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Commercial Realities and Ethical Discomfort: international branch campuses and the market in higher education

TOM COLLINS

ABSTRACT This article explores the evolution of higher education in the context of a growing – if largely silent – consensus at governmental level to the effect that the State can no longer afford to fund higher education. Higher education institutions are, therefore, expected to explore new funding avenues as costs are increasingly shifted onto the student and the international student market is plumbed for additional revenue. The article proposes that where commercial considerations come to drive the academic programming and ideological positioning of the university, they can present the most fundamental challenges to the underpinning philosophical precepts of higher education. The existential imperative of the university around academic freedom, freedom of expression and of speaking truth to power in the interrogation of orthodoxy can be jeopardised, particularly in the case of international branch campuses. Ultimately, the authenticity and integrity of the institution and its sense of agency and self-worth become exposed.

Universities as Virtuous Institutions

The view of the university as inherently a virtuous institution rests largely on its identity as serving and promoting the public good. Virtue in this context is approached from an Aristotelian 'deontological' perspective. A deontological perspective sees virtue as embodied in 'doing the right thing' regardless of consequences. This gives rise to a view that education in general is, as Seery (2011, p. 28) points out, 'fundamentally an ethical and moral undertaking', and that this is so 'despite all attempts to reduce traditional liberal ideas to the science and technology of efficient delivery, value neutrality and evidence based

measurables'. Similarly, Nixon (2008) expects universities to contribute to the 'good society' or one which 'aspires to be civilised, decent and just; civilised in its relationship between citizens; decent in its relations between institutions and their members; and just in its commitment to combat social and economic inequality' (p. 131). Within this construct of a good society, Nixon sees universities as the 'means whereby society understands itself, questions its values, defines and squabbles over its ends and purposes, and accrues the knowledge, understandings and insights necessary to inform the debate' (p. 132). A virtuous institution, therefore, might be considered to be one which subordinates its own self-interest to the public good; which pursues and professes truth regardless of context or consequences; which interrogates itself, its actions and modes of decision making against a coherent and explicit set of underpinning values; and which acts consistently and with integrity in its relationships with its own members and with the outside world.

Academic freedom is at the heart of any such ethos. The related concepts of freedom of expression and freedom of association lead towards an *a priori* identification with the values and purposes of democratic behaviour and democratic institutions. For Dewey democracy was a '"way of life" controlled by a working faith in the possibilities of human nature ... [the] belief that every human being independent of the quality and range of his personal endowment, has the right to equal opportunity with every other person for development of whatever gifts he has' (Dewey, 1939, in Harkavy, 2018, p. 34). Education is the central mechanism in a society's evolution towards democracy through which the learner gains agency over his/her life chances and direction and realises this individualised agency in collective and communitarian endeavour.

While the concept of academic freedom is not without either its complexities or limits, it is at the heart of the university's claims for the disinterested pursuit of truth. As expressed by the US Supreme Court, the 'nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth … out of a multitude of tongues (rather) than through any kind of authoritative selection' (in Euben, 2002).

The practice of academic freedom usually means that:

- faculty and students can engage in intellectual debate without fear or retaliation;
- it preserves the intellectual integrity of the education system thereby supporting the public good;
- faculty and students are free of governmental surveillance or censorship in their professional sphere;
- faculty are not punished for holding contrarian or oppositional voices to university management;
- it provides for peer regulation in matters of academic quality – be it research, teaching or scholarship (Euben, 2002; Nelson, 2010).

With regard to the question of institutional autonomy, the US Supreme Court (1978) has also recognised the First Amendment right of institutional

autonomy, citing the four essential freedoms of a university as the right to 'determine for itself, on academic grounds, who may teach; who may be taught; how it shall be taught and who may be admitted to study'.

So, in the context of this discussion it is clear that the university's claim to public trust rests on its avowed commitment to a disinterested, impartial, critical and civic-minded voice in the public discourse. The public, therefore, rightly expects the institution to act with integrity and morally in the public interest. This expectation extends to include a requirement that the university act as custodian of the public good and speaks out where that is being compromised or undermined.

The challenge for the university today is to live up to such a high-minded expectation while dirtying its hands in the marketplace. The problem for the university here is that virtue – like honesty – is not divisible. It is not possible to be a little bit virtuous! And there is a sense that virtue reacts to the market in much the same way as phosphorous reacts to air – they both self-combust on contact! For Aristotle, the market has the power to subordinate the proper end of every human activity to the ancillary end of money making. If this is indeed the case the university risks its existential core in the very act of entering the marketplace.

