

CHAPTER 7

Nationalist Backlash to Antiracist Education A Transnational Blueprint for Academic Unfreedom

VINCENT WONG

INTRODUCTION

In a global era marked by surging racial nationalism¹ and penal populism,² antiracist and decolonial research, education, and training have been under increasing threat in academia across the world. Popular use of the universalizing language of liberal internationalism as the dominant frame in discussing these developments leaves gaps in our understanding as to what areas of academic freedom are under the greatest threat, why they are under threat, what levers of sanction and discipline are used to suppress certain areas, and

1 According to Chenchen Zhang, “Racial nationalism refers ... to a kind of exclusionary ethnic nationalism that defines national belonging primarily in ethnic and cultural terms, and that views ethno-cultural others as ‘fundamentally threatening to the homogeneous nation-state.’ ... Taking the forms of xenophobia, racism and Islamophobia, racial nationalism undergirds the discussion on issues of immigration, race and Muslims in both Western and Chinese societies.” Chenchen Zhang, “Right-Wing Populism with Chinese Characteristics?” *European Journal of International Relations* 26 (2020): 99.

2 Harsha Walia, *Border & Rule: Global Migration, Capitalism, and the Rise of Racist Nationalism* (Halifax: Fernwood, 2021), 178.

for what ends. Such a frame risks contributing to overly abstracted conceptualizations of academic freedom (and unfreedom) that are unmoored from the realities of how power operates in educational institutions and attendant maldistributions of who can in fact claim and be protected by academic freedom and who cannot.

In this chapter, I put into conversation three very different jurisdictional contexts where nationalist backlash to, and suppression of, antiracist and decolonial education and scholarship is occurring. Specifically, it examines American anti-Critical Race Theory (CRT) campaigns, Chinese suppression of scholarship critical of its ongoing colonial suppression of non-Han native peoples in the Xinjiang Uyghur Autonomous Region (XUAR), and Israeli suppression of scholarship critical of its ongoing occupation of Palestinian territories through the case study of the “Spiro scandal” at the University of Toronto (UofT) Faculty of Law.³

No good politics of academic freedom can emerge without centering an analysis of broader societal power and subordination. This is particularly true in the areas of national security and antiracism, which form distinct grounds for both legal and political intervention in academic freedom. A national security threat engages certain types of legal grounds, particularly domestically (e.g., carceral responses to perceived counterterrorism, separatism, and extremism threats), while antiracism justifies other types of intervention (e.g., civil rights complaints, removing of curriculum, firings, cutting funding) and can operate powerfully on a transnational level as well.

I highlight three common elements in a transnational blueprint that can be observed in the creation, justification, and operation of selective nationalist attacks on academic freedom in antiracist and decolonial education. My highlighting of these common elements is *not* meant to suggest any sort of equivalence between their operation, historical context, and/or relative severity, but

3 I acknowledge my personal situatedness with respect to Israeli nationalist campaigns against academic freedom as one of the whistleblowers in the hiring committee during the Spiro Scandal at the UofT Faculty of Law, where a sitting Canadian Tax Court judge and top university administrators helped facilitate a clandestine lobbying campaign instigated by a former Israeli foreign ministry advisor and an Israeli-Canadian lobby group to derail the hiring of a prominent international human rights scholar for the directorship of a human rights program. See Richard Moon and Anver M Emon, “Misadministering Justice? The UofT Law School Case Takes a Strange Turn,” *Centre for Free Expression*, September 16, 2021, <https://cfe.ryerson.ca/blog/2021/09/misadministering-justice-u-t-law-school-case-takes-strange-turn>; Canadian Association of University Teachers, “University of Toronto under Censure,” *CAUT Bulletin*, May 2021, www.caut.ca/bulletin/2021/05/university-toronto-under-censure.

rather to advance our collective understanding of the distributive nature of academic freedom politics and its relationship to power, race, and colonialism. Unpacking these campaigns transnationally complicates and unsettles the dichotomy between authoritarian and liberal populist censorship, giving us a more nuanced foundation by which to protect academic freedom and knowledge production in the service of racial justice and collective liberation.

THE BLUEPRINT OF ANTIRACIST ACADEMIC UNFREEDOM

I posit that three (unexhaustive) common elements emerge among nationalist attacks on academic freedom in antiracist and decolonial scholarship, which I unpack in this section:

- a. Creating a moral panic by demonizing antiracist education;
- b. Obscuring power imbalances and dissuading critical inquiry by framing issues using floating signifiers such as “divisive,” “sensitive,” and “controversial”; and
- c. Reframing conversations around structural injustice and disparity as “racism” against dominant groups within ethnonationalist projects.

CREATING A MORAL PANIC BY DEMONIZING ANTIRACIST EDUCATION

In the realm of antiracist and decolonial education, I argue that the justification of censorship is primarily done in the *affective* realm of emotional incitement, taking the form of moral panic to vilify and demonize this education and its proponents. Without a public campaign of moral panic, authorities who promulgate laws and policies or engage in practices that prohibit or erode antiracist education, risk encountering significant internal and external backlash, loss of institutional prestige (particularly for universities), legal challenges, and loss of political capital.

In the United States, as of March 2023, a total of 203 local, state, and federal government entities have introduced 619 anti-CRT bills, resolutions, executive orders, opinion letters, statements, and other measures.⁴ This anti-

4 UCLA School of Law Critical Race Studies, “CRT Forward,” <https://crtforward.law.ucla.edu/>.

CRT censorship campaign has followed a white nationalist strategy of “racial McCarthyism.” This strategy attempts to deliberately invoke moral panic by fusing two distinct but intertwining political apprehensions: a domestic white *racial* unease awakened in response to the George Floyd protests opposing police brutality and racial injustice in the summer of 2020, combined with a geopolitical McCarthyist anxiety in response to a rising, nominally socialist China. Working at the register of *affect* allows anti-CRT censorship campaigners to reframe those teaching about contemporary racial injustice and the true history of slavery and colonial racism in the United States as both unpatriotic and actual national security threats.

