

The Importance of Clarity in an International Partnership

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I am truly honored to have been invited to speak with you this afternoon.

Over the past decade, scholars from Richard Nisbett to Gish Jen have been discussing the ways that the culture in which one grows up frames how one sees the world. At our essential cores, we are all wired up the same. But we have been trained to look for different things as important, and we have been trained to express the same values in different ways.

These differences help to enable international alliances to accomplish things that a single institution cannot do alone. At the same time, however, these differences can lead to misunderstandings that put such alliances in jeopardy.

For almost twenty years now, I have been involved in different kinds of partnerships between Chinese universities and American universities. Honestly, these partnerships have been sources of enormous professional satisfaction to me, and I consider myself fortunate to have been involved with them.

This afternoon I would like to share some of my own experiences with such partnerships and what can make them successful. I would like especially to focus on the challenge of what I call “clarity” – the notion that people working together should have a precise shared view of what

they are doing, as opposed to a very general and vague shared view of what they are doing.

My first visit to China was in 1998, when I was the dean of the University of Michigan Law School. During that visit, I had the chance to become friendly with the deans of the law schools at Peking University and Tsinghua University, and afterwards I developed partnerships between Michigan and both those schools, in which Michigan would send professors to teach at their school for a few weeks each summer. The agreement was that Michigan would pay their salaries and pay for their transportation to China; Beida and Tsinghua would supply students, food, and housing.

It was very clear what each school had to do, as well as what the professors had to do. From my perspective at Michigan, the program was increasing the number of faculty members who had experience in China. From the perspective of Beida and Tsinghua, it was exposing their students to foreign teachers. Everyone knew what was happening and why, and I think everyone was quite happy with the outcomes.

When I was president of Cornell, I was able to launch some new programs with Beida and Tsinghua, as well as with China Agricultural University and with the China Academy of Sciences.

Some of these programs were aimed at students. Some were aimed at increasing faculty interactions. The objectives of these programs were much less precise. We had general interests in strengthening the relationships between the institutional parties, in building up a sense of trust, partnership, and collaboration. But it was not entirely clear whether this was going to happen through the hearts and minds of individual students and professors, or through the development of shared research programs that used collaboration to produce new knowledge about the world. One program with Peking University involved sending a group of ten students from Cornell to Beijing every year as part of a larger program of intense study of Chinese language and culture. It was pretty successful. But the program of engineering collaboration with Tsinghua was less successful.

My third experience along these lines came when Peking University asked me to create a new School of Transnational Law for them, on their

Shenzhen campus. Beida's president Xu Zhihong, and his vice president Hai Wen, were quite clear about what they wanted.

They wanted a school where the best students from China could get the same quality of legal education that they could get at a top American law school. They wanted a school that would be recognized as the best law school in China, whose graduates could enter into the highest levels of international legal practice without going out to study in the United States. They wanted me to lead this new effort, and were willing to give me full freedom to do this.

And I was pretty clear with them. I was willing to create this school only if I could build the faculty slowly, without pressure to hire permanent faculty faster than we could acquire stars. I was willing to do it only if I could operate the school according to principles of academic freedom. I was willing to do it only if I could operate according to the kind of principles of academic administration that I was used to – meritocratic, non-bureaucratic, and empowering for people of ability, regardless of their age.

Originally, I wanted a year to plan what the school would look like. But Hai Wen persuaded me that we should just jump right in, knowing that we would need to make a lot of changes between the first and second year. We were clear that the school in its first year would not live up to our highest dreams, but that we would plan to keep going and build from there.

We talked about whether to create this school as a partnership with an American law school or to have it stand independently within Beida. We agreed that we should have it stand independently, because that would give us the maximum number of potential professors to invite to come as visitors. They wouldn't be pushed by their home schools to come in the same way they would be if we had an American partner. But there would be many more of them.

We talked about all these points in advance and reached agreement. The school is now seven years old, and I believe most people would say that it has proved to be an incredible success.

My newest experience is with NYU Shanghai. NYU Shanghai is a Sino-American joint venture university, created through a partnership between NYU and East China Normal University. It is not focused on a single school or academic discipline. It is a comprehensive research university, offering undergraduate training in the humanities, natural sciences, social sciences, engineering, and business, as well as graduate and Ph.D. programs. Graduates receive degrees from New York University in the US, accredited by the Middle States Association in the United States, and they also receive degrees from NYU Shanghai itself, accredited by China's Ministry of Education.

In the design of NYU Shanghai, some things were clear from the beginning. Half the students would be from China, and half would be from the rest of the world. They would receive what is called a "liberal education" – one that is broad as well as deep. They would be taught using an "active learning" pedagogy instead of "passive learning." They would choose their own majors, after they completed a core curriculum. The school would be tiny and elite, aimed at the top students in the world.

In addition, since students were getting degrees from NYU, NYU would be in full control over the curriculum, who joined the faculty, and all the dimensions of the student experience. We would have full academic freedom. Students would spend their first two years in Shanghai, and then they would spend between one and three semesters on other NYU campuses all around the world. We would be focused on the importance of helping students to develop the qualities of cosmopolitanism – the ability to be effective members of multicultural communities.

As for finances, the school would not be subsidized by NYU. At the same time, the school not be a source of profits for the rest of NYU. It would operate on the basis of tuition, gifts from donors, and support from the Shanghai government. All of those funds would be invested in the school itself, here in Shanghai.

