

B.2 The Chinese Heartland and its Imaginaries: Essays

The Duty of Faculty is to Further the Great Patriotic Campaigns! 中国共产党普通高等学校基层组织工作条例 [Regulations of the Communist Party of China on the Work of Primary Organizations in Regular Colleges and Universities] and the Florida Anti-Faculty Bias Legislation

Coalition for Peace & Ethics

Prepared by

Larry Catá Backer¹

It is worth considering a very interesting set of revisions to the 中国共产党普通高等学校基层组织工作条例 [Regulations of the Communist Party of China on the Work of Primary Organizations in Regular Colleges and Universities].² It was originally approved in its

¹ Member, Coalition for Peace & Ethics, also holds an appointment as the W. Richard and Mary Eshelman Faculty Scholar, Professor of Law and International Affairs at Pennsylvania State University (B.A. Brandeis University; M.P.P. Harvard University Kennedy School of Government; J.D. Columbia University) where he teaches classes in constitutional, corporate, and transnational law and policy. Professor Backer is a member of the American Law Institute and the European Corporate Governance Institute. For further information see his website, Backerinlaw, available [<https://backerinlaw.com>].

² 中共中央印发《中国共产党普通高等学校基层组织工作条例》(The Central Committee of the Communist Party of China issued the "Regulations on the Work of the Basic-level Organizations of the Chinese Communist Party in Ordinary Colleges and Universities"); available [http://www.gov.cn/zhengce/2021-04/22/content_5601428.htm] (hereafter "CPC University Faculty Regulations").

The Duty of the Faculty

current form in 2009 and promulgated in 2010; it is now revised by the Politburo of the CPC Central Committee (26 February 2021) and promulgated by the CPC Central Committee on 16 April 2021.³ These revisions were announced at roughly the same time that the Florida legislature sought to acquire the Governor's signature on faculty anti-bias and reporting legislation targeting the dissemination of knowledge at public universities in that state.⁴

The updated regulations and the proposed legislation both point to what appears to be a tendency within the two great post global imperial centers to better manage the university as an instrument for the training of students and the normalization of appropriate values and perspectives. More precisely, they each nicely illustrate the (political-cultural necessity of) subjectivity of knowledge, not in the sense of facts (though there is subjectivity in the recognition of facts) but in their signification, for the affirmation and preservation of societal collectives. Objects do not change their character--neither does data. What changes, from person to person, from culture to culture, from age to age, is the perception of that object. But more importantly, is the perception of that object as it relates to other objects, and as all of them conform the premises from which the rationalization of perception is possible--that is from which meaning is made.⁵ In this sense, perception is not a filter through which objects are understood, rather perception is the toolkit from which it is possible to extract meaning from objects, and collections of objects, as confirmation of perception and its immanence in the world.

6

In China that instrumentation is wielded through the appropriate organs of the political vanguard and its university cadres and reflects the social and political organization of the nation. To that end the CPC Regulations for cadres in universities becomes a key element of alignment and discipline, especially for the great patriotic and political campaigns that mark the cultural and social work of the vanguard's New Era.⁷ A central element of the regulations is the more disciplined and focused organization of CPC cadres within the university to more effectively meet the vanguard's leadership and guidance responsibilities

³ Ibid.

⁴ An act relating to postsecondary education; amending ss. 1001.03 and 1001.706, F.S.etc. (Florida, 2021 Legislature) CS/CS/HB 233; available [<https://www.flsenate.gov/Session/Bill/2021/233/BillText/er/PDF>]

⁵ See Generally, Jan M. Broekman and Larry Catá Backer, *Lawyers Making Meaning: The Semiotics of Law in Legal Education II* (Dordrecht: Springer, 2013)

⁶ Dana A. Glej, Noreen Goldman, and Maxine Weinstein, "Perception has its Own Reality: Subjective versus Objective Measures of Economic Distress," *Population & Development Review* 44(4): 695-722 (2018). Cf., Alfred J. Ayer, *Language, Truth, and Logic* (Dover, 1952).

⁷ CPC University Faculty Regulations, *supra*. Chapter 1 (articles 1-4) describes the principal purposes of the university CPC organizations and their role in the governance and operation of the university. Chapter 2 (articles 5-9) considers the organizational structures of the PCP in universities.

