

## Teaching the Bill of Rights in China

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RECENTLY, I WAS ASKED if I was interested in teaching a relatively short course on a topic of my choosing at Nanjing University in Nanjing, People's Republic of China. I agreed, and designed a course called "American Political Theory" to be taught three days a week for five weeks. Each class session would meet for two hours.

China has changed a great deal over the last few decades, of course. That change continues, and the pace of that change continues to accelerate. While I was in Nanjing, the government announced China's seventh consecutive quarter of double-digit GDP growth; soon after, PetroChina's IPO produced the world's largest company in market value, double that of the next-largest, Exxon-Mobil. Whether such growth can continue remains to be seen. Whether they can avoid, or even mitigate, their looming environmental disaster also remains to be seen. Facing a potentially perilous future, history becomes that much more vital, but the questions I addressed in the course raised a number of issues of relevance not just to historians, but also to those who teach humanities, particularly in a context so distinct from a more customary situation in the West.

The course I designed was intended to explore the philosophical background of what drove the North American colonists to declare their independence; what ideas informed the writing of the Declaration of Independence, the Constitution, and the Bill of Rights; and what models competed in determining the state envisaged. Although my professional

training is in philosophy, I was teaching the course under the auspices of the History Department at Nanjing University.

Nanjing University (known, almost exclusively in Nanjing, as “Nanda,” an abbreviation of its full Chinese name) is generally regarded as one of the best universities in China, ranked just behind Beijing University and Shanghai Normal University by virtually everyone I talked to in both China and the United States. The students, I had been told, would speak English “well,” and would be able to follow complex lectures in English. I was told, therefore, that I should not alter the content of the course; I should teach it just as I would in the United States. In fact, one of the reasons for inviting me, I was informed, was to help demonstrate what an “American teaching style” would look like. (I decided not to try to explain that, even more than most, my teaching was unrepresentative of whatever an “American teaching style” would look like, beyond meeting in a classroom and conducting the course in English.) I would be teaching a range of students, consisting of advanced undergraduates as well as some graduate students, all with substantial backgrounds in American history. Talking with others who had taught at Nanjing as well as at other highly regarded universities in the PRC, I learned that students would not talk in class, and that this would be their uniform expectation, as well as the instructor’s. I walked into my classroom the first day knowing little more than this; I did not know the size of the class, I had no enrollment list, and I had not been given any expectations about what kind of assignments I should offer, how to grade the students, or even *if* I should grade the students. Indeed, I was not entirely sure I would have chalk and a blackboard (I did). I also learned, fairly early, that my access to the Internet would be modest; it would be unlikely that I would be able to gain access to the library, and printing and copying materials would be, well, difficult. Almost as quickly, I learned that when I was told something was going to be “difficult,” that was often a euphemism for “not going to happen.” I was never quite sure if these details were typical for foreign teachers; perhaps I could have complained more and obtained some more help, but I decided simply to accept what was on hand and go on from there.

While everyone’s experience will differ, perhaps quite dramatically, what I learned in and out of the classroom can be useful for others considering such an undertaking. I spent a good bit of time talking to students outside of class, but I also talked to a number of students not taking my course, as well as to staff and faculty at Nanda. Finally, I had the opportunity to talk with Chinese students in both Beijing and Shanghai. While my method hardly approaches offering a “scientific” data sample, the information I was able to gather does extend well beyond those students I taught. In addition to being forced to adapt to teaching in an entirely

new context, the Chinese students offered new, valuable, and insightful perspectives on the philosophical foundations at the heart of the American political experiment. They also had probing questions about the nature and limits of rights granted in the various canonical documents of American history. Perhaps most important, I came to realize—or remember—just how remarkable those documents such as the Declaration of Independence, the Constitution, the Bill of Rights, and even the Gettysburg Address are as statements of political theory, as well as how remarkable were the people who produced them.

### **Pedagogical Challenges**

The course presented two sets of challenges. One set might be considered “technical” challenges in actually delivering the course content. The second set resides in the traditions, history, and culture of China, and the radically distinct conception of the state they presuppose. I will deal with the technical challenges here, before later taking up the more difficult issues of those presuppositions.

