

**Corporatist Organization in a Pluralist Setting:
The Challenges of Educational Collaboration and Exchange with the PRC**

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This memo examines the specific organizational and institutional challenges of educational collaboration and exchange with the People's Republic of China (PRC). I show how in international settings, corporatist principles of association are used in concert with United Front (统一战线) tactics, which are essential to how the CCP interacts with non-party entities, both domestically and abroad. As illustration, I examine two particular organizational challenges that China presents to American universities: Chinese Student and Scholar Associations (CSSAs) and Confucius Institutes (CIs). China's corporatist modes of organization, combined with United Front tactics, violate basic principles of the U.S. educational system and our pluralist system of organization and expression. They also diminish Chinese students and scholars' enjoyment of these principles and increase the potential for coercion and constraints on freedom of expression for both U.S. and Chinese students and scholars. China's organizational system should be constrained and mitigated in American institutions of higher education through enhanced enforcement of our own principles. This enhanced enforcement of our own principles is a rejection of the principle of reciprocity. Reciprocity should be applied very narrowly because it has perverse effects on our institutions, making the United States more closed and more similar to the PRC. The goal of any restrictions should be to protect our comparative advantage in freedom of expression, association, and academic freedom. I conclude by proposing recommendations for the U.S. government and universities to protect these important values.

This paper examines the specific organizational and institutional challenges of educational collaboration and exchange with the People's Republic of China (PRC). First, I examine how the Chinese Communist Party (CCP) applies the principle of corporatist organization to structure social interests, associations, and representation. Second, I show how in international settings, corporatist principles are used in concert with united front (统一战线) tactics, which are essential to how the CCP interacts with non-party entities, both domestically and abroad. I also highlight how the United Front Work Department has been elevated and

strengthened under Xi Jinping while its purview has been expanded to include organizations linked to students overseas and to Confucius Institutes. I then examine these two particular organizational challenges that China presents to American universities: Chinese Student and Scholar Associations (CSSAs) and Confucius Institutes (CIs).¹ My focus on these two organizations is illustrative of the broader challenges. Even as the number of CIs decline in the United States, policymakers should be aware of how the CCP structures its relations with non-party entities and individuals abroad.

In sum, I argue that there are clear benefits to the presence of Chinese students as degree-earning students in American universities. In 2019, there were over 360,000 students from China studying in the United States; most of these students were earning degrees, not just studying abroad for a brief stint.² There are also clear benefits and *a necessity* for joint research collaboration and exchange by graduate students, faculty, and visiting scholars. Of the over 300,000 degree-seeking Chinese students in the United States, the overwhelming majority of them are self-funded and have self-selected into the American higher education environment, seeking out a superior academic environment and a politically and socially more open atmosphere. Universities and the U.S. government should avoid – as much as possible – making policy based on the national origin of international students. Such policies are discriminatory, counterproductive, and ineffective. The challenges of educational exchange and collaboration with China are, for the most part, not due to individual students or scholars; they emanate from the organizational forms and tactics used by the CCP to extend influence abroad, to manage

¹ Though important, I do not tackle related issues in China, such as joint-venture universities, postgraduate fellowship programs, such as Yenching and Schwarzman, and overseas student programs in China. These all occur within China and therefore it is not surprising that Chinese organizational modes are important in setting limits and constraints.

² Open Door Database, 2019, The Institute of International Education, iie.org/opendoors.

Chinese citizens when they are overseas, and to suppress discussion of topics that put the CCP in a negative light.

China's corporatist modes of organization, combined with United Front tactics, violate basic principles of the U.S. educational system and our pluralist system of organization and expression. They also diminish Chinese students and scholars' enjoyment of these principles and increase the potential for coercion and constraints on freedom of expression (for both U.S. and Chinese students and scholars). Therefore, China's organizational system and its institutional practices in limiting academic freedom pose important challenges that must be 1) clearly understood as an *organizational* challenge, and 2) constrained and mitigated in American institutions of higher education through enhanced enforcement of our own principles and pluralist mode of organization. This enhanced enforcement of our own principles is a rejection of the principle of reciprocity, which was touted by the Trump administration as the main guiding principle for dealing with China. Biden's Trade Representative, Katherine Tai, has signaled that reciprocity will continue to be an important principle in negotiating deals on trade and market access.³ However, reciprocity should be applied very narrowly elsewhere because it has perverse effects on our institutions, making the United States more closed and more similar to the PRC. The goal of any restrictions should be to protect our comparative advantage in freedom of expression, association, and academic freedom. I conclude by proposing recommendations for the U.S. government and universities to protect these important values.

