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ABOUT RICE ASIAN STUDIES REVIEW

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Asia in the 21st century is undergoing rapid political, economic, and cultural change. As people, goods, ideas, and cultures reverse colonial flow and begin emanating from Asia across the globe, it is clear that the scholarly lens through which Asia has traditionally been approached by Western-trained academics is sorely in need of revision. The *Rice Asian Studies Review* (RASR), as an undergraduate Asia-focused academic journal authored, edited, and published by students, situates itself on the front-line of this process by providing a venue for young scholars to exhibit their own ideas and learn from those of their peers. Our goal is produce a compilation of diverse, unconventional, and informed Asian Studies perspectives. As authors, editors, and publishers come together in the production of RASR, this fresh cohort of 21st century scholars hopes to promote a dynamic, modern, and interdisciplinary approach to Asian Studies.



Members of the RASR Editorial Staff pose for a photo with Rice's iconic Lovett Hall in the background. Pictured from left to right: Hoang Nguyen, Luna de Oliveira, Grace Xu, Eliza Jasani, Stephanie Kwak, Karen Siu, Spring Chenjp, Nathan McCoslin, Jacob Koelsch

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About the cover: Fifty-one nations and territories defined geographically as “Asia” by the United Nations are represented by their decreasing order of population. Designed by Justin Park (2017).



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Finally, the RASR editors would like to thank our contributing authors. We are lucky to be able to draw from a wide range of academic disciplines and geographic areas, and this would not be possible without the diverse talents and interests of Rice undergraduate students. As we hope the articles contained in these pages will inspire both new ideas and new scholars, we also thank you for reading.

Photo courtesy: "Mechanical Laboratory, Power Plant and Campanile architectural rendering, Rice Institute." (1910) Rice University: <http://hdl.handle.net/1911/75405>.

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RASR

When Western and Islamic Medical Ethics Collide: A Comparative Analysis With a Focus on Euthanasia and Abortions

Hasham Dhakwala

ABSTRACT

As the world becomes increasingly globalized, physicians and patients alike encounter differing viewpoints and priorities when it comes to medical care. These different perspectives can lead to misunderstandings if patients or health care providers are unaware of them. Therefore, it is beneficial to compare and analyze the similarities and differences found in different cultural and religious medical ethics. This comparative analysis focuses on the secular Western and Islamic medical ethics and how they overlap and deviate from one another in terms of their core structure and applications to medical care. The secular Western framework is broken down into its four major pillars of autonomy, maleficence, non-maleficence, and justice. These pillars are then compared to similar concepts found in the Qur'an, which influences Islamic medical ethics. Both frameworks are then applied to controversial issues such as abortions and euthanasia to explain why certain individuals might hold strong views about certain medical treatments. In terms of euthanasia and abortions, the Western viewpoint provides more ambiguity and flexibility. An argument can be made for either side and still be considered ethical. Even though the core beliefs mostly align between the two frameworks, the Islamic viewpoint is more conclusive for controversial medical issues. One side is much more ethical or "proper" according to the Qur'an and Islamic principles. The similarities can act as bridges for understanding the difference in applications of these ethical ideas.

INTRODUCTION

Despite the difficulties in understanding the origins of medicine, examples can be found of prehistoric humans using herbs as "medicine" to treat ailments.¹ With time, however, mankind understanding of medicine and its applications has evolved. These advancements necessitated the creation of ethical frameworks to guide medical practices. For instance, there are multiple frameworks of ethics ranging from Jewish to Christian to Islamic medical ethics, among others.² There are some parallels and differences found between Western and Islamic medical ethics. Western ethics developed into a philosophical science and relied on human reason and attempts to distinguish the right or wrong action.³ While Islamic ethics also utilizes philosophical traditions, it mainly focuses on forming its foundation around a religious worldview and specific religious texts.⁴

This is not to say that Muslims do not seek medical care that is generally the same medicine practiced in the West today.⁵ However, Muslim physicians may use renowned medical treatment based on ethics derived more from Islamic law rather than medical considerations solely.⁶ This paper seeks to highlight the interconnectedness and differences of Western and Islamic biomedical ethics and their application to two controversial topics: abortion and euthanasia.

For this paper, simplifications and assumptions regarding both ethical systems were necessary. Islamic medical ethics are not tied to a single country, legal system, or group of people as the religion itself is very heterogeneous. Therefore, the ethics described here are based mainly on interpretations of the Holy Qur'an accepted by the majority of Muslims. Al-Hilali and Khan's translation of the Qur'an (unless otherwise noted) is used as these "mainstream" interpretations are accepted by the majority of scholars and Muslims. These simplifications are necessary to avoid confusion regarding mainstream Muslim perspectives. For instance, at a Penn State conference, there was a division where one group relied heavily on pre-modern texts (as done in this analysis) whereas another group relied more on the "lived experience" of the modern world and believed that norms could change based on the times.⁷ Furthermore, there is no homogeneous Western ethics either, as it was influenced by many religions and philosophies. Therefore, the issue was simplified by equating Western ethics with more of a secular perspective. In other words, the paper adopts the approach of other scholars in how they believe Western ethics "has developed into a philosophical science [that draws] upon human reason and experience" to decide between right or wrong.⁸

Beginning with Western bioethics, the framework is pred-

icated on the principlist approach suggested by Beauchamp and Childress, two American bioethicists. This approach highlights four major pillars or principles of biomedical ethics: Respect for Autonomy, Beneficence, Non-maleficence, and Justice.⁹ These principles are found within the Holy Qur'an, the stories associated with Prophet Muhammad (Peace be upon him (PBUH)), and the writings of other Muslim scholars throughout history.¹⁰ Therefore, it is imperative to explore the interconnectedness of Western medical ethics and Islamic bioethics because it can allow for a greater understanding of differing viewpoints when faced with Muslim and non-Muslim patients and healthcare workers. These differences are best highlighted when faced with ethical dilemmas such as euthanasia and abortions, but it is also important to note that there are many similarities between both frameworks as they have the same fundamental "pillars" or principles of ethics.

AUTONOMY

Autonomy is one of the major principles of the principlist approach developed by Beauchamp and Childress. It means "self-rule" and refers to the idea that each person has the right to have their own views and the ability to make decisions based on personal beliefs and value systems as long as those decisions do not cause harm to others or violate the rights of others.¹¹ Specifically, the two bioethicists use the term, "respect for autonomy," which clarifies that the idea refers to others respecting and acknowledging the right of self-rule an individual possesses.¹² To many ethicists, autonomy is the most important ethical principle compared to the others because it gives the power of decision making to the individual based on their own terms.¹³

This concept of autonomy is also present in Islam and therefore plays a role in Islamic medical ethics. Since Islamic biomedical ethics are derived from the religion of Islam, much of the reasoning behind including autonomy comes from the Holy Qur'an and the life of the Prophet (PBUH). Islam emphasizes the protection of human rights and the responsibility each person has for their own actions.¹⁴ The Holy Qur'an explicitly states, "there is no compulsion in religion ... then whosoever wills, let him believe, and whosoever wills, let him disbelieve," and that every individual has the right to accept Islam or refuse it.¹⁵ These verses out of the many others suggest that even in the religion of Islam, there is a huge emphasis on freedom of faith, making one's own decisions, and overall personal responsibility for one's actions.

It can be said then that the Qur'an laid the foundation for the idea of autonomy in Islamic medical ethics. Accord-

ing to Van Bommel, a professor at the Islamic University of Rotterdam, "The Qur'an puts its trust in the rational power of human beings to distinguish between truth and falsehood," and therefore God has given humans the intelligence to make their own decisions.¹⁶ This does not mean that Islam allows an individual to do whatever they wish, there are rules derived from the Holy Qur'an and the life of the Prophet that limit actions that can be taken.

Both Western biomedical ethics and Islamic medical ethics place importance on the need for patient autonomy despite having slightly different reasons for it. These different "sources" lead to different interpretations of certain medical situations. For example, Van Bommel also mentions that Muslims strongly believe that God does the actual healing, and the physician is simply an intermediary or agent for the will of God. There is also the understanding, according to Van Bommel, that "absolute autonomy is very rare [for a Muslim patient, as there will be a] feeling of responsibility towards God," and therefore personal choices are only really accepted if they are considered the "right" ones.¹⁷ Overall, autonomy is significant in both ethical frameworks but may lead to different outcomes when faced with difficult ethical situations such as abortions.

BENEFICIENCE

Beneficence is another critical principle found in the approach developed by Beauchamp and Childress. The term refers to acts of clemency, goodwill, charity, love, and humanity.¹⁸ Beneficence is also an important feature of other ethical theories such as utilitarianism and is considered an aspect of human nature that pushes individuals to act in the best interest of others.¹⁹ Beauchamp and Childress establish beneficence not by its standard definition of a useful attitude to have while caring for patients but rather a duty of the healthcare professional-patient relationship.²⁰ In other words, "specific beneficence" dictates that it is obligatory for the health-care team to act in the best interest (beneficence) of the patient.²¹ Therefore, in Western medical ethics, treatment must be provided with the intent of doing what is unequivocally beneficial for the patient and their health.