The fundamental obstacle was, unsurprisingly, language. I quickly learned that one person’s evaluation of a student’s language skills might widely diverge from my own. Indeed, it turned out that an extraordinarily helpful staff member, whose English I had been consistently assured was “excellent,” clearly had virtually no idea of what I was saying during several extensive conversations. Realizing this is itself progress, of course, but if a student does not speak in class, it is difficult to determine just how much information is being transmitted. My Chinese was only good enough to say things such as “*Nimen de Yingwen bi wo de Zhongwen hen hao*”—that is, “your English is much better than my Chinese.” Students appreciated my attempts at speaking their language, in spite of what was no doubt my literal tone-deafness, and I believe it encouraged them to speak in class more than they were accustomed to doing. A suggestion from a colleague to break the students up into small groups and have each group pick a designated speaker worked very well. In each class, such groups were organized and asked to focus for about ten minutes either on an open-ended question (e.g., “are there limits to freedom of speech, and, if so, what are they?”) or on more standard, but difficult questions (e.g., “how can a slave-owner declare ‘all men are created equal’?”). Such small-group work helped break up the somewhat lengthy two-hour sessions, gave the students a chance to talk in a more comfortable setting in their native language, offered students practice in speaking English in a quasi-public context, and allowed all of them to focus on the issues at stake in the subject under discussion. I would leave during these small-group

discussions, and they evolved over the course of time into the whole group discussing—often quite animatedly—the questions I had provided. Upon my return, we had a smooth transition to what is a very unusual situation in a Chinese classroom: students interrupting each other, and even once or twice interrupting me—with effusive apologies—in order to establish a point. Once they felt comfortable making mistakes in English, while being encouraged by me to continue the attempt to make their point, my classes in China were, at their best, almost indistinguishable from my classes in the U.S., in terms of both the quantity and quality of discussion.

There is an old saying in China that one still encounters: it is hard to be Chinese.<sup>1</sup> A recognition of China's long history of turmoil and the challenges of contemporary life in both rural and urban China, the saying also serves as a way of acknowledging that one simply cannot do much about certain things. I adopted this approach when I discovered that over half of the students from the first day of class did not return, and had been replaced by more than an equal number of new students. While one set of the same five students came every day, some students came a few times never to return, while a few came once a week. I was never given a class list, but there were invariably fourteen students in attendance; just never the same fourteen. I also was unclear about grading or assignments—after the first assignment, I discovered that the course was not to be graded at all. Thus, written assignments would not be needed. Students also varied greatly in bringing texts to class—there was no assigned textbook, for I had hoped to minimize expenses and increase convenience by hyper-linking texts in the public domain to my online syllabus. (Students, I knew, had easy access to the Internet; I hadn't known until getting to China that it would be so much easier than my own.) Some students would bring in not just all the required documents—the Constitution, Bill of Rights, Declaration of Independence—but also collections of Lincoln's speeches, the entire Federalist Papers, etc. Other students never brought a single text to class and gave very little indication that they had even glanced at any of the assigned reading. It was also clear that the students varied greatly in their background—one student might know the details of the battle of Gettysburg, including the strategic importance of Little Round Top, while another student might have only the vaguest idea that Lincoln had been President *after* Washington.

The last, but most fascinating, of these technical challenges was teaching history to students whose perception of history diverges so dramatically from the perception of my American students. Chinese recorded history—as the Chinese are fond, and proud, of pointing out—is at least 3,500 years old. (A linguistic example of this history: a Chinese slang term for “idiot,” still in common parlance, is an insult stemming from the Warring

States period of China—that is, before 221 BCE.) Anything much more than 100 years old in the United States is seen by most of my students as ancient; in China, that may be considered exceedingly recent. Thus, in describing the *Loving v. Virginia* decision of 1967, when the U.S. Supreme Court ruled miscegenation statutes to be unconstitutional, the perception of just how long ago 1967 was varied widely between U.S. students and Chinese students. There was considerably less difficulty explaining to the latter how historical events can have long-lasting and continuing repercussions for contemporary issues. Perhaps even more in China than in the American South, though the comment may have become a cliché, one is tempted to reach for Faulkner's oft-quoted phrase: in China, the past isn't dead; it isn't even past.

### Course Content

A course on “American political theory,” taught under the auspices of a Department of History by a teacher who trained and trains exclusively in philosophy presented its own share of challenges. The course began with a detailed discussion of Aristotle's claim that “All human beings [*anthropoi*] are, by nature, political animals.” This was interpreted to indicate that, for a human being to function *as* a human being, he or she must live within a community of some sort. For Aristotle, this was a *polis*, or more generally, a state structured by rules, establishing a government that proceeds to enforce them. A look into what those rules are intended to guarantee took us to various accounts of social contract theory, of Hobbes, Locke, Rousseau, and a brief account of John Rawls's version. In this way, the attempt was made to identify the rights at stake and the status of those rights, as well as to provide two general and competing models. The first was discussed in terms of Aristotle, Kong Fuzi (known in the West as Confucius), and Marx; the latter in terms of Locke, Adam Smith, and Jefferson. The “Confucian” model identified the state as the fundamental unit of meaning, which granted individuals their rights and from which individuals gained at least part of their identity. The “Jeffersonian” model identified the individual as the fundamental unit of meaning, regarded certain “natural” rights as inalienable, and tended to be quite suspicious of government, which, in any case, ruled by “consent of the governed.” These two models allowed us to interpret a number of different American political debates while recognizing that these were not discrete models, but general conceptions that regarded and weighed the relationship between citizen and state in quite different ways. At that point, we could introduce the Declaration of Independence as a formal statement that the implied social contract between the colonies and Britain was null and void, thus