There is a recurring narrative in the literature on higher education on the evils of the marketisation and commodification of higher education and also on its growing pervasiveness (Texeira & Dill, 2011; Docherty, 2015; Scott, 2015; Collini, 2017). Quoted in the *Guardian Higher Education Supplement* (2012) marking the launch of the Council for the Defence of British Universities (CDBU), historian and former British Academy president Sir Keith Thomas said:

> deep dissatisfaction pervades the university sector. Its primary source is not the lack of adequate funding for it is appreciated that higher education is expensive and times are hard. Rather it arises from the feeling that an understandable concern to improve the nation's economic performance, coupled with an ideological faith in the virtues of the market has meant that the central values of the university are being sidelined or forgotten.

It is certainly the case that the massive expansion in enrolment in higher education across the world in recent decades has, almost without exception, placed significant strains on the public financing of the sector (Clancy, 2015). This has led to the emergence of a focus on 'cost-sharing' among the direct beneficiaries, especially through student fees and on the exploration of other funding sources. These factors, together with a widely shared expectation that higher education would train the workforce for an increasingly knowledge-based, globalised economy have given rise to a condition of what Docherty (2015) terms as 'unremitting bleakness' where

> the university has become an instrument for advancing and furthering inequalities of wealth, presenting such inequalities as 'natural' and thereby disqualifying anything critical of such a

> position as 'unnatural'. In its most extreme forms it is not just critical thinking that is now to be penalised, but yet more fundamentally the very activity of thinking itself. Now even the very activity of thinking about the conditions of civilisation or of worldliness – as opposed to merely efficiently operating a pre-existing and allegedly natural state of economic and political affairs – is precisely what is described as 'alien or unnatural'. 'I think, therefore I am dangerous.' (p. 39)

Perhaps even more sobering is Pritchard's (2018) grim assessment of UK universities where, as she points out, 'morale is slipping ... many people within the institutions are stressed and unhappy; they feel powerless and overworked rather than free in any meaningful sense' (p. 208).

The rise of a managerial class in higher education institutions (HEIs) has been accompanied – and enabled – by the atomisation of the academic community in HEIs and the erosion of the communitarian ethos among senior academics in HEIs. This has been a contributory factor in neutering the political capability of the impartial academic voice in democratic systems. The former conflation of the institutional and the professional identities of the 'professoriate' attached to these institutions legitimised academic pre-eminence in university governance and lent moral as well as structural heft to the academic community in the cultural and strategic orientation of the universities. In recent decades, as this has waned, the academic presence has been marginalised as a corporate culture has come to displace the collegiate one in university governance. This leads Shattock (2013, 2017) to the view that the real beneficiaries in the declining influence of the academic community were not governing bodies but vice-chancellors and senior management. He notes the recent rise in the centrality of 'the executive' in university governance at the expense of the traditional components of such governance and refers to a growing tendency to push academic participation to the periphery. He notes that while traditional university academic senates were 'oligarchical in character', since the 1980s the transfer to a 'marketised system of funding has changed the internal balances ... further strengthening the role of the executive and rendering both the governing body and the academic community increasingly dependent upon its expertise in managing risk, interpreting and exploiting the market and taking advantage of external opportunities' (2017, p. 13).

If the situation on university governance is as Shattock describes, the fundamentals of good governance which consist in the separation of duties between different components of the university have shifted towards a situation where governors and the academic community are merely extensions of the executive, ritualistically genuflecting at the altar of good governance but playing little if any substantive role in it. What is particularly relevant to this article is that in this situation the chief executive is largely free to pursue commercial opportunity on behalf of the university with little reference to any

checks from within, other than the purely commercial. It is noteworthy, for instance, that the Woolf Report (2011) into the London School of Economics (LSE) Libya connections concluded that the LSE 'should have an embedded code dealing with ethics and reputational risk across the institution' (p. 142). Woolf clearly expected such a code to serve as a check on excessive commercial zeal in this organisation.

One such commercial opportunity which universities particularly in the Anglosphere have pursued with significant intent has been that of international students. It is important at this point to distinguish between the internationalisation of higher education and the tapping of the international student market. Internationalisation may be conceived of as a positive embrace of an international and intercultural world view. It provides for diverse experiences and exposures for students and should contribute to the development of a global awareness and tolerance of difference amongst both academic staff and students (Clarke et al, 2018). The international student 'market' is, however, driven by commercial rather than pedagogical imperatives and has emerged as an important source of revenue for HEIs in the context of the retraction of state expenditure on higher education. The OECD estimates that international students account for about 35% of all registrations in US and UK HEIs (2019). According to Studyportals, the number of internationally mobile students is expected to increase from 4.5 million in 2015 to nearly 7 million in 2030. Students from China, India, Saudi Arabia and South Korea account for more than 50% of such students (Dusst & Winthrop, 2019).