³ Katherine Tai, "Opening Statement of Katherine Tai before the Senate Finance Committee, February 25, 2021, <https://www.finance.senate.gov/hearings/hearing-to-consider-the-nomination-of-katherine-c-tai-of-the-district-of-columbia-to-be-united-states-trade-representative-with-the-rank-of-ambassador-extraordinary-and-plenipotentiary>.

Corporatism as a Fundamental Organizing Concept in Chinese Governance

One of the key challenges facing U.S.-China educational collaboration and exchange is the fundamental difference between the two political and social systems. The United States is a multiparty democracy with regular transitions of power between the two main political parties via competitive elections. The People's Republic of China is a single-party system led by the Chinese Communist Party. Political transitions, until recently, were set by internal Party rules/norms about retirement and guided a transfer of power between the top CCP leader every ten years. Competitive elections do not play a major role in the selection of political leaders at any level of government. There are other important differences beyond the political, however. They include how the two systems organize social organizations, manage civil society, regulate the media, and mediate conflict among different interest groups. To simplify various differences, the Chinese system is a CCP-led corporatist one and the U.S. is pluralist.⁴ A pluralist system is one which recognizes the existence and competition among various groups, interests, and associations. Associational affiliations are diverse, competitive, and cross-cutting. China's corporatist system aspires to manage differences and competition via a hierarchical system of association led by the CCP. Associational affiliations are structured, non-competitive, and vertical. Corporatism is not uniformly associated with non-democratic politics. For example, some EU states, such as Austria, use corporatist principles to structure labor-capital relations. However, China's party-led corporatism, in which the ruling party has authority to structure the

⁴ Philippe C. Schmitter, "Still the Century of Corporatism?" *The Review of Politics* 36, no. 1 (1974): 85–131; Bruce J. Dickson, "Cooptation and Corporatism in China: The Logic of Party Adaptation," *Political Science Quarterly* 115, no. 4 (2000): 517–40; Jennifer Hsu and Reza Hasmath, eds. *The Chinese Corporatist State : Adaption, Survival and Resistance*, (London: Taylor & Francis Group, 2012); Mary E. Gallagher, "The Limits of Civil Society in a Late Leninist State," in *Civil Society and Political Change in Asia*, Muthiah Alagappa, ed. (Stanford: Stanford University Press, 2005), 419-454.

system of hierarchy and legitimate and co-opt some groups while suppressing others, is often a hallmark of well-functioning autocracy.

Corporatist organizing principles structure much of China's associational life. The key mass organizations—the All-China Federation of Trade Unions (ACFTU) (workers), the Communist Youth League (youth), and the Women's Federation (women)—are quintessential mass organizations organized by Leninist principles of Party control and “transmission-belt” functions between Party leadership and the constituents of each group. To use the ACFTU as an example, it is an umbrella corporatist organization that encompasses all legal trade union organizations in the country; most are organized by territory and some by sector. Under the leadership of the CCP, the trade union's role is two-fold: promote economic growth of the entire economy while protecting the rights of workers. In reality, the union does relatively little to protect workers.⁵ But its monopoly of the space to organize workers prevents other organizations from doing so as well. Independent unions are illegal. Trade unions are vehicles for patronage and some limited distribution of welfare goods to workers. With the expansion of both trade union cells and Party organizations in foreign and private firms, they also serve to control and surveil workers. Corporatist principles are also applied to religious organizations, civil society organizations, and even sporting associations.

Key principles of Chinese corporatism are: CCP control, hierarchical organization, and monopoly of representation. Patronage, cooptation, and coercion as mechanisms of compliance are facilitated. In the context of overseas influence, the application of corporatist principles are more fraught because many countries operate with a pluralist framework in which societal organizations are not controlled by political parties or governments, are horizontally organized

⁵ Hsu and Hasmath, *The Chinese Corporatist State*; Gallagher “The Limits of Civil Society in a Late Leninist State”; Bill Taylor and Qi Li, “Is the ACFTU a Union and Does It Matter?” *Journal of Industrial Relations* 49, no. 5 (November 2007): 701–15.

and often cross-cutting, and rarely achieve monopoly status in any area. *Therefore, when overseas, Chinese corporatist principles must work in concert with united front tactics.* The United Front and its operating principles are specifically for conditions when the CCP does not or cannot monopolize representation.

