

Has Learning Chinese Made a Difference in My Career? My Life?

Yes. Learning Chinese has had a profound impact on my life and my work.

The choice I made in the early 1970's to commit myself to learning Chinese as well as I could certainly was not borne of even an iota of professional ambition. Any American studying Chinese in those days could not have done so because they thought that learning Chinese would guarantee financial success or even professional satisfaction. The People's Republic of China was, for all practical purposes, closed to Americans. Chiang Kai-Shek's Republic of China, still under martial law on Taiwan, did not loom large in the consciousness of most Americans.

Just as falling in love is more a matter of the heart than the head, for me, the choice to study Chinese was emotional, not practical. I fell in love with the Chinese language and culture. With each new Chinese character I learned, I felt a new mystery was being unlocked and the key to opening up a world of which I knew nothing came closer to my grasp. Nothing was quite as satisfying as uttering a complete sentence in Mandarin using the correct tones with the correct emphasis and almost sounding Chinese. I arrived at college determined to make a difference in my life but not know quite how to do that. I wasn't sure how learning Chinese might help me in that regard but I very much enjoyed the process and I believed it would all somehow work out in the end; or so I told myself.

Starting in September 1972 and continuing through August 1979, my occupation and my pre-occupation was all about learning to speak, read and write Chinese, and to find some way to persuade someone to employ me in a job where I could use Chinese and continue to learn Chinese. Although one never feels one has mastered the Chinese language – there is just too much to learn. As the Chinese say 活到老，学到老， *huodaolao, xuedaolao* – live to an old age and keep learning into old age) – according so some measures, I was fairly successful in learning Chinese.

Much of that success was due to amazing teachers at SUNY Albany and Middlebury College's Chinese Summer School. Looking back, attending Middlebury College's summer Chinese language school in 1973 was a life changing event. Luck dictated that one of my teachers was Helen Lin from Middlebury, a self-proclaimed *mulaohu*, "mother tiger." Lin Taitai, was not just my teacher. She was also the head of school and a force of nature. I didn't know it but she would become a strong influence on my life.

Coming from a state university, I was far behind my classmates from Ivy League schools. I was certain I misheard the teacher's instructions the first day when we were assigned to learn sixty new characters. I worked harder than I ever had just to keep up. I mostly adhered to the language pledge, to speak only Chinese, for at least half the summer. By the end, classmates and I ran into a group of Chinese sailors and actually engaged in a substantial conversation in Mandarin. That proved we had been learning an actual language that people outside of a small village in Vermont also spoke.

I returned the next summer for classical Chinese which was usually taught by Mr. and Mrs. Tang of Princeton University. They were on leave that summer, however, so Lin Taitai stepped in again and I was fortunate to be in her class two summers in a row. At the end of the summer and much to my surprise, Lin Taitai told me that if I managed to improve my Chinese over the next year in Taiwan and avoided the Taiwanese accent, she would hire me as a teaching assistant the next summer. I couldn't have asked for a greater incentive to work hard that year.

Lin Taitai hired me as a teaching assistant for first year Chinese at Middlebury College in the summer of 1975. By my lights, I had the best summer job I could possibly want. I spoke Chinese all day long and continued to learn and improve and I did so in a wonderful place to spend the summer. I stayed for five consecutive summers and became part of a wonderful community of Chinese learners and teachers, including the great Perry Link and the terrific Chou Chih-ping and many others. The problem for me was that between summers, I had a series of low-paying dead end jobs that mostly did not afford any opportunity to speak or learn Chinese.