The concept of beneficence can also be found in Islam and its medical ethics framework. Once again, evidence and direction are pulled from both the Holy Qur'an and the life of the Prophet (PBUH) where there are verses and sayings that clearly state that one must do good and avoid doing harm. In the surah (chapter) Az-Zalzalah, the Qur'an states, "So whosoever does good equal to the weight of an atom (or a small ant), shall see it. And whosoever does evil equal to

the weight of an atom (or a small ant), shall see it.”²² These two verses signify the importance of doing good and refraining from causing harm as God will judge Muslims based on their deeds. Other verses specifically call out to Muslims to be beneficent: “Do good; verily, God loves the beneficent.”²³ The Prophet also would tell his followers to help others and has been reported to have said, “God is in the aide of His servant as long as His aide is in the assistance of others.”²⁴ This narration, or hadith, exemplifies the idea that Islam values the act of removing distress or hardship from others and acting in a way to help others.²⁵

One could argue that the concept of beneficence is found in the religion and has no connection with Islamic medical ethics. The ethical framework, however, is derived from the religion itself. Furthermore, the earliest known book about Islamic medical ethics written in Arabic in the twelfth century, “Adab al tab ib,” or “Ethics of the Doctor,” specifically states that the “physician must guard all his five senses and not use them except for a beneficial purpose and to repel harm.”²⁶ Even though beneficence is important to Muslims as a testament to their faith, it is also significant for a physician following the rules of Islam.

NON-MALEFICIENCE

Non-maleficence and beneficence are two sides of the same coin, where beneficence is to always do good and non-maleficence is to always avoid doing harm. In other words, non-maleficence refers to the idea of avoiding the risk of harming others. Realistically, any action taken by a physician might have harmful side effects, so this principle looks to balance the potential harm with the potential benefits and seek to minimize the negative effects while acting in the best interests of the patient.²⁷ According to Beauchamp and Childress (2013), four obligations fall under non-maleficence: (1) one ought not to inflict evil or harm; (2) one ought to prevent evil or harm; (3) one ought to remove evil or harm; and (4) one ought to do or promote good. These obligations guide the principle of non-maleficence in Western medicine.

The Islamic medical ethics framework also strongly advocates for non-maleficence, and one could argue this may be one of the most important principles of the framework. Interestingly, there is almost a parallel in one of the authentic hadith collections, in which the Prophet (PBUH) tells Muslims to follow these three guidelines: (1) do and promote good; (2) remove evil or harm; and (3) prevent evil or harm and enjoin doing good and preventing harm, and the least thing one can do is not to inflict harm.²⁸ These guidelines establish what Beauchamp and Childress cite in their vision

of non-maleficence in medical contexts. The concept of avoiding harm is central to Islamic tradition as there is a legal maxim, *al darar yuzal*, that specifies harm must be removed and that this takes priority even over an act with comparable benefit.²⁹ In other words, the first priority is to avoid harm and then the second priority is to try and help others.

This idea of not causing harm is a constant theme in the Islamic religion and much of it stems from the Holy Qur’an and the life of the Prophet (PBUH), like other principles found in Islamic biomedical ethics. This guideline is so significant that even God shows leniency when it comes to avoiding harm on Muslims. For example, the Qur’an states, “So every one of you who is present (at this home) during that month (Ramadan) should spend it in fasting, but if any-one is ill, or on a journey, the prescribed period (should be made up) by days later. God intends every facility for you; He does not want to put you to difficulties.”³⁰ This example has two main points, one being that God is all-merciful and does not intend harm for Muslims, and second, God is willing to reduce the requirements from the followers if it reduces their pain. Islam is predicated on following the “righteous path” and God is all-knowing, so Muslims must also do whatever they can to alleviate pain and harm faced by others.

This idea of non-maleficence in Islam also relies on the possession of knowledge to avoid causing that harm. The religion of Islam highly values ‘ilm, or knowledge, and makes it obligatory for every individual to seek knowledge as it brings great respect and honor to whoever possesses it.³¹ This is imperative for physicians as they must know how to treat patients without causing harm, and this is not possible without the right knowledge and training. In fact, according to an authentic hadith, the Prophet (PBUH) gave a warning to doctors who would attempt to practice medicine without the needed knowledge by saying, “any doctor who starts the practice of medicine, and is not competent as a doctor, and he makes a mistake, then he will be held responsible.”³² Therefore, it is a central component of Islamic medical ethics to possess the knowledge to avoid causing harm to patients.

JUSTICE

The final and fourth principle highlighted by Beauchamp and Childress in their principlist approach is the concept of Justice. The term, Justice, is typically equated to fairness and can be ascribed to the “moral obligation to act on the basis of fair adjudication between competing claims.”³³ According to Raanan Gillon (1994), a former professor of medical ethics at the Imperial College of London, Justice can be split into three distinct categories: 1. Distributive justice

(fair distribution of limited resources); 2. Rights-based justice (respect for the rights of the people); and 3. Legal justice (respect for laws that are moral). All three of these categories/guidelines are used to determine the fairness of treatment. For example, if a physician, who follows Western medical ethics, is faced with a dilemma where there is only one ventilator left with two patients needing them, then the physician cannot pick one over the other based on their backgrounds (i.e. socioeconomic, racial, and/or religious status). The purpose of incorporating the ideal of justice in the principlist approach is to ensure that patients are treated fairly, regardless of their backgrounds.

Similar to the other principles incorporated in Islamic medical ethics, the concept of justice is central to the religion and therefore its medical ethic framework. The Holy Qur'an and the sayings of the prophet once again provide substantial evidence of the need for Muslims to practice justice in all aspects of their lives (legally, financially, etc.). In surah (chapter) Al-Ma'idah, the Qur'an states, "And if you judge, judge with justice between them. Verily, Allah loves those who act justly."³⁴ In this particular verse, it is apparent that whenever judgment needs to be made, it must be on equitable terms--this is no different for medical situations. There is also an explicit commandment, "God commands justice, doing of good, and giving to kith and kin, and forbids all indecent deeds, and evil and rebellion: He instructs that you may receive admonition."³⁵ This verse is powerful as it combines almost all the principles found in both the Western and Islamic medical ethics frameworks. God's command for justice suggests that one must be equitable in all aspects of life. By doing good, God is suggesting that actions must be taken with the intent of helping others (beneficence). By forbidding all indecent deeds and evil, God is suggesting that no harm must come from the followers (non-maleficence).

This principle of doing justice to the patient also comes into play when a physician may not sympathize with the patient, or even consider them an enemy. For instance, even during times of war, according to the Geneva Convention, physician soldiers are required "to treat enemy patients equally to their own service members."³⁶ Despite considering each other enemies, these providers understand that regardless of how they feel and what the patient has done, they have the moral obligation, based on medical ethics, to treat the patient as any other person. This is another form of the principle of justice at play. Similarly, the Qur'an states, "O, you who believe! Stand out firmly for God as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just... for God

is well acquainted with all that you do."³⁷ This verse also suggests that one must do justice regardless of personal feelings towards others even if they are your enemies. Overall, the religion of Islam dictates the guidelines that make up Islamic medical ethics, which closely resemble and might have even influenced Western biomedical ethics.³⁸

THE ABORTION DILEMMA: WESTERN PERSPECTIVE

Abortion is one of the most controversial procedures that places significant stress on ethical guidelines and can be found in every society throughout the ages. First, there must be a discussion of pregnancy. For the purposes of this analysis, pregnancy can be defined as a medical condition where a person has a fetus (and eventual child) developing in their uterus. Most importantly, the fetus does not solely belong legally as well as morally to the mother as it originated from both mother and father.³⁹ There are many different issues at play, but particularly, the principle of autonomy plays a significant role when it comes to elective abortion (where abortion is a choice and not due to an emergency). The challenge arises with the person having the child wanting autonomy over their body, but by aborting a fetus, they would be taking away the right of the fetus to live.⁴⁰

Many arguments draw on different fields (religion, philosophy, science) to answer the issue, however, the concept of abortion does not seem to have a "universal" answer. The rationale for elective abortion in most Western countries relies on the principle of autonomy proposed by Beauchamp and Childress where the child-bearers have full autonomy over their bodies.⁴¹ Arguments have been made by scholars that the fetus is not a separate patient, whereas others posit that the fetus is a separate patient because it has its own circulatory system, respiratory system, and distinct responses to medication, which all point to the fetus as being a "living being."⁴² Then there are issues where elective abortions are sought due to cases of rape, incest, the child having a life-threatening condition, and disability. Regardless of the reason, the ethical dilemma remains the same: is it more important for the woman to have autonomy over her body or for the fetus to have its right to life?