The United Front as a Fundamental Tool in Chinese Governance

China's top leaders, including Xi Jinping, value the United Front as a "magic weapon" for overseas influence.⁶ In practice, the United Front encompasses both the *organization* itself, the United Front Work Department (UFWD), which is a party organization under the Central Committee, and United Front *work* more generally.⁷ The CCP uses the organization, and many other related organizations, and UF tactics to promote the Party's interests and objectives as they pertain to *non-Party entities*, both domestically and abroad. Gill and Schreer (2018) define united front activities abroad as "those that seek to bolster the legitimacy, longevity, and strategic interests of the CCP by promoting and protecting the Party's image, record, and policy preferences including through monitoring, deflection and suppression of criticism and contrary positions."⁸ In an excellent study of united front activities in Hong Kong, Cheng notes important united front tactics as forming alliances, mobilizing resources, and outsourcing conflict. In counter-mobilization efforts in Hong Kong, Cheng finds that united front work is "hierarchical but dispersed."⁹

⁶ Anne-Marie Brady, "Magic Weapons: China's Political Influence Activities under Xi Jinping," Wilson Center, September 18, 2017.

⁷ Ibid.

⁸ Bates Gill and Benjamin Schreer, Countering China's "United Front," *The Washington Quarterly* 41, no. 2 (2018): 155-170.

⁹ Edmund Cheng, "United Front Work and Mechanisms of Countermobilization in Hong Kong," *The China Journal* 83 (2019).

The Xi Jinping administration has taken significant steps to enhance the power and influence of the UFWD. The organization and the concepts behind the United Front go back to the 1920s and the Civil War between the Kuomintang (KMT) and the CCP. The Communist International (Comintern) advisors based in China at the time instructed the CCP to form “a united front” with its adversary, the KMT, against Japanese aggression and western imperialism. Thus, the United Front is only one aspect of influence seeking and political struggle and is most relevant when military aggression/violence has been put aside. The United Front is for friends, potential friends, or lesser enemies; as Brady notes, a “Leninist tactic for strategic alliances.”¹⁰ Wang and Groot (2018), in their study of religious organizations and the United Front, also note that the United Front was particularly important in the early Mao period of reconstruction following the civil war as a mechanism to co-opt domestic elites who had stayed on after 1949. However, the UFWD atrophied after the 1957 Anti-Rightist Campaign “as Mao increasingly preferred class struggle to class assimilation.”¹¹

With the onset of reforms in the 1980s, with their strong emphasis on overseas Chinese as a source of capital and links to the global economy, the United Front was revived and redeployed to serve the goals of economic modernization. Since the arrival of Xi Jinping, the United Front (as an organization and as broader UF “work”) has been elevated and strengthened. Its goals have also widened far beyond economic prosperity. Xi Jinping values the United Front for “domestic stability, diplomacy, and national security.”¹² As Chinese society has become more complex, more interconnected with the outside world, and more fraught with issues of ethnicity and identity, the United Front is more important than ever. The enhanced role of the UFWD and

¹⁰ Brady, 2.

¹¹ Ray Wang and Gerry Groot, “Who Represents? Xi Jinping’s Grand United Front Work, Legitimation, Participation and Consultative Democracy,” *Journal of Contemporary China* 27, no. 112 (2018): 572.

¹² Takashi Suzuki, “China’s United Front Work in the Xi Jinping era – institutional developments and activities,” *Journal of Contemporary East Asia Studies* 8, no.1 (2019): 83-98.

united front work, across the bureaucracy, has been codified in changes to bureaucratic position, laws and regulations, and the career advancement of UFWD leaders.

Changes to the United Front under Xi Jinping

Key to bureaucratic power in China is rank, oversight, and chance for advancement. Until Xi Jinping, the United Front was a relatively weak bureaucratic agency. At all levels of the bureaucracy, it was not considered a unit that maximized promotion chances, which made it very unattractive to ambitious officials. Since 2012, several changes have enhanced the leadership role of the United Front and with it, its prestige and bureaucratic stature. They include:

- 2015 regulations that mandate leadership of United Front work to the leader of the local Party Committee.¹³
- 2015 creation of a Central Leading Small Group for the United Front, which is chaired by Xi Jinping.¹⁴
- In a 2018 reorganization, the UFWD took over other units, including: ethnic affairs, religious affairs, and overseas Chinese affairs (from the State Council). This move also further solidifies the CCP's leadership role over these issue areas, as opposed to the state.¹⁵
- The promotion of UFWD chairpersons to higher level positions, including UFWD Chairpersons, Liu Yandong (2002-2007) and Sun Chunlan (2014-2017), both high-ranking female CCP officials. After leading the UFWD, both eventually served as

¹³ Wang and Groot, "Who Represents," 578.