I loved teaching Chinese so I wrote to literally hundreds of schools around the world trying to persuade them to hire me as a Chinese language teacher. Somewhere I still have a shoebox full of polite rejection letters. Americans were not ready to learn Chinese in large numbers, at least not from me. After all those rejections, I had to expand my horizons. I recall spending a full week in Washington, D.C. going from one office to another trying to find any job where knowing Chinese would be useful. Folks at the State Department discouraged me, saying that no matter how good my Chinese was I should be prepared for assignment anywhere in the world. I might never get assigned to a Chinese speaking post in my career. Folks in the Department of Agriculture were excited that someone who had studied Chinese had come to them looking for a job. They were definitely in need of Chinese speakers. The trouble was they could only hire people with advanced degrees in agriculture so if I didn't mind spending a couple of years in agricultural studies they might have a job for me when I graduated. I visited the Voice of America office and thought I had found the perfect job for me. Everyone spoke beautiful Mandarin at a sophisticated level. I could see myself being quite happy in that environment. Since my goal was to learn to speak Chinese as well as an educated native speaker, the Voice of America just seemed like the perfect place for me, at least for a few years. After a full day of tests in written and spoken Chinese the staff there were very encouraging but, alas, there were no job openings. Moreover, they had never considered hiring a non-native speaker before, especially one who looked like me.

After what seemed like an eternity of fruitless job searches and waiting for China to "open up," in 1979, I decided I could wait no longer. I changed directions and decided to go to law school. Friends and colleagues who had invested years in PhD programs did not seem to be having any easier time finding jobs than I did. I couldn't quite see myself spending the next few years in the library studying Tang dynasty poetry or Confucian philosophy. That just wasn't me.

On the eve of law school orientation in August 1979, I received a letter from the Voice of America. The VOA letter was hand-written by the deputy director of the Chinese language section of the VOA. It could not have been more gracious. The letter said that the VOA had never before considered hiring a non-native speaker for its broadcast staff but that I had made a very positive impression upon them and they would like to hire me. Unfortunately, there was a hiring freeze on and they would not know if it would be lifted until October 1. Was I still interested in working for the VOA?

Two roads diverged before me, not in a poetic yellow wood, but each presented a very different career path. One allowed for a continuation of what now seemed like a quixotic journey to land a job where I could continue my Chinese language career. The other involved embarking on something new that held out a promise of gainful employment – law school. Had the VOA offered me a job instead of the possibility of a job I might have taken it and deferred law school and who knows where that road would have taken me? But I had experienced too many disappointments waiting for China to open up and create more opportunities for people like me and I just could not defer my life any longer. I chose law school and told myself that someday I would have the opportunity to use Chinese and all those years in the language lab would not be wasted. I am not sure I believed it but it made me feel a little less like a failure.

Law school led to many opportunities and choices for career paths. I still wanted to make a difference in the world. After a judicial clerkship and a few years of corporate litigation, I decided that my goal was to become a federal prosecutor. Again, I was very fortunate and worked as a federal prosecutor in New York and Rhode Island.

Fast forward to 1997. For fifteen years, I had had a very nice career as a lawyer and a federal prosecutor. I was married with a young family and quite settled in life. After fifteen years in the same job, however, I was starting to get restless. Yet I had no idea how to make a change.

One December, I was invited to the Department of Justice to help teach trial advocacy skills to a cadre of new prosecutors. At the end of the two-week course, some of the instructors and students gathered at a local bar. There I met one of the students' professors and we had a conversation that became another turning point in my life. I opened up to him that I was looking for a change and that I would love to find a way to combine my Chinese language ability and my experience as a lawyer and prosecutor. He was involved in a global enterprise to promote the rule of law and he suggested that I should consider joining this effort. I raised a series of practical objections – I had a family with young children and a mortgage and a wife who had just gone back to school now that our kids were old enough to be in school full time. How could I possibly quit my job and pick up for some new, speculative venture? Waves of emotions and memories about failed searches and near misses came back to me. Yet the idea that I had the power within me to make a change – to actualize what I had promised myself so long ago – also ignited a feeling of excitement that I had not known for some time.

“Do you have ten minutes a day? Surely, there are ten minutes of every day when you are wasting time? Why not just spend ten minutes a day on this project of looking for opportunities to do the thing you say you want to do? Who doesn't have ten minutes a day?” This professor was very persuasive. I was out of excuses.