Another wrinkle appears in the debate when considering, when does the fetus become a living being with rights to life? If a fetus is being aborted because it will grow up with a disability, does that mean the fetus does not deserve to live due to its disability?⁴³ There are no clear answers based on the Western medical ethics framework as it does not have a singular "source" dictating the guidelines. This "flexibility" or

“ambiguity” becomes its strength and weakness as it allows for multiple interpretations without a right or wrong answer. This also explains the constant legal battles on abortion as well as views that clash based on religious or philosophical views typically in western countries.

THE ABORTION DILEMMA: ISLAMIC PERSPECTIVE

Unlike Western medical ethics, Islamic biomedical ethics derives much of its guidelines from the religious scriptures. When it comes to morally ambiguous situations such as abortion, much of the reasoning used by Muslims relies on the teachings of the Prophet (PBUH) or the Qur'an. Pertaining to abortions and the fetus, the idea that the fetus is under the autonomy of the pregnant woman because it is her body is soundly rejected in Islam.⁴⁴ With elective abortions, according to Islamic understanding, the object that is excised is not considered the woman's womb, but rather a “growing entity” that is not part of her body.⁴⁵ This “entity” engages in a symbiotic relationship with the mother using the placenta and therefore Islam considers the fetus as an independent being that is ultimately a human.⁴⁶

In Islam, human development is understood to be a continuum, and this idea stems from the Holy Qur'an itself. Surah (chapter) Al-Haj from the Qur'an states,

O mankind! If you are in doubt about the Resurrection, then verily We have created you (i.e. Adam) from dust, then from a Nutfah (mixed drops of male and female sexual discharge i.e. the offspring of Adam), then from a clot (a piece of thick coagulated blood) then from a little lump of flesh - some formed and some unformed (as in the case of miscarriage) - that We may make (it) clear to you (i.e. to show you Our Power and Ability to do what We will). And We cause whom We will to remain in the wombs for an appointed term, then We bring you out as infants, then (give you growth) that you may reach your age of full strength.⁴⁷

This verse explains that God first creates a human in form by use of the seed, or sperm, and that by “form” the fetus exists until the soul is added. At less than 17-18 weeks of gestation, the early fetus exists and is not considered fully human but rather something human-like.⁴⁸ However, it is still part of the continuum of development and therefore intrinsically considered a human.⁴⁹ The analogy of an oak tree is used by Muslim scholars, where the oak tree seed (acorn) is not necessarily an oak tree, but if left to grow, it will unde-

niably become an oak tree.⁵⁰

There is no real ambiguity when it comes to abortion in Islam as the fetus is treated as an independent entity that progressively gains more rights as it develops. If a woman wishes to abort a fetus that does not threaten her health, then Islam overrides the idea of the woman's autonomy in the interest of protecting the defenseless person, the fetus.⁵¹ As Western biomedical ethics struggle with what rights the fetus might or might not have, Islamic ethical views bypass that conundrum. In other words, even if the fetus has no individual rights and is simply an inanimate extension of the woman's body, then the autonomy given to the woman in Islam would not allow her to harm her body unnecessarily.⁵² It becomes almost impossible to do an elective abortion of a fetus that has developed to the point of having a soul as it would be equitable to murder in the eyes of Islam.⁵³ Nonetheless, abortion is still not allowed without a strong reason before the fourth month of development when the soul enters the fetus because of the innate tendency of the fetus to become human which gives it's the right to remain “alive” under normal conditions.⁵⁴

Abortion is only possible if it threatens the life of the mother or for very limited extenuating circumstances and that is where the principle of darura (necessity) applies.⁵⁵ It would be necessary to abort a fetus if it were killing the mother or both. While some individuals might argue that a fetus should be aborted out of kindness if it is known the child will be disabled or have some difficult condition, Islamic medical ethics have an answer for that as well. Since Islam views “humanness” based on the potential to possess a soul which occurs in the uterus, it does not matter if the child will be disabled or have any limitations as long as it has a soul.⁵⁶ The idea that a fetus can be aborted to avoid a lifelong condition is not valid in mainstream Islam as anyone with a soul has their own rights.

Ultimately, the Islamic perspective on abortion in theory is a lot less flexible and thus has more concrete answers compared to the Western perspective. In Islam, the fetus is recognized as a living entity that is independent of the mother and has its own right to grow and live.⁵⁷

EUTHANASIA: WESTERN PERSPECTIVE

Euthanasia is defined as the “deliberate bringing about of the death of a human being in a situation where it is considered better that they should be rather than continue to live.”⁵⁸ This topic is hotly contested as some consider it murder whereas others consider the act to be one of mercy for a per-

son in pain. Countries can be placed in three distinct groups based on their views of euthanasia: (1) Countries that equate euthanasia with ordinary murder (i.e. a victim murdered while being robbed); (2) Countries that consider euthanasia privileged murder (i.e. a justifiable murder like killing a robber); and (3) Countries that have decriminalized euthanasia as long as certain requirements are met.⁵⁹

Euthanasia can also be broken down into two types: active and passive. In active euthanasia, death is produced deliberately by positive means (i.e. injecting something to stop the heart).⁶⁰ In passive euthanasia, death occurs by deliberately withholding or withdrawing treatment of the patient (i.e. not giving fluids).⁶¹ It is also possible that passive euthanasia can refer to not giving treatment that is deemed to be ineffective or burdensome for the patient to allow nature to take its course.⁶²

Euthanasia creates controversy as it raises questions. Is it ever right for someone to end the life of a dying patient who is in pain? Is there any difference between killing someone and letting them die?⁶³ Furthermore, the issue with euthanasia is that it is also morally ambiguous and creates conflict when following the Western model of biomedical ethics. On one hand, there is the idea of patient autonomy where the patient does not want to receive any more treatment or want to end their suffering. On the other hand, there are the principles of beneficence and non-maleficence where the physician must reduce harm to the patient and act in their best interest. This might mean suggesting to the patient to undergo treatment even if it has a 10% success rate as it will give the patient the chance to live longer. This, however, does not consider the patient's quality of life or their wishes.

Ultimately, there are fervent supporters and opponents of the use of euthanasia as a legal and moral medical practice. The non-religious arguments mainly focus on four things: (1) Concern for the welfare of the patient; (2) Respecting the wishes of patients; (3) Respecting the fundamental value of life; and (4) Respecting the interests of the patient.⁶⁴ This suggests that the practice of euthanasia could be reconciled with Western medical ethics, which are more secular in nature, as long as patient autonomy is being respected and the act is being done to help the patient (making them more comfortable at the end of their life). The main objections to this practice stem from religious arguments that value life above all else.⁶⁵

EUTHANASIA: ISLAMIC PERSPECTIVE

As the Islamic medical ethic framework derives its

guidelines from the religion itself, it makes sense that euthanasia is rejected in Islam. In fact, most Muslim countries (i.e. Iran, Saudi Arabia, etc.) have rules and laws regarding euthanasia primarily based on Islamic views.⁶⁶ These countries rely on Islamic jurisprudence which has four components: 1. Holy Qur'an, 2. Sunnah (teachings of the Prophet (PBUH)) 3. Ijma (consensus of Islamic scholars), 4. Aghl (reason).⁶⁷

Since euthanasia deals with directly killing or indirectly killing a patient to alleviate their pain, religious individuals argue that it is considered murder regardless of intent. The Holy Qur'an, in surah (chapter) Ma-idah, states, "if anyone killed a person not in retaliation of murder, or (and) to spread mischief in the land - it would be as if he killed all mankind."⁶⁸ This verse is critical to understanding what God has said about killing others as the only time it is permissible is if they themselves are murderers or individuals who have committed crimes. If an individual were to kill another that did not meet those criteria, then their sin is so grave that it is almost as if they have killed all of humanity. This means that physicians, who are tasked with preserving life and saving others, should not do any sort of mercy killing. The importance of saving lives is emphasized in the next part of the same verse, "if anyone saved a life, it would be as if he saved the life of all mankind."⁶⁹

It is also understood in Islam that death is not in the hand of humans and that only God can determine the time and method. Two verses in the Qur'an strongly suggest only God can control someone's death. The first verse is found in surah (chapter) Al-A'raf and states that "there is a time set for every people: they cannot hasten it, nor, when it comes, will they be able to delay it for a single moment."⁷⁰ The second verse is found in surah (chapter) Ali-Imran where the Qur'an says, "No soul can ever die except by Allah's leave and at a term appointed."⁷¹ Both verses confirm the concept that death will only come when God wills it. Combined with the idea that killing an innocent is like killing all of humanity paints a very strong argument against euthanasia in Islam and therefore Islamic medical ethics.