The Duty of the Faculty

within the university. It also serves as the basic unit for CPC related disciplinary work.⁸

In the United States it is reflected in the contests among privatized social and cultural collectives for the control of both the political-societal narrative that is to be projected into students and society in general, as well as an increased contest for the control of the political mechanisms to better align state power to the aspirations of these warring factions. To that end, elite factions with enough political power have sought to control various aspects of university operation. The dominant faction has focused on the great anti-discrimination campaigns of the last several decades, but the opposing faction has now enough clout to begin to push back. A recent example is the measure now before the governor of the state of Florida that would deploy the denunciation based tactics of the great anti-discrimination campaigns against what is perceived to be error in political indoctrination delivered through traditional forms of education.⁹

The details of each of the measure is worth considering in detail for the way in which, from the level of a granular analysis, each seeks to develop rule systems to better advance ideological positions. For the Chinese that would be reinforcing the core premise that the CPC should be at the center of intellectual life and the training of the young. For the Florida legislature, that robust markets in ideas be protected against increasingly vigorous orthodoxies that would use the language of anti-discrimination as a sword to constrain or at least manage the scope and expression of ideas in the university.

The reflections that follow consider both measures for their discursive power. Its object is to suggest the relationship between institutions of knowledge, and those of politics and culture.

1. While the impulse to recognize the importance of education as an arena of societal control is shared by vanguards in the United States and China,¹⁰ the quite distinctive political-economic models result in the

⁸ See *Ibid.*, Chapter 4 (articles 14-16). In addition Chapter 5 speaks to efforts at increasing unit solidarity, Chapter 6 to cadre and talent work, Chapter 7 to ideological and political work, and Chapter 8 to leadership of group organizations.

⁹ Richard Luscombe, "Florida bill would allow students to record professors to show political bias," *The Guardian* (25 April 2021); available [https://www.theguardian.com/us-news/2021/apr/25/florida-bill-record-professors-universities?CMP=Share_iOSApp_Other] ("It requires all 40 of Florida's state-funded institutions of postsecondary education to conduct an annual survey of faculty and students to establish how well intellectual freedoms are protected on campus; and to "shield" students from efforts to limit their "access to, or observation of, ideas and opinions that they may find uncomfortable, unwelcome, disagreeable, or offensive."").

¹⁰ See generally, Derek Heater, *A History of Education for Citizenship* (Routledge, 2003); for a critical European perspective, see, e.g., Katharyne Mitchell,

The Duty of the Faculty

manifestation of this instrumentalizing impulse in quite distinct ways. Each reflects the fundamental ordering premises of the political and societal order, and each is developed to produce maximum positive efficiencies for meeting elite objectives. And both seek to balance the needs for education as a socially pragmatic task--to train the young for insertion into socially productive roles based on contextually complex measures of needs and measures of talent--and as a political-cultural task, that is to ensure continuity of the values, perspectives, and social premises that make a political society distinct from others. The former tends toward convergence; the later tends toward fracture.¹¹

2. In China, that requires a mirroring of organizational form in which the basic structure and working style of the vanguard is replicated within every form and level of societal-political-economic-cultural organization. And it requires the alignment of that form, itself the highest expression of Leninist political theory, with the core objectives of the vanguard. In this case the emphasis on a patriotic campaign nicely encapsulates a large universe of notions that ultimately are meant to serve the core objectives of prosperity and stability at the heart of the New Era's responsibility to meet the challenge of the current contradiction of Chinese Marxism (unequal distribution) and national integrity.¹² This reflects a more core notion of central management of controlled spaces for the cultivation of ideas and the dissemination of knowledge, one that replicates the structures of Markets Marxism.¹³

3. In the United States, that instrumentalization requires the extension of the great anti-discrimination campaigns.¹⁴ But that extension itself challenges the core normative principles of anti-discrimination to the extent it cultivates an intolerance of ideas that may challenge the core normative structures of the current manifestations of

"Neoliberal Governmentality in the European Union: Education, Training, and Technologies of Citizenship," *Environment and Planning D: Society and Space* 24(3):389-407 (2006).

¹¹ Cf., Véronique Bénéï (ed.), *Manufacturing Citizenship: Education and Nationalism in Europe, South Asia, and China* (Routledge, 2005).

¹² Cf., Chong Zhang and Catherine Fagan, "Examining the role of ideological and political education on university students' civic perceptions and civic participation in Mainland China: Some hints from contemporary citizenship theory," *Citizenship, Social and Economics Education* 15(2):117-142 (2016).

¹³ Cf., Larry Catá Backer, "Central Planning versus Markets Marxism: Their Differences and Consequences for the International Ordering of State, Law, Politics, and Economy," *Connecticut Journal of International Law* 32:1 (2017).