¹⁴ Gerry Groot, "The Expansion of the United Front under Xi Jinping," *China Story Yearbook*, 2015.

¹⁵ Wang and Groot, "Who Represents."

Vice Premiers and members of the Politburo. Their career paths indicated that the UFWD is no longer a dead-end job.¹⁶

As Suzuki notes, one major change in UF activities is the broadening of responsibilities for United Front work to the entire party bureaucracy since 2015.¹⁷ Similar to the bee-hive campaign for economic development analyzed by Ang (2016), this move expands the importance of the United Front to party actors with other bureaucratic purviews. The elevation of the UFWD chairperson has elevated the importance of United Front work at every level of the bureaucracy. It also has elevated the UFWD vis-à-vis other Party departments, including the important departments of organization (for personnel) and propaganda (for information control). The inclusion of United Front work in the evaluation of local Party leaders also changes the incentive structure of cadres, who are motivated by the goals and responsibilities set out in the Cadre Evaluation System. Doing United Front work is now important to the career ambitions of individual cadres.

After the revitalization of the United Front in the early reform era, the key target internationally was overseas Chinese or non-Chinese with existing connections to China, for example, Sinologists. Under Xi, the UF has expanded its targets to include social elites, entrepreneurs, academics, and associations with or without affiliations to China previously. This has been marked bureaucratically through the addition of a new UF department for the “new social strata,” especially entrepreneurs in IT, returning students from overseas, celebrities, and other public opinion leaders.¹⁸ Another bureau was added in 2017 for oversight in Xinjiang, which further marks the importance of the UF in religious and ethnic affairs.

¹⁶ Ibid.

¹⁷ Suzuki, “China’s United Front Work in the Xi Jinping era.”

¹⁸ Suzuki, “China’s United Front Work in the Xi Jinping era.”

Key Operating Principles of the United Front

Party Guidance, Not Leadership

The United Front was developed at a time when the Communist Party was relatively weak and forced to work with non-Party entities and elites. However, party guidance instead of party leadership remains a key operating principle, particularly overseas where party leadership is politically impossible. In general, this accords with a tendency in Chinese governance overseas to de-emphasize (and even hide) the presence of the Communist Party in all Chinese organizations. Party guidance, however, is often apparent when examining by-laws of associations, MOUs of joint agreements, programming decisions, and selection of association leadership.

Distinguishing Friends, Potential Friends, and Enemies

The development of the United Front in Maoist ideology coincides with Mao's other writings on democracy and on the contradictions among the people. In selecting a course of strategic action, a key political distinction to be made is between friends and enemies. United Front work is mainly geared toward "friends, and potential friends." Thus, much initial work is done to distinguish who and what belong to these categories among social elites, entrepreneurs, academics, overseas associations, and governments. "Make more non-party friends" is even a stipulation in the 2015 United Front Law, which exhorts local Party leaders to embed united front work in all activities.¹⁹ However, making friends is a process of also making enemies, of distinguishing voices that should be amplified and voices that should be suppressed. The third principle then follows.

¹⁹ Wang and Groot, 578.

Amplify some voices; drown out others

Drawing lines between friends and enemies sets the stage for United Front work. If successful, United Front work should elevate and amplify the voices of friends while drowning out and demonizing voices who are “not friendly to China.” In this context, “not friendly” simply means “critical of.” In the context of identity politics and movements to eradicate racism in many Western societies, the CCP has been somewhat effective in labeling critical voices as racist, anti-Chinese, or “Sinophobic.” These labels seek to further delegitimize critics. Corporatist organization of associations affiliated with the PRC can be important in disciplining opinion about China and in curtailing activities and programming that are “not friendly.” It’s important to realize that in some cases, drowning out other voices and occupying space is more important than substance (of the activity or programming). The substance is not necessarily there to persuade; it is sometimes there to simply take up that space. These tactics are also seen in the CCP’s information control in which astro-turfers fill social media space with pro-CCP messages that do not persuade but distract or simply drown out critical voices.²⁰