Islam views illness as a test of faith from God instead of some sort of punishment, and Muslims are required to seek treatment and are not allowed to end their lives.⁷² Even if Islam did allow for the physician to do a "mercy killing," to euthanize a patient, the other point of contention is that Muslims are not allowed to wish for their death as it is in God's hands. There is a narration of the Prophet (PBUH) found in Al-Bukhari who once said that "None of you should wish for death because of a calamity befalling him; but if he has to wish for death he should say: O Allah! Keep me alive as

long as life is better for me and let me die if death is better for me.” Euthanasia is rejected both on the side of the physician not being allowed to kill someone and the patient not being allowed to ask for death in the first place.

It is important to note that euthanasia does not necessarily exclusively refer to end-of-life care, which has its own restrictions. For example, if a patient is on a ventilator and the sole reason they are alive is because of the machine, then they are effectively being forced to stay alive. This form of euthanasia (where a patient is taken off a ventilator) has conflicting views by different Islamic scholars from different countries. For example, Saudi Arabia’s grand mufti Shaik Abdul Aziz bin Abdullah bin Baz declared that Euthanasia (even removing life support keeping a person alive) is un-Islamic.⁷³ An Egyptian scholar, Sheik Yusuf al Qaradawi, issued a fatwa (religious ruling) that equated euthanasia to murder but conceded that it is permissible to withhold treatment that is considered useless, such as keeping someone alive through life support.⁷⁴ While Dr. Muzzami Siddiqi, former president of ISNA (Islamic Society of North America), believes that it is permissible to remove a patient from life support and “let nature take its own time,” other leaders such as Ayatollah Khamanei, leader of Islamic Republic of Iran, issued a fatwa that said euthanasia in any form is forbidden.⁷⁵

Overall, according to Islamic medical ethics, euthanasia in most, if not all, forms is impermissible. Unlike with Western biomedical ethics, there is no real “gray area” besides cases of life support and the value of life overrides patient autonomy of wanting to die (as this is not allowed in Islam).

CONCLUSION

Both Western and Islamic medical ethic frameworks are remarkably similar in their values even if they diverge in their “source” of reasoning and applications to certain medical situations such as abortions and euthanasia. Many scholars claim that the “four principles” proposed by Beauchamp and Childress are upheld by Islamic biomedical ethics and that the roots of these principles can be identified in Islamic teachings dating back 1400 years.⁷⁶ As mentioned before, the simplification used for this paper removes many variables that might have influenced both ethic systems throughout history. Most importantly, this interconnectedness allows for an understanding across cultures and borders that ultimately improve patient care and our understanding of humanity.

Even with their similarities, it is important to explore the differences present in the two ideological systems to better understand them and their applications. This understanding

can aid in understanding the decision-making of Muslim patients and healthcare providers, and it provides an alternative way of looking at common ethical medical issues. As mentioned previously, for the purposes of this paper, “Islamic biomedical ethics” was proposed as a homogenous system which is an oversimplification as there are differing views by Muslims on different bioethical dilemmas. Both ethical systems are more complex, however, and should be explored to better serve physicians and patients in a time where globalization has made it difficult, if not impossible, to take into consideration cultures and values and their impacts on ethical decisions regarding medical situations.

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The Convoluted Landscape of Feminism Within Contemporary Buddhism

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ABSTRACT

Central to Buddhism is the denial of the existence of the soul, and, as a result, of the belief in the existence of any inherent, unchangeable qualities or traits. Theoretically, these foundations lend themselves to the creation of an egalitarian religion since all beings are equal in the fact that they have no innate, defining characteristics. It therefore follows that one cannot be judged as being better or worse than another on the basis of concrete qualities like gender. However, looking at the history of Buddhism reveals that this is not so. The realization of Buddhism within society is gendered despite the religion's egalitarian leanings. Patriarchal attitudes and institutions within Indian society during the time of its development influenced both Buddhist teachings and its social manifestations. The meshing of theoretical ideologies with their practical realizations created tensions between differing messages about gender (and specifically the roles of women) within society. The challenge for many Buddhist women and feminists today is to reconcile these convoluted and, at times, contradictory messages. In this paper, I identify two main responses to this challenge. One is to identify isolated, specific passages within Buddhist canon that may speak to issues within broader feminist movements, and the other is to reframe and reinterpret problematic texts under a more feminist light. I ultimately argue that these responses are dependent on the individual's goals. I do so by first examining the Buddhist text *The Way of the Bodhisattva* in order to explore the depth of tensions between theoretical and practical ideas about gender within Buddhism, followed by an analysis of different responses to androcentric or misogynistic passages within the text.

INTRODUCTION

Historical and social contexts heavily influenced Buddhism throughout its development. The impacts of these contexts are prevalent throughout Buddhist institutions and practices, including those of today, as well as in the religion's foundational texts and teachings. One such area where this is particularly explicit is in the realm of gender and social hierarchy. Many people consider Buddhism to be egalitarian by nature, since the core of its philosophy denies the existence of any inherent, unchanging, or defining nature or quality, ultimately making it incompatible with the belief that one person could be superior to another based on an arbitrary characteristic such as gender. However, there are nevertheless aspects of the religion and philosophy which have been shaped by the patriarchal society from which it originated, leading to the development of convoluted notions of gender and sex within its canon. My goal is to explore how these contentions influence the ways in which feminists interested in Buddhism interact with the religion's texts and teachings. It can be seen that modern-day feminist movements manage to find common ground for the reconciliation of Buddhist philosophies

and feminist theory through a reinterpretation and reframing of traditional texts despite the tension between the egalitarian implications of Buddhism's philosophical principles and the often androcentric or patriarchal institutions which they manifest in.

This paper explores canonical Buddhist texts, teachings, and the perceptions of sex and gender discrimination of key religious figures to explain their relevance to modern feminism. This is first accomplished through an examination of Buddhist philosopher Shantideva's *The Way of the Bodhisattva*, which contains many examples that alternatively bolster and weaken the case for Buddhist feminism. This text is also significant because of its impact on the development of Buddhism in the West, reflecting global discourse concerning Buddhism and Western feminism. This paper explores how feminist thinkers grapple with misogyny in Buddhist texts. It focuses primarily on two types of responses to this challenge—one being to isolate aspects of Buddhist philosophy to apply to contemporary issues within feminist movements and the other being to attempt to reconcile issues of misogyny and androcentricism within Buddhist tradition. Ultimately, I find that these two methods of

thinking about feminism within Buddhism are shaped by each scholar's respective goals and motives in relating Buddhism and feminism.

FRAMEWORKS FOR AND AGAINST FEMINISM WITHIN BUDDHISM

Theoretical Egalitarianism in Buddhist Philosophy

Many aspects of Buddhist philosophy have piqued the interest of feminist movements because they seem particularly promising in their ability to align with egalitarian ideals in general. Indeed, it seems that many of the arguments that are integral to the reconciliation of Buddhism and feminism isolate specific passages and motifs in Buddhist texts that implicitly advocate for egalitarianism.¹ Much of the commonality between Buddhism and feminism can be traced back to the former's notions of dependent origination and no-self. Also known as the doctrine of causality, dependent origination asserts that every phenomena in the world is dependent upon conditions to arise and is ultimately transient and impermanent.² Because everything is impermanent, it is nonsensical to believe that anything possesses any inherent, essential qualities, which would by definition be permanent.³ The Buddhist notion of no-self, which denies the existence of a soul, is therefore a direct extension of the doctrine of causality. The synthesis of these theories negates any belief in individual identity or an essential self. It is therefore a small step to realizing that, based upon these two principles, there is no inherent difference between people of different genders. In essence, the denial of the self ought to enable the denial of a gender hierarchy where one is intrinsically superior or inferior to the other.⁴ Indeed, gender itself is seen not as an inherent fact but rather the result of a set of conditions. This idea is expressed by Shantideva in *The Way of the Bodhisattva*:

All form, therefore, is like a dream,
And who will be attached to it, who thus investigates?
The body, in this way, has no existence;
What, therefore, is male and what is female?⁵

The implications of these beliefs are compounded by the fact that these theories are central to Buddhist soteriological thought. Ignorance to the impermanence of life is seen as the driving force behind samsara, the cycle of life, death, and suffering from

which Buddhists seek liberation. Conversely, true understanding of the transient nature of life is the key to breaking free from the cycle of rebirth and achieving nirvana.⁶ Thus, these principles are not merely present within Buddhist thought but make up an integral part of the path toward enlightenment. Shantideva dedicates an entire chapter toward the theories of no-self and the impermanence of life, advocating for these principles and delineating their significance within Buddhism:

The source of sorrow is the pride of saying "I,"
It's fostered and increased by false belief in self.
To this you may believe that there is no redress,
But meditation on no-self will be the supreme way.⁷

In fact, these theories are in such an integral position to Buddhist philosophy and soteriology, that they move beyond being merely compatible with feminist ideology and can instead be considered doctrines which, by nature, necessitate egalitarian ideals within Buddhism as a whole.

