

New Challenges in Teaching China

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Introduction

The coming academic year presents unique challenges for university instructors teaching content related to China. The shift to online education, the souring of U.S.-China relations, and new national security legislation coming from Beijing have created something of a perfect storm that brings new sensitivities and risks to our classrooms.

On June 30, 2020, the Chinese National People's Congress passed the Hong Kong National Security Law (NSL hereafter). The new legislation potentially criminalizes words or actions regarded by relevant authorities as commission or advocacy of secession, subversion, terrorism, or collusion with a foreign country against the People's Republic of China (PRC) or the Hong Kong government, regardless of citizenship or location of the offender. (See analysis from [NPC Observer](#) and legal scholar [Donald Clarke](#), for more details on the NSL and associated legal provisions). The broad scope of the NSL raises new and serious concerns for researchers, teachers, and students of China, especially when it comes to vulnerabilities associated with remote learning.

Most universities, if not all, have adopted Zoom as the technology for videoconferencing for teaching since the outbreak of COVID-19 in the U.S. While the use of Zoom has facilitated remote teaching, it creates challenges to scholars who are teaching sensitive topics. Specific to Chinese politics, several recent incidents involving Zoom and the PRC have raised the alarm on the use of Zoom in light of China's NSL. (See [AAS Statement](#) on July 23 for more details on the concerns of teaching China-related courses using videoconferencing tools such as Zoom).

Remote learning creates additional challenges when a course includes material the Chinese government deems sensitive. The standard workaround for accessing blocked content in China has been the virtual private network (VPN). Unfortunately, VPNs themselves are no longer legal for the population at large in China (technically one needs special permission to operate them), which puts students at further risk of violating rules concerning VPNs.

The purpose of this memo is to build on ideas outlined by the Association for Asian Studies (see [AAS Statement](#)) and develop concrete recommendations for faculty that will be teaching China-related content this coming year. We write simply as faculty members who teach courses related to the Chinese political system. We do not represent our field nor the field of China studies as a whole, though we have consulted with a broad, diverse group of China scholars in preparing this document.

We hope the recommendations proposed in this memo will help teachers preserve their freedom of speech in the classroom. There is no single set of best practices that instructors should adopt. The decision of how to handle these issues is a deeply personal one, and it will depend on the instructor's course, risk tolerance, and relationship with the Chinese state. Our goal is simply to provide some ideas and principles upon which to reflect. The general spirit of our recommendations is that we must continue to teach China as rigorously as before. Still, we need to be thoughtful as a community in managing risks and protecting data security for students and instructors.

The Importance of Teaching China

The risks introduced by the NSL may discourage China-related content in the classroom, especially for courses that take place online. This chilling effect is what repressive laws are designed to do. Practically speaking, the NSL's

strength is rooted in its ambiguity. The mere possibility that provisions outlawing subversion could be invoked for mild criticism casts a long shadow over all China discourse. An expansive interpretation of the NSL would be very costly for the Chinese state to enforce, but by avoiding sensitive topics we may inadvertently enforce the shadow ourselves.

Pedagogically speaking, China, as a case, is too influential to leave out of the classroom. Whether we are political scientists, historians, public health experts, or in any other field, knowledge about contemporary China is an asset to our students and it would be a disservice to them if we were to sidestep content on China on account of the NSL. Indeed, many students from China have self-selected into China courses deliberately to get a different perspective from what they have been previously exposed to. Moreover, by teaching about China-related subjects, including the sensitive parts, we help bring these topics into focus and hopefully remove some of the ambiguity and anxiety that cultivates misunderstanding and misinformation.

The NSL aside, the current state of US-China relations is notably tense. As the public discourse becomes increasingly politicized during the upcoming U.S. presidential election cycle, our students need instruction on China more than ever. This is also why it is imperative for instructors to present a balanced view of Chinese politics and Chinese society, so that students can come to their own conclusions and parse out credible statements from erroneous ones. The alternative, avoiding China topics in the classroom, only amplifies the voices of those who profit from misrepresentation and narrow-minded chauvinism.

