

# **“The Value of American Liberal Education on Chinese Soil”**

**Keynote Address to  
The 2013 Columbia China Prospects Conference**

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It is a privilege for me to speak with you at the opening of the Fourth Annual CCPC. The organizers of this conference have assembled an enormously ambitious program for you. Over the next two days you will have the opportunity to consider a wide variety of economic, political, social, and cultural topics, through the lens of a highly engaging theme, “Explore the Value of China.”

This morning I will attempt to “explore the value of China” from the perspective of an American educator. For the past 26 years, I have had the privilege of participating in some of America’s finest research universities’ pursuit of three important missions: teaching, research, and public service. Since my first visit to China in 1998, I have believed that at this moment in history America’s finest research universities can benefit greatly in each of those missions if they choose to engage actively with China.

So that you might properly situate my perspective on this topic, I should take a few moments to describe the five different forms that my experience of engagement with China as an American educator has taken over the past 15 years.

First, as dean of the University of Michigan law school, I helped to develop opportunities for Michigan professors to teach students at Peking University and at Tsinghua University. Second, as president of Cornell University, I helped to develop joint initiatives with Peking University, Tsinghua University, China Agricultural University, and the

China Academy of Sciences to give Cornell students and professors new opportunities to study, teach, and conduct research in China, and also to bring greater numbers of students and faculty from China to Cornell.

Third, as president of the Joint Center for China-US Law & Policy Studies, I worked with Peking University and the Beijing Foreign Studies University to support research conferences relating to different dimensions of the rule of law. Fourth, as Chancellor and Founding Dean of the Peking University School of Transnational Law, I had the chance to help a Chinese university, Peking University, to establish a new school at which some of the best professors from the world's best law schools (including Columbia) now provide an American-style legal education to the very best students in China.

And now, as Vice Chancellor of NYU Shanghai, I am helping to establish the first Sino-American Joint Venture Research University. NYU Shanghai is portal campus of New York University, where a community of students that comes half from China and half from the rest of the world, receive a true liberal education. Typically these students will spend 3 years studying on the Shanghai campus and 1 year studying at other campuses of NYU – here in New York, and all around the world.

Like any top research university, NYU Shanghai offers its students rigorous education in the humanities, social sciences, natural sciences, and certain professional disciplines, while supporting important, original research that advances the project of human understanding. But two features make NYU Shanghai truly unique. First, it forges an intellectual bridge between China and the United States of unprecedented scale. Over the next decade we will move hundreds of professors and thousands of students back and forth across the Pacific, and I am confident that every single one of them will be transformed by the journey. Moreover, a key part of our intellectual mandate is to facilitate serious thought about the relationship between China and the rest of the world – past, present, and future. Second, NYU Shanghai creates a uniquely powerful environment in which to understand and develop the skills of cross-cultural understanding, communication, and cooperation. Our students are drawn from 34 countries around the world. Every Chinese student has a non-Chinese roommate, and vice versa. And every day we think

and talk – both in class and outside class – about the ways in which people raised in different cultures hold worldviews and even cognitive frames that are simultaneously similar and different.

My primary goal this morning is to “explore the value” of projects such as these, and I will do that in two steps. First, I will explain why I believe that the value cannot be economic; it must be the promotion of universities’ nonprofit mission, and I believe that from this perspective the value can indeed be enormous. Second, I will respond to some commentators who have suggested that the nature of China today dramatically diminishes that value, and may even create harms that overwhelm any residual benefits which may remain.

So, first, why do I believe the value of projects such as these cannot be economic? Why don’t I think American universities should see China as a “market opportunity,” a potential source of revenues that will strengthen the university’s activities here in the United States?

It is useful here to distinguish between two different conceptions of how an economic benefit might be created – a “subsidy” view and an “economies of scale” view. Under the subsidy view, the revenues that could be obtained through activity in China might exceed the costs of producing those revenues. Those net profits could be shipped back to the “primary campus” back “home” in America. Under the “economies of scale” view, the activities in China would not produce profits, but they would at least allow the fixed costs of operating the university to be spread over a larger base, so that all of the university’s activities worldwide could be carried out more efficiently, including those in America.

The subsidy view should be dismissed out of hand. America’s great research universities are not-for-profit organizations whose tuition revenues do not begin to approach the costs of the teaching, research, and service they provide. Those activities are heavily subsidized – through government grants and private philanthropy. In order for activities in China to be profitable, the university would have to be providing a vastly cheaper imitation of what it does in America. There is no reason for Chinese students, governments, or philanthropists to pay inflated prices to obtain such an inferior service – indeed, it is somewhat offensive to

believe that they should be asked to. And even if it were possible to operate in this manner, the university would be seriously damaging its reputation for quality worldwide.