explaining why so much of that document consists of the specification of the wrongs incurred by the colonists that abrogated the implied contract.

In this way, the Constitution could be presented as a detailed outline of a government by those influenced by Locke, de Tracy, Montesquieu, and others, recognizing the potential for abuse by any one branch of government, and addressing that by developing a system of “checks and balances.” With certain prominent figures dissatisfied with the document as it stood, the Bill of Rights was added to specify certain crucial rights, as well as to note that any rights not so specified were not thereby abrogated. It was completed by the very Jeffersonian Tenth Amendment, remanding to the States all rights not explicitly granted to the Federal Government.

After extensive discussion of each of the Ten Amendments of the Bill of Rights—including an account of what may now seem to be the wholly anachronous Third Amendment—students were asked to write about one of the Amendments (for a complex Amendment, they were allowed to focus on one part of it), explain the language of the Amendment, provide a justification for it, and identify potential problems that might arise from taking a right (free speech, for example) to an extreme. This was before I learned no written assignments were anticipated by the students—or by Nanda’s Department of History—but I was gratified when a student insisted that the Bill of Rights does not grant rights; it functions to protect rights that all citizens already possess by the laws of nature. This is an important distinction, fundamental to the Declaration of Independence, that is often misunderstood by even some of my best American students. The written work varied in the same way the students’ spoken abilities did; these brief papers ranged from virtual downloads from websites to papers that were as good as those I receive from my undergraduate students in the United States.

We were then able to move quickly to the Civil War and discuss whether Jefferson, Adams, Madison, and others had constructed a political situation in which war was simply inevitable. This allowed us to complete the course by contrasting various events in American history—including such important court cases as *Dred Scott v. Sandford*, *Plessy v. Ferguson*, *Korematsu v. United States*, *Brown v. Board of Education*, *Griswold v. Connecticut*—with the political theory enunciated with America’s founding documents. A final topic was the 1892 Chinese Exclusion Act, which I included not simply because I knew the students would be interested, but also because it provides a sharp contrast between the theoretical views of the Founding Documents and the actual events that took place, often carried out by agents appealing precisely to those views.

Clearly, such a course moving as rapidly as this will greatly oversimplify certain important issues. My Chinese students may well not have

been able, at the course's end, to explain the causal relationship between the Wilmot Proviso and the Kansas-Nebraska Act, although I daresay few of my American students would be able to do so either. Two surprising results, however, emerged from what did take place in the classroom. First, several students identified an immersion in material culture as distracting citizens from important roles citizens should play in a political community, and noted an analogous phenomenon in contemporary Chinese urban life. None of these students, to my knowledge, had ever heard of the Frankfurt School, but came quite close to articulating in its basics the School's critique of post-industrial material culture—with the interesting twist of applying it to a culture that is quite material, but, with some 800 million rural residents, not quite post-industrial. Second, students came to relate the Confucian model of a strong central state, to which the rights of citizens are at times secondary, with a general tradition in Chinese history before 1949 and after. Interestingly enough, they tended to argue that such a "Confucian" model was, at times, surprisingly similar to some of the positions argued for by Alexander Hamilton. Whether that argument can be sustained or not is debatable, but the perspective that it brings to issues of both American history and contemporary American political culture is certainly provocative.

### **Alexander Hamilton Meets Confucius**

As noted above, the structuring conceit of the course was to contrast the desire for a strong Federal Government—a position often identified with Alexander Hamilton—with the demand that individual rights were paramount, and, in a fundamental sense, a strong central government is to be feared. The latter position is frequently characterized as Jeffersonian.