This egalitarianism extends itself to the structure of the Buddhist marga (path) in general. A key soteriological innovation of Buddhist philosophy was its reliance on self-realization, discipline, and discovery rather than on the type of religious rituals that were accessible only to men of the brahmana (priestly) class.⁸ As Buddhist scholar Sue Hamilton aptly points out, Buddhist doctrine argues that suffering is perpetuated by minds ignorant of the truth of impermanence; the very nature of this argument implies that suffering affects all genders indiscriminately, rather than suggesting that women are impure or inherently incapable of spiritual enlightenment.⁹

Gender Bias in Buddhist History

The egalitarian implications of Buddhist dharma (doctrine) are, of course, important to take into consideration, but one cannot ignore the ways in which historical and social contexts have influenced philosophical theories. Buddhism originated in India and was influenced by its androcentric institutions and patriarchal regulations, which limited women's involvement in religious, political, and other public spheres.¹⁰ Buddhism, despite the egalitarian principles it ostensibly promotes, is often gendered in its social manifestations.¹¹ For example, women of the Theravada tradition (prevalent throughout many countries in Southeast Asia) were barred from ordination as bhikkhunis,

or Buddhist nuns, until the re-establishment of the bhikkhuni sangha, the monastic order for women, in the 1990s, while the male sangha maintained dominance throughout history.¹²

Buddhism was similarly influenced by the androcentric institutions prevalent throughout Indian society. This induces significant tension between Buddhist philosophy and its social applications, which is evident throughout *The Way of the Bodhisattva*. For example, Shantideva asserts that individuals on the path toward enlightenment should avoid the extended company of any woman outside of one's household: "Do not travel, sit, or stay alone / With women of another house."¹³ This advice indicates the patriarchal attitudes that influence Buddhist institutional interaction in society, particularly showing the misogynistic stereotypes promoted by monks (like Shantideva) as a way of maintaining celibacy. The perceived danger of spending prolonged periods of time in the presence of unknown women derives from their patriarchal characterization as tempters that sully men on the path toward enlightenment. This passage seems like a strange departure from the general tone of *The Way of the Bodhisattva*, which offers strict and detailed advice for daily conduct: "do not wave your arms with uncouth gestures" and "when eating, do not gobble noisily."¹⁴ The guidance offered in this passage is derived from the Buddhist monastic order and therefore attests to tensions between Buddhist theory and practice.

As reflected in the above excerpts, there is a tendency in Buddhist tradition to portray women as seductresses that act as agents of Mara, a demon who frequently stands in opposition to the Buddha's path toward enlightenment.¹⁵ This sentiment influences certain aspects of Shantideva's writing. For instance, in Chapter 8, Shantideva observes the decomposing body of a woman in order to emphasize the impermanence of life and the erroneous ways of lust and desire: "Look, this mass of human flesh, / Is now the fare of carrion beasts—."¹⁶ He purposefully associates the woman's body with destructive habits such as lust and sexual desire and places them in stark opposition to the path towards enlightenment. Through the grotesque description of her decaying body, Shantideva can assert once again the impermanence of life and the fallacy of indulging in one's lust by noting the fleeting nature of her beauty. By associating the female body with the dangers of sexual desire, Shantideva perpetuates

the characterization of women as temptresses that taint men.

At the same time, it is important to note that the overall structure of *The Way of the Bodhisattva* deliberately reflects the narrator's own path toward realization and enlightenment, expressing ideas that change as Shantideva himself moves farther along his spiritual journey. Whereas certain excerpts may appear to conflict, the work as a whole deliberately distinguishes the social manifestations of Buddhism from its core philosophy. The literary structure of the text highlights the differences between theoretical and real-world applications of Buddhist doctrine, as well as the tensions which arise from them. As a result, it is rife with contradictory stances toward women and gender.

CONTEMPORARY FEMINIST READINGS

It is thus evident that the contradictions within Buddhism create complications for its relationship with feminist movements. It is this convoluted landscape with which scholars must grapple in their attempts to reconcile feminist theory and Buddhism. This section examines how modern scholars have risen to this challenge and delineates two common types of response. The first type of response, that of feminists utilizing Buddhism, differs greatly from the second, that of Buddhist feminists, both in goal and method.

Feminists utilizing Buddhism are generally interested in applying Buddhist principles to feminist issues and are therefore not concerned with completely reconciling Buddhism with feminism. As a result, they are more prone to ignoring problematic passages within the religious canon and do not seek alternative interpretations. This camp tends to focus more on philosophy than the historical and social contexts in which the religion arose. It is easier to grapple with the existence of misogyny and androcentricism in historical Buddhism when the goal is not to make the case for feminism within Buddhism but rather to offer a solution to contemporary issues using ideas based in Buddhist principles. Instead of looking at the entire body of Buddhist philosophy, many feminists utilizing Buddhism seem to identify specific passages that offer potential solutions to other issues of great concern. For example, Daniel Arnold posits that the Mahayana Buddhist principle of emptiness is a potentially promising avenue through which one can address issues

within broader feminist movements that arise from the belief in a universal feminine experience.¹⁷ In her article, feminist and philosopher Keya Maitra argues that the theory of dependent origination and practices such as mindfulness meditation can be used to create a more diverse and inclusive feminist movement that acknowledges the experiences of women across the globe whose experiences are far removed from those of the white, middle-class women often at the forefront of the movement.¹⁸ These feminists cherry-pick relevant Buddhist teachings and present them as neat solutions to issues within broader feminist movements. Because many of these issues are intellectual, it is most often Buddhist theory that is discussed and Buddhist history that is ignored.¹⁹ Separating Buddhist teachings from their historical contexts eliminates the complex contradictions about gender and sex within the canon, and thus it becomes a matter of little importance to feminists utilizing Buddhism.

This is not the case for Buddhist feminists, who identify as practitioners within the traditions of Buddhism. Their Buddhist identity forces them to confront problematic passages and institutions within their religion. Much of their work, then, has to do with finding alternative, feminist readings of misogynistic and androcentric texts. Frequently, these alternative readings are based on the idea that women themselves are not the target of misogynistic hate within Buddhist literature. Instead, they argue that the true intentions of these passages are to highlight broader points such as the danger of sexual depravity, a peril not exclusively limited to women nor men.

For example, some modern interpretations of *The Way of the Bodhisattva* have reframed passages such as the carrion body of lust in order to minimize its misogynistic tone. In her book *Women in Buddhist Traditions*, Buddhist nun Karma Lekshe Tsomo argues that the passage is not meant to be misogynistic but rather highlights a more basic point about the fallacy of sexual desire irrespective of gender. The fact that Shantideva focuses on a woman's body to convey his message is, in this interpretation, a result of who his main audience is—monks who presumably would have been more attracted to women than men.²⁰ Even with this interpretation in mind, I maintain that the association of women with lust, regardless of intention, conflates the two, contributing to the perpetuation of

harmful misogynistic stereotypes that are prevalent throughout patriarchal societies.

Another Buddhist feminist, Rita Gross, offers an alternative interpretation to the belief that reincarnation as a female is a result of poor karma in her book *Buddhism After Patriarchy*.²¹ While many scholars perceive the belief to be a testament to misogyny within Buddhism, Gross argues that this evaluation is less a commentary on the inferiority of women and more an acknowledgement of the hardships that can accompany life as a woman in a patriarchal society.²²

Thus, it is revealed how reconfiguring these passages may alleviate misogynistic tones within the text. One passage that is often discussed in debate surrounding Buddhist feminism is the story of the Buddha temporarily denying his foster mother, Mahaprajapati, the ability to become a nun and join the monastic order.²³ Tsomo offers a revisionist interpretation of this story that eliminates its misogynistic implications. She posits that the Buddha withheld permission not out of belief in any spiritual inferiority women may possess but out of concern for her safety if she were to live a mendicant lifestyle.²⁴ Tsomo, similar to Gross's interpretation of Buddhist attitudes toward rebirth as a woman, views this passage as an acknowledgement of the hardships women face in patriarchal society—indeed, they would have been at a higher risk of rape or sexual assault if they were to renounce their positions in society for the monastic order.²⁵

As a result, we can see how efforts to reconcile Buddhism and feminism are dependent upon the goals and approaches undertaken, whether they be the application of supportive passages to real-world issues or the reinterpretation of problematic passages in order to create a more feminist reading of Buddhist texts. These approaches heavily rely on the goals and intentions of respective scholars. Instead of tackling Buddhism as a whole and evaluating whether or not it aligns with feminist ideals, approaching Buddhism as a potential source for feminist solutions allows specific theories that are applicable to the feminist cause. This removes the need to untangle the complex nature of Buddhist thoughts on gender discrimination and equality. By contrast, Buddhist feminists do not have the luxury of ignoring or simply accepting misogynistic passages in Buddhist canon because of their position as both Buddhists and

feminists. This leaves them with the challenge of identifying new interpretations of Buddhist texts that lend themselves to more feminist readings.