Racial McCarthyist apprehensions were front and center at the very beginning of the campaign’s inception. During then President Trump’s 2020 US Independence Day speech at Mount Rushmore, Trump connected domestic racial justice demands to foreign influence concerns by analogizing the George Floyd protests to a Mao-era “left-wing cultural revolution ... designed to overthrow the American Revolution.”⁵ But Trump’s nationalist search for a political boogeyman to counter grassroots demands for racial justice ended two months later when he stumbled upon a Tucker Carlson interview on Fox News of conservative activist Christopher Rufo, who said that CRT was “neo-Marxist rhetoric” that had “pervaded every institution in the Federal government” and had become “the default ideology of the federal bureaucracy ... now being weaponized against the American people.”⁶ The Trump administration got to work immediately: only three days later, the Office of Management and Budget (OMB) issued a memo informing federal agencies that any training related to CRT or white privilege would be enjoined and defunded.⁷

The moral panic campaign now had its ideological anchor: a specific branch of antiracist scholarship that would be blamed for a hodgepodge of American

5 Donald Trump, “Remarks by President Trump at South Dakota’s 2020 Mount Rushmore Fireworks Celebration | Keystone, South Dakota,” *The White House*, July 4, 2020, <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-south-dakotas-2020-mount-rushmore-fireworks-celebration-keystone-south-dakota/>.

6 Sam Dorman, “Chris Rufo Calls on Trump to End Critical Race Theory ‘Cult Indoctrination’ in Federal Government,” *Fox News*, September 1, 2020, www.foxnews.com/politics/chris-rufo-race-theory-cult-federal-government.

7 Russell Vought, “Memorandum for the Heads of Executive Departments and Agencies,” *The White House*, September 4, 2020, www.whitehouse.gov/wp-content/uploads/2020/09/M-20-34.pdf.

social and cultural ills. Two after the OMB memo, Trump announced the establishment of the President's Advisory 1776 Commission⁸: a national commission entrusted to "promote patriotic education" and ensure that "our sons and daughters ... know that they are the citizens of the most exceptional nation in the history of the world." The impetus for this heavy-handed patriotic curriculum was ostensibly the threat of CRT, which he described as a "Marxist doctrine" that holds America as a "wicked and racist nation." He decried CRT "being forced into our children's schools," "imposed into workplace trainings," and "deployed to rip apart friends, neighbors, and families" in order to "impose a new segregation."⁹ Connecting the dots between CRT and the need for a patriotic rewrite of American history, Trump painted a picture of traitorous conspiracy against the American national project: "Critical Race Theory, the 1619 Project, and the crusade against American history is toxic propaganda. Ideological poison, that if not removed will dissolve the civic bonds that tie us together, will destroy our country."¹⁰

Finally, before the month was out, Trump promulgated Executive Order (EO) 13950: Combating Race and Sex Stereotyping,¹¹ which continues to form the highly successful legislative blueprint by which American racial justice education and history has been censored under the auspices of opposing "CRT." EO 13950 language has formed the template for state and local initiatives, such as South Dakota's House Bill (HB) 1012, which explicitly prohibits postsecondary teaching, curricular content, and training that critically examines racism and sexism.¹² At the K–12 level, teachers have been fired or otherwise removed from teaching duties for sharing poetry on white

8 "Establishing the President's Advisory 1776 Commission, Executive Order 13958," Federal Register, November 2, 2020, www.federalregister.gov/documents/2020/11/05/2020-24793/establishing-the-presidents-advisory-1776-commission.

9 "Executive Order 13958."

10 Donald Trump, "Remarks by President Trump at the White House Conference on American History," *The White House*, September 17, 2020, <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-white-house-conference-american-history/>.

11 "Executive Order on Combating Race and Sex Stereotyping, Executive Order 13950," *The White House*, September 22, 2020, <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-combating-race-sex-stereotyping/>.

12 SD HB 1012, "An Act to Protect Students and Employees at Institutions of Higher Education from Divisive Concepts," 97th Leg Sess, 2022, <https://sdlegislature.gov/Session/Bill/23006/236257>.

privilege,¹³ displaying Black Lives Matter banners outside their classrooms,¹⁴ and implementing reflections on racial privilege as part of curricula,¹⁵ while many more educators are being forced out due to constant harassment and antagonism from anti-CRT censorship groups.¹⁶ These laws have also led to spikes in book bans. PEN America's Index of School Book Bans found that over a nine-month period from 2021 to 2022, 1,145 unique book titles were banned in an "unprecedented shift." Of those bans, 41 percent resulted from compliance with directives from state officials and lawmakers, with 33 percent addressing LGBTQ+ themes, 22 percent addressing race and racism, and 16 percent constituting history books or biographies.¹⁷

In the context of Israel-Palestine and Xinjiang, the moral panic to demonize antiracist and decolonial education relies heavily on the *specter of terrorism* and its racialization of the Muslim Other in carving a state of exception for academic freedom (and other related human rights). As Khaled Beydoun writes, "Islamophobia is now more than ever a global phenomenon, and the War on Terror has evolved into an imperial project that advances it across longitudes and latitudes,"¹⁸ which is justified by the fundamental misrepresentation "that terrorism is a uniquely Islamic enterprise."¹⁹

Proximity to anti-Muslim terrorist racialization in vilifying and discrediting scholarship through moral panic figured prominently in the Spiro scandal at UofT's International Human Rights Program (IHRP). The memo that instigated the affair was authored by Gerald Steinberg of NGO Monitor, who opposed the hiring of Dr. Valentina Azarova due to her work

13 Emma Green, "He Taught a Ta-Nehisi Coates Essay. Then He Was Fired," *The Atlantic*, August 17, 2021, www.theatlantic.com/politics/archive/2021/08/matt-hawn-tennessee-teacher-fired-white-privilege/619770/.

