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Confucious Institutes in the United States: Selected Issues

The People's Republic of China (PRC)'s Confucius Institutes, which offer Chinese language classes in universities and other academic institutions around the world, have been the subject of controversy since appearing on U.S. campuses in 2005, particularly for their perceived effects on academic freedom and lack of transparency. They have attracted further attention in recent years as some Members of Congress and others have alleged that they may play a role in China's efforts to influence public opinion abroad, recruit "influence agents" on U.S. campuses, and engage in cyber espionage and intellectual property theft. PRC officials and scholars deny such charges, and suggest that the Institutes have been become victims of a U.S. "Cold War mentality" and "cultural containment" of China.

Some raise additional concerns, which are discussed at length in other studies. These include the lack of PRC reciprocity toward U.S. educational efforts in China, the improper use of U.S. Exchange Visitor (J-1) visas for Institute instructors in some cases, and possible incomplete reporting by U.S. universities to the Department of Education (DOE) regarding funds received from China for the establishment and operation of Confucius Institutes.

Other Reports and Information Sources

- Human Rights Watch, "Resisting Chinese Government Efforts to Undermine Academic Freedom Abroad: A Code of Conduct for Colleges, Universities, and Academic Institutions Worldwide," March 2019.
- Government Accountability Office, GAO-19-278, "Agreements Establishing Confucius Institutes at U.S. Universities Are Similar, but Institute Operations Vary," Released February 27, 2019.
- U.S. Senate Permanent Subcommittee on Investigations, "China's Impact on the U.S. Education System," February 2019.
- Rachelle Peterson, National Association of Scholars, "Outsourced to China: Confucius Institutes and Soft Power in American Higher Education," April 2017.
- *Hanban*: http://english.hanban.org/node_10971.htm.

U.S. supporters of the Confucius Institutes assert that the activities of the Institutes are narrow in scope and do not impinge upon academic freedom in the broader university environment, and that the Institutes provide Chinese language and cultural programs that benefit students, universities, and local communities. Some note that in some U.S. colleges and universities, Chinese language instruction is only available through the Confucius Institute.

Some analysts point to a 2009 quote by Li Changchun, a former Chinese Communist Party senior official, stating that Confucius Institutes are "an important part of China's overseas propaganda setup," as evidence that they promote PRC policy positions in the classroom. Other observers state that China's use of the term "propaganda" does not connote proselytizing, and that although Confucius Institutes aim to help soften China's international image, they play a relatively passive role in China's public diplomacy efforts.

Background

The first Confucius Institute opened in 2004 in Seoul, South Korea, followed by one at the University of Maryland. Today, the Confucius Institute Headquarters in Beijing, also known as the Chinese Language Council International or *Hanban* (汉办), oversees 525 Confucius Institutes reaching 1.7 million students in 146 countries and regions. Hanban reportedly has spent over $158 million in the United States, establishing Confucius Institutes in approximately 100 U.S. educational institutions. In addition, there are over 1,000 Confucius Classrooms based in primary and secondary schools worldwide, including 519 in the United States.

The Confucius Institutes are patterned after other national language and cultural programs, such as France's Alliance Francaise, Germany's Goethe Institute, the U.K.'s British Council, and Spain's Instituto Cervantes. Although *Hanban* describes itself as a nongovernmental organization affiliated with the PRC Ministry of Education, many experts say that Confucius Institutes are closely tied to the Chinese government and exercise less autonomy than their European counterparts. Furthermore, Confucius Institutes and Classrooms operate mostly within foreign universities and schools, while their European counterparts are not situated within foreign educational institutions.

Nearly all Confucius Institutes focus instruction on Chinese language at the introductory level. U.S. Confucius Institutes generally offer noncredit courses to the public for a fee. In a minority of cases, they offer classes to enrolled students for credit, or Institute instructors teach credit courses in academic departments. Confucius Institutes also sponsor programs for foreign students and scholars to study Chinese language in the PRC, and they serve as platforms for academic collaboration between Chinese and foreign universities.

Confucius Institute Agreements, Management, and Operation

To establish a Confucius Institute, U.S. and PRC partner educational institutions sign an implementation agreement, and each side also signs an agreement with *Hanban*. The agreements and the Confucius Institute Constitution together govern Institute activities. They reportedly allow for some flexibility and variation regarding the operation of

individual Institutes. Some agreements reportedly are accessible online while others are available upon request. Some have confidentiality clauses and, in some cases, U.S. host schools reportedly have resisted sharing them.

