproblematised and blanket adoption of controversial software such as Zoom and Alibaba VPN. The usage of these platforms means that students cannot completely engage in safe spaces and that their opportunities to fully immerse and participate in the learning environment are not fully realised. The lack of safety and security for student learning

is problematic as international students are in a vulnerable position vis-a-vis their host countries, and are unlikely to speak out or organise against exploitative and often neo-colonial arrangements.[55] Moreover, without Chinese students' input, students from other countries within a globalised setting may miss comprehensive and critical pedagogies.

Without appropriate and systematic protection offered by universities, academic staff must find a way to protect their students and themselves. The easiest solution for individual staff may be to monitor what they teach and research to ensure that they do not anger the Chinese government. Decisions to self-monitor are a passive way to comply with laws in authoritarian regimes and may be especially pertinent to staff in precarious and marginalised positions. Migrant academic staff, particularly those holding citizenship in countries with authoritarian regimes, may have to make difficult decisions about what to include or exclude in their research and teaching. These decisions may be based on compliance considerations rather than relevance of material, and with an eye on their own job security, i.e. whether their work visas can be renewed or if citizenship can one day be obtained.

Although self-censorship may be an individualised way to ensure one's safety is protected due to the lack of systematic protection from the university, this strategy has a latent or unintentional effect of supporting populist and authoritarian regimes' intellectual massacre. Self-censorship means that the amount of research and teaching on particular topics deemed as 'controversial' by autocracies and populist administrations would decrease. The decrease is especially pertinent because these 'controversial' topics are usually important issues to which scholars need to give attention, such as human rights issues in Xinjiang and Tibet, right-wing populism in Brazil, Myanmar's coup d'etat, racism and Islamophobia in France, and 'chumocracy' in the UK.[56] Without critical knowledge, the base of public knowledge becomes further impoverished and the capacity for public scrutiny of governance decreases. When critical theory, used by academics to critique and change society as a whole, can no longer be practised and implemented, truth can be hard to attain, increasing difficulty of achieving freedom and justice.[57] Moreover, if the only scholars who can safely express their views on these topics are those who are not migrants or gender or sexual minorities or people of colour, the lack of academic freedom strips away the possibility of knowledge of many of these topics from lived experience, with the overall effect of impoverishing and homogenising our intellectual culture.

The implications of teaching staff's self-censorship and students' right to learn are also intersectional. The case of Dr Jo Finley Smith has garnered national attention, partly because she is being sanctioned alongside public figures in the UK. Smith, whose work focusses on Uighur Muslims, is one of nine UK citizens sanctioned in retaliation for measures relating to human rights abuses taken by the UK government.[58] Smith's academic institution expressed support for her. It is worth considering the differentiated effect of state-level threats on those whose positions (both within a university and within a country) are less secure. This is especially important when we factoring in the joint effects of controlled migration status, precarious employment, and the characteristics we know to be most likely to bear the heaviest impacts of these, namely along race and gender lines.

Numerous studies have established that students' evaluations of academic staff's teaching are biased against women and people of colour.[59] Students' evaluations of staff are important particularly for fixed-term staff as universities use these to decide partly to make recruitment decisions, for instance on contract renewals. In this instance, staff may decide to include materials that avoid 'controversy' and help students stay safe. Staff may self-censor to avoid poor evaluation, or worse, state-sanctioned reporting. An increasing number of regimes across the political spectrum also limit particular forms of non-state-approved or aligned expression at the university, constraining both students' and staff engagement in critical thinking that may challenge governments or existing systems of power and organisation.

Non-disclosure agreements (NdAs) as silencing mechanisms

The use of NDAs in universities to gag students and staff from going public with complaints of sexual assault and bullying has come to greater light in recent years. Investigations reveal that between 2016 and 2019, 45 universities in the UK used NDAs and paid out £1.3 million in total to silence students. This picture is worse with staff: Between 2017 and 2019, 96 universities spent £87 million on settlement with gag orders and NDAs.[60] While the details of why and how NDAs are used are limited, the sheer number of NDAs (approximately 11,000 issued by 98 universities between 2014 and 2019) suggests that at least some victims of harassment or bullying are being silenced by universities.[61] In the absence of audit, NDAs may become a mechanism for universities to misuse legal operations to silence not just speech that may not be favourable for the institution, but potentially also speech by victims and survivors of institutional failures, sexual assault and racism and race-related bullying.[62]

The use of NDAs also reveal institutional priorities to protect image and reputation over the health, safety, and wellbeing of staff, and speaks to broader cultures and more insidious mechanisms of silencing. For example, in January 2021, *The Times* reported an investigation into allegations that an associate pro-vice-chancellor at Coventry University had inappropriate sexual relationships while he was on overseas student recruitment trips to Kenya in 2010 and 2011.[63] The news headline was that whistle-blowers had been warned against speaking out. In Rwanda, a country in which Coventry is setting up an overseas campus, a news outlet has claimed that they have been threatened with legal action for defamation for printing the allegations.[64] The lengths to which universities go to protect their reputation highlight not just the problematic internationalised aspects of the sector but inherent and continuing neo-imperial power differences.