In the late 1990's, China was opening up in unprecedented ways. Mainstream media in America were beginning to report on China on a daily basis. Foreign investment in China appeared to be reaching a tipping point. A presidential summit seemed to usher in a new era of U.S.-China government to government cooperation. Also, the Internet was taking off and it was easy to go online and do research about what was happening in China. I can't say I spent ten minutes every day looking for information about China and opportunities to work there but I spent some time most days on the project. I did not see where an opportunity might arise but I was enjoying rekindling an old interest that had lain dormant for decades.

One day, in about 1997, I received an e-mail that, on first blush, I thought was a practical joke. The email said that the Department of Justice was looking for an experienced federal prosecutor fluent in Chinese to travel to China for a short-term detail. The job involved three months of travel in China learning about the Chinese criminal justice system and teaching Chinese audiences about the American criminal justice system. It turned out this was no joke. It was very real. This opportunity was a direct consequence of the Clinton-Jiang summit where both sides agreed to cooperate on promoting the rule of law. I sat down and composed the kind of response that you can probably only write once in a lifetime if you are lucky. I wrote that I now knew what I had been preparing for my whole life. Experienced federal prosecutor – check. Fluent in Chinese – well, one never feels fluent enough, but having taught at Middlebury for five summers, albeit many years ago, I felt it was O.K. to check that box as well.

Many events outside of my control intervened to delay things, most prominently, the U.S. bombing of the Chinese Embassy in Belgrade, which ended all government to government cooperation for a period of time. In the meantime, I had been warned that I would have to take a language test as part of the application review process. In preparation, I hired a tutor to help me brush up on my Chinese and I contacted my old friend and colleague from Middlebury, the great Professor Chou Chih-ping and asked him for some textbooks I could use. He happily obliged and I jumped back into my old habits of studying Chinese - making flash cards; listening to tapes and repeating what I heard out loud.

Eventually, cooperation between the United States and China resumed. I passed the language exam and I was told that I should expect to go to China at some point but that they could not tell me when. Almost 3 years had gone by since the first announcement of the opportunity and I was pretty sure that like so many missed China opportunities in my past, this one would also never happen.

Finally, and somewhat to my surprise, on January 6, 2000, I landed in Beijing for my very first visit to mainland China.

I had an email confirmation that I would be staying at the ‘Swissotel’ in Beijing and I knew how to say Swiss and hotel in Chinese so I was naively confident that I would have no trouble finding my way there once I landed. Fortunately, my host, the Supreme People’s Procuratorate, had sent two Chinese prosecutors to meet me and make sure I was delivered to my hotel which, it turned out, had a completely different name in Chinese: the “*GangAo Zhongxin*,” or the “Hong Kong-Macao Center.” This was an excellent reminder to never be too cocky when it comes to China or the Chinese language. Had I told a taxi driver to take me to the “Swiss Hotel,” using a literal translation, “*Ruishi Jiudian*,” I might still be driving around Beijing searching for it.

Over the next week, I was given an intensive one-on-one course in Chinese government and criminal justice. It reminded me of the first week of law school, except it was all in Chinese and I was jet-lagged so it was more like the first week of law school on steroids. I had a different instructor every day and some would not stray from the Party line while others would acknowledge the challenges China was facing but expressed optimism that the government was working hard to resolve them. One of my instructors gave me a ride one day and remarked that a few years earlier she would have been afraid to be seen talking to a foreigner. Another brought me a newspaper article about a police officer who refused a judge’s order to testify in a case and how that refusal was creating a controversy among Chinese legal scholars. There were so many fascinating issues of criminal justice and governance and all of my interlocutors seemed genuinely curious about my experience actually working in the American criminal justice system. It was exhilarating to be in a Chinese environment speaking Chinese to Chinese professionals who were deeply interested in a subject I knew something about.