This framework made it relatively simple to sketch the arguments of the Declaration of Independence, the Constitution, and the Bill of Rights. Admittedly, the framework certainly oversimplified things—thus, some of the objections that Adams expressed to Jefferson, the many different arguments of the Anti-Federalists, and other similar important but detailed issues were omitted. In this particular context, however, oversimplification was a virtue. Using this approach, I was able not only to contrast the views of the Federalists from the Jeffersonian Republicans, but I also was able to explain how various issues that have since animated American history—chief among them the Civil War—grew out of the debate that was at this framework's heart. Virtually all of the disputes of American politics—both historical and contemporary—it could be argued, fall somewhere within a continuum between an extreme Jeffersonian individualism and an equally extreme Hamiltonian—or perhaps "quasi-Hamiltonian"—centralism.<sup>2</sup>

The theory behind Jefferson's view is relatively straightforward, and is stated explicitly in the opening of the Declaration. All human beings are "endowed by their Creator" with unalienable rights, granted to them by "laws of nature"; no one—particularly a state whose legitimacy rests solely on the "consent of the governed"—can justifiably deny these rights without due cause. Drawing on Locke's *Second Treatise of Government*, among other texts, Jefferson provides an eloquent and powerful statement of the supremacy of the individual. This model is a familiar one; it has been variously interpreted, and has given rise to such views as libertarianism, where, as argued influentially by Robert Nozick in his *Anarchy, State, and Utopia*, the state has little legitimate role beyond the enforcement of contracts and providing domestic security and protection from enemies outside the state's borders. This model has also proved influential with the greater public, given such paeans to individualism as Milton and Rose Friedman's *Free to Choose*, Ayn Rand's embrace of *The Virtue of Selfishness*, and Gordon Gekko's famous "Greed is good—Greed works" speech in the Oliver Stone film, *Wall Street*. Whether or not it is fair to burden Jefferson with these later interpretations, it is clear enough that he regarded the individual as the fundamental unit of meaning in politics that felt government threatened that individual, and believed a more powerful government corresponded to a greater threat.

The Hamiltonian model has received less attention and is, perhaps, less well-known among Americans even as a competing model. It certainly has not played an explicit, or even prominent, role in many recent political campaigns. Joseph Ellis gives a succinct description of the view in his characterization of John Jay's *The Life of George Washington*. As Ellis puts it, Jay's view of the core revolutionary idea was collectivist, not individualistic:

[It] does not regard the individual as the sovereign unit in the political equation and is more comfortable with governmental discipline as a focusing and channeling device for national development. In its more extreme forms it relegates personal rights and liberties to the higher authority of the state, which is "us" and not "them," and it therefore has both communal and despotic implications.<sup>3</sup>

While relatively absent from the rise of conservative politics during Goldwater through Nixon, Wallace, Reagan, and on, this view is not entirely absent from American political discourse, particularly in issues that require national purpose (e.g., the "global war on terror," the exploration of space, and concerns about environmental degradation). In turn, appeals to a strong central authority as necessary for fighting terrorism, for example, have provoked substantial criticism precisely from those who fear that authority—to wiretap without a warrant, to restrict or deny *habeas corpus*,



to employ the technique of “extreme rendition”—threatens civil liberties. It is, of course, criticism grounded in the Jeffersonian conception of an individualism that is ever-vigilant about the tendency for government to expand its power beyond its legitimate role. It should be clear from these examples that this framework is not easily reconciled with the lazy division of American politics into “conservative/liberal” or “right/left.”

Employing this framework worked admirably in explaining to my Chinese students not only many of specific court cases mentioned above and the arguments that were maintained there, but also the debates of the founders. The students found it particularly interesting to see the Southern perspective on the Civil War.<sup>4</sup> Bracketing the moral question of slavery during the time of Jefferson, Madison, and others, from the slave owner’s perspective, laws eliminating the importation of slaves, restricting the number of new slave states, and intimating that the “peculiar institution” would soon be terminated would be illegitimate acts of a Federal Government, relative to an individual’s property. From that perspective, the Declaration of Independence indicated that such authority over individuals was inherently unjust, and gave slave owners not only the right, but in fact the duty to “throw off such government.”

In addition to promoting active and valuable class discussion, this approach provided a useful strategy for allowing students to put a great number of American historical and contemporary political debates into a helpful context. But the contrast also allowed me, slowly, to realize that most of the students viewed this whole set of issues as might cultural anthropologists, rather than historians or political theorists.<sup>5</sup> Most of the presuppositions—not just of the Jeffersonian conception, but also the Hamiltonian conception of government—were almost entirely alien to anything in Chinese history before 1949. In many ways, things changed with the birth of a revolutionary People’s Republic of China; however, it is not only hard to be Chinese, it is also hard to ignore over 3,500 years of Chinese history. The contrast between that history and the principles underlying the American “experiment” was profound and informative, perhaps most of all to the instructor.