We also knew that we would be expected to participate in the ongoing development of the city of Shanghai as an international center. We would not be a shy, isolated ivory tower. Instead, we would be a school that can call itself "in and of the city."

Of course, there were many things that were not so clear. What would we do if the parents of our Chinese students all wanted their children to become business and finance majors? How would we deal with social and cultural differences between Chinese students and foreign students? How much support would we receive for scientific research from the city and national governments?

In these areas, we decided to move forward on the basis of trust. NYU had faith in its partners and their desire to see this school succeed. And those partners had the same faith in NYU.

So what are the lessons I would draw from my experiences?

My primary lesson is one of balance. I believe that these partnerships are, every step of the way, an example for the world – for students, for teachers, for governments, and for societies – of how multicultural cooperation can be successful.

To be successful, a multicultural cooperation should begin by recognizing and respecting cultural differences. Cultural differences are real. Only if you understand them can you be sure that they will not become the basis for misunderstanding and conflict.

One of the most important cultural differences between American culture and Chinese culture, and especially between American legal culture and Chinese legal culture, has to do with the relative importance of intellectual, conceptual agreement, on the one hand, and emotional connection and trust on the other.

In the United States, there can be no contract, no legal agreement, if there is not what we call “a meeting of the minds” on the essential terms. What is the price? What is the quantity? What will happen under certain predictable circumstances.

In China, it has been my experience that there can be no contract, no effective agreement, if there is no “meeting of the hearts.” The parties need to have come to a stage of mutual trust and appreciation, in which they are prepared to enter into an unknowable future together. They need to feel a degree of confidence that one hard challenges arise, as they

certainly will, they will be able to move forward and face those challenges in a cooperative way.

So how can a Sino-American joint venture be successful? I do not believe it can be successful if the Chinese side simply says, “we will do it in the American manner,” or if the American side simply says, “we will do it in the Chinese manner.” To be successful, it is important that each side acknowledge that something new is being created, and it should be created in a way that respects that fact.

What does that mean in practice?

It means understanding the cultural differences in understanding two notions: clarity and changed circumstances.

First, clarity. On the Chinese side, success begins with appreciating that an American partner needs to have greater clarity than might seem absolutely necessary. To feel comfortable, an American partner will need to spend time talking about and imagining a broad range of situations that might happen or might not happen. The American partner will want to talk through in great detail how such situations will be handled if they do come about. These conversations will be matters of great importance and seriousness for the American partner. If there is not sufficient “clarity,” the American partner will be an unhappy partner.

On the American side, success begins with appreciating that the Chinese partner needs to develop a much greater degree of personal trust and confidence than might seem absolutely necessary. Such trust and confidence is not built quickly, and it is not built through discussions of how problems will be dealt with if they come up. It is built through sharing meals and laughter and visiting places that feel special.

If a strong partnership is going to be built, it will need to incorporate both American and Chinese elements. Each side will need to feel comfort and confidence, and each side will need to understand how it is that the other side came to have such feelings. The ultimate agreement needs to be celebrated ritually. There should be a signing ceremony, and there should be photographs, to recognize emotionally the nature of the relationship that has been forged.

A successful partnership, however, is about much more than just “getting to yes.” The reason for this is a second critical element of cultural difference.

The second concept is “changed circumstances.” In both American and Chinese legal culture, agreements can be broken and reformed if both sides’ assumptions about how the world work are shattered. If you agree to drive me to work every day, we will reformulate the agreement if my office building burns to the ground.

But there are dramatic differences between the two cultures concerning what counts as the kind of “changed circumstances” that mean either party to an agreement can properly insist that the agreement be modified. Americans tend not to like to agree that circumstances have changed that much. They prefer to know that every party to an agreement will do everything they can to keep their promises. Even if it is a huge challenge, Americans believe they should be able to count on others to fulfill their contractual commitments.

Chinese culture is much more fluid. There is much more of an expectation that things will change with the times. The assumption is that people who enter an agreement are forming a relationship that is flexible and adaptable, that they are committed to working together as friends to minimize the burdens of the relationship on either side, consistently with capturing the all benefits of the relationship.

Bridging this gap is not as easy as bridging the gap on clarity. Conflicts over understanding of “changed circumstances” are likely to arise in moments of stress. What approach might work?

I think the best approach is for each side to commit to doing their best to see the world through the other’s eyes. For the American partner, it means being open to thinking more flexibly about changed circumstances, being willing to consider whether it might be possible to modify things in a kind of win-win spirit. And for the Chinese partner, it means being open to thinking that there are subtle costs associated with constantly rethinking commitments, costs that ultimately can weaken the trust that lies at the heart of a relationship.

A third key difference is in understanding of “apparent authority.” In US, saying, “yes, I agree, we will do this,” means, “I want to do it and I have the power to make it so.” In China, it means, “I want to do it but I probably do not have the power to make it so. Let’s hope that those who do have the power will be willing to go along.”

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Over the past 20 years, it has been my great good fortune to be involved in quite a few partnerships between China and the U.S. where these kinds of cultural differences have been successfully overcome. Partly, I think that is because I was lucky enough to have the right partners: people of intelligence and integrity who are good people and good friends. But partly I think it is because we were aware that these differences are real, and that we needed to acknowledge them in order to be successful.

International partnerships hold enormous potential at this moment in global history. I wish each and every one of you the chance to work in them, with the right partner, and with just the right balance of luck and of skill.