There were, however, Chinese language issues that kept popping up that confused me. In Chinese criminal procedure, *juliu*, or detention, came before *daibu*, arrest. How could that be, I wondered? Anyone who has ever watched a police drama on television knows the police arrest a suspect first and then the suspect appears in court where a judge decides whether to set bail. How could detention come before arrest? Well it turns out that although *daibu* is translated as “arrest,” it means something else entirely. *Daibu* is when prosecutors review a case, usually about 30 days after someone is taken into custody, and then decide whether to approve their continued detention. There are many such examples, in which standard English translation of legal terms actually obscures their meaning to a native English speaker.

Another piece of confusion arose when countless Chinese prosecutors told me that 1996 reforms of the criminal procedure law improved the law regarding the limits of time the police could hold a suspect in custody for interrogation. I reviewed the law over and over again and noted that under pre-1996 law, the limit was 12 hours and in 1996, the law was changed to 24 hours. How was that an improvement I asked over and over again? Finally, one prosecutor in Guangzhou explained that under the prior law the limit was 12 hours but there were an unlimited number of consecutive 12 hour periods the police could use to hold someone and interrogate them. Under the 1996 amendments, there was a single 24 hour time limit for the initial interrogation. Reading the criminal procedure law in China was clearly more than a matter of strict translation.

My hosts, the Supreme People's Procuratorate, were incredibly accommodating and gracious. I spent a week at the prosecutor training school, two weeks with the Guangdong Provincial Procuratorate and two weeks with the Sichuan Provincial Procuratorate. Every day, I spent all day interviewing Chinese prosecutors about their work and answering questions about what American prosecutors did. Despite our differences there was a certain bond between us as we were both charged with a great deal of responsibility and performed some similar roles within our own, very different, legal systems. I also found that my interlocutors were very friendly and open. During one lunch with a group of Guangzhou city prosecutors, we chatted about everything from families to sports teams to U.S.-China relations. One prosecutor paid me the highest, and I felt, most sincere, compliment when he said, "Your Chinese is so good we can easily forget we are speaking to a foreigner and just speak as if we were all Chinese."

Of course, communication in China is always challenging. After one interview with a prosecutor from Hunan, I turned to my Chinese handler and remarked that because of his heavy accent I hardly understood a word he said. She said that none of the other people in the prosecutors' office could understand him either. I felt a little better after that as the fault was not with me. On the other hand, this was another demonstration of how difficult this language can be to master when even native speakers have trouble understanding someone with a heavy regional accent.

After a week in the Sichuan Province Prosecutor's office, my contact there advised me that the following Tuesday, four days hence, the Chief Prosecutor was expecting me to give a lecture on the American criminal justice system to his entire staff, in Chinese, and that they had set aside a half day for the event. My reaction was abject fear and horror. How could I possibly give a lecture introducing the entire American criminal justice system in Chinese? It seemed impossible. I had never given a public lecture in Chinese before. I had no idea how to present an entire criminal justice system in one lecture. I only had four days to prepare and I spent every minute I had preparing. The talk was a bit scattershot and meandering but I managed to cover most of the bases and my talk elicited interesting and important questions for discussion. In retrospect, there were probably very few people at that time who could have delivered such a lecture in Chinese based upon personal experience in the American criminal justice system. Through this first public speaking experience, I realized that I could play a unique role in U.S.-China legal cooperation. I could communicate to a Chinese audience, without the filter of an interpreter, and with a fundamental understanding of how both legal systems worked. Language, if only superficially understood and interpreted with literal accuracy but without nuance, could create as many misunderstandings as it resolved. With my experience and linguistic ability, flawed as it may have been, I was able to do something important that very few others could accomplish. I could interpret the Chinese legal system to Americans and the American legal system to Chinese.

After my first lecture attempt, I was invited to speak to many other Chinese groups about the criminal justice system in general and about specific issues of concern to different audiences. I spoke to law students and law school faculty, and to judges, prosecutors and

lawyers. Before travelling to China, I did not know what kind of reception I would receive and I certainly never anticipated the level of sincere curiosity and openness that I found during those first few months of the year 2000.