CONCLUSION: DIFFERENT APPROACHES FOR DIFFERENT GOALS

Buddhism is plagued by contradictory teachings on gender and sex. These contradictions are the result of tension between the theoretically egalitarian ideals of Buddhist philosophy and the patriarchal institutions that perpetuate androcentric and misogynistic attitudes that have permeated the religion's practice. This creates a complicated landscape for scholars to navigate in their efforts to reconcile Buddhism and feminism. One way many scholars choose to approach this issue is by cherry-picking specific passages from Buddhist texts to address existing feminist issues, rather than parsing out a coherent evaluation of Buddhism's stance toward women with an appreciation for historical difference. The downside to this approach is that it often downplays the role of Buddhist institutions and patriarchal society in perpetuating sexism in Buddhist communities.

Another way scholars may respond to this challenge is by providing alternative readings of problematic Buddhist texts that create an interpretation which better aligns with the principles of feminist movements. This approach allows Buddhist feminists to address patriarchal and androcentric traditions within Buddhism, although this process may look different from community to community and individual to individual, since every Buddhist woman's ideas about their role in Buddhist society may differ greatly.

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The Chinese Constitution: A Party Instrument

George Huang

ABSTRACT

This paper demonstrates that political power in China is divided differently than it is in constitutional governments. By examining the history of the Chinese Constitution's evolution, exploring its provisions, and contrasting the document's theoretical and empirical purpose, I reveal that the document is only ostensibly supreme and dismissed when politically expedient. The Chinese Constitution organizes state power around the CCP and NPC, with a Marxist-Leninist Maoist conception of the party-state as its foundation, to ensure that Chinese leaders' policies and ideologies are implemented with little domestic opposition. The Chinese Constitution is thus supreme only nominally and ignored when politically expedient.

INTRODUCTION

Commemorating the current Chinese Constitution's thirtieth anniversary on December 4, 2012, Chinese Communist Party General Secretary Xi Jinping emphasized the supremacy of the document and reaffirmed the Party's commitment to establishing a socialist rule of law. While endorsing the value of constitutional supervisory mechanisms, Xi simultaneously declared that the Constitution "follows in the footsteps of the progress of the age, and incessantly moves ahead with the times."¹ Xi and many Chinese scholars have asserted that a constitutional system of some form has functioned in China since 1954. Constitutional scholars Chen Duanhong and Jiang Shigong characterize the Constitution as a critical facilitator of economic development, societal integration, and governance.² In his speech, Xi proclaimed that the Constitution's "supreme position in the legal system and its strong legal force have powerfully guaranteed that the people are the masters of their own affairs."³ At face value, the speech suggests that constitutionalism may be an element of Chinese legal institutions.

Gauging this proposition first requires a clarification of terms. Constitutional theorist Dieter Grimm contends that constitutionalism only exists if the document has primacy over all other laws and acts of government. Furthermore, there may be no bearers of public power exercising extra-constitutional influence.⁴ Advocates of constitutionalism assert that it curbs excessive state power leading to a more stable and just administration. However,

Xi's vision and rhetoric suggest that the Chinese political system enjoys constitutionalism, but in empirical practice, it contradicts Grimm's constitutionalism doctrine.

The role of the Chinese Constitution does not mirror that of its equivalents in constitutional governments, especially in the Western conception. The Chinese Constitution is not supreme and does not curb state power. It is openly flaunted when politically expedient, consolidates political power, and links the political and ideological goals of the Chinese Communist Party (CCP) with those of the state apparatus. By examining the history of the Constitution's evolution, exploring its provisions, and contrasting the document's theoretical and empirical purpose, it can be seen that the document is only ostensibly supreme and dismissed when politically expedient. While constitutional enforcement powers are explicitly bestowed to the National People's Congress (NPC) and its Standing Committee, they are not leveraged. The Constitution organizes state power around the NPC and CCP to ensure that policies and ideologies of Party leaders become national imperatives. Additionally, it acts as a legal fallback to minimize friction within the Chinese legal system.

THE HISTORY OF THE PRC CONSTITUTION

Historically, there have been four major iterations of the Constitution of the People's Republic of China. Each revision clarified the CCP's preeminence in the

state apparatus both ideologically and bureaucratically. Rather than curbing state power, the Constitution has continuously strengthened the CCP's position at the helm of the nation. Moreover, it interlocks the political and ideological goals of the Party with the Chinese state and nation.

The first Constitution of the People's Republic of China (PRC) was adopted on September 20, 1954 at the First Plenary Session of the First National People's Congress. It comprises four chapters and 106 articles that together outline the general principles of the state, the government's structure, and the rights and duties of citizens.⁵ Most importantly, the document was drafted by the CCP Politburo and intentionally follows the footsteps of the Soviet model. The CCP is a Marxist-Leninist-Maoist party aiming to act as the Chinese people's revolutionary vanguard. As such, the CCP inserted itself at the top of the political hierarchy, ensuring it is critical to the state apparatus's ability to function.⁶ By 1957, the Constitution's legal force had already been called into question: Shanghai lawyer and journalist Ku Chih-chung critiqued that the CCP had already forsaken its provisions concerning equality before the law, freedom of speech, press, assembly, and association, and freedom from arrest without court approval.⁷ From the very start, the Constitution has not limited state power. Instead, it was intentionally created to reinforce it—a trend that has continued to this day.

Changes in the 1975 Constitution further reflect the document's true purpose as a political tool for the CCP. The first version was suspended and replaced during the Cultural Revolution, and on January 17, 1975, a new document was ratified, containing thirty articles and notably removing the 1954 Constitution's declaration that "all people are equal before the law."⁸ This intentional omission that directly followed the Cultural Revolution demonstrates the ease with which the document is manipulated to further the political goals of the CCP.

The downfall of the Gang of Four, a group of CCP leaders who led the Cultural Revolution, induced the promulgation of a 1978 version that stressed continuous revolution, proletarian dictatorship, and scientific

modernization of the nation.⁹ Furthermore, it was the first version to discuss Taiwan, asserting that it "is China's sacred territory. We are determined to liberate Taiwan and accomplish the great cause of unifying our motherland."¹⁰ Again, the revisions clearly reflect evolutions in the ideological and political goals of the CCP.

Although the constitutions of the PRC until 1978 had successfully framed much of the state's organs, hierarchy, ideology, and legitimacy, the CCP had yet to imbue socialist legal doctrine within the document. As such, on September 10, 1980 the Constitutional Revision Committee was established at the behest of the CCP's Central Committee. The current version was promulgated on December 4, 1982, and includes four chapters and 138 articles. Most importantly, it suggests that future modernization of the nation will be achieved with systematic legal reforms.¹¹ In this way, the modern Constitution continues to reflect the CCP's long-standing goal of codifying its political power, not only by guaranteeing its involvement at every level of government, but also by ensuring that the Party's socialist ideology dominates the nation's political consciousness.

As the revolutionary vanguard of the Chinese people, the CCP has produced and revised a national constitution that does not advance constitutionalism. It intends the opposite: cementing one institution's power over the state rather than curbing it. The first three versions of the document demonstrate its instrumentalization to further the Party's predominance in both policymaking and ideology. Changes in each iteration reflect the CCP's operationalization of the Constitution in manners which are almost exclusively political expedient. While much of the current version serves as a blueprint for the PRC's government organs, bureaucratic structure, and allocation of political power, a significant portion simultaneously remains neglected and unenforced.

CONSTITUTIONAL ENFORCEMENT MECHANISMS

The modern Constitution continues to lack both legal force and mechanisms which would provide for its interpretation and enforcement. The document

specifically tasks the Standing Committee of the National People's Congress with "interpret[ing] the Constitution and supervis[ing] its enforcement."¹² The Committee is composed of 175 members elected by and from the Congress. Currently, over two-thirds of the body are CCP members. Since a significant majority of Committee members are also Party members, the enforcement powers wielded by the Committee are in truth wielded by the Party. The Committee's deep intertwinement with the Party eliminates any possibility of the existence of a truly independent and nonpartisan constitutional enforcement organ in the status quo. This illuminates a large reason why the body has never conducted constitutional enforcement nor interpretation.¹³ Since it is merely an instrumental extension of the Party in the status quo, the Standing Committee has intentionally neglected its ordained task to interpret and enforce the Constitution, as such enforcement would curb the Party's power.