Use patronage to seek co-optation and compliance

When substance is immaterial or secondary, it becomes important to reward friends with patronage. Such patronage can include financial benefits, reputational benefits, and benefits of access. As with Chinese diplomacy under Xi, the giving or withholding of benefits has become more obvious as a tool of Chinese power, what FT journalist, Jamil Anderlini, called “punishment diplomacy.”²¹ This has been applied to whole countries (Norway after the Nobel

²⁰ Gary King, Jennifer Pan, and Margaret E. Roberts, “How the Chinese Government Fabricates Social Media Posts for Strategic Distraction, Not Engaged Argument,” *American Political Science Review* 111, no. 3 (2017): 484–501; Blake Miller, “Automated Detection of Chinese Government Astroturfers Using Network and Social Metadata,” April 21, 2016, at SSRN: <https://ssrn.com/abstract=2738325>.

²¹ Jamil Anderlini, “China’s Punishment Diplomacy,” *The Financial Times*, September 22, 2020.

Peace Prize went to Chinese dissident Liu Xiaobo),²² to universities (University of California, San Diego after a commencement speech from the Dalai Lama),²³ to organizations (the National Basketball Association after a staff member tweeted support of the Hong Kong Democracy Movement),²⁴ to individuals (academics who were barred from visiting China after participating in a book project on Xinjiang).²⁵

The CSSA as a United Front Organization

While overseas Chinese have long been a target of UF work, the importance of overseas students in particular began after 1989 in the aftermath of the Tiananmen student movement and subsequent violent crackdown. As the number of Chinese students seeking education abroad has expanded, so has the Chinese government's efforts to sustain connections and influence. As with the general elevation of UF work, Xi Jinping has made students a key part of his broader strategy, including a 2014 National Study Abroad Work Conference and the elevation of long-standing organizations for returned students to higher levels of prominence within the United Front. The creation of a new bureau for young social elites in 2016 also highlighted the heightened attention to Chinese students and scholars studying abroad.

Organizationally, outreach to students overseas is facilitated by the corporatist organization of Chinese students and scholars through Chinese Students and Scholars Associations (CSSA) (中国学生学者联合会), which now dominate the campuses of many American universities as the "official" organization of students and scholars (though smaller, specialized groups may also exist on U.S. campuses). In recent years, ties between CSSAs and

²² Denny Roy, "China's Nobel Peace Prize Problem," *The Japan Times*, September 16, 2020.

²³ Elizabeth Redden, "Is China Punishing a U.S. University for Hosting the Dalai Lama?" *Inside Higher Ed*, September 20, 2017.

²⁴ Daniel Victor, "Hong Kong Protests Put N.B.A. on Edge in China," *The New York Times*, October 7, 2019.

²⁵ Daniel De Vise, "U.S. Scholars say their book on China led to travel ban," *The Washington Post*, August 20, 2011.

the Chinese government have been standardized through consular assignments, financial ties, and attempts to develop corporatist umbrella structures through regional or national associations.²⁶ Xi Jinping and the Ministry of Education in 2016 issued a directive to increase the patriotic education of Chinese students overseas.²⁷ With the large increase in Chinese students, especially undergraduates, since 2008, CSSAs have also filled a gap in mentoring and assistance to incoming Chinese students as many universities fail to provide such assistance. In some cases, universities have even delegated this work to the CSSAs. This further enhances the importance and influence over CSSAs, particularly for students who may feel isolated or lost in their new environment.

CSSAs have existed for many years on American campuses, but in recent years their presence and structure has been standardized and their links to the consulates/embassy strengthened. They exemplify the corporatist characteristics of Chinese social organizations. They are hierarchical, monopolistic, and subject to CCP oversight and control via affiliation with the Chinese embassy and consulates. For example, article 1:2 of the 2017 Constitution of the University of Michigan's CSSA states, "the CSSA was established by the official support of the University of Michigan Ann Arbor and is the only University of Michigan Chinese not-for-profit student organization accredited by Consulate of the People's Republic of China in Chicago." This signals that the CSSA has sole "official" status from the Chinese consulate. Article 1:4 also notes that CSSA members "follow the leadership of the democratic centralism principle," which

²⁶ Bethany Allen-Ebrahimian, "China's Long Arm Reaches into American Campuses," *Foreign Policy*, March 7, 2018.