Without pretending to have some sort of expertise in a field where I clearly do not—namely, the history of Chinese philosophy—certain things are still fairly clear, even to the novice. Fundamental to the history of China is the influence of Kong Fuzi, or Confucius. While challenged in certain ways by Buddhism as well as the domestic influence of the Legalist school, the precepts of Confucius were paramount in educating and informing the Emperors and their officials, in training civil servants, and in providing the content of the famously rigorous exams that were so constitutive of the life of anyone seeking to improve his (generally not her) station in life.

Jefferson may be able to claim that the rights he, along with many other thinkers of the seventeenth and eighteenth centuries, had identified were “natural” rights, and thus eternal, constant, unchanging, and unalienable. But in spite of the fact that there was a long history of discussions of natural rights, the idea that a state’s legitimacy stemmed from the consent of the governed was relatively young. That the government granted its citizens rights, and thus could restrict them as it saw necessary, is a doctrine with a much longer pedigree. On that view, a citizen’s identity is essentially connected with the state; one isn’t a *person* who happens to be Greek or Chinese; one *is Greek*, or one *is Chinese*. In the hands of Confucius and his followers, such as Mencius, this gave powerful support to the leader of that state, mandating obedience to his dictates were not just morally required, but functioned as a fundamental part of one’s self-conception. The Emperor was to be respected—and thus obeyed—just as natural as night follows day, or a triangle has three sides: it is what it meant to be the Emperor. Similarly, for everyone else, obedience to the Emperor was what it meant to be Chinese.

The traditional analogies for characterizing the interaction between the Emperor and his subjects—a telling term—were the relationship of the husband and the wife, and the relationship of the father and the child (given the masculine form of the parent figure, it is probably sufficiently clear that the child in question was usually the son). This was hardly unique to the tradition of Confucianism; at almost the same time as Confucius (551-479 BCE), Socrates was drawing on precisely the same analogy in the “Apology.” There, he states explicitly that the relationship between the citizen and the state is in all fundamental respects that between the parent and the child: one of respect and obedience.<sup>6</sup>

It should be pretty obvious why, on such a Confucian model, it is so difficult to explain the very idea of the “consent of the governed” as if it is a legitimate and viable expectation. It was clear that students *intellectually* understood such a notion was a fundamental principle of American politics. At the same time, it is an utterly alien notion to impose it on the Chinese traditional model, akin to saying that a father’s authority in a household extends only so far as the children living in the household have granted him authority. If the Bill of Rights guarantees rights to the governed that are natural and unalienable, in this analogy, one could suggest that a parent’s ability to search a child’s room is restricted by rights guaranteed to the parent against search, as they are in the Fourth Amendment. Any such analogies can extend only so far. But if one begins with the premise, or assumption, that the leader of a state is due deference not because of the consent of those he leads, but because of divine guidance, the perspective on what comprises basic rights is fundamentally altered. I had decided

in my class not to draw a great number of comparisons among the leadership of the PRC, its stated principles, and the actual facts on the political ground, in part because those comparisons can raise extremely sensitive issues not just with government officials, but with students as well. Such comparisons would also have taken the course away from its focus on American political theory; it was not a course on comparative politics. But when such topics did come up, they provided fascinating contrast between what students were willing to say in class and what they were willing to say to me as an individual. In any case, more than one student told me—privately—that there was little in-principle difference between the autocratic rule currently in power in the PRC and the millennia-old tradition of Imperial orders being issued with little expectation that they would be refused. The leadership of the PRC may quarrel with this evaluation, and may be justified in doing so, but on the other hand, it was clear that this perspective was held by not just a few.

One brief example I offered in class not only brought out this participation contrast, it silenced an often talkative classroom and provoked a number of students to insist outside of class that I understand the views they were unwilling to offer in public. In the English-language *China Daily* (the only English nationwide paper), which fairly obviously just reflects the Party line, there was a front-page story on the 2008 Olympics in Beijing. In a prominently displayed upper-fold story, “Marches Require Approval,” there was an announcement reminding anyone wishing to organize a march that they had to recognize the Constitutional limits to such activities. The article went on to specify that “such activities must not violate the Constitution, harm the unity, sovereignty and territorial integrity of the State, *instigate divisions among the people* [emphasis mine] or endanger public security.”<sup>77</sup> I told the class I understood that running a country of 1.3 billion people, with fifty-six ethnic groups, was a daunting task, and may well justify certain kinds of restrictions. At the same time, it was unclear that any American would think it even worth marching if there were not a potential to “instigate divisions among the people”—that would be the reason *for* marching. As had happened before, there were times when the ideas that seemed so basic to the American conception of freedom—in this case shared by both Hamilton and Jefferson, and even by most of their followers—appeared utterly distinct from the Chinese conception of the state. More than one student told me—again, privately—that in this case, there was little difference between such political activities under the Ming and Qing Dynasties and the PRC. Indeed, during some periods after the Revolution, such behavior was considerably riskier. More than one student and staff member revealed to me, along the way, how little the current generation is aware of the Tiananmen pro-democracy demonstrations and

Strong Central State					Strong Individual Rights				
A		K		H		J		An	

A: Absolute State Authority

K: Kong Fuzi/Confucius

H: Hamilton

J: Jefferson

An: Anarchy/Absolute individual rights

C: CCP/PRC (2007) [?]