The economies-of-scale view is also, in my opinion, seriously flawed. To be sure, universities do reap some economies of scale whenever they grow. But at the level of scale we are talking about the vast bulk of the costs of operating a university are marginal costs, not fixed costs. Thousands more students require hundreds more professors and support staff, not to mention computers, and overseas operations entail a need for more academic administrators as well. And while some things are certainly less expensive in China (food, for example), global operations entail additional “network costs” (most notably travel) that fully devour any scale economies that might exist. In fact, an American university must exercise enormous discipline if it wishes to produce the same teaching, research, and service value on a China campus as it does on its home campus using the same mix of tuition, government support, and philanthropy that it uses here.

If the value to a great American research university of engaging in China is not economic, what is it? Please return with me to our *raison d'être*. Great research universities exist to serve humanity through teaching, research, and public service. We can do all of those things better if we are in China.

Our teaching impact can be greater if we extend the virtues of our *existing pedagogies* – the virtues of liberal education, and the virtues of a system that requires students to be active rather than passive learners – into the world’s largest country. Just as importantly, our teaching impact can be greater if we use a China presence to *improve* our existing pedagogies, so that they are more authentically multicultural. Our deeper understanding of how to incorporate a substantive Chinese perspective into our classes, as well as our deeper understanding of how best to teach the skills of multicultural cooperation, can undoubtedly improve the quality of teaching that we offer on our American campuses.

Our research impact can also be greater if we are present in China. China holds the promise of an important, new, fertile research environ-

ment. The country has reached a point of developmental take-off where it is now able to invest significant human and financial resources into the quest for deeper understanding. Whether one is interested in history, philosophy, economics, neural science, data science, urbanization, or solar energy, China is an enormously promising place to be.

And what about our public service impact? As every participant in this conference is well aware, the entire world has a powerful interest in seeing China successfully complete the dramatic change that is underway. Over the past 35 years China has remade itself economically, socially, culturally, and politically, but the process of reform and opening up still has an enormous distance to go. Every day, China's political leaders talk publicly and privately about a set of topics that include the rule of law, corruption, environmental pollution, internal migration, income inequality, and innovation. A great research university has much to contribute to those efforts as part of its mission of service to humanity.

Teaching, research, and service – not money – are the so-called “value proposition” that justifies an American university's engagement with China today. To my eyes, that value is enormous. And yet one does not have to look far to find commentators who challenge that value, sometimes vociferously.

The criticism looks like this:

*“China has grave problems that reduce the potential benefits to a university's teaching, research, and service. Moreover, engaging China causes independent damage that outweighs any residual benefits that might remain.”*

What are the problems that concern these commentators? The most frequently mentioned are one-party rule by a Communist Party, restrictions on citizens' access to information through the Great Firewall of China, restrictions on citizens' ability to criticize the government, and state-conducted, state-supported, or state-tolerated violence towards political dissenters. Depending on the critic, these primary concerns may be supplemented by others, including pollution; income inequality; disrespect for intellectual property; discrimination based on ethnicity, gender,

or sexual orientation; intolerance for political secession movements; the death penalty; and compulsory military training.

To take these criticisms seriously, it is important to understand the *mechanisms* by which (a) such problems could diminish the value I have described in the areas of teaching, research, and service, and/or (b) a university that engages a country with such problems might cause independent harms that would offset any residual value from engagement. It appears that the critics are relying on four different mechanisms. Three of those mechanisms – which I shall refer to as the *impossibility* claim, the *taint* claim, and the *fragility* claim – concern ways in which work in China might not produce the teaching, research, and service value I have described. The fourth mechanism – which I shall refer to as the *legitimation* claim – concerns a way in which work in China might cause independent harm.

The most important claim is the impossibility claim. According to its proponents, it is *impossible* for an American university in China to operate with the robust academic freedom that is necessary for it to provide students with a liberal education, to engage in valuable research, or to provide meaningful public service. If this argument had merit, it would surely make no sense for an American research university to operate in China. For that reason, the argument warrants a careful response.

Let me be clear about what robust academic freedom entails. It calls for unfettered freedom on the part of university community members to read and discuss ideas and arguments, even if those ideas and arguments are objectionable to individuals who hold public or private power within the society.