14 Southern Poverty Law Center, "BLM Reprisal: Florida School District Terminates Teacher Who Stood Up for Black Students," August 5, 2021, www.splcenter.org/news/2021/08/05/blm-reprisal-florida-school-district-terminates-teacher-who-stood-black-students.

15 Jon Skolnik, "Fired over CRT: Missouri High School Teacher Accused of Teaching 'Critical Race Theory' Loses Job," *Salon*, April 13, 2022, www.salon.com/2022/04/13/fired-over-crt-missouri-high-school-teacher-accused-of-teaching-critical-race-theory-loses-job/.

16 Tyler Kingkade, "Critical Race Theory Battles Are Driving Frustrated, Exhausted Educators Out of Their Jobs," *NBC News*, July 12, 2021, www.nbcnews.com/news/us-news/critical-race-theory-battles-are-driving-frustrated-exhausted-educators-out-n1273595.

17 PEN America, "Banned in the USA: Rising School Book Bans Threaten Free Expression and Students' First Amendment Rights," September 13, 2022, <https://pen.org/banned-in-the-usa/>.

18 Khaled A. Beydoun, *The New Crusades: Islamophobia and the Global War on Muslims* (Oakland: University of California Press, 2023), 5.

19 Beydoun, *The New Crusades*, 8.

with Palestinian human rights organizations such as Al-Haq. This memo was passed down to members of the Israeli-Canadian lobbying organization Centre for Israel and Jewish Affairs (CIJA), who then enlisted former director Justice David E. Spiro to contact the university to convey these concerns.²⁰ The concerns found their way to the dean of UofT Law, who summarily canceled the hiring of Dr. Azarova. In the memo, Steinberg makes the Israeli nationalist argument that Al-Haq and other related Palestinian human rights organizations facilitated “campaigns that promote the double standards used to demonize Israel.”²¹

Despite the very common (and indeed frequently recommended) practice of human rights professionals adopting a country/region-specific focus, Dr. Azarova’s expertise and record of publication on the Israel-Palestine context is recharacterized by Steinberg as a “discriminatory focus on Israel.”²² Steinberg did not seem to recognize that the IHRP itself had for decades worked with Al-Haq as an important regional partner, having organized summer student fellowships and hosted speakers from the prominent human rights organization.²³ These tropes were taken a step further in the December 2020 submissions of pro-Israel group B’nai Brith Canada to the Canadian Judicial Council reviewing Justice Spiro’s conduct. Expanding on the Steinberg memo, B’nai Brith claimed that Al-Haq was an “extreme anti-Israel organization” with “direct ties to the Popular Front for the Liberation of Palestine (PFLP)—a listed terrorist entity in Canada.”²⁴ Attacks on Canadian human rights groups for their connections with local human rights NGOs critical of the Israeli government are of course nothing new. Montreal-based NGO Rights and Democracy was shuttered in the early 2010s as a result of pushback after awarding small grants to B’Tselem, Israel’s leading human rights group, and its partner agency in the West Bank, Al-Haq, as well as Al Mezan in Gaza.²⁵

20 Moon and Emon, “Misadministering Justice?”

21 *National Council of Canadian Muslims, et al v AG Canada*, T-1005-21, Certified Tribunal Record (July 13, 2021): 145, <https://censureuoft.files.wordpress.com/2021/09/t-1005-21-certified-tribunal-record-cjc-july-13-2021.pdf>.

22 *National Council of Canadian Muslims*, 145.

23 International Human Rights Program, “Speaker Series,” <https://ihrp.law.utoronto.ca/page/speaker-series>.

24 *National Council of Canadian Muslims*, 99.

25 Haroon Siddiqui, “Siddiqui: Stephen Harper’s Homegrown Human Rights Problem,” *Toronto Star*, January 24, 2010, www.thestar.com/news/canada/2010/01/24/siddiqui_stephen_harpers_homegrown_human_rights_problem.html.

Presciently, the strategy of moral panic in deliberately framing Palestinian civil rights organizations as terrorist-adjacent for the purposes of state repression would find legal expression in October 2021 when the Israeli minister of defense designated six Palestinian civil society groups, including Al-Haq, as terrorist organizations under Israel's 2016 Anti-Terrorism Law.²⁶ Immediately after this designation, Israeli occupying forces raided and shut down the offices of numerous Palestinian organizations, including Al-Haq, seizing and/or destroying numerous documents and items under Article 319 of Israel's 1945 Emergency Regulations.²⁷

Similarly, the attack on academic freedom in Xinjiang has been intimately tied to a consistent ideological campaign of racially othering Uyghurs and other Turkic Muslims by tying these populations to the specter of radical Islamic terrorism to inspire fear. After the 2009 Urumqi Riots and 2014 Kunming knife attacks, Xi Jinping pledged to implement a "strike hard" strategy through a "People's War on Terror" in Xinjiang. Within this strategy, the policy goal of eliminating terrorism was explicitly tied to eliminating separatism and extremism under the framework of the "Three Evils."²⁸ Understanding China's combined policy interests in combating terrorism, separatism, and extremism allows us to better understand the form in which the state socially constructs the "Other": as a racialized Muslim that is a threat because of their radical religious piety, resistance to assimilation, and native claims to the land that pose a direct challenge to Chinese territorial claims and sovereignty.