The National People's Congress is bestowed with the same constitutional enforcement powers as its Standing Committee, and furthermore, a two-thirds majority in the assembly may ratify constitutional amendments.¹⁴ These revisory and enforcement powers do not reflect constitutional changes or supervision conducted on the basis of popular democratic will; rather, they better reflect the dominance of the CCP over the Constitution. With nearly 3,000 delegates, 72% of which are CCP members, the NPC is the largest parliamentary body in the world. The vast majority of delegates, with the exception of those also serving on the Standing Committee, engage in their role only two weeks per year. The NPC does not draft or promulgate legislation unchaperoned; in fact, little political opposition originates from the organ. Its function is mainly to approve appointments and legislation drafted by other party-state organs.¹⁵ For example, the 2018 Constitutional Amendment, which enshrined the term "Chinese Communist Party" into the document's main body for the first time, was approved by the NPC with 2,958 votes in favor, two against, and three abstentions.¹⁶ Many members voting in approval of the amendment were not affiliated with the CCP, yet elected to cement the

Party's leadership into the nation's nominally supreme law. The NPC has the ability to revise the already-neglected Constitution, but is not a democratic assembly. Rather, it is a parliament that mostly serves at the discretion of the Party. As a result, rather than reflect popular support, constitutional changes present the will of CCP leadership.

In addition to the NPC and its Standing Committee, the Constitution also rhetorically tasked the entire nation with securing its legitimacy and supremacy; however, these clauses are actively ignored and restrained. The preamble asserts that:

[t]he people of all nationalities, all State organs, the armed forces, all political parties and public organizations and all enterprises and institutions in the country must take the Constitution as the basic standard of conduct, and they have the duty to uphold the dignity of the Constitution and ensure its implementation.¹⁷

The broad call to every public organization and institution theoretically permits a mechanism for judicial review and interpretation of the Constitution. As a matter of fact, the Judges Law, most recently amended in 2019, suggests that judges are tasked with constitutional adherence and perhaps enforcement. Article 1 outlines the law's goal to ensure "courts independently exercise their judicial power in accordance with the law."¹⁸ Article 10 states that judges have the duty to "strictly observe the Constitution and laws" and Article 12 tasks judges with "[u]pholding the Constitution of the People's Republic of China, the leadership of the Communist Party of China, and the socialist system."¹⁹ Notably, this sentence affirms the judges' dedication to the Constitution while simultaneously demanding their loyalty to the CCP. Regardless, the provisions suggest that the creation of judicial interpretation mechanisms is possible, but recent history suggests that, like the Constitution, the Judges Law's appeal to constitutionality is merely rhetorical and a part of Xi's political and ideological campaign, Xi Jinping Thought.

Debate surrounding the basis for judicial interpretation in China, or lack thereof, has arisen

multiple times. Before 2001, the consensus was that courts could not use the Constitution to settle disputes which were not addressed by other legislation.²⁰ The foundation for this consensus rests on a 1986 Supreme People's Court (SPC) ruling indicating that administrative, local, and autonomous regulations were citable as legal grounds for court rulings.²¹ The ruling, issued by the nation's highest court, advanced the rule of law by explicitly instructing courts to use regular legislation in their judicial decision-making while simultaneously omitting mention of the Constitution—an implicit prohibition. In 2001, however, the SPC cited the Constitution as its basis for its *Qi Yuling v. Chen et al.* ruling, germinating hopes that China was on the path toward authentic constitutionalism.

Qi Yuling v. Chen et al. is characterized as the nation's first constitutional case, the first case with a legal basis in the Constitution. At the time of the ruling, SPC Vice President Huang Songyou “compared the decision to *Marbury v. Madison* and argued that ordinary people's courts could reference the practice of American courts and directly apply the Constitution as a legal basis for judgments.”²² Chinese legal scholars began discussing the “judicialization of the Constitution,” a concept first coined by constitutional law professor Hu Jinguang.²³ Citizens began to submit constitutional review proposals, and constitutional review was even discussed in the media.²⁴ In the years following the 2001 ruling, public, academic, and political discourse indicated that judicial reform and the “judicialization of the Constitution” was forthcoming and perhaps even imminent.

Reform, however, did not blossom. In the years following the *Qi Yuling* ruling, nascent constitutional discourse was restricted by the CCP as its leaders stressed the supremacy of the Party in both judicial and legislative decision-making. Law school courses, conferences, and centers focused on constitutional law were shut down. During the drafting stage of the PRC Supervision Law, many legal scholars advocated for the creation of a constitutional supervisory committee, but NPC delegates did not entertain any such provisions. The term constitutionalism was reportedly censored to Chinese netizens. To further

stifle public discourse, the SPC did not comment on any constitutional review proposals submitted by citizens.²⁵ Discourse on constitutional reform was censored even in this period of relatively modest tolerance. By 2004, internal directives were disseminated by senior officials explicitly prohibiting the use of *Qi Yuling* as precedent and public statements confirmed that the Constitution could not be used in litigation and judicial decision-making. Furthermore, China would not be establishing a constitutional court.²⁶ *Qi Yuling's* ruling was annulled in 2008, quashing any lingering hopes for the development of judicial review in China.²⁷ The annulment destroyed the possibility for the development of a constitutional review mechanism independent of the NPC and therefore the CCP.

As a matter of fact, the Party has been actively strengthening its grip over the legal system. The Central Political and Legal Affairs Commission (CPLAC), an organ hierarchically subservient to the CCP Central Committee, has jurisdiction over the coordination and supervision of “comprehensive law-and-order management,” social stability, and the repression of “evil cults.” While these powers were explicitly granted to the CPLAC during the March 2018 party-state reforms, it had already been exercising them.²⁸ Another testament to the Party's new emphasis on legal control is the shifting educational backgrounds of its leaders. Political scientist Cheng Li finds that the expertise of CCP Central Committee members shifts in accordance with the Party's priorities. For example, between 1982 and 1997, the percentage of scientific technocrats in the Central Committee rose from 2% to 52%, and subsequently fell to 22% by 2012.²⁹ As the percentage of scientific technocrats fell, the percentage of members who possessed law degrees concurrently rose from 1.7% to 14.1% between 1997 and 2012.³⁰ Previously, the expertise of a significant number of Party leaders was engineering and the natural sciences. The drastic shift in the knowledge and training of Central Committee members reflects the change in emphasis from technological and economic to legal development.

CONTRAVENING THE CONSTITUTION

A major consequence of the absence of authentic enforcement mechanisms is the enactment of unconstitutional legislation and directives. While Article 5 of the Constitution proclaims that “[n]o laws or administrative or local regulations may contravene the Constitution,”³¹ in reality, many of its provisions have been forsaken by nominally lower laws that directly undermine or even hijack constitutional powers.

Article 35 of the Constitution assures that citizens can “enjoy freedom of speech, of the press, of assembly, of association, of procession, and of demonstration.”³² While this article maintains freedom of speech and the press, the Notice Regarding Prohibiting the Transmission of Harmful Information and Further Regulating Publishing Order issued in 2001 clarifies that “[n]o one may establish an entity whose primary purpose is to transmit news information and engage in other news publishing activities without permission from the press and publication administration agency.”³³ Accessibility is further stifled by provisions in the Regulations on Publication Administration, which specify that a publishing unit must “have a registered capital of 300,000 Yuan or more and the fixed work premises” to publish a newspaper or other periodical.³⁴ Those without said capital or fixed location are forced to seek other channels of information dissemination, such as the Internet. Online bulletin board platforms, however, are required by law to be licensed and monitored, and posts deemed inappropriate are removed.³⁵ These laws and directives directly curb rights enshrined in the Constitution, and despite the theoretical existence of constitutional enforcement mechanisms such as the NPC and its Standing Committee, they have never been challenged.

Another example of regular legislation undermining constitutional law is the 2017 Xinjiang Uyghur Autonomous Region Regulation on De-Radicalization. Article 41 of the Constitution dictates that “[n]o State organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor

may they discriminate against citizens who believe in, or do not believe in, any religion.” The 2017 law, however, prohibits “primary expressions of radicalization” by criminalizing practices that conform to traditional Islamic law, including the donning of burqas and long beards. Penalties include detention and forced participation in re-education programs.³⁶ Despite Xi’s 2012 rhetoric asserting that the Constitution was supreme in the state hierarchy,³⁷ it is evident that provisions in the Regulations on Publication Administration and Xinjiang Uyghur Autonomous Region Regulation on De-Radicalization eclipse those found in the Constitution. Rather than strive to realize the constitutional provisions on religious freedom, the 2019 Report on the Work of the Government maintains that China must “fully implement the Party’s fundamental policy on religious affairs” and “abide by the principle that religions in China must be Chinese in orientation.”³⁸ To date, no procedures evaluating the constitutionality of either the Regulation on De-Radicalization or Regulations on Publication Administration have been undertaken. Even if the NPC or its Standing Committee utilized their ordained powers of enforcement and interpretation of the Constitution—which they have not and are unlikely to—both institutions are dominated by CCP members.