In my opinion, part of the greatness of American research universities has derived from their overall success in providing sufficiently robust academic freedom. The word “sufficiently” is important. American research universities have not in the past and do not today provide *perfectly* robust academic freedom. We must never forget the McCarthy years; for those of you who are interested in reading about craven behavior during that era by putative champions of academic freedom, I commend to you Stephen Aby’s article, “Discretion over Valor: The AAUP During the

McCarthy Years,” *Am. Ed. History Journal* (Jan. 1, 2009). More recently, I have sometimes during my own career seen American universities fail to live up to their ideals in the context of discussions about race, religion, sex, money, and politics. On balance, however, the record has been good enough for American universities to deliver in their core domains of teaching, research, and service.

And what about China?

The overall record is surely not, on average, as good as it has been, on average, in America. But is it impossible for an American university to operate with an academic freedom that is sufficiently robust to provide value in teaching, research, and service?

In my experience, there appears to be substantial variation among universities in China. At China’s less prominent universities, mechanisms of censorship and self-censorship can inhibit campus discussion in ways that I find troubling. At China’s best universities, however, the story is different.

At China’s best universities, for example, the vast majority of students and faculty have the technological means to “tunnel under” the primary restriction on access to information, the so-called “Great Firewall.” At such universities so-called “sensitive” topics are discussed openly, professors are known to stand up in front of large classes and blast both the government and the Communist Party, and dormitory discussion is intense and furious. To be sure, discussion is sometimes couched in what might be called “the Chinese style” – metaphorical and indirect rather than explicit. But even then nobody is confused about what is intended. Just as often the discussion is fully in “the American style” – blunt and explicit.

All of this holds especially true at the schools where I have been engaged, the Peking University School of Transnational Law and NYU Shanghai. At the School of Transnational Law, the legal director of the ACLU of Southern California teaches about the First Amendment every year, and the former president of the American Bar Association teaches about international human rights litigation. Class discussion is completely unrestrained, and nobody from the government or the Communist Par-

ty says, “Boo.” At NYU Shanghai I teach Adam Smith and Friedrich Hayek alongside Karl Marx and Friedrich Engels, students and faculty discuss “sensitive” topics every day, and nobody says, “Boo.”

The impossibility claim is demonstrably false. It is simply indefensible for commentators to persist in making this claim when they have never bothered to set foot on these campuses. It is deeply disappointing to see the claim revived every time a powerful person in China voices unhappiness with academic freedom. (Once again, it is important not to compare China with an idealized fantasy about America; a number of U.S. government officials and American donors contacted me to object to something that a Michigan faculty member had said and asked for that person to be dismissed.) It is equally disappointing to see the claim revived every time a faculty member in China insists that his or her academic freedom has been violated, without any investigation into whether the faculty member’s insistence is justified. (Again, such incidents are a matter of course in American university life, but they do not trigger the impossibility claim with respect to our universities.)

Let me be clear. The fact that the impossibility claim is false does not mean that we should be making the opposite mistake – some kind of “inevitability claim.” It is surely possible that, in the future, an American university attempting to teach in China might face academic freedom problems that are different in kind from the academic freedom problems they face in America. If that were to happen, the value proposition would be negated and the university should leave. But I do not expect to be leaving any time soon.

Before going on to the other three claims, I want to identify a confusion about academic freedom that may undergird some of the commentators’ statements. Academic freedom is about the freedom to be an academic – the freedom to live a scholarly life among a community of students and teachers. It is not the same thing as freedom of political expression – the freedom to speak without interference to people outside the scholarly community.

Robust academic freedom does not give students and faculty “bubbles” that provide them a privileged status within the larger society.

They have no exemption from legal rules, whether they pertain to the military draft, the drinking age, or immigration, no matter how objectionable those rules might be. And they have no special privileges when it comes to writing things on social media that are broadcast to the broader society.

Once again, let me be clear. I believe that societies are generally *better* societies if they provide *broader* protection for political expression. (I also believe that those societies are better societies if they permit gay marriage and restrict access to guns.) But I do not believe the absence of protection for political expression in the larger society eviscerates the *university's* capacity to provide its students with a liberal education or its faculty with a full life of the mind.

So much for the impossibility claim. I will be much briefer in my discussion of the taint claim, the fragility claim, and the legitimization claim.