This racialized demonization of Uyghurs and other Turkic Muslims has allowed for carceral repression of academic freedom. At least several hundred Uyghur intellectuals (including professors, students, and cultural elites) have

26 UNOHCHR, "UN Experts Condemn Israel's Designation of Palestinian Human Rights Defenders as Terrorist Organisations," October 25, 2021, www.ohchr.org/en/press-releases/2021/10/un-experts-condemn-israels-designation-palestinian-human-rights-defenders. The other five organizations were Addameer; Defence for Children International, Palestine; the Union of Agricultural Work Committees; the Bisan Center for Research and Development; and the Union of Palestinian Women Committees.

27 Human Rights Watch, "Joint Statement: Over 150 Organizations Demand International Community Stand against Raids and Closures of 7 Palestinian Organizations," August 22, 2022, www.hrw.org/news/2022/08/22/joint-statement-over-150-organizations-demand-international-community-stand-against.

28 Joanna Smith Finley, "Security, Insecurity and Conflict in Contemporary Xinjiang: Has PRC Counter-terrorism Evolved into State Terror?" *Central Asian Survey* 38 (2019): 2.

been detained, imprisoned, or disappeared since China expanded its counterinsurgency efforts in the XUAR in 2016.²⁹ Many of these targeted scholars, such as renowned economics professor Ilham Tohti and seven of his students, who wrote on the dangers that totalitarianism and ethnonationalist chauvinism posed for non-Han Indigenous groups in China, including the Uyghur people.³⁰

Sean Roberts argues that this silencing of academic freedom in the area of Uyghur cultural, linguistic, historical, and political knowledge production is a crucial part of the Han settler colonial project that seeks to coercively integrate Uyghurs into Chinese modernity through policies of mass incarceration and forced assimilation.³¹ This has been supported by state media running programs, such as the documentary *The War in the Shadows: Challenges of Fighting Terrorism in Xinjiang*, which incite moral panic by reinforcing the idea that the teaching of Uyghur political history and past separatist movements against imperial Chinese dynasties constitute radical Islamic terrorism.³² Chinese nationalist efforts to shut down Uyghur rights activists have also made their way to Western campuses. For instance, in February 2019, Chinese nationalist students at McMaster University in Hamilton, Ontario filmed verbally harassed Uyghur activist Rukiye Turdishi during her lecture on mass incarceration of Uyghurs in China. Some of the students then contacted the Chinese Consulate in Toronto about the event and were told to see whether university officials attended and whether Chinese nationals had organized the talk. They later wrote that they sent photos to Chinese officials.³³

29 Abdullah Qazanchi, "Briefing: The Disappearance of Uyghur Intellectual and Cultural Elites: A New Form of Eliticide," *Uyghur Human Rights Project*, December 2021, 1, https://uhrp.org/wp-content/uploads/2021/12/The-Disappearance-of-Uyghur-Intellectual-and-Cultural-Elites_2021-12-07-1.pdf.

30 Ilham Tohti, *We Uyghurs Have No Say: An Imprisoned Writer Speaks* (London: Verso Books, 2022).

31 Sean R. Roberts, *The War on the Uyghurs: China's Internal Campaign against a Muslim Minority* (Princeton: Princeton University Press, 2020), 4–5.

32 "The War in the Shadows: Challenges of Fighting Terrorism in Xinjiang," *CGTN*, April 2, 2021, <https://news.cgtn.com/news/2021-04-02/The-war-in-the-shadows-Challenges-of-fighting-terrorism-in-Xinjiang-Z7AhMWRPyo/index.html>.

33 Gerry Shih and Emily Rauhala, "Angry over Campus Speech by Uighur Activist, Chinese Students in Canada Contact Their Consulate, Film Presentation," *Washington Post*, February 14, 2019, www.washingtonpost.com/world/angry-over-campus-speech-by-uighur-activist-students-in-canada-contact-chinese-consulate-film-presentation/2019/02/14/a442fbc4-306d-11e9-ac6c-14eea99d5e24_story.html.

*USING FLOATING SIGNIFIERS SUCH AS “DIVISIVE,” “SENSITIVE,” AND
“CONTROVERSIAL” TO OBSCURE POWER IMBALANCES AND DISSUADE
CRITICAL INQUIRY*

There are certain keywords, or “floating signifiers,”³⁴ that do much of the work to signal that the machinations and injustices of racism and colonialism cannot be discussed, researched, or acted against. The pantheon of floating signifiers in this context includes the words “divisive,” “sensitive,” and “controversial.” These terms are effective in both obscuring the power imbalances inherent in processes of racial subordination and dissuading critical inquiry by signaling academic “redlines” where the benefits and protections of relative academic freedom fall away and educators can expect to experience significant professional and personal consequences. Thus, they become useful tools for nationalists as it is power adjacency and not truth or evidence that frequently dictates what is considered “divisive,” “sensitive,” or “controversial” in any particular context.

“Divisive” is the key floating signifier that has been codified in the US anti-CRT censorship campaign. For instance, EO 13950 prohibits discussions and training across a list of nine vaguely defined and broadly crafted “divisive concepts.” These ideas include: that the United States might be fundamentally racist or sexist,³⁵ collective responsibility for legacies of systemic racism and sexism,³⁶ and any sort of discussion around racism and sexism that may cause individuals to “feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex.”³⁷ By framing CRT and related antiracist training and education as “divisive,” the Order is then able to, in the words of Christopher Rufo, “recodify [CRT] to annex the entire range of cultural constructions that are unpopular with

34 Floating signifiers are words or symbols that “have no determinant meaning without the experience of the particular experiencer”; see Carrie Menkel-Meadow, “The Power of Narrative in Empathetic Learning: Post-Modernism and the Stories of Law,” *UCLA Women’s Law Journal* 2 (1992): 301; Patricia J. Williams, *The Alchemy of Race and Rights* (Cambridge: Harvard University Press, 1992), 7.