¹⁴ See, e.g., "Education Without Discrimination: Creating Safe Schools for All Students," *People for the American Way* (April 2015); available [<https://www.pfaw.org/report/education-without-discrimination-creating-safe-schools-for-all-students/>]; See also, Loretta de Plevitz, "Testing the Social Justice Goals of Education: a Role for Anti-Discrimination Law," *The Australian Journal of Indigenous Education* 36:98-107 (2007).

The Duty of the Faculty

anti-discrimination campaigns.¹⁵ The contradiction is inherent in the character of liberal democracy--centered on individuals and formed through notions of markets and market allocations. That contradiction, of course, mars the battle lines among the great factions of elites now battling for control of both the levers of political power and the narrative through which they can cultivate the "correct" way of understanding the world.¹⁶ In the case of the Florida legislation, that battle is fought over the way that universities are used as instruments of normative naturalization. There is no question that all sides are now embracing the core abstract tenets of the great anti-discrimination campaign that has marked the transformation of American society this generation. But the expression of anti-discrimination is itself a highly contested arena that reflects core and unresolved factionalism among elites.

4. It follows that while the Chinese approach tends to be highly organized, bureaucratized and administrative.¹⁷ The American approach tends to be messy, markets drive, and dispersed.¹⁸ Yet both have as their object the control of key elements of education delivery, each organized in ways that align with the constitution of their respective ways of understanding the world. The Chinese achieve this objective through unification and management; the Americans by fracture and market places of ideas. In both cases the dissemination of knowledge is highly supervised--but in one case the supervision is meant to promote a orthodoxy in result, and in the other heterodoxy. In contrast the Florida approach is grounded on the protection of the fundamental premise of markets--in this case of a robust market for ideas against the constraining orthodoxies of factions seeking it use the institutions of state to impose their views on others. The two systems then share an objective of protecting the core values of each, but because those core values are different, both their manifestation as regulation and their objects will be quite different. But again, toward the same ends.

5. In both cases, the relationship of society to knowledge and its dissemination is political, and its politics is expressed administratively.¹⁹

¹⁵ See, e.g., Stephen Brookfield, "Diversifying curriculum as the practice of repressive tolerance," *Teaching in Higher Education* 12(5-6):557-568 (2007); Barbara Applebaum, "Social Justice, Democratic Education and the Silencing of Words that Wound," *Journal of Moral Education* 32(2):151-162 (2001);

¹⁶ See, e.g., Michael Apple, *Ideology and Curriculum* (4th ed., Routledge, 2018).

¹⁷ Jie Zheng and Dip Kapoor, "State formation and higher education (HE) policy: An analytical review of policy shifts and the internationalization of higher education (IHE) in China between 1949 and 2019," *Higher Education* 81:179-195(2021).

¹⁸ See, e.g., Christopher Lubienski, T. Jameson Brewer, Priya Goel La Londe, "Orchestrating policy ideas: philanthropies and think tanks in US education policy advocacy networks," *Australian Educational Researcher*; Dordrecht Vol. 43(1):55-73 (March, 2016).

¹⁹ The effect is more pronounced in the context of efforts at social transformation, which are then translated into the political, and the institutional. See, e.g., Fay Bigloo, Sandra Scott, and Douglas Adler, "Understanding curriculum as geo/biospheric text," *Prospects* 51:117-128 (2021).

The Duty of the Faculty

Yet truth and falsehood can only be measured against an ideal--and the ideal is a political-cultural construct build on the fundamental ordering premises of a society and the way in which it looks at the world. Both societies hold knowledge in high regard, to be sure. But the value (or better put its worth in context) knowledge, like other factors of social production, is determined as a function of its utility (to the political, economic, societal, or cultural spheres). Both societies more explicitly now recognize that knowledge does not exist beyond the capacity of a society to know; and that a society's capacity to know is itself a function of its faith in the norms through which it has come to understand itself and its place in the world. Faith and Reason, *Fides et Ratio*, "are like two wings on which the human spirit rises to the contemplation of truth; and God has placed in the human heart a desire to know the truth—in a word, to know himself—so that, by knowing and loving God, men and women may also come to the fullness of truth about themselves."²⁰

6. Knowledge is thus bound by notions of truth and falsehood. Yet both truth and falsehood are intimately tied to notions of the basis on which both may be discerned. Knowledge in this sense is not limited to the identification of things (data, objects) but to the infusion of those things with meaning. It is in that movement from identification of an object (abstract or physical) to a knowledge of its meaning. That is as important an element of the construction, and dissemination of knowledge in China as it is in the U.S. In both cases meaning making is tied to the normative belief system of the society. In both societies what is worth knowing, and knowledge that is worth disseminating, is limited by the way in which a society can see and understand the world.