Confucius Institutes are overseen by a Board of Directors, usually made up of around eight people, with the top positions filled by chancellors, deans, or scholars in Asian or Chinese studies from the U.S. institution, along with administrators and faculty from the Chinese partner school. In many cases, a U.S. director administers the CI, and in some cases, U.S. and PRC co-directors administer the Institute. The U.S. director often is a Chinese-speaking school administrator or faculty member.

Some provisions of the Constitution and By-Laws of the Confucius Institutes have raised controversy. Chapter 1, Article 6 states that Confucius Institutes shall abide by the laws of the countries in which they are located and respect local educational traditions, and also that they shall not contravene PRC laws. Chapter 7, Article 36 states that *Hanban* may pursue legal action or impose penalties for violations of implementation agreements or the Constitution, including any violation that "damages or tarnishes the reputation of the Confucius Institutes." Some Confucius Institute directors have responded that PRC law applies only to PRC board members and teachers, and in limited ways. According to some reports, no U.S. universities have been accused of violating Article 36, and some U.S. schools have negotiated the right to terminate their partnership if the Confucius Institute harms the reputation of the U.S. institution.

Hanban typically provides start-up funding of $150,000 and operating costs of $100,000-$200,000 per year for each U.S. Confucius Institute, although some CIs have much larger budgets. These expenditures cover teachers' salaries, books, computer hardware and software, scholarships, and other related expenses. U.S. partners provide matching contributions, generally in-kind, including support from private sources. These contributions generally consist of classroom and office space, furnishings, computers, program staff, and faculty time. In addition to classroom instruction, the Institutes maintain reading rooms containing PRC publications and often work with university departments to co-sponsor cultural and performing arts events, academic seminars, and conferences focused on doing business in China.

Controversies

Some experts contend that *Hanban* has an incentive to avoid controversy, and has learned that a heavy-handed approach often backfires. According to some reports, Confucius Institutes neither disseminate propaganda nor broach topics that are politically sensitive in China. Critics maintain that no topics should be suppressed anywhere on U.S. university campuses. Furthermore, they argue, Confucius Institutes exert influence in U.S. universities through their interpersonal relations, involvement in China-related programs, and ties to educational and research opportunities in China. Other concerns include the teaching abilities of instructors from China, tensions with existing Chinese language programs in academic departments, and differing priorities between school administrators and faculty regarding the Institutes.

Some studies provide examples of Confucius Institute Board members or PRC officials directly or indirectly pressuring faculty or administrators at U.S. and Canadian universities that host Confucius Institutes to avoid making statements or holding events on topics that PRC officials consider politically sensitive. Other reports suggest that there have been few instances of Confucius Institutes overtly attempting to interfere in academic and extra-curricular activities and speech at U.S. host universities. At least three U.S. universities with Confucius Institutes have accepted visits by the exiled Tibetan spiritual leader, the Dalai Lama. In 2010, *Hanban* reportedly suggested that, as part of its agreement to establish a Confucius Institute and endow a professorship at Stanford, the endowed professor could not discuss sensitive issues such as Tibet. Stanford refused to agree to the request, and *Hanban* did not insist on it. In 2010, PRC consular officials tried but failed to prevent a Taiwanese independence advocate from speaking at the University of Oregon, which hosted a Confucius Institute.

In 2014, the American Association of University Professors called on U.S. universities that host Confucius Institutes to end their partnerships unless they met conditions related to managerial control, academic freedom, and transparency. In 2018, the American Council on Education issued a list of recommendations to U.S. host institutions "in light of heightened concerns" about the Institutes. Since 2014, over one dozen U.S. universities have closed their Confucius Institutes, due to concerns about academic freedom, differences between the U.S. universities and the Institutes over missions and objectives, U.S. congressional pressure, and fears of losing Department of Defense funding for other Chinese language programs.

Congressional Actions

- P.L. 115-232, the National Defense Authorization Act for FY2019, Section 109 prohibits the use of Department of Defense funds for Chinese language instruction provided by a Confucius Institute or to support a Chinese language program at an institution of higher education that hosts a Confucius Institute.

- S. 480 and H.R. 1811 (116th Congress) would, among other provisions, require Confucius Institutes to register under the Foreign Agents Registration Act of 1938 (22 U.S.C. 612).

S. 939, CONFUCIUS Act (116th Congress) would prohibit some U.S. DOE funds to a U.S. institution of higher education that hosts a Confucius Institute unless it ensures that Confucius Institute agreements include provisions that protect academic freedom, prohibit the application of foreign law at the U.S. institution, and grant full managerial authority of the Institute to the U.S. institution.

Thomas Lum, Specialist in Asian Affairs

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