*Figure 1: Spectrum of Conceptualizations on Authority and Freedom*

subsequent crackdown, particularly in any detail. Indeed, I was told by a very knowledgeable Chinese source that Tiananmen is “the one thing that isn’t to be discussed.” This is not to defend a bourgeois notion of individual freedom; rather, it is to support the idea that explaining the American Constitution—and perhaps even more so the Bill of Rights—requires recognizing that such an explanation operates within a context of specific assumptions and presuppositions. As Jefferson saw, perhaps as much as anyone until Lincoln, this meant that extending some fundamental sense of the freedoms outlined in the Bill of Rights requires those assumptions and presuppositions to be given critical scrutiny and, if possible, defense. A fluidity on the authority granting natural rights emerges.

To represent various models of state power versus individual rights, our class came up with a graphic ranging from an unquestionable state power to absolutely inviolable individual rights at the extremes (see Figure 1). This was useful for explaining that few, if any, examples can be found of long-term situations that reside at either extreme end of the spectrum. Thus, there is always a question of proportion and balance between state authority and individual freedom. On the other hand, it was considerably easier to identify successfully those states that approached the “strong central state” extreme than a situation where a “strong individual rights” extreme would be an appropriate characterization.

The graphic was particularly useful in making clear that the longstanding and influential Confucian tradition in Chinese tradition *begins* closer than Hamilton to a conception of a strong central state. Thus Hamilton’s position, which of course advocates a much stronger central government than Jefferson’s, still begins with a far stronger commitment to individualism and to the inherent rights of the individual than anything ever seen in Chinese history. Individuals’ situation did not change structurally with the events of either the 1912 or, ultimately, the 1949 Revolution. In this

sense, then, teaching about Hamilton's commitment to individual rights is quite problematic, even more so when trying to explain and evaluate Jefferson's considerably more radical commitment to those individual rights. In class, no one offered to identify where the current Chinese Communist Party (CCP) would fall on this scale, although a number of students acknowledged—more candidly outside of class<sup>8</sup>—that it would almost certainly be somewhere around the “K” on the graphic, perhaps to the right of Kong Fuzi.

### **History and Contemporary China**

From my students, and from others with whom I discussed such issues, I encountered two recurring concerns. First, the worry that China was losing what was consistently referred to as its “elegance.” Second, that Chinese economic growth and development had led to a situation where urban Chinese were considerably more focused on consumption of material goods than any specific political developments in terms of rights or, more generally, democracy. Fundamentally, these two issues came very close to being two sides of the same coin.

When students, faculty, and others mentioned dwindling “elegance” as a troubling consequence of China's development, they generally cited the long history of art, literature, and painting, as well as the more abstract philosophical ideas associated with Lao Tze, Confucius, the Buddha, and others. In short, if one's attention is riveted on consuming durable goods, there is considerably less attention being paid to the cultural heritage so important to the Chinese self-conception. My students were well-aware of this discrepancy and were clearly troubled by it. This seemed to be confirmed during my time in Shanghai: it was quite easy to discover shop after shop offering an enormous range of (Western) luxury goods. Meanwhile, a visit to the home of Lu Xun, often regarded as the greatest Chinese literary figure of the twentieth century, offered nothing beyond a few plaques noting the location. There was scant evidence that the “museum” allegedly devoted to this remarkable writer was functioning; there were certainly no people around to indicate otherwise. Thus, again, appears the paradox that confronts one in contemporary China: history is inescapable, whether in the teachings of Confucius or Mao—yet that history seems to be neglected in the context of China's current economic development. History, in that sense, is both everywhere in China and nowhere.