We recognize and appreciate that instructors come from a variety of backgrounds and, for good reason, approach risk differently. Ultimately, instructors will make their own choices about what topics to engage and how. Nonetheless, as we update our China materials for the classroom, it is imperative that we, as instructors, do not self-censor. Thankfully, Chinese political discourse is remarkably dexterous in accommodating politically sensitive topics. Unpacking the nuances underpinning the One China principle, democratic centralism, or state capitalism, for instance, could serve as an entry point for important conversations concerning sovereignty, political institutions, or economic principles. Still, some students, especially those from China, may not agree, or even engage in these discussions. This is okay. Now more than ever, it is worth appreciating the difficult position Chinese students find themselves in--caught between a Chinese government that demands political loyalty and a U.S. government that is actively demonizing them.

Challenges and Risk Assessment

Due to the ambiguous language of the NSL, we must assume that its enforcement is a moving target, which will change over time, and will be used to serve the political goals of the regime. We provide risk assessments for specific populations below as of the time of writing, and our risk assessment considers the worst-case scenarios, regardless of their likelihood. We note that the enforcement of the NSL may have changed since the writing of this document.

- **Students Based in China** - Students who participate in class from China could potentially face harassment from the Chinese government if the class draws attention, whether by actions that the student takes or by others. The students could be asked to turn over class materials to Chinese authorities, or even make unauthorized recordings, for further investigation. Students making comments deemed inappropriate by the government could potentially face legal action. For example, PRC citizens could be detained, and non-citizens could be expelled from the country. These represent unlikely but possible scenarios given China's current political context and the state of U.S.-China relations. Non-legal risks, such as political intimidation and negative career consequences, have been present for some time and have intensified.

- **Faculty and Teaching Staff** - Faculty and teaching staff could be placed on Chinese government "watch lists" should their comments in class draw attention from the Chinese government. Faculty, graduate assistants, and staff who are Chinese citizens or have close personal ties to China are likely to face additional risks. It is possible that

Chinese authorities could ask PRC students to collect materials against faculty and teaching staff who are deemed high priority. Faculty and teaching staff could face visa denials, harassment, or even detention when they visit mainland China and Hong Kong in the future based on the evidence the Chinese government collects through their class content. Although the risks to the faculty and teaching staff remain low for most instructors, the mere existence of this possibility could affect the ability and willingness of faculty and teaching staff to continue to conduct research on China. Further, instructors with families in the PRC may reasonably fear that their actions have negative repercussions for family members. **Teaching assistants**, who do not choose course material and who depend on healthy relationships with faculty members for their advancement, are in a particularly vulnerable position.

- **U.S.-Based Undergraduates** - Relative to the above groups, we consider U.S.-based undergraduates to be less vulnerable to harassment or legal action taken by Chinese authorities. Even with the provisions of Article 38 in the National Security Law, we consider it unlikely that a non-Chinese undergraduate will face difficulty in China for what they say or write in class. Undergraduates who are Chinese citizens could face the same consequences as students based in China, should their in-class comments draw attention from the Chinese government. We will learn more about how the NSL is being implemented in the years to come; for now, we would encourage fellow instructors to err on the side of caution and work to protect student data security.

- **Classroom Environment and Course Content** - Given the physical and security risks, some faculty members and teaching staff feel unable to speak fully openly about Chinese politics, history, and society. This could lead to the omission of important scholarly material and ideas deemed sensitive by the Chinese Communist Party. Relatedly, students might also feel that their classroom and written contributions are insecure and could potentially be monitored by the Chinese government. This could lead to a “chilling effect” and an environment of self-censorship in the classroom.

Strategies for Instructors

- **Risk Disclosure** - Before the semester begins, faculty should consider sending a note to enrolled students, particularly those who will be taking the course in China and Hong Kong, about the potential risks of enrolling in the course in light of the National Security Law. Faculty should direct enrolled students to the recent statement by the [Association for Asian Studies](#). At a minimum, the content of the course, as well as the shifting legal environment, need to be clearly communicated to all students, so they can assess risks for themselves. Advise the students that the risks are likely elevated in an online teaching environment, and provide the option of enrolling another semester when the class is taught in-person. Students who are learning remotely in China, Hong Kong, or other locations with similar limitations on speech should be clearly informed of the risk they may be taking in using university resources. Risks associated with using the university VPN or accessing other resources should be clearly communicated by the staff members who work most closely with international students.

- **Recording** - Colleges and universities should avoid policies of “default recording,” whereby all lectures and sessions with student participation are recorded. Although, as we note above, it is impossible to ensure that no classes or segments of class are being recorded surreptitiously, defaulting to record all classes establishes an undesirable norm and a riskier environment for students and faculty. Some students or courses may have specific needs for recording, which should be accommodated by schools and instructors. Recordings could be limited to certain students, limited by time available, incapable of “playback” such that any viewer could only view once, and so forth. In sessions with sensitive material, recording policies should distinguish between instructor material and student comments and questions. No student questions or comments should ever be recorded or distributed.