35 “Executive Order 13950,” § 2(a)(2).

36 “Executive Order 13950,” § 2(a)(7).

37 “Executive Order 13950,” § 2(a)(8).

Americans” with the goal of having “the public read something crazy in the newspaper and immediately think ‘critical race theory.’”³⁸

The preamble of EO 13950 does exactly this by describing “divisive” ideas associated with CRT as “anti-American” (invoking nationalist concerns), “subtle coercive pressure to ensure conformity of viewpoint” (invoking concerns about freedom of expression), and “malign ideology” that “threatens to infect core institutions of our country” (invoking an analogy to a virus that must be contained and destroyed).³⁹ That these divisive concepts are incoherent insofar as they have little to do with the real CRT (and in some cases are directly in opposition with core CRT tenets⁴⁰) is *the point*. As Moira Donegan states: “The very opacity of the words [critical race theory] made them the perfect vehicle for what the right-wing wanted: a new vessel for white racial anxiety and grievance.”⁴¹

The role of “divisive” in the anti-CRT censorship campaign is taken up by the term “controversial” in the case of the Spiro scandal and the broader campaign to censor teaching and research that is critical of Israeli colonial occupation in higher education. After the Spiro scandal broke in the media and attracted significant condemnation from the public, UofT hired former Supreme Court justice and counsel at Borden Ladner Gervais LLP, Thomas Cromwell, to conduct an internal investigation and publish his findings. The investigation revealed a wealth of additional damning facts surrounding the chain of emails and communications revealing Gerald Steinberg’s efforts to enlist the help of CIJA and Justice Spiro to relay concerns about the candidate’s research that was critical of Israeli policies under international law to Dean Edward Iacobucci.⁴² Despite this wealth of new evidence, however, Cromwell stated that he “would not draw the inference that external influ-

38 Christopher Rufo (@realchrisrufo), March 15, 2021, <https://twitter.com/realchrisrufo/status/1371541044592996352?s=20>.

39 “Executive Order 13950,” preamble.

40 For instance, the preamble of EO 13950 claims that CRT “ideology” advocates the view “that some people, simply on account of their race or sex, are oppressors.” Yet CRT articulates a systemic analysis of racial subordination through law and policy that directly critiques the idea of race essentialism or the idea that racism can be best understood through individual bias and personal prejudice.

41 Moira Donegan, “What the Moral Panic about ‘Critical Race Theory’ Is About,” *The Guardian*, June 17, 2021, www.theguardian.com/commentisfree/2021/jun/17/critical-race-theory-republicans-moira-donegan.

42 Vivian Cheng, “Criticisms over the Cromwell Report Erupt with CAUT Censuring U of T,” *Ultra Vires*, May 17, 2021, <https://ultravires.ca/2021/05/criticisms-over-the-cromwell-report-erupt-with-caut-censuring-u-of-t/>.

ence played any role in the decision to discontinue the recruitment of the Preferred Candidate.”⁴³

In making this conclusion, Cromwell offers a conflicting assessment of the relationship between human rights work and controversy. Indeed, Cromwell begins by acknowledging the director of a human rights program must be “in the business” of tackling controversial issues,⁴⁴ yet concludes that Justice Spiro “simply shared the view that the appointment would be controversial with the Jewish community and cause reputational harm to the University”⁴⁵ in downplaying the seriousness of his intervention on the hiring. Cromwell then doubles down on the common sense of “controversy” as a justification for Justice Spiro’s actions by stating that the controversial nature of the appointment of a human rights expert whose work was critical of Israel “would hardly be news to anyone who had taken a moment or two to look on the internet.”⁴⁶ The weaponization of “controversial” to justify the benevolence of Justice Spiro’s intervention was also picked up by the Canadian Judicial Council that used the abovementioned portions of the Cromwell report to conclude that Justice Spiro was simply “expressing concern that the appointment might subject the faculty to adverse criticism and publicity,” thus exonerating him from sanction.⁴⁷ In another high-profile de-hiring, “controversy” related to “anti-Israel bias” would play a key factor in Harvard Kennedy School’s 2023 retraction of a fellowship offer to former Human Rights Watch director Kenneth Roth.⁴⁸

Similarly, in the Chinese context, “sensitive” is the key floating signifier that has been used to shut down critical inquiry while marking publications and educators as legitimate targets of censorship. In particular, “sensitivity” has been used to sanction researchers who deviate from the Party line

43 Thomas A. Cromwell, “Independent Review of the Search Process for the Directorship of the International Human Rights Program at the University of Toronto, Faculty of Law,” March 15, 2021, 6, <https://ultravires.ca/wp/wp-content/uploads/2021/05/Report-of-the-Hon-Thomas-A-Cromwell-CC-%E2%80%93-March-15-2021.pdf>.

44 Cromwell, “Independent Review,” 8.

45 Cromwell, “Independent Review,” 48.

46 Cromwell, “Independent Review,” 48.

47 Canadian Judicial Council, “Report of the Review Panel Constituted by the Canadian Judicial Council Regarding the Honourable D. E. Spiro,” April 13, 2021, para. 44, <https://cjc-ccm.ca/sites/default/files/documents/2021/Report%20of%20the%20Review%20Panel%20-%20Spiro.pdf>.