At the same time, this is a state that less than fifty years ago saw a famine that killed, according to current estimates, 30 million Chinese.<sup>9</sup> In such contexts, perhaps “rights” and “democracy” are abstractions that simply are not of immediate relevance. Or, as some of those I encountered in China

pointed out, the choices made in consuming various goods and services were a viable substitute for the more substantial kinds of political choices theoretically open to those in democratic societies. As one Chinese friend described of the current political setting of China, the Party is happy to seek to generate a moderately prosperous society while it recognizes the threat of income polarity, particularly between urban and rural populations. The result of this choice substitution is the expectation that genuine and meaningful political participation, which carries with it the real possibility of change, will not be sought. It is a trade-off many Chinese are happy to make, and is quite possibly made more palatable by the unavoidable history of Chinese politics that has never been modeled on anything but an authoritarian structure. Feeding the state's population and giving many of them previously unheard of economic choices and opportunities may be seen as a beneficial trade-off. Or, it may more cynically be regarded as state authority convincing a potentially troublesome population that their attention should be directed toward shopping rather than political change. Many of those making the latter point had read surprisingly little Marx, or much radical social theory at all, beyond some rather perfunctory summaries. Yet the critique that I encountered, with some frequency, could have been taken straight out of Marcuse's *One Dimensional Man*.

The contrast between the average urban Chinese citizen and the average urban American citizen is revealing. One lives in a single-party system, with a command economy (albeit with important market-based structural characteristics); the other lives in pluralistic democracy with an economy committed, at least in theory, to fundamental tenets of *laissez-faire* free market mechanisms. One has relatively minimal official access to outside (i.e., Western) media (no one could seriously consider the media in China open and free); the other, when inclined, has virtually unlimited access to every media outlet in existence.<sup>10</sup> One rarely, if ever, votes in an election beyond a local level that could be regarded as truly "meaningful"; the other is given the opportunity to vote on a regular basis, from local to federal levels, in elections that are free, fair, and open. Yet, while I would not dare suggest that the differences here are not fundamental, it is worth considering just how different the perceptions are of the vast majority of both groups of citizens in gaining effective access to political power and generating significant change in policies they regard as harmful—or, perhaps, how similar those perceptions are.

### Conclusion

On the long flight back to the United States, I read Peter Kessler's beautifully written and insightful *River Town*, an account of teaching for

two years in a small and relatively remote town in Sichuan Province. I was particularly intrigued by this comment:

Every year at the beginning of the American section of my literature course, we read the Declaration of Independence, which was in the textbooks. The Chinese publisher had included the Declaration because it smacked of revolution, which was always an appropriate subject for Chinese students. They never would have included the American Constitution or the Bill of Rights.<sup>11</sup>

Kessler's determination of the publisher's reason for including the Declaration is, of course, sheer conjecture; he may be right, which may also be why Ho Chi Minh viewed that same document as fundamental to what he was trying to achieve in Viet Nam. At the same time, the Declaration includes a ringing and explicit endorsement, not just of the idea that a government is only legitimate if it serves at the "consent of the governed," but also of a considerably more "Jeffersonian" conception of the social contract than that found in the Constitution.

What I found particularly striking about Kessler's remark was that the text I used *was* the American Constitution and the Bill of Rights, supplemented by other documents fundamental to American history, Lincoln's Gettysburg Address being chief among them. Our situations were quite different, of course: Kessler was in a small school that drew its students largely from the rural peasant children of Sichuan; my students were urban and middle class, had had substantial exposure to Western ideas and texts, and attended one of China's major universities. Kessler spoke Chinese well; I did not. He was in China for two years, while I was there for a little less than two months. Finally, ten years had elapsed between his time in Sichuan Province and mine in Jiangsu Province; a mere blip in the context of Chinese history, but an eternity in terms of China's recent economic development.

At the same time, there was simply no surprise at, or resistance to, my choice of texts. I knew some of my students were Party members, and anything I said in class, I was certain, would be available—if not reported—to any interested parties. There was some reluctance among my students at discussing particularly controversial topics, and I never mentioned in class the Tiananmen demonstrations, Falun Gong, or the Gang of Four. At the same time, I never consciously avoided drawing contrasts, when relevant, between the liberties available to American citizens and those available to the Chinese. Beyond the two specific topics just mentioned, I never hesitated to raise issues that brought into sharp focus the political freedoms described in the Bill of Rights, sometimes implicitly but also explicitly considering those freedoms in the context of contemporary Chinese politics. During a guest lecture at another university, I was asked quite directly

about China's "inadequate democracy." I did not hesitate in noting that a true test of free speech is permitting speech that political leaders find challenging, noxious, and even threatening, indicating that China's commitment to democracy may soon be confronting this challenge. None of these comments or discussions was met with anything but curiosity and more questions, and with useful and provocative inquiries as to the *limits* of the kinds of rights articulated in the Bill of Rights. Neither students, faculty, nor administrators registered any objections to my pursuit of these topics. To be sure, the situation may be, and probably is, quite different for a native faculty member than it was for a Western professor brought in for a short period, as I was.