²⁷ Chris Buckley, "China Says its Students, Even Those Abroad, Need More 'Patriotic Education,'" *The New York Times*, January 14, 2016.

invokes a CCP principle for hierarchical discipline, “to ensure that all members acknowledge, understand and act in accordance with the constitution.”²⁸

Many CSSAs in the United States also highlight the financial support they receive from the embassy/consulates. The Michigan CSSA notes in Article 13:2 that the two sources of financial support are from the University of Michigan and the consulate. In her 2018 investigative report of CSSAs nationwide, Allen-Ebrahimian found similar structures and financial ties, while at Georgetown University, no other student group received funding from foreign governments.²⁹ While the U.S.’ pluralist setting does not rule out other Chinese student organizations from existing on campus, they do not enjoy this official status and approval from the Chinese government.

Another sign of corporatist arrangements is the creation of regional associations of CSSAs that serve as umbrella organizations over campus groups. In the western United States, the Southwest CSSA, established in 2003, has jurisdiction over universities in California, Arizona, New Mexico, and Hawaii. Its by-laws require Los Angeles consular approval over elected leaders and in 2016 it received tax exempt public charity status.³⁰

Since 2016, CSSAs have become more important to the political messaging from the CCP, especially around major plenums and political events back in China. This was highlighted in the report by Allen-Ebrahimian, though she also found that many CSSA members resisted influence operations and believed them to be inappropriate. In 2015, while serving as the director of the Center for Chinese Studies at UM, I was invited by a visiting scholar from China to participate in a joint event with the CSSA and other groups representing Chinese and Chinese

²⁸ Chinese Studies and Scholars Association (CSSA) Constitution, The University of Michigan, Ann Arbor, 2016-2017.

²⁹ Allen-Ebrahimian, “China’s Long Arm Reaches into American Campuses.”

³⁰ Ibid.

Studies at Michigan entitled “The China Dream in My Eyes: Celebrating the 65th Anniversary of the Founding of the People’s Republic of China.” The event included breakout sessions with assigned topics, such as “General Secretary, I want to tell you...” The invitation also included a closing recommendation, “if the atmosphere is good, you can end with singing “Song for the Motherland.” Although it is not clear who organized and financed the event, the event aspired to bring together groups like the CSSAs along with students and local residents from Hong Kong and Taiwan to discuss topics directly related to the policies and goals of Xi Jinping, including “the China Dream” and “National Resurgence.” The instructions were also attentive to the need for pluralism (多元化), also encouraging a few popular songs from Taiwan.³¹

In addition to the increased oversight and politicization of CSSAs under Xi Jinping, CSSA activities on many campuses are no longer restricted to Chinese students. On many U.S. campuses, CSSAs organize an annual “China Forum” that brings together a more diverse audience and is clearly intended to attract local students, business leaders, and university officials. Compared to other academic conferences on campus, China Forum budgets can be very large. Consular officials are often featured as keynote speakers as well. Review of the 2018-2019 budget of the CSSA at the University of Michigan reveals that a large amount of funding comes from mainland-based private businesses, through fundraising facilitated by WeChat. Consular financial support is a small, but hidden, part of the budget.³² The broader scope of CSSAs and their outreach to local communities also makes it more likely that many CSSAs probably qualify as associations of foreign agents under the Foreign Agents Registration Act (FARA).³³

There is, of course, nothing wrong whatsoever with mutual assistance and aid among Chinese students and scholars, nor the maintenance of a common identity and community for

³¹ Personal invitation to author, 2014.

³² Interview with former CSSA member.

³³ Allen-Ebrahimian, “China’s Long Arm Reaches into American Campuses.”

expatriates abroad. However, CSSAs monopolization of the space for Chinese student organizations amplifies CSSA-approved messages (such as opposition to speakers like the Dalai Lama at the UCSD in 2017) while drowning out more marginal Chinese voices, including students who may identify as Chinese (or speak Chinese) but are not citizens of the PRC. CSSAs, through their affiliation with the embassy and consulates, provide a mobilization network for pro-China demonstrations, and create at best an environment subject to peer pressure and social desirability and at worst a venue for surveillance and harassment of students who may flout conventions, such as the Chinese commencement speaker at the University of Maryland, who was harassed and vilified for criticizing China in her speech. Maryland's CSSA participated in the denunciations by posting a video criticizing her remarks. The CSSA was later lauded at a regional meeting of CSSAs with an embassy official.³⁴

This near-monopolization of space, especially Chinese-language social media space and related activities, has been accelerated by the power of WeChat, which is the primary social media platform for mainland students and scholars. WeChat facilitates membership organizing, event planning, and fundraising. Its global scope also extends the ubiquitous censorship and self-censorship of China's domestic social media environment. WeChat's identity as a mainland-based company also serves to divide mainland Chinese students from other Chinese-speaking students with students from Hong Kong and Taiwan who often eschew WeChat for Facebook, Line, or WhatsApp. WeChat's dominance facilitates the connections that international students crave when living abroad and separated from family and friends, but it also reinforces the divisions between mainland students and other groups on campus as well as reinforces the strictures of Chinese social media space outside China's borders.