Transnational digital monitoring and surveillance

In this digital era, both academic staff and students' footprints are tracked and recorded, with data collected by institutions across various levels. Within the university setting, students are tracked via virtual learning environments that can identify and quantify level of engagement, and to assess level of activity either manually or through automatically generated analytics.[65] Students as consumers are especially tracked, surveilled, and datafied by software: Even whether and how a student accesses a course organiser's PowerPoint slides can be monitored.

Issues regarding digital monitoring were already prevalent before COVID-19. The accelerated shift of learning and teaching activities online in the wake of the pandemic underscores the potential of increasing monitoring and data capture. This shift has created multiple vulnerabilities allowing universities and regimes to monitor staff and student data easily, in top-down ways that may be mis-used. For example, Zoom, a software that allows users to meet online, has seen wide uptake by educators using the platform for classes, seminars, and meetings. Zoom has one of its data centres in China, creating tensions as the company must comply with Chinese law and route its data through the state. Zoom also monitors activities occurring on its platform. Activities that violate Chinese law or are seen to threaten the state would give the platform reason to block or sanction users.[66] Universities in the UK have also purchased a Chinese state-approved service to enable students in China to access their course materials. This service is hosted by Chinese e-commerce giant, Alibaba. Like Zoom, traffic through the Alibaba-hosted virtual private network (VPN) is routed to China, allowing the state to monitor information. Meanwhile, Alibaba issued a statement explaining that they intend to comply with Chinese laws and regulations.[67]

Where universities are expected to track and monitor international students' attendance to ensure that they meet the Home Office's student visa requirements, increasingly deployed e-learning infrastructures create new and more insidious dimensions to this 'hostile environment'.[68] Where the UK's visa compliance procedures turn academic staff into border guards, the situation holds intersectional implications.[69] International students, many of whom are people of colour, are particularly targeted for surveillance and reporting to the Home Office. Such high-level, state-sanctioned control has knock-on effects on freedom of expression.

Abuse of academics on social media

Social media has become a new public sphere in which academics are expected to participate. There is an implicit expectation that academics should establish visibility and voice on these public platforms for engagement, impact and profile. While codes of conduct guiding the use of social media have emerged, these policies are related primarily to protecting the university's reputation. These documents lay out punitive processes for staff seen to be saying or doing anything on social media that could harm the institution's brand, including critique against institutional processes.[70] There is little commensurate guidance on actual research engagement and few structures of support for academics with multiple marginal identities.

Women of colour in academia in particular frequently have their authority challenged and face coordinated attacks on their career through social media platforms, a concern that is salient for those in insecure employment. The case of Marcia Chatelain illustrates the impact of sudden high visibility for Black women academics. Chatelain, a Black woman academic on an insecure contract, write and taught on race and policing in the wake of the murder of Michael Brown by police in Ferguson, Missouri, US in 2014. She experienced increased scrutiny about her performance and the value of her work, as well as increased surveillance of her tweets from academic colleagues and superiors. Such scrutiny and surveillance occurred at the same time as she received hate mail and was targeted with racially abusive tweets from others.

Similar to the experiences of Chatelain, Zandria Robinson, a US-based Black woman sociologist, also faced attacks by conservative bloggers and publications for her writings about race on academic blogs, Facebook, and Twitter, describing her as a 'fellow traveller'.[71] To respond to the criticism Robinson raised at the university for which she worked, the university announced through its institutional Twitter account that Robinson was no longer employed by the university. This statement led many to think that Robinson had been fired and the university did nothing to dispel this misunderstanding when Robinson had in fact accepted a job offer elsewhere some weeks prior.[72] The impact of this case was felt by Black US academics on Twitter, not least as Robinson's posts critiqued the state and the academy's structural barriers to supporting faculty and graduate students of colour,.[73] The visibility and negative outcomes of these cases add pressure on women of colour to self-censor both on campus and in public arenas like social media.

State surveillance of staff and students

In recent years, academics have been subjected to increased surveillance from state-level actors, for various purposes, both in and outside the classroom. This has been the case particularly for academics teaching on particular 'hot button' topics and from critical traditions of thought. In 2017, for example, Conservative MP Chris Heaton-Harris, who was then the UK's universities minister, initiated direct surveillance on universities. He wrote to every vice-chancellor in the country asking for syllabi and online materials on the topic of Brexit, as well as the names of all lecturing staff teaching European affairs.[74] In 2019, a Brazilian politician instructed students to film and report teachers expressing views opposed to President Bolsonaro (UCU 2019). Subsequently Bolsonaro tweeted a video made by a young student who accused her teacher of opposing the President, sending a clear message in support of such vigilantism.[75] Prior to the expulsion of Central European University (CEU) from Hungary in 2019, a right-wing, pro-government group called on CEU students to hand over the names of lecturing staff known to have left wing political views. Consequently, a local print media outlet published an 'enemies list' that included the names of dozens of academics, 'mercenaries purportedly working on behalf of a foreign cabal'.[76]