Transnational education describes the phenomenon in which students remain in their home country but register in a foreign HEI. Online learning provides one – but not the only – means of doing this. In 2012/13 according to the *Journal of Studies in International Education*, 63 HEIs from the UK had a combined total of 323,730 enrolments generating a total of £495m. In the same year, there were 110,116 students enrolled on Australian transnational programmes, representing 33.5% of all international students in Australia.

Within the overall internationalisation agenda, the phenomenon of International Branch Campuses (IBCs) emerge as a significant subset. Lawton & Katsomitros (2012), while noting that there were 201 IBCs in operation around the world in 2014, define an IBC as a specific form of transnational higher education institution in which 'the branch campus has a physical presence in another country than the home campus but grants at least one degree that is accredited in that HEI's country of origin'. The challenge which IBCs represent to the parent campus are basically two types – operational and existential.

At the operational level, IBCs pose a reputation risk to the parent campus in areas such as the control of matters concerning *inter alia* student intake, student assessment, staff recruitment, currency and equivalence of awards, compliance with local regulatory bodies and the employment contracts and terms and conditions of staff.

If these weren't difficult enough, even more profound challenges arise at the existential level. This concerns the dilemma which arises when the core

foundational values of the parent campus concerning areas such as academic freedom, freedom of expression and association are not a given in the host country. For a variety of political, cultural or institutional reasons, the IBC may find itself in contexts that are covertly and frequently overtly hostile to such fundamentals. In practice, it may find itself attempting to manage apparently irreconcilable objectives where, on the one hand, it espouses the traditions and modes of being of the parent campus while, on the other hand, it may be required to observe and comply with practices in the host country which may be greatly at variance with those of the parent campus. Or, as Kovic (2017) puts it, 'the substance of the ethical problem at hand might be diagnosed simply as universities compromising their rules and values in order to profit from satellite campuses'. In totalitarian countries, IBCs exist on the sufferance of the regime. They will be closely monitored by the host country, not only with regard to day-to-day operational issues but also with regard to political compliance and deference. Kovic suggests that the ethical issue arises 'only if disciplines that lie in the areas of philosophy, social science and the humanities are present at satellite campuses, then we ought to deontologically evaluate whether democratic rules and values are violated within those disciplines at the satellite campuses in question. If they are, that constitutes a categorically ethically unacceptable state of affairs' (2017).

The problem with this conclusion is it seems to suggest that disciplines in the STEM area have no political or ethical dimension and are, therefore, somehow hermetically sealed from such considerations. This, however, fails to appreciate the political context within which all disciplines must operate in non-democratic societies. As Healey (2016) notes, the IBC must work in 'alien commercial and cultural contexts and that the biggest challenge facing them is satisfying the competing demands of a range of internal and external stakeholders'. Healey is inclined, though, to a view that this is merely a managerial challenge which arises from the different ways of doing business in different cultural contexts. The challenge is significantly more fundamental than this. Working in countries with totalitarian regimes, the IBC must ingratiate itself with the political authorities – as well as with officialdom – in the host country if it is to survive. If discretion is the better part of valour, the IBC takes refuge in an apolitical stance concerning matters in the host country, narrowing its scope to a 'value-neutral' service delivery model. A practice of avoidance of contentious issues permeates the ether of the IBC with a tacit but widely shared understanding of those areas which are off-limits. These include – but are not confined to – matters such as gender equality; religious tolerance; sectarianism; academic freedom and press freedom. In short, the IBC must hear no evil or see no evil. A culture of obsequious deference is expected and becomes part of the conditions of maintaining the campus in the country.

Understanding the imperative of silence in the host country, the IBC will shield the parent campus in every way it can from anything which might be a source of public ethical compromise for it in the home country. Ideally, from the parent campus viewpoint, the IBC should be seen but not heard. High-

minded claims of the fearless pursuit of knowledge and of speaking truth to power in the home country are easily punctured by the appearance of a craven compliance with the demands of an autocratic regime on the part of an IBC offshoot.

In recent decades the oil-rich monarchies of the Gulf States have proven attractive locations in which to establish IBCs by foreign universities. Currently about 60 IBCs operate in these states. They are predominantly western institutions, primarily from – but not confined to – the USA and the UK and include some of the most prestigious universities in the world.