7. It follows that the most important element of knowledge production, and even more so for knowledge dissemination, is not knowledge itself, but rather the ability to ensure that both knowledge production and dissemination are undertaken with fidelity to the core values of a society. Its mechanics must also be respectful (in an affirming

²⁰ John Paul II, *Fides et Ratio*, *The Holy See*, 14 Sept. 1998 [https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_14091998_fides-et-ratio.html] ("With the rise of the first universities, theology came more directly into contact with other forms of learning and scientific research. Although they insisted upon the organic link between theology and philosophy, Saint Albert the Great and Saint Thomas were the first to recognize the autonomy which philosophy and the sciences needed if they were to perform well in their respective fields of research. From the late Medieval period onwards, however, the legitimate distinction between the two forms of learning became more and more a fateful separation. As a result of the exaggerated rationalism of certain thinkers, positions grew more radical and there emerged eventually a philosophy which was separate from and absolutely independent of the contents of faith. Another of the many consequences of this separation was an ever deeper mistrust with regard to reason itself." *Ibid.*, ¶ 45).

The Duty of the Faculty

sort of way) of its fundamental premises, and expresses those values in the way that knowledge is acknowledged, understood, and employed.

8. To that end, neither China nor the US can leave knowledge production of dissemination to the care of a group of unsupervised workers. Knowledge workers, like everyone else in a social order, serve their societies only by engaging in their labor in ways that affirm its truths, operations, and objectives. Knowledge laborers are in a sense *social fiduciaries*--tasked with the production of "correct" rather than "false" knowledge (attaching meaning to objects and developing connections among meaning rich objects) and with an affirming role in the dissemination of appropriate bits of that knowledge to those they are charged to teach.

9. In the United States that is undertaken through the principles of academic freedom that provides a bounded set of constraints on how subjects are taught but leaves the selection of what is to be taught to institutional providers subject to the constraints of the markets and politics.²¹ In China it is ultimately bounded, as 《中国共产党普通高等学校基层组织工作条例》 makes clear, by the political ideology and the necessary oversight of the vanguard as the ultimate driver and protector of that core ideological project.²² This is sometimes put forward in Confucian terms;²³ and they sometimes suggest a different tension between faculty as educators and as public intellectuals.²⁴ It is in this sense that both the Chinese and the American efforts at the management of a great nexus point of societal production and dissemination of knowledge become rational expressions of the systems in whose service they are undertaken. In the process each spotlights the great differences between two quite distinct approaches to the archeology of knowledge²⁵ in the service of post global empire and to the disciplining of their respective societies.

10. There is nothing odd or sinister about these efforts. That absence of the sinister, though, does little to lessen the sting of the application of the prerogatives of orthodoxy on individuals who might

²¹ For a critical view that is itself ironically self-reflexive, see, Stanley Fish, *Versions of Academic Freedom* (University of Chicago Press, 2014).

²² For an account, see, Xiaoxin Du, "'Role Split Phenomenon of Academic Staff in Chinese Higher Education: A Case Study of Fudan University,'" *Higher Education* 75:997-1013 (2018).

²³ See, e.g., Qiang Zha and Wenqin Shen, "The Paradox of Academic Freedom in the Chinese Context," *History of Education Quarterly* 58(3):447-452 (2018).

²⁴ See Zhidong Hao and Zhengyang Guo, "Professors as Intellectuals in China: Political Roles and Academic Freedom in a Provincial University," in *Academic Freedom Under Siege: Higher Education in East Asia, the U.S., and Australia* (Zhidong Hao and Peter Zabielski (eds; Springer 2020), pp. 81-102.

²⁵ John K. Simon, "A Conversation With Michel Foucault," *Partisan Review* 38(2):191-201 (1971); available [https://www.normfriesen.info/files/foucault_lecture.pdf].

The Duty of the Faculty

wish to go a different way. But, in both societies, individual predilection (or conviction) must be subordinated to the fiduciary character of the role of the individual as the vessel through which publicly sanctioned knowledge is transmitted. Yet even within that fiduciary role, there appears to be a wide space for the exercise of discretion and the inculcation of individual variation, within the parameters imposed by those who faculty serve.