Let me take the taint claim and the fragility claim together. The taint claim is about *moral contamination*. It holds that a university can lose its own fundamental goodness if it chooses to set up shop in a place that does bad things. The fragility claim holds that the difficult work of intellectual inquiry requires a supportive environment. It suggests that living in a flawed society creates a daily *cognitive dissonance* that ultimately shatters one's capacity for serious critical thought. The taint claim and the fragility claim are different, but they each suggest that American universities should not operate in flawed countries, even if those countries guarantee academic freedom.

I find both these claims to be deeply troubling. They are grounded in a ridiculously ahistorical fantasy about America. By promoting that fantasy they commit a quadruple harm: they fuel among Americans an enormously destructive and empirically indefensible attitude of moral superiority, they undermine appreciation for the quality that has long defined America's true greatness, they diminish appreciation for the capacity of great universities to overcome adversity, and they understate the ways that great universities can contribute to the larger project of social improvement.

What land gave birth to Columbia University in 1754? A colony ruled by a monarch, a land of taxation without representation, where general writs of assistance enabled the well connected to enter a home and terrorize its occupants at will.

What land gave birth to New York University in 1831? A nation where some people owned others as chattel slaves, a nation that was in the process of driving its natives onto reservations, a nation that would, a century later, force some of its citizens into internment camps while sustaining a comprehensive structure of school and housing segregation for others.

What land gave birth to Cornell University in 1865? A nation where no woman could vote, married women could not own property, and contraception was banned. A nation whose twentieth century history featured bans on interracial marriage, sterilization of the mentally ill, and the use of dogs, water cannons, and prisons to silence protests against racial inequality and war.

These great universities, bastions of academic freedom, have thrived in a nation that today continues to impose the death penalty, to water-board prisoners of war, and to prohibit gays from marrying. It is a nation whose governmental processes have historically featured Tammany Hall in New York and Daley's machine in Chicago and whose government today is shut down in part because voting districts are gerrymandered to protect officials from democratic accountability.

Please do not misunderstand me. This litany is *not* intended to prove that America is a bad country. It is certainly not intended to prove that China and America are the same.

My point here is that critics make an egregious error when they suggest that a great research university can exist only in an idealized land. America was not formed as a perfect society. Its greatness has always resided in its aspiration to become a *more perfect* union. America's universities have not been tainted by America's imperfections, and they are not so fragile that they could not thrive despite them.

Indeed, America's universities have been an important part of America's progress. American universities do not hold any *institutional* duty to fix the nation's larger problems. They do not operate as shadow governments, speaking out *as universities* in favor of alternative policies.

But America's universities do promote progress *vicariously*, through the words and deeds of their students, their faculty members, and their graduates. Throughout our history, ideas formulated and developed on our campuses have taken root in the larger society. Young people trained in our classrooms have gone on to lead the process of creative evolution that has brought us to our present situation.

Does this mean that the participation of universities like ours in other, less perfect societies will cause them to become more like America? Not necessarily. I do, however, believe that, as long as the fundamentals of academic freedom are respected, they will not be tainted and they will not crumble; rather, they will help other countries to better achieve their highest potentials.

The fourth claim – the legitimation claim – moves in a different direction. Instead of suggesting that a bad environment will keep an American university from thriving, it suggests that even if the university thrives it will do so at an intolerable price. It suggests that, merely by their presence, American universities are implicitly blessing all the practices of the government that hosts them, thereby strengthening that government's grip on power and ultimately doing harm to the larger society.

It is important to recall once more that American universities do not carry an *institutional* duty to fix America's flaws. They play their part in social progress by teaching, conducting research, and providing public service, without making the nation's structural flaws worse. Their silence as institutions in the face of national problems did not legitimate those problems. Their status as places for critical thought helped to pave the path towards improvement. Analogous principles should govern the activity of American universities in China.

To be sure, American universities *have* been tainted when they actively aligned themselves with indefensible conduct. When they imposed Jewish quotas and loyalty oaths, their ethical fragility was exposed. So,

too, if an American university were to engage in or apologize for immoral practices in any country, it would be rightly open to criticism. It does not follow, however, that a university should refrain from entering onto troubled soil.

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This conference calls upon us to “explore the value of China.” For a great American research university, that value is potentially enormous – for the university itself, its students, and its faculty, and for the larger societies of the United States and China. I am delighted that NYU has taken the lead in developing that value and has not been deterred by intellectually sloppy criticisms. I am equally delighted that, last month, Duke University was granted approval to develop that value in its own, distinctive way. It is my fervent hope that in the years to come more American universities will step forward and participate in this vital process of building ever-stronger intellectual bridges between the two most important countries in the world.