



# CIVIL COURAGE PRIZE

## Introduction by Philip Bobbitt, Professor and the Director of the Center on National Security at the Columbia Law School

Yu Jie

2012

Although we often award honors, the word 'honor' is not much used these days. I hope everyone here will understand me if I say that it is a point of honor to be here tonight, and to be a part of bestowing this award on this defiant, devoted and brave young man.

I remember a whimsical poem written in the 1960s. It tells of two lions, chatting away in the Roman Coliseum after a day's barbarities. One lion, picking his teeth, says to the other: What was that we had today? The other lion replies, Christians. And the first lion says, reflectively, You know, you really have to admire them. They come out here in the arena, bound and tortured, and we tear them to bits — people so willing to suffer for their beliefs. And the second lion grunts, Yes. Then the first lion says, Still, I'm glad I'm a lion!

Most of us are glad simply that we are not called upon to suffer for our convictions. And most of us, perhaps, can muffle the sound of that call from when it does come — for we are busy elsewhere, we have other commitments to protect (including our careers but also our families). The side we've chosen in our hearts is not without its flaws, and the arguments of aggressors and oppressors are not without their merits.

But for some the call to witness is a sharp, insistent tinnitus that can't finally be ignored. We may deny it at first — like Peter — or it may overwhelm us all of a sudden — like Paul — but for those persons whose civil courage — in John Train's felicitous phrase — importunately asserts itself there is no turning back and no avoiding the retaliation and costs incurred because lions do not like to be provoked. They prowl around us, seeking whomsoever they may devour.

Perhaps the person of civil courage that I knew best was the late Barbara Jordan. She was once rightly described as the conscience of the American constitution. I teach and write about constitutional law, and so I was much overcome when, after her untimely death, her executor called on me to deliver the small pamphlet constitution that Barbara had always carried with her, and had asked that I be given, should something happen to her. When I was alone, I opened it up and a folded piece of paper fluttered out. On this ribbon of paper was written a quotation from Albert Einstein. All one can do, it read, is try to give a fine example, to have the courage to stand up for ethical values in the company of cynics.

That is a good description of the life of the man we are here to honor tonight.

Yu Jie is one of China's most prominent essayists. He first came to fame in 1998 as a 25 year old graduate student in Chinese Literature with the publication of *Fire & Ice*, a collection of his essays on Chinese contemporary society which sold millions of copies and was named one of the 10 best books of the year. The next year it was banned, and within two years he had been blacklisted by most publishers. Since then he has published some 30 books, and he has remained a best selling author despite the fact that the sale of his works is banned in mainland China.

Among these books are a biography of the Nobel Laureate Liu Xiaobo [Shau-boh]—who is at present in prison serving an eleven year sentence — and a biography of Wen Jiabao [Zha-bao] entitled China's Best Actor. After the publication of this book, Mr Yu was detained by security officials, tortured and nearly beaten to death. When he emerged from hospital, he was placed under house arrest for over a year, following which he immigrated to the US with his family. His current work in progress is a biography of Chinese president Hu Jintao. [Zhinn-tao]

He was a drafter and early signer of Charter 08, the historic human rights manifesto, and helped found the Independent PEN Center in China. He has been at the forefront of those championing the well-being of the Chinese rural poor, the neediest at China's gates.

In 2003, he converted to Christianity. To my great pleasure, he has publicly observed of the American constitutional tradition that, "liberty to choose is God-given—not granted by the State but by God. [This idea] is the foundation of Western democracy." And he has appreciated the ultimate role of the individual conscience as the distinctive feature of our constitutional system, an appreciation that is often absent in the debates among American scholars of constitutional decisionmaking.

His criticisms of the Chinese regime recall the words of the prophet Amos: Ah, you that turn justice to wormwood, and bring righteousness to the ground! [You] hate the one who reproves in the gate, and [you] abhor the one who speaks the truth...I know how many are your transgressions, and how great are your sins — you who afflict the righteous, who take a bribe, and push aside the needy at the gate ... [T]he prudent will keep silent in such a time; for it is an evil time ... [But we must hate] evil and love good, and establish justice in the gate."

Mr. Yu has not kept silent. He recently declared the communist party state to be, "increasingly ... brutal — [a] regime [which] is the greatest threat to the free world and the greatest threat to all freedom-loving people." Yet Mr Yu has also observed that a "*democratic* China would be the greatest partner of the United States, and would contribute enormously to the peace and well-being of the world." Thus while we honor him for his courageous past, his most important contributions may lie ahead of him, as he and others lead the world's most populous country toward democracy and the rule of law.

The award we bestow tonight is the creation of a most creative man, John Train. Author of 25 books and countless columns, a founder of the *Paris Review*, famous as a highly successful contrarian investor and counselor, the appointee of 3 American presidents, he has nevertheless somehow found time for significant humanitarian contributions. He created the Afghanistan Relief Committee to provide aid to the desperate victims of the Soviet invasion of that country, eventually merging this effort into the International Rescue Committee, which supports millions of refugees in many countries. He has doubtless been called on quite a few occasions, "a Renaissance man," though with his energy and gifts

for enterprise he might be better termed an entire "Renaissance committee." I am grateful to be associated with John Train, and his magnificent idea, "civil courage."

I began with a poem, and I should like to end with one, a fragment from Marianne Moore's "What Are Years."

What is our innocence,  
what is our guilt? All are  
naked, none is safe. And whence  
is courage: the unanswered question  
the resolute doubt, —  
dumbly calling, deafly listening — that  
in misfortune, even death,  
encourages others  
and in its defeat, stirs  
the soul to be strong?