For its entire history, Chinese politics has been grounded in an authoritarian model, whether an Emperor whose virtually unlimited authority was justified by Confucius (among other ways), or a Party Secretary whose virtually unlimited authority was justified by Mao Zedong (and now, significantly, supplemented by the developmental theories of Deng Xiaoping). With China's current remarkable stage of rapid economic development, it will be fascinating to see how that authoritarian model attempts to maintain political power with an increasingly educated, increasingly urban, and increasingly technologically sophisticated citizenry—precisely the kind of citizenry that seems, almost inevitably, to seek greater personal and political freedom. It will be equally fascinating to see if and how the traditional Chinese conception that defers to the central political authority will be appealed to by those who seek to maintain their political power.

## Notes

1. The point is put more poetically by Andrea Louie in her novel *Moon Cakes* (New York: Ballantine, 1995), 315: "To be Chinese, I am beginning to think, is to accept the difficulty of being human."

2. I insert this qualification in order not to accuse Hamilton of being guilty of such a strong conception of central state power as to qualify as a fascist. The term "Hamiltonian," in any case, is a mere label used to contrast his position with Jefferson's, and is not meant to carry too much historical or conceptual weight.

3. Joseph Ellis, *Founding Brothers* (New York: Vintage, 2002), 14.

4. Of course, the question of the morality of slavery cannot be "bracketed"; the Constitution's notorious three-fifths clause makes that clear enough. One of the most interesting discussions of the course focused on whether, given how the Constitution and Bill of Rights were written, the Civil War was, in 1789, inevitable. Historians have been debating this issue at least since 1861; all of this was completely new to my Chinese students. Even those who had read a fair amount about the War had never realized there



even was a “Southern perspective” on the legitimacy of secession, beyond some inchoate notion of “defending slavery.” This is not, of course, to claim the position is defensible, but to claim that there *was* a position.

5. This became most explicitly obvious during discussions of the relationship between certain issues in contemporary American politics—such as abortion—and religion. It quickly became clear that it would be almost impossible to explain, without devoting the entire course to the topic, the role religion played and plays in American politics—particularly to those who live in a state that regards itself officially as atheist, tolerates to some extent a wide diversity of religious and spiritual views, and whose citizens have what might be called, at best, an ambivalent (and certainly complex) relationship to such matters.

6. This is also shown in the etymological connection in Greek between “father” (*pater*) and “country” (*patris*); thus one who shows proper respect for the authority of the state—that is, treats it as a good son treats his father—is, literally, a patriot. It should also be pointed out that obedience does not entail *blind* obedience, either for Socrates or for Confucianism. Socrates has an extended discussion of the doctrine “persuade or obey” in the *Crito*, where he argues that disobedience is justified in certain cases. Similarly, Mencius (372-289 BCE), a chief exponent of Confucianism, identifies as one of the three unfilial acts the blind acquiescence in one’s parent’s wrongdoing. In both cases, however, there must be, in case of disobedience, an argument to be made that the disobedience was justified.

7. “Marches Require Approval,” *China Daily* 2 November 2007, p. 1.

8. I have mentioned a few times that students were willing to tell me things individually that they may not have felt comfortable in saying in a more public context; this should not be taken to imply that there was any particular pressure being exerted to prevent such free expression. Indeed, except for perhaps discussion of the Tiananmen events, there were no such restrictions I observed. The reluctance to offer political statements in class may have been caused by any number of reasons, many of which are no doubt the same kinds of reasons I encounter in the U.S. I should note, as well, that during a guest lecture to seventy-five or so students at the Nanjing University of Finance and Economics, during a very public question and answer session, one student stood up and quite directly and forthrightly noted the inadequacies of the current Chinese commitment to democracy. This did not seem to strike anyone there as particularly unusual.

9. See Peng Xizhe, “Demographic Consequences of the Great Leap Forward in China’s Provinces,” *Population and Development Review* 13, no. 4 (1987): 639-670.

10. The Internet here, as elsewhere, makes things complicated. On the one hand, most are familiar with the restrictions the PRC has placed on access to Internet sites; on the other hand, I found very little difficulty, when I was able to go online, to access everything I read when online in the U.S., with the exception of some blogs. Several of my acquaintances assured me that it was not terribly difficult to get around those restrictions. They also noted that their sources of news from the U.S. included the *New York Times*, the *Washington Post*, and the major television networks and cable outlets. Indeed, they were particularly interested in my giving them sources for independent and “alternative” media perspectives, indicating little concern that they would be unable to gain access to them.

11. Peter Hessler, *River Town* (New York: Harper Collins, 2001), 270.

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