

“A Transnational Soul”

Commencement Remarks to The Peking University School of Transnational Law Class of 2012

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Members of the very first Graduating Class of the Peking University School of Transnational Law, the Class of 2012. Judge Zhang. President Hai. Distinguished guests.

On behalf of the STL faculty, it is my great honor to welcome you all to this historic day, when we will honor the very first students to complete their degree requirements here at the Peking University School of Transnational Law. This is an important day in the lives of everyone who has ever been associated with STL. We are celebrating the fact that our school has reached a new stage of maturity. But we are especially celebrating the pioneering group of students who have cleared the path that future generations will now follow.

I would like to begin by introducing the distinguished speakers seated on the stage who will be addressing you all this morning:

- Hai Wen, Vice President of Peking University and Chancellor of the PKU Shenzhen Graduate School.
- Brian Goldbeck. Consul General at the United States Consulate in Guangzhou.
- Timothy Dickinson, Partner in the law firm of Paul Hastings and vice Chair of the Board of the Institute for China-U.S. Law and Policy Studies.
- Xu Hua, Assistant Dean of STL.

- Peter Malanczuk, C.V. Starr Professor at STL.
- Liu Xiaoping, of the Class of 2012.
- Zhang Yuejiao, the Chair of the Appellate Body of the World Trade Organization.
- Stephen Yandle, Associate Dean of STL

Members of the Class of 2012, before I ask my colleagues to speak to you this morning, I am going to take this opportunity to share some of my own thoughts with you about how you might like to remember this special day.

I well remember the morning I first spoke to you, almost four years ago, on August 25, 2008.

You were all nervous. You were wondering what you had started.

I was nervous, too. I was wondering the same thing. But something in your faces gave me confidence. Something your eyes told me that you were going to be able the challenges that awaited you.

When I spoke to you that morning, I complimented you. I said you were pioneers. I said you were brave to study law that would be taught using the Socratic method. Brave to do the difficult work of developing the reflex of sympathetic engagement of counterargument. Brave to give up the belief that law is just a simple set of rules.

And now, in no time at all, you are done. You passed your classes. You have defended your theses. You are ready to face the world.

Where did the time go? It seems like only yesterday that you were performing Antigone. Only yesterday that we were watching movies like *The Paper Chase* and *Twelve Angry Men*. Only yesterday that we had fireside chats when I told you not to worry, that everything would be OK. Only yesterday that I was teaching you property law and *Pierson v. Post* and the Coase Theorem.

Where did the time go? It went into dedicated, hard work. And that work has paid off. You are different people today from the people I met in 2008. All of you now think like lawyers. All of you are comfortable with a world where questions do not always have one right answer.

You have learned to cherish complexity, subtlety, and difficulty. You have become comfortable with uncertainty. Like generations of law school graduates before you, you have come to know that wisdom lies in the ability to simultaneously hold two inconsistent perspectives on an issue in your mind. To understand how each of those inconsistent perspectives might be held by good and decent people.

No doubt your friends who are not STL students have noticed this habit, and some of them have found it a bit tiresome. You say, “I like dumplings.” And immediately you think, “Well, do I really mean that? Do I really like all dumplings? Can I give at least one example of a dumpling I do not like? What do I really mean by the word “dumpling,” anyway?”

But my message to you this morning is that these new lawyer-thinking habits are not the only important things you will be taking away from here today. There is one more quality that I did not talk about back in 2008, one more quality that you had before you arrived in Shenzhen but that has developed tremendously during your years at STL.

I am speaking about your transnational souls.

Together with your powerful lawyer brains, your transnational souls will shape your future lives. They will open doors of opportunity and guide your spirits as you become leaders for China, and leaders for the world.

So what exactly do I mean by a transnational soul? I mean the soul of a person who is comfortable transcending national boundaries. As I use the term, it is a soul with four dimensions:

- A transnational soul enjoys being with people from different cultures.
- A transnational soul is curious about the ways that people from different cultures are the same, and the ways that they are different.
- A transnational soul is not judgmental about cultural differences.

- And a transnational soul is good at bridging cultural differences.