One of my most memorable experiences was speaking at the old campus of Southwest University of Political Science and Law. We arrived at the campus early as the faculty had invited me for a dinner before the lecture. As we walked to the campus restaurant we passed a huge auditorium and one of the professors said, "This is where you will be speaking later." The auditorium looked almost full already so I asked whether there was some event scheduled before ours. I was told that no, the students were just jockeying for good seats for my talk. I was not a celebrity. I wasn't famous at all. The students were lining up because they cherished the opportunity to learn about American criminal justice. This just reinforced my impression that I was engaged in an enterprise that was important.

Talking about law and legal systems can be complicated. There are subtle distinctions to be made and clarifications that are essential to understanding. Comparing two legal systems fairly or using one as a reference to explain the other is also tricky. A good facility in both languages seems not just critical but indispensable. Even excellent language skills are not enough. One must put those skills to use to understand the unfamiliar system so that one can explain it to others and raise fair and accurate questions and criticisms. I have participated in many, many U.S. – China government to government dialogues. Unfortunately, there are many times when each side is simply talking past the other. In my experience, the Chinese side is usually well prepared and many of the Chinese participants have taken part in similar dialogues on the same issues for years. On the other hand, representatives of U.S. government agencies change frequently and rarely have responsibility for just one country – even one as important as China. Moreover, some prepare and listen better than others. Those who have good language skills and take the time to use those skills to understand the point of view of the people sitting across the table have a much better chance of achieving meaningful dialogue, if not agreement.

Since that first trip in 2000, I have spent most of my professional life arranging, designing and participating in legal exchange programs between the United States and China and some with Taiwan, both as part of government, NGO and academic programs. I served two tours at the U.S. Embassy, one for the Department of Justice as the first Resident Legal Advisor and one term as the Director of the Trade Facilitation Office for the Commerce Department. It had been a dream of mine to work at the U.S. Embassy in China and it is one of the many China dreams that came true for me. Government service provides rare opportunities to interact with influential leaders and, occasionally influence perceptions and policy. That is heady work and, when it goes well, it can be very satisfying to know you have made a positive difference to U.S.-China relations, or, at the very least, helped to improve mutual understanding.

After I left the government, I worked for the Ford Foundation and I now work at NYU Law School as the Executive Director of the U.S.-Asia Law Institute. The Ford Foundation gave me an incredible opportunity to directly [deleted] support Chinese legal reformers working to

improve their own legal system. The Ford position also gave me a front row seat to the challenges, accomplishments and setbacks for legal reform in China and provided me with insights into how politics and law actually work in China on a granular level.

Along the way, I have come to know many of China's bravest and most effective lawyers, many of whom were praised as heroes and role models before they were later persecuted as activists, troublemakers and dissidents. I have come to know and admire hosts of Chinese legal scholars, lawyers and activists who have worked from both inside and outside the system to bring about positive change to their society. I have had a front row seat to U.S. – China relations in the past decade or so and an inside look at China's on-again, off-again, efforts to establish a society under the rule of law as the Communist Party struggles to maintain its monopoly on political power while navigating a transition to a modern state.

Had I not chosen to learn Chinese or had I not chosen to apply myself to learn Chinese well I never would have had any of these privileged experiences.

I don't pretend to have unraveled the mysteries of Chinese society or culture any more than I have figured out my own country and the society where I grew up. What learning Chinese has done for me, however, is to teach me some meaningful lessons about life. One of my Chinese teachers, the great Helen Lin, told me I should go into the world and be a bridge between the United States and China; between the Chinese people and the American people. Her words ring in my ears every day. That is a worthy goal and I hope I have made some small contribution towards bringing our two great societies together. Mostly, I am the beneficiary of my own Chinese learning. I have learned that first and foremost, we are all members of a global community and that each of us has an indispensable role in nurturing and improving it. Whatever path we choose to follow we can certainly be more effective if we can meet people where they are and use the language with which they are most comfortable to communicate with them. To me, this is the greatest lesson I have learned from studying Chinese. Learning Chinese has allowed me to make a small difference in the world. That is all I ever wanted to do and I could not be more grateful to those who, along the way, encouraged me, helped me and supported me.