Some faculty may choose to have students commit to not recording courses as a part of honor or academic integrity codes or pledges. These commitments may be difficult to enforce, but nonetheless we think they set the right tone and promote careful treatment of these issues on campuses. Instructors may work with university administration to institute appropriate consequences for unsanctioned recordings or dissemination of course materials. In general,

policies should be presented as “country neutral.” We have focused here on challenges presented by the Chinese government, because that is our area of expertise, but speech is threatened and criminalized in other contexts as well. Presenting general and neutral policies is likely to be most effective without generating a sense that Chinese students should be under specific scrutiny.

- **Course Content** - We encourage instructors to exercise their freedom of speech by designing the syllabus as they see fit. Instructors should have discretion about whether they want to put some course material (e.g. slides) online, as class content could potentially be accessed by Chinese authorities and used as evidence against the instructor and/or students.

- **Protecting Participation** - Instructors and universities should consider methods to protect student participation and ensure both safety and free discussion. “Amnesty policies” allow students to assess whether they feel safe participating in certain conversations and then either refrain or reconsider the mode of their participation without penalty (in their grade assessment). For example, students could present comments anonymously (e.g., through emailing an instructor in advance) or listen to a discussion without their grade suffering. Instructors may also choose to institute blind grading for essays and exams; students would use an anonymized key on their assignments in lieu of their names. Faculty members should consider leading the discussion of sensitive topics instead of assuming teaching assistants have the same risk tolerance.

Strategies for Universities

- **Instructor Autonomy** - Instructors should be able to choose their own policies on recording classes, conducting discussions, and so forth. Each has her own personal risk tolerance and personal relationship to course material and to China. Instructors themselves are likely the best judges of risk to themselves and their students and should be given autonomy over their courses rather than forced to comply with rules designed without this context. This autonomy should be extended to teaching assistants as well, who occupy a place between those who design courses and those who take them. Teaching assistants, because of nationality, career stage, or physical location may face different risks than those faced by faculty members who design courses and retain power over the careers of graduate student teaching assistants. Teaching assistants must be protected by universities and invited to assess their own risks and seek redress.

- **Ensuring Access to Resources** - If universities expect to have students who are physically present in China, Hong Kong, or other regions where speech is curtailed, administrators might consider working with their information technology departments to test whether their remote learning platforms are accessible from mainland China and Hong Kong. If some students cannot access certain resources, the instructor might think of appropriate alternatives and ensure that students are not penalized for lack of access. In light of the NSL, we advise caution in encouraging students to employ a VPN to access blocked resources. Students may assume that a university’s VPN is “safe” because it is associated with the university. Accordingly, we urge universities and faculty to be transparent about the possible risks associated with using a VPN or attempting to access blocked content in China or Hong Kong.

- **Offering On-Campus Residence** - Many campuses are offering support for a subset of students to stay on campus, despite COVID-19 outbreaks, if their home environment presents challenges for learning. Students who learn remotely from countries that curtail speech, such as China, may not be able to safely access necessary resources for learning. We suggest that, if the university is allowing only a subset of students to reside on campus, then the administration may consider a student’s citizenship in a country that curtails speech as one of the criteria in determining whether they may remain on campus. Alternatively, the university could offer support for citizens of China and Hong Kong to remain in the U.S. while studying, even if they are not on campus.

- **Legal Support** - Per the AAS statement, universities should clearly communicate what, if any, legal support they can offer students, faculty, or teaching staff who face repercussions for engaging in sensitive content.
- **Offer Communication and Guidance:** University administrators should communicate risks and university policy on protecting students to their faculties. Many scholars focusing specifically on China may be aware of the issues we discuss above, but teaching about China is not, nor should it be, the exclusive work of China scholars. Moreover, students based in countries that curtail speech, such as China, may face barriers to accessing learning materials in courses with little or no China-related content. All faculty members and instructors should understand policies on recording, participation, and the like and be made aware of the specific risks presented by the NSL through university-level communication. This kind of communication is critical in not only raising awareness but also facilitating a commitment to teaching China-related topics in a rigorous and thoughtful manner.

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