During your years at STL, you have been swimming in an ocean of different cultures. Lots of Chinese and lots of Americans, of course. But also Germans and Koreans, French people and Israelis, Iranians and Argentinians.

And when you leave here, the first dimension of your transnational souls grew to love the cultural diversity. You found it stimulating. And when you leave here, you will miss it. You will be bored by homogeneity. And in the future you will feel pulled toward other environments that are like this.

As enjoyable as the cultural diversity has been, I am not suggesting that it was always easy. Some of your most difficult moments as STL students have been moments of misunderstanding and disagreement.

But I want to suggest that those difficult moments were important, because they strengthened the second dimension of your transnational souls. When you disagreed with, or misunderstood, someone from a different culture, it made you curious: Is the problem here that we are different individuals, or is it that we are similar individuals who speak different languages and come from different cultures?

Psychologists and anthropologists and linguists have also been curious about these questions for a long time, and they don't agree on the answers. Some believe that the structures of different languages are enough to cause people to think differently about the world. And culture of course is about much more than just language. We learn how to think and act in all kinds of ways from our parents and our teachers and our friends.

Over the past ten years, research and writing by people such as Richard Nisbett of the University of Michigan has suggested that people who are raised in different cultures end up thinking different things are important, noticing different things, and remembering different things. Over the past four years, your curiosity about these possibilities has been

stimulated, and so the second dimension of your transnational souls – curiosity about culture – has become stronger.

Throughout your working lives, you will find yourselves in situations of misunderstanding, where the differences might be cultural. And whenever that happens, the third dimension of your transnational soul will be your very best guide.

It is human nature to experience disagreement with someone from a different culture and say: “We are disagreeing because our cultures are different, my culture is right, and your culture is wrong.”

But you can overcome that unfortunate feature of human nature because your experiences at STL have taught you how. Your exceptional capacity for sympathetic engagement with counterargument means you now also have a capacity for sympathetic engagement with other cultures. You now have the ability to understand how another perspective, another approach, another way of understanding might make perfect sense. You can overcome the urge to rush to judgment.

Even more importantly, the fourth dimension of your transnational souls gives you the power to bridge those differences. It is a simple, three-step process, and all of you are talented at each step. The three steps are these: diagnosis, laughter, and innovation.

All of you now have the intellectual talents to diagnose the reasons for misunderstanding. As STL students you expanded your powers of analysis. You became very, very good at understanding how reasonable people can see things differently.

To bridge cultural misunderstanding, the second step is to help everyone to find those differences amusing. To laugh together. I have never met a group of people who laugh more easily, and more happily, than all of you.

And the last step is innovation. You need to help people create a new approach, a synthesis that allows everyone to save face. Once again, your four years of studies at STL have made you uniquely well prepared to help multicultural groups through that process. When you learned the

common law, when you learned how to harmonize cases, you mastered the skill of reconciling two ideas that might seem to be in conflict.

Each of you has the tools you need for diagnosis, laughter, and innovation. When you put those talents to work to be a bridge across cultural differences, you will be welcomed as a hero.

Pioneering members of the Class of 2012, you are about to embark on lives of service to a society that desperately needs you. As you go, let me conclude by stating a few hopes that we, your teachers, hold for you:

May you enjoy the special pleasures of craft — the private satisfaction of doing a task as well as it can be done.

May you enjoy the special pleasures of profession — the added satisfaction of knowing that your efforts promote a larger public good.

May you be blessed with good luck, and also with the wisdom to appreciate when you have been lucky rather than skillful.

May you find ways to help others under circumstances where they cannot possibly know that you have done so.

May you be patient, and gentle, and tolerant, without becoming smug, self-satisfied, and arrogant.

May you know enough bad weather that you never take the sunshine of Shenzhen for granted, and enough good weather that your faith in the coming of spring is never shaken.

May you always be able to admit ignorance, doubt, vulnerability, and uncertainty.

May you frequently travel beyond the places that are comfortable and familiar, the better to appreciate the miraculous diversity of life.

And may your steps lead you often back to Shenzhen. Back to the Peking University of School of Transnational Law. All of you worked with us to build this law school. And we will always be happy to welcome you home.

Congratulations.