11. As I have intimated above the self-constitution of a society is in large part preserved by the ability of its administrative apparatus to discipline its members into a specific way of approaching the world around them, and of transforming facts through belief into systems of knowledge that affirms both the solidity of facts and the truth of belief. The very processes of banal mechanisms like academic peer review²⁶ (and its so called quality standards) provide a useful example of the form. Knowledge must affirm what is known and those who know it; knowledge must acknowledge the power of the structures of beliefs within which it may be allowed expression.

13. To label this bad or good is itself to make a judgment based on the need to assure both the legitimacy of the view one holds and to ensure that expressions of meaning (and assessments) is aligned with such beliefs. But that is to say little more than that all knowledge is human, all too human, and that human communities will construct their realities as systems of self-affirmation. That becomes clearer where a society sees in the provision of education and education services, the attempt to subvert its own orthodoxies by an outsider group. In the United States that has focused on efforts like the Chinese Confucius Institutes.²⁷ In China it touches on the regulation of foreign educational institutions operating within its territory.²⁸ But also applies to the control of its own nationals studying abroad.²⁹

²⁶ Carole J. Lee, Cassidy R. Sugimoto, Guo Zhang, Blaise Cronin, "Bias in Peer Review," *Journal of the American Society for Information Science and Technology* 64(1):2-17 (2013).

²⁷ See, Peter Schmidt, "At U.S. Colleges, Chinese Financed Centers Prompt Worries About Academic Freedom," *Chronicle of Higher Education* (17 October 2010); available [https://warppweftandway.com/images/2010/10/at-u-s-colleges-chinese-financed-centers-prompt-worries-about-academic-freedom-faculty-the-chronicle-of-higher-education1.pdf]. See also, Danping Wang and Bib Adamson, "War and Peace: Perceptions of Confucius Institutes in China and USA," *Asia-Pacific Edu. Res.* 24:225-234 (Springer, 2015).

²⁸ See, e.g., Phoebe Zhang, "China kills almost 300 partnerships with elite foreign universities in places like New York, London and Hong Kong, after private tutoring ban," *South China Morning Post* (16 August 2021); available https://www.scmp.com/news/people-culture/trending-china/article/3145208/china-kills-almost-300-partnerships-elite

²⁹ As described in the West, see, Louisa Kendal, "How China's Communist Party is maintaining control over Chinese international students," *Study International* (26 April 2018); available [https://www.studyinternational.com/news/chinas-

The Duty of the Faculty

13. It is because societies have, for thousands of years, looked into the world with moral, aesthetic, religious predispositions, with blind prejudice, passion or fear, and surfeited ourselves with indulgence in the follies of illogical thought, that the world has gradually become so wondrously motley, frightful, significant, soulful: it has taken on tints, but we have been the colorists: the human intellect, upon the foundation of human needs, of human passions, has reared all these "phenomena" and injected its own erroneous fundamental conceptions into things.³⁰



communist-party-maintaining-control-chinese-international-students/]. See also, Fran Martin, "How Chinese students exercise free speech abroad," *The Economist*. Guest comment on the Open Futures debate on "Should the West worry about the threat to liberal values posed by China's rise?" (June 11 2018); available [https://minerva-access.unimelb.edu.au/bitstream/handle/11343/214407/TheEconomist.pdf].

³⁰ Friedrich Nietzsche, *Human All Too Human: A Book for Free Spirits* (Alexander Harvey (trans) Chicago: Charles H. Kerr 1908; November 26, 2011 [Project Gutenberg EBook #38145]; available [https://www.gutenberg.org/files/38145/38145-h/38145-h.htm] ("It is because we have for thousands of years looked into the world with moral, aesthetic, religious predispositions, with blind prejudice, passion or fear, and surfeited ourselves with indulgence in the follies of illogical thought, that the world has gradually become so wondrously motley, frightful, significant, soulful: it has taken on tints, but we have been the colorists: the human intellect, upon the foundation of human needs, of human passions, has reared all these "phenomena" and injected its own erroneous fundamental conceptions into things. Late, very late, the human intellect checks itself: and now the world of experience and the thing-in-itself seem to it so severed and so antithetical that it denies the possibility of one's hinging upon the other—or else summons us to surrender our intellect, our personal will, to the secret and the awe-inspiring in order that thereby we may attain certainty of certainty hereafter." Ibid., ¶16).

Emancipating the Mind (2021)16(1)
Larry Catá Backer for CPE

The Duty of the Faculty