48 Sabrina Conza, “FIRE Criticizes Harvard for Rescinding Human Rights Champion Ken Roth’s Fellowship,” *FIRE*, January 6, 2023, www.thefire.org/news/fire-criticizes-harvard-rescinding-human-rights-champion-ken-roths-fellowship.

in areas where the impacts of Chinese colonialism and imperialism are most stark: namely Tibet, Xinjiang, and Taiwan. In 2012, the Xi administration expanded its restrictions on areas of university research and teaching under the framework of the so-called Seven No's: "civil society, civil rights, universal values, legal independence, press freedom, the bourgeois class with money and power, and the historical wrongs of the Party."⁴⁹

At the extreme end of the spectrum, researchers of Xinjiang who delve into areas deemed too "politically sensitive" have been detained or disappeared. For instance, Exmet Momin Tarimi, a PhD candidate in history at Nanjing University, has been subject to ongoing extrajudicial detention since December 2017. Tarimi was a director and senior editor at the historical cultures department of the Xinjiang People's Press, authoring books on Uyghur historiography, including a translation of the history of East Turkestan's rise and fall that was immediately banned by authorities. Just prior to his detention, he was completing a doctoral dissertation on Yaqup Beg, a prominent historical figure who established the independent state of Yesttishar (Kashgaria) between 1865 and 1877. His dissertation question had been opposed by his supervisor at Nanjing University for being too politically sensitive in examining questions of self-determination in the region.⁵⁰

The overwhelming level of political surveillance, policing, and carceral coercion around Xinjiang research creates conditions in China where the histories and analyses of colonial subjugation in the region are *preemptively terminated* by the state. Even within global Chinese studies, ideas around political sensitivity are increasingly being deployed to censor areas that touch on these topics. In 2017–18, it was discovered that, at the request of Chinese authorities, Cambridge University Press had blocked 315 articles on "sensitive topics" from *China Quarterly's* Chinese website, Springer had removed more than 1,000 articles, and Taylor and Francis had removed more than eighty journals.⁵¹ In 2019, scholar Timothy Grose revealed that his review of Tom Cliff's book *Oil and Water*—an ethnography about Han settler experiences in the XUAR—was rejected by Brill's *China and Asia: A Journal*

49 Zhidong Hao, "Commercialization and Corporatization vs. Professorial Roles and Academic Freedom in the USA and Greater China," in *Academic Freedom Under Siege: Higher Education in East Asia, the U.S. and Australia*, ed. Zhidong Hao and Peter Zabielskis (Cham: Springer, 2020), 15.

50 Qazanchi, "A New Form of Eliticide," 11–12.

51 Nicholas Loubere, "The New Censorship, the New Academic Freedom: Commercial Publishers and the Chinese Market," *Journal of the European Association for Chinese Studies* 1 (2020): 240–241.

in *Historical Studies* in part because he refused to remove a contextualizing opening paragraph on “concentration reeducation centres” in the region.⁵² The editor-in-chief responded that this was justified on the basis that such a framing was “a political message,” again suggesting that censorship could be engaged anywhere there was political sensitivity, without requiring further inquiry.⁵³ Like in other contexts, nationalism’s prerogative in delineating what is divisive, controversial, or sensitive (and just as importantly, what is not), is a rhetorical technology of power that is easily weaponized to curtail academic freedom.

*REFRAMING CONVERSATIONS AROUND STRUCTURAL INJUSTICE
AND DISPARITY AS “RACISM” AGAINST DOMINANT GROUPS WITHIN
ETHNONATIONALIST PROJECTS*

Another key element of antiracist academic unfreedom is the move to “reverse” racism—that is, to rebrand opposition to the racial oppression of materially subordinated groups in society as racism against dominant groups. This discursive move goes one step further when it substitutes an ethnonationalist state (e.g., Israel, China) in lieu of the dominant group (e.g., Jewish people, Han Chinese). The functional effect of this is to insulate these states from critique, scrutiny, and organized resistance by falsely conflating it with racial subordination against one’s own ethnoracial group. Philosopher Jason Stanley describes this as groups in power using the “mask of nationalism of the oppressed” to “obscure the contradiction between a struggle for equal respect and a struggle for dominance.”⁵⁴ The understanding of race as socially, historically, and geographically contingent—what Keith Aoki and Robert S Chang theorize as “racial microclimates”⁵⁵—is thus entirely absent from this power-evasive analysis of race.

52 Timothy Grose, “How an Academic Journal Censored My Review on Xinjiang,” *Modern Chinese Literature and Culture*, May 13, 2019, <https://u.osu.edu/mclc/2019/05/16/how-a-journal-censored-by-review-on-xinjiang/>.

53 Hao Xiaorong, “My Response to Timothy Grose’s ‘How an Academic Journal Censored My Review on Xinjiang,’” *Modern Chinese Literature and Culture*, May 16, 2019, <https://u.osu.edu/mclc/2019/05/16/how-a-journal-censored-my-review-on-xinjiang-1/>.