A political canary in the coalmine of academic freedom in the UK is the 'Prevent Duty' (hereafter Prevent). Introduced in the 2015 revision of the UK's Counter-Terrorism and Security Act (under Section 26), Prevent requires public institutions, including institutions of higher education, 'to have due regard to the need to prevent people from being drawn into terrorism.' It lists possible signs of being vulnerable to radicalisation, including 'feelings of grievance and injustice; feeling under threat; a need for identity, meaning and belonging; a desire for status; a desire for excitement and adventure; a desire for political or moral change; relevant mental health issues.' By 2016, some politicians and unions had formally opposed aspects of the Duty, with the National Union of Teachers voting overwhelmingly against it due to it causing 'suspicion in the classroom and confusion in the staff room' and noting that the government's mandatory training on Prevent included many stereotypes.[77] Prevent has faced criticisms for leading to self-censorship on the part of both staff and students,[78] being problematic and counterproductive,[79] racist,[80] Islamophobic,[81] damaging to people's physical and mental health, and costly to the public purse at over £45 million a year.[82] In 2019, the UK government

faced defeat in the court of appeal over Prevent's guidelines on inviting controversial speakers to university campuses due to the guidelines' violation of freedom of speech.[83]

In addition to the various forms of discrimination that Prevent fosters against groups with protected characteristics, it threatens people whose opinions do not align with the status quo.[84] Much like the policies and practices of the hostile environment approach, Prevent also polices the expediently vague boundaries and definitions of 'Britishness' and penalises those who are seen not to fit. Recent Freedom of Information Requests reveal that the rates of referral are low, amounting to about 0.00001% of the total staff and student population of 140 higher education institutions in the UK in 2017.[85] Pervasive apparatuses and technologies of surveillance, policing and self-censorship are however already in place.

Deflecting criticisms of violating free speech by recasting themselves as the defenders of academic freedom, the UK government has flooded the press with its plans to protect said freedom in several ways. This includes a new government watchdog, which has the power to issue fines for higher education institutions that 'fail to support free speech', and the UK's Office for Students calling for students to find their own 'organic solutions to defend free expression in universities.[86] These top-down actions amount to greater surveillance and curtailment of academic freedom. The latter suggestion potentially incites attacks and amplifies threats of assault and sexual abuse already disproportionately faced by women of colour in academia. In the US in 2020 just as teaching went online due to the pandemic, Turning Point USA, a conservative group, called on university students to record and publicly expose their lecturers for expressing leftwing views.[87] Such surveillance strategies are part of a broader set of events at national and local levels in the US, where right-wing politicians have attempted to take control of what is taught in their jurisdictions and prevent some ideas being taught.[88]

It is noteworthy that the situation for women of colour in academia has long been one of surveillance curtailing academic freedoms, happening without fellow academics taking this up seriously. The lack of awareness fits an established pattern of harm to Black women and other marginalised groups getting less attention until the problem begins to affect people from dominant groups directly. Women of colour in academia have high visibility, face more pressure to conform, and experience challenges to their authority from students,[89] which has had serious consequences in a number of high-profile cases.

In addition to surveillance, the technologies used for online dissemination of knowledge through teaching, research seminars, panel discussions, and conferences allow for much easier abuse, harassment, and surveillance. These have manifested most publicly in 'Zoom-bombing', an online technique that has largely been used to target people of colour talking about race for abuse[90] and which is suspected to be organised by insiders, e.g. the victims' own colleagues and students.[91]

Conclusion

In 2018, an international feminist group penned the Collective Letter in Support of Feminist Pedagogy[92] with the goal of raising the alarm about the 'especially difficult, precarious, and potentially dangerous moment' that scholars, students, and teachers are in. The letter describes coordinated attempts to undermine a set of ideas which sought to redress

persistent injustices, namely, gender, sexuality, disability, queer[93], Indigenous, decolonial, and race studies in the name of 'so-called academic objectivity.' The negative attention visited upon topics under the current guise of academic freedom are more likely to be areas of expertise of women of colour, e.g. race. The letter also points squarely at precarious working conditions and increased vulnerability to threats based on race, gender, sexuality, migration status, parental status, and disability as key parts of the problem. These are examples of structural threats that relate to academic freedom. When combined with the ease of surveillance brought about by digitisation and proliferating job insecurity brought about by neoliberalisation, the possibility of safe exercise of human rights by women of colour seems increasingly remote.

Disproportionate and politically-motivated scrutiny is a direct threat to the individuals singled out for attention, a less direct threat to any whose views are wrongly perceived to be over-represented in universities, and an existential threat to whole fields of study and to democracies, threatening livelihoods and societies at a much bigger scale. Turner's study of women of colour in US academia found that these women felt they had to 'leave themselves at the door' because of the compounded pressure of intersecting oppressions of gender and race affecting them, despite the fact that their particular positionalities had contributed to new fields and new knowledge for the common good.[94] The situation now is considerably more extreme: We are not merely abandoning our 'selves', but our most basic human rights. These losses are tragic, but we hope reversible.

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Disclosure statement

ORCID

Shan-Jan Sarah Liu http://orcid.org/0000-0001-7997-1827