In the period since the Arab Spring in particular an intense focus has developed upon the human rights record of the Gulf monarchies. According to Human Rights Watch, for instance:

> Saudi Arabia faced international criticism for its role in the murder of prominent Saudi journalist, Jamal Khasoggi in October 2018. Nevertheless, authorities continued to arbitrarily detain peaceful activists and dissidents without trial for long periods, including 10 prominent women's rights activists detained after May 2018. Dozens of human rights defenders are serving long prison sentences for criticising authorities or advocating political and rights reforms. Authorities systematically discriminate against women and religious minorities. In 2018, Saudi Arabia carried out 148 executions, 59 for non-violent drug crime.[1]
>
> Kuwait aggressively cracks down on free speech using provisions in the constitution, the national security laws and other legislation to stifle political dissent.[2]
>
> In 2018 Qatar passed a number of important human rights reforms, but failed to deliver on several other promised reforms.[3]
>
> Bahrain's human rights climate continued to deteriorate [in 2018]. Courts convict and imprison peaceful dissenters, including prominent human rights defenders and opposition leaders and file trumped up charges against their relatives… Police forces and officers of the national Security Agency ill-treat, threaten and coerce alleged suspects into signing confessions… Authorities in 2017 shut down the only remaining independent newspaper in the country.[4] The United Arab Emirates (UAE) arbitrarily detain and in some cases forcibly disappear individuals who criticise the authorities. The UAE plays a leading role in the Saudi led coalition which has carried out scores of unlawful attacks in Yemen, some possibly war crimes. The UAE was implicated in detainee abuse, at home and abroad.[5]

In 2016 Amnesty International noted that:

> [in] recent years across the Gulf we have seen human rights activists, peaceful political opponents and government actions systematically targeted in the name of security. Hundreds have been harassed, unlawfully prosecuted, stripped of their nationality, arbitrarily detained or in some cases imprisoned or even sentenced to death after unfair trials as part of a concerted effort to intimidate people into silence. The use of such ruthless tactics to trample all over the rights of the people in the GCC has to stop now. (Habib, 2016)

Conclusion

Looking at the issue of ethical leadership in education and schools, Duignan, citing Starratt, argues that leadership involves the 'cultivation of virtues' that generate authentic approaches to leadership and to learning. The key message is that the true test of leadership is the degree to which it becomes moral. But Duignan recognises that educational leaders operate in a context that can be inimical to ethical and socially responsible leadership (2006, p. 16). This article has argued that the commodification of education and the monetising of university awards as practised in the phenomenon of IBCs in totalitarian countries fails to measure up to the requirements of ethical or socially responsible leadership on the part of university leaders in the West – and that this failure jeopardises the core existential claims of the parent campus.

There are some situations where IBCs can make a positive public contribution in the host country. Notwithstanding concerns around neo-colonialism (Altbach, 2004), they can do so where the motivation is humanitarian or aid related and where their presence in the host country is not contingent on the permission of local, national elites. They cannot do so where the primary motivation of their engagement is profit driven. This latter focus drives a relationship of co-dependency with such local elites. In this relationship the IBC becomes part of what is a repressive institutional superstructure and owes its continuation in the country to an averted gaze on troublesome events. It develops a vested interest in the maintenance of such regimes, becoming part of the problem rather than part of the solution.

There is now a growing responsibility on higher education generally – but especially upon academics and their representative bodies – to reclaim the ethical high ground of higher education. Challenging the marketisation of higher education in general is part of this response. But challenging it in the context of the contagion risk posed by commercially motivated adventurism by university leaders in the form of IBCs would be a highly appropriate starting point.

Notes

[1] Human Rights Watch (2018) Saudi Arabia. https://www.hrw.org/middle-east/n-africa/saudi-arabia

[2] Human Rights Watch (2015) Kuwait: Crackdown on Free Speech – Dissenters' Citizenship Withdrawn. https://www.hrw.org/news/2015/02/03/kuwait-crackdown-free-speech

[3] Human Rights Watch (2018) Qatar Events of 2018. https://www.hrw.org/world-report/2019/country-chapters/qatar

[4] Human Rights Watch (2018) Bahrain. https://www.hrw.org/middle-east/n-africa/bahrain

[5] Human Rights Watch (2018) United Arab Emirates. https://www.hrw.org/middle-east/n-africa/united-arab-emirates

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Professor **TOM COLLINS** is the founding chair of Ireland's newest and largest university – Technological University Dublin. He is Emeritus President of Maynooth University where he also served as Dean of the Faculty of Social Sciences and Professor of Education. Prior to this, 2001-2006, he headed up Dundalk Institute of Technology. From 2011 to 2013 he was President of the Royal College of Surgeons of Ireland Medical University, Bahrain. He resigned from this position in protest at the violation of academic freedom by the Bahraini authorities. *Correspondence*: thomascollins573@gmail.com

ANOTHER WAY OF LOOKING:
Michael Armstrong's writing for *FORUM*

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