54 Jason Stanley, *How Fascism Works: The Politics of Us and Them* (New York: Random House, 2018), 106.

55 Robert S. Chang, “Keith Aoki’s Theory of Racial Microclimates,” *UC Davis Law Review* 45 (2012): 1913.

The best-known example of this reframing is likely the weaponization of anti-Semitism to silence and delegitimize critiques of Israeli policies. Under this line of argumentation, “Israel is the state of all Jews and to vilify the state or disparage its founding ideology, Zionism, is to vilify or disparage all Jews.”⁵⁶ This deliberate and crucial conflation between anti-Semitism and anti-Zionism undergirds much of the attacks on academic freedom for scholars who teach critically on the Israel-Palestine conflict, particularly from human rights, antiracist, and decolonial lenses. Such attacks have escalated since 2016, when the International Holocaust Remembrance Alliance (IHRA) adopted its working definition of anti-Semitism that appended eleven illustrative examples, seven of which focus on the state of Israel, rather than on Jews as a group.⁵⁷ In perhaps the highest-profile case since, Kenneth Roth, long-term executive director of Human Rights Watch, had a fellowship revoked by the dean of the Kennedy School of Government for alleged “anti-Israel bias.”⁵⁸ As part of substantiating this argument, Canary Mission (a website that hosts a blacklist of individuals in order to intimidate students, faculty members, and community activists engaged in Palestine solidarity work) refers heavily to Roth’s opposition to the IHRA definition of anti-Semitism on the grounds that it “tries to equate antisemitism with much criticism of Israel and its abusive treatment of Palestinians.”⁵⁹

As detailed by Independent Jewish Voices Canada, the adoption of the IHRA definition by universities threatens academic freedom through censorship of “courses and curricular materials which frame the Israel/Palestine conflict in terms of settler colonialism or other types of anticolonial and anti-racist theory.”⁶⁰ Faculty who have engaged in teaching and research in these areas reported:

56 Sheryl Nestel and Rowan Gaudet, “Unveiling the Chilly Climate: The Suppression of Speech on Palestine in Canada,” *Independent Jewish Voices Canada*, October, 2022, 8, www.ijvcana.org/wp-content/uploads/2022/10/Unveiling-the-Chilly-Climate_Final-compressed.pdf.

57 Independent Jewish Voice Canada, “How Not to Fight Antisemitism: A Critique of the International Holocaust Remembrance Alliance Working Definition of Antisemitism (IHRA-WDA),” October 2020, 14, <https://static1.squarespace.com/static/5f52a48dce98340e25350e2/t/5fff2d4e058b964b22eb8f33/1610558799440/IHRA+Report+v1.1.1+-+20201025.pdf>.

58 Joseph Leone, “The Harvard Kennedy School’s Anti-Palestinian Bias,” *Jewish Currents*, January 26, 2023, <https://jewishcurrents.org/the-harvard-kennedy-schools-anti-palestinian-bias>.

59 “Kenneth Roth,” *Canary Mission*, June 15, 2023, https://canarymission.org/individual/Kenneth_Roth.

60 Nestel and Gaudet, “Unveiling the Chilly Climate,” 16.

Restrictions on academic freedom, self-censoring of expression on Palestinian human rights, discriminatory treatment by academic publishing platforms, harassment by pro-Israel advocacy groups and media outlets, attacks from colleagues, political interference by university administration, classroom surveillance by pro-Israel student groups, and anti-Palestinian and anti-Arab racism.⁶¹

Indeed, the US anti-CRT campaign and the campaign to censor those in higher education critical of the Israeli settler colonial project have engaged in similar strategies when it comes to “reversing racism.” In December 2019, some ten months before the anti-CRT EO 13950, then President Trump issued EO 13899, the Executive Order on Combating Anti-Semitism, which directly adopted the IHRA definition and its list of “Contemporary Examples of Anti-Semitism” as legal grounds for Title VI civil rights complaints.⁶² Unlike EO 13950 however, EO 13899 was *not* repealed once the Biden administration came to power, despite its creation of significant new legal risks and chilling effects for antiracist scholars and Palestinian rights activists.⁶³

Some US anti-CRT campaigners have also made use of reverse racism arguments when claiming that critical race theory and its interrogations of the history and contemporary manifestations of racial injustice are “antiwhite”—a view advanced by Christopher Rufo⁶⁴ as well as former House speaker Newt Gingrich.⁶⁵ However, this messaging has not had the same mass resonance that reframing support for Palestinian rights as anti-Semitism has had. Rather, anti-CRT censorship campaigners have legally codified reverse racism by centering the potential hurt feelings of white students to shut down antiracist teaching and research, a mainly affective stratagem. For instance, EO 13950 and other copycat measures prohibit concepts where individuals may feel “discomfort, guilt, anguish or any other form of

61 Nestel and Gaudet, “Unveiling the Chilly Climate,” 2.

62 “Executive Order on Combating Anti-Semitism, Executive Order 13899,” *The White House*, December 11, 2019, s 2(a)(ii), <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-combating-anti-semitism/>.

63 Gabriella Fried, “On the Outer Reaches of the Marketplace of Ideas: The Weaponization of Title VI against Palestinian College Activists,” *Journal of Law and Policy* 30 (2021): 157.

64 Christopher Rufo (@realchrisrufo), May 26, 2021, https://twitter.com/realchrisrufo/status/1397620203387703299?s=20&t=qcjqfLrsLcSj7ktJ-k_exw.

65 Darragh Roche, “Newt Gingrich Says Liberals Push ‘Cult of Anti-White Racism,’” *Newsweek*, July 12, 2022, www.newsweek.com/newt-gingrich-says-liberals-push-cult-anti-white-racism-1723682.

psychological distress on account of his or her race or sex” or feel that they “bear responsibility for actions committed in the past by other members of the same race or sex.”⁶⁶ Yet as Christie Nold and Ursula Wolfe-Rocca write, the real concern of anti-CRT campaigners “is not that children will feel bad when learning about the fight for racial justice, but that children will feel good. Young white people with the capacity to act in solidarity with movements for justice are dangerous to white supremacy and its guardians.”⁶⁷

Like the deliberate conflation of anti-Semitism with criticism of Israel to silence work on Palestinian rights, Chinese ethnonationalists have been hard at work reframing support for Uyghur and other Turkic Muslims’ rights in the context of accelerating colonial repression as either Sinophobic or manifestations of anti-Chinese racism. China’s reverse racism narrative has found renewed resonance in the project to avenge the “century of humiliation” that undergirds Xi Jinping’s “China Dream”⁶⁸ as well as rising anti-Asian racism globally in the wake of the COVID-19 pandemic that began in the city of Wuhan.