³⁴ Ibid.

Confucius Institutes as a United Front Organization

Confucius Institutes began in 2004 as an effort to enhance China's soft power abroad, to develop strong ties to foreign institutions of higher education, and to promote Chinese language education abroad. To date, over 500 Confucius Institutes have been established globally. Since 2013, about 50 Confucius Institutes have been closed, all in Western democracies, including the University of Michigan (2018), the University of Maryland (2020), and all of the CIs in Sweden.³⁵

Compared to other organizations that promote foreign languages and culture abroad, some features of the CIs are distinctive, but understandable from a united front perspective. First, CIs are embedded organizations within universities, unlike separate entities such as the Japan Foundation, the Korea Foundation, the Alliance Française, and the Goethe Institute. In most cases, CIs require matching funds from the partner university, are located on or near campus, and use signage and logos that draw from the prestige of the university brand. Leadership of CIs is also joint, with the director appointed from the faculty of the host university and the associate director appointed from the affiliated university in China with approval from the Hanban, the office under the Ministry of Education in charge of Chinese language teaching abroad. This is a classic united front tactic to infiltrate non-Party entities, which enhances the external prestige of the organization while preserving avenues for CCP guidance and supervision.

Second, Chinese language teachers at CIs are vetted and approved by the Hanban. Since 2018, the Hanban (in the MOE) has become more directly associated with the UFWD as the UFWD took over the overseas Chinese portfolio from the State Council. In at least one case, at McMaster University in Ontario, Canada, a teacher was dismissed after it was discovered that she was an adherent of Falungong, a banned religious organization in China. After she sued on

³⁵ Elizabeth Redden, "Closing Confucius Institutes," *Inside Higher Ed*, January 9, 2019.

grounds of violation of her religious freedom, McMaster closed their CI.³⁶ Anecdotes that feature direct confrontation between CCP principles and Western notions of freedom of association, religion, and expression are relatively few and far between. However, this is most likely a function of the preemptive role that the Hanban plays in hiring and HR decisions and the requisite self-censorship that is demanded in order to stay employed.

Self-censorship is difficult to observe or study systematically. As a unit affiliated with both the host university and the Chinese Ministry of Education, however, it is likely that CI activities and programming foster pervasive self-censorship among faculty and staff. A recent paper by Fan, Pan, and Zhang found that teachers in Confucius Institutes “adhere to government narratives without explicit instructions or threats.”³⁷ While their research relates only to CI teachers and not to CI activities more broadly, they may be suggestive of the overall atmosphere at a CI to adhere to topics and discourses that are broadly supported by the CCP and that are tolerated in China. As a director of another university unit in Chinese Studies from 2008-2020, I was frequently told by faculty that they had to rely on our unit for funding because it was impossible to ask for CI funding for a topic that was deemed too sensitive or critical of China. Faculty strategically applied for funding from the CI when the topic was apolitical or even favorable to China.

This self-censorship for CIs and the movement of all programming deemed sensitive or critical to other units also changes the balance of programming at the non-CI unit. So, the presence of a CI on a college campus not only restricts the programming done by CI-affiliated faculty and staff, it also redirects critical programming to another unit, such that the other unit

³⁶ Elizabeth Redden, “New Scrutiny for Confucius Institutes,” *Inside Higher Ed*, April 26, 2017.

³⁷ Yingjie Fan, Jennifer Pan, and Tongtong Zhang, “How Confucius Institute Teachers Comply with the Aims of the Chinese Government,” unpublished working paper.

appears to be more critical or even unbalanced in its programming. In campuses that do not have other resources or units in Chinese Studies and Chinese language, the CI monopolizes the space and produces content that is one-sided and uncritical.