Perhaps uniquely in the case of China, the bait-and-switch move of replacing sympathy for racially subordinated communities with sympathy for ethnonationalist projects that themselves perpetrate systemic racial oppression has been significantly bolstered by Western “anti-imperialist”⁶⁹ media outlets that follow campist lines. In a high-profile example, in May 2021, state media outlet Xinhua published an interview with former UN mandate holder Alfred-Maurice de Zayas where the latter claims that legal arguments of genocide in the XUAR constitute “fake news,” “vulgar Sinophobia,” and a “geopolitical weapon” against China.⁷⁰ Xinhua’s interview of de Zayas prominently features references to reporting by *The Grayzone*, an influen-

66 “Executive Order 13950,” ss 2(a)(7)–(8).

67 Ursula Wolfe-Rocca and Christie Nold, “Why the Narrative That Critical Race Theory ‘Makes White Kids Feel Guilty’ Is a Lie,” *Hechinger Report*, August 2, 2022, <https://hechingerreport.org/opinion-why-the-narrative-that-critical-race-theory-makes-white-kids-feel-guilty-is-a-lie/>.

68 Mark Metcalf, “The National Humiliation Narrative: Dealing with the Present by Fixating on the Past,” *Education about Asia* 25 (2020): 43.

69 I put anti-imperialist in quotation marks due to the frequent failures of many of these outlets in expressing consistent positions against imperialism, instead myopically framing the West as the primary imperialist power in all situations. See Rohini Hensman, *Indefensible: Democracy, Counter-Revolution, and the Rhetoric of Anti-Imperialism* (Chicago: Haymarket Books, 2018), 11–15.

70 Chen Junxia and Xu Chi, “Genocide Accusations against China Sinophobic Propaganda, Says Former UN Expert,” *Xinhua*, May 13, 2021, www.xinhuanet.com/english/2021-05/13/c_139943866.htm.

tial news website well known for misleading reporting, sympathetic coverage of authoritarian regimes, and conspiracy theories regarding Venezuela, Syria, Ukraine, and Xinjiang.⁷¹ Specifically, *The Grayzone* published articles that characterize US policies to address unfree labor within camp-to-factory pipelines⁷² in the XUAR as fundamentally “anti-China” and that actually hurt communities targeted by Chinese counterinsurgency since they “cost Uyghur workers their jobs.”⁷³

CONCLUSIONS

As can be gleaned from all three of these transnational examples, dominant groups and national governments have no problem weaponizing race (including curtailing and even directly attacking academic freedom) when it is done in service of protecting structures of racial hierarchy in their specific racial microclimates. The blueprint for nationalist attacks on antiracist scholarship relies on three elements: stirring up moral panic by presenting anti-racist education as ideological extremism or the gateway to terrorism, using floating signifiers to preempt truthful discussion and analysis, and co-opting the moral weight of antiracism by framing education about structural racial injustice as “racism” against dominant groups.

This strategy has been so successful that it has since been imitated to varying degrees of success by the far-right government of Narendra Modi in India, as well as the Putin administration after Russia’s full-scale military invasion of Ukraine in the forms of “Hinduphobia”⁷⁴ and “Russophobia,”⁷⁵ respectively. These developments unsettle the dichotomy that liberal scholar-

71 Caitlin Thompson, “Enter the Grayzone: Fringe Leftists Deny the Scale of China’s Uyghur Oppression,” *Coda*, July 30, 2020, www.codastory.com/disinformation/grayzone-xinjiang-denialism/.

72 Alison Killing and Megha Rajagopalan, “We Found the Factories Inside China’s Mass Internment Camps,” *Buzzfeed News*, December 28, 2020, www.buzzfeednews.com/article/alison_killing/xinjiang-camps-china-factories-forced-labor.

73 Max Blumenthal, “Xinjiang Shakedown: US Anti-China Lobby Cashed in on ‘Forced Labor’ Campaign That Cost Uyghur Workers Their Jobs,” *The Grayzone*, April 30, 2021, <https://thegrayzone.com/2021/04/30/xinjiang-forced-labor-china-uyghur/>.

74 Max Daly, Shahar Habib Ghazi, and Phallavi Pundir, “How Far-Right Hindu Supremacy Went Global,” *Vice*, October 26, 2022, www.vice.com/en/article/n7z947/how-far-right-hindu-supremacy-went-global.

75 “‘Nothing but Racism’: Putin Hits Out at Russophobia Spreading around the World,” *TASS*, September 30, 2022, <https://tass.com/politics/1516167>.

ship in academic freedom frequently draws between liberal democratic and authoritarian settings.

As such, defenders of academic freedom are left with a self-fulfilling prophecy: censorship of antiracist education only works in the context of an *impoverished understanding* of racism. This is why ethnonationalists deliberately seek to target critical race theory and decolonial and postcolonial studies for delegitimization and censorship. Liberal internationalist solidarities around academic freedom and freedom of expression fail to fully capture and understand this, particularly in its attraction to power-neutral analyses that allow for false conflation between ideologies of racial subordination on one hand, and race-conscious equality on the other. Any meaningful politics of academic freedom thus requires an analysis that is attendant to questions of power, particularly when it comes to race and colonialism.