In addition to self-censorship and imbalances in programming, CIs often become a conduit for patronage and cooptation of faculty and staff affiliated to it. This is facilitated by very non-transparent budgeting processes and the outsized role of the Hanban in budgetary approvals. Compared to the role of the Department of Education in Title VI programming at U.S. universities, which is another major government sponsor in the United States for area studies, the Hanban is more interventionist and involved. CI budgets often include large line-items for faculty travel to China, participation in large-scale conferences and events in CI, and research funding for faculty advisors. These opportunities are reserved for university faculty and staff who support the CI and serve to further signal to the Chinese state who is a friend, a potential friend, or an enemy.

Conclusion

American universities should adhere to policies, guidelines, and norms that best preserve the important principles of academic freedom, freedom of expression and association, and tolerance of diverse views. Pluralist principles should guide the associational life at universities, especially in terms of registration, financial support, and university recognition of student groups. While upholding these principles, universities should also state plainly that Chinese students have full freedom to protest, to organize, and to be political on campuses. Chinese government support of students, activities on campus, and funding for travel or study abroad in

China should also be encouraged as long as it is done transparently and in full compliance with university rules and regulations and federal guidelines.

However, in order to limit the undue influence of the CCP on American university campuses, the U.S. government and university administrators must do more to protect our values and principles of academic association and exchange.

Recommendations for the U.S. government:

- The U.S. government should consider whether the board members of CSSAs with official affiliation with the Chinese embassy or consulate, as recognized in by-laws or a constitution, constitute foreign agents, and should register accordingly under the Foreign Agents Registration Act (FARA).
- The U.S. government should significantly increase funding to schools, including K-12 and higher education, for area studies and foreign language training. Foreign culture and language competency must be seen as important skills that go far beyond the defense and intelligence sectors, but that impact economic competitiveness, the U.S.' soft power, and "people-to-people" exchange. Under the Obama administration, these sources of federal funding for foreign language and area studies in higher education were cut by \$50 million or 40% of the total budget outlay between 2010 and 2011.³⁸ The Trump administration presented its own budget proposal to Congress each year with \$0 allotted to Title VI and Foreign Language and Area Studies (FLAS). Funding has more or less remained at the low levels of 2011.
- The U.S. government should restore funding for the Fulbright Program in Hong Kong and China to facilitate scholarly research on China, training in Chinese language, and the

³⁸ Mary Ann Zehr, "Foreign-Language Programs Stung by Budget Cuts," *Education Week*, June 1, 2011.

global dissemination of American academic principles through Fulbright-funded Chinese researchers in the United States.

- The U.S. government should not conflate the issues raised in this memo (influence operations and restrictions on free speech/academic freedom) with non-traditional espionage and intellectual property rights violations. There is no evidence of which I am aware that demonstrates a link between Confucius Institutes or CSSAs and espionage or non-traditional espionage.

Recommendations for university administrators:

- University administrators should encourage a plurality of student organizations to exist; provide additional options for international students that facilitate cross-cutting associational ties across national origin.
- University administrators should provide incoming international students with training and workshops on academic freedom, freedom of expression, and the importance of pluralistic debate in the classroom and during events.
- University administrators should develop protocol and best practices for events that are controversial or sensitive. While students and observers have rights to protest and demonstrate, they should not be permitted to shut down events or shout down people with whom they disagree.
- Be consistent in application of these rules as they apply to Chinese students, other international students, and American students.
- Many CIs in the United States have already closed, in part as a result of bills introduced in Congress to restrict Confucius Institutes, such as the Concerns Over Nations Funding University Campus Institutes in the United States (CONFUCIUS) Act, introduced in

March 2021 by Sen. John Kennedy (R-LA) and passed in the Senate unanimously.

Instead of delegating restrictions to the U.S. government, universities should be proactive in taking the lead on closures. Organizations like CIs should exist as stand-alone organizations with affiliations, funding, and budget expenditures made transparent through necessary tax and regulatory reporting.

- University agreements with Chinese universities or the Ministry of Education should be made public.

As a general operating principle, both the U.S. government and university administrators should focus on how to improve and protect the environment for our principles while constraining the environment for Chinese overreach. A principle of reciprocity is insidious and counterproductive as it encourages the United States and American campuses to become more closed and more restrictive.³⁹ Reciprocity, applied recklessly, damages the U.S. reputation, undermines our own principles, and diminishes our comparative advantage in free speech and association that make our system of higher education an envy of the world.

³⁹ Lucas Tcheyan and Sam Bresnick, “Reciprocity is a Tool, Not a Strategy, Against China,” *Foreign Policy*, August 20, 2020.