Political power in China is organized by and around the CCP, thus enabling unconstitutional legislation and nullifying any semblance of constitutionalism. The supersession of ordinary laws over the constitutionally protected rights of freedom of speech, religion, and press demonstrates the negligence with which the document is treated despite its ostensible supremacy. The CCP thwarted nascent judicial review to stifle public discourse on the constitutionality of laws or other state directives and decisions. While organs such as the judiciary, the NPC, and its Standing Committee are theoretically bestowed with constitutional enforcement powers, they lack a real will or way to assert the supremacy of constitutional law over regular legislation. This is evinced by the lack of resolve in the designated constitutional supervisory organs, which enables the CCP to revise the document with little resistance. The Constitution has neither provisions for

checks and balances nor the separation of powers, as the courts, legislature, and other institutions ultimately serve at the pleasure of the Party. The Constitution's claim that laws and regulations cannot contravene it has not been realized, demonstrating that the existence of a written constitution is insufficient to enshrine constitutionalism.

If the Constitution is not actually supreme, what purpose, then, does it serve? Why does Xi emphasize the rule of law and constitutional supremacy if the document is consistently violated? Is it a facade, or does it serve a greater purpose? It is not equivalent to that of constitutional governments such as the U.S. The PRC's Constitution is not supreme and does not significantly check state power. When politically expedient, it is either set aside or instrumentalized. The next section will demonstrate how the CCP uses it to organize its political power in relation to other institutions of the state apparatus and places its doctrine at the forefront of the Chinese state apparatus and society.

THE PURPOSE OF THE CHINESE CONSTITUTION

The CCP's identity as a Marxist-Leninist-Maoist vanguard party grants it a unique perspective concerning its relation to the state and nation. The PRC's Constitution is therefore the antithesis of constitutionalism—instead of placing limits on state and Party power, it actually concentrates them. While drafting the modern Constitution, the Party intentionally organized the state's legislative, administrative, judicial, and military bodies under its helm while provisions that were not politically expedient to its current goals could remain neglected. The Constitution also serves as a fallback for gaps in legislation, a secondary but rather important purpose.

The Constitution acts as a broad legal net to clarify ambiguities and gaps between existing legislation. In 2015, for example, Zhao Lianhai was injured by Gao Fuwen in a motorcycle accident and prevented from working. In the subsequent *Zhao Lianhai v. Gao Fuwen* case, the court initially ruled that Gao must compensate Zhao's lost wages. The defendant argued that since Zhao

was sixty-three years old, three years above the mandatory retirement age, he was not a worker and therefore not entitled to compensation. It was unclear whether or not Zhao could be classified as a laborer based on Civil Law and Chinese Labor Law, but since Article 42 of the Constitution guaranteed that citizens "have the right as well as the duty to work," the court declared in Zhao's favor.³⁹ In this instance, the Constitution arbitrated a complex legal scenario induced by ambiguities in existing ordinary law.

The ruling had a national impact. Article 42 was subsequently invoked in a multitude of labor cases, protecting the right to work for minors, retirees, and the disabled. A court in Guizhou ruled that the right to work was unalienable. A Hebei court ruled that earned income was protected even beyond retirement age. Another case in Hebei entitled a minor, age fifteen, compensation for wage loss. A Shandong court also affirmed the right to work regardless of age.⁴⁰ Precedent has been set which enables the Constitution to, at times, resolve complex legal quandaries and ambiguities. In other words, it can serve as a safety net to capture gaps in existing law.

Another perspective on the document's role is offered by legal scholar Surya Deva who argues that its goal is to organize political power and embody a fresh start for China.⁴¹ Indeed, the 1954 Constitution exalted the birth of a nation and attested to the new government's political legitimacy. Furthermore, in a nation as expansive and populous as China, the Constitution creates a unitary system in which institutions operate under the hierarchical umbrella of the central government. Chapter III of the Constitution contains seven sections with provisions for the powers, functions, and hierarchies of the NPC, the President, the State Council, the Central Military Commission, judiciary, lower levels of government, and governance over autonomous regions.⁴² The hierarchies established by the text greatly shape the way political power is organized in China. For example, while Article 127 declares that the "Supreme People's Court is the highest judicial organ," Article 128 requires that it "is responsible to the National People's Congress

and its Standing Committee.”⁴³ The SPC is not uniquely subservient to the NPC, as the Constitution strives to ensure that all roads lead back to the parliament which is firmly under the grasp of the CCP.

The Chinese Constitution organizes political power by weaving in facades of liberalism that ultimately reinforce authoritarian rule. By serving as a legal fallback and apportioning significant political power to the NPC, the Constitution’s ultimate goal is to ensure that the CCP can expeditiously govern the nation with minimal resistance.

IMPLICATIONS

The Constitution has been instrumentalized by Xi Jinping and the Party to bolster their power through their conception of the rule of law. In 2018, the Constitution’s preamble was revised, replacing the phrase “improve the socialist legal system” with “improve the socialist rule of law.”⁴⁴ In March 2021, the CCP Central Committee approved a five-year plan to substantiate the rule of law in China. “Xi Jinping Thought on the Rule of Law” was mentioned six times in the annual report by the Chairman of the NPC Standing Committee Li Zhanshu.⁴⁵ Xi’s conception of the rule of law includes “[u]pholding Party leadership on overall law-based governance,” “[a]dhering to Constitution-based governance, ... socialist rule of law with Chinese characteristics,” and notably, “[e]nsuring that leading officials at various levels faithfully implement major decisions and plans made by the [CCP Central Committee] on overall law-based governance.”⁴⁶ In essence, Xi seeks to use the Constitution and other legislation to further codify the CCP’s grip over the state. By accomplishing this, the state bureaucracy would become a more efficient executor of the Party’s will.

Xi’s plans are not a recent development. As previously discussed, the three previous iterations of the PRC Constitution and their evolution reflect the CCP’s hegemony over the state apparatus and its desire to use the document as an exhibition of its ideological and political goals. Each revision, from 1954 until 1982, refined and clarified governmental organs, priorities, values, and hierarchies. The Constitution is akin to the preface of

a novel, with the bulk of the text’s meaningful content residing in its main body, or the national laws of the PRC. In a constitutionalist government, the document would be more akin to a revered religious text.

Since the Constitution is not supreme, it is critical to evaluate its evolution alongside other changes in the state. The scope of some Party rules has increasingly expanded to apply to the entire state and they have been cited as legal bases during the legislative process.⁴⁷ Moreover, reforms conducted in 2018 led to the merging of many party apparatuses with state organizations, shattering any lingering hopes of separation of the CCP and state. This was accomplished by placing notable state organs under the jurisdiction of Party institutions. For example, the CCP’s Central Propaganda Department was granted sole authority over film, news media, and publications. The Party’s United Front Work Department took charge of religious and ethnic affairs as well as overseas citizens. The CCP’s Organization Department now oversees public sector reforms and civil service. Finally, the National Academy of Governance, which trains middle and senior level government officials, was subsumed by the Central Party School.⁴⁸ The reforms were conducted in the name of greater efficiency and coordination and shrunk the bureaucracy by reallocating political power to the Party. Importantly, the CCP Organizational Department has long managed the nomenklatura system, used to staff the political apparatus by guiding appointments, promotions, and dismissals in both Party and government positions.⁴⁹ So, many of these 2018 reforms reflect the desire to strengthen and codify the Party’s dominance through legal channels, further attesting to the Party’s shift in emphasis toward legal reform.

Furthermore, a new sentence was added to the end of Article 1 of the Constitution reading “[t]he leadership of the CCP is the defining feature of socialism with Chinese characteristics.”⁵⁰ At heart, the Constitution is one part of a larger legal framework constructed by the CCP to codify its political power by guaranteeing its involvement at every level of government. The Party is able to stand above the Constitution because, in addition

to the amendment abilities delegated to the NPC, it is the puppetmaster behind much of the state bureaucracy. The CCP rationalizes its extra-constitutional status by claiming its identity as a revolutionary party; the organization proclaims to intrinsically represent the supreme will of the Chinese proletariat.⁵¹ Xi has already entrenched the Party's dominance and obscured delineations between the CCP and state. As Xi Jinping Thought is increasingly actualized, aspirations for true constitutionalism in China are increasingly curtailed.

CONCLUSION

The Constitution of the People's Republic of China does not advance a conception of constitutionalism that prioritizes the Constitution over the state and all political parties. Its ultimate goal is to organize state power around the NPC and CCP to ensure that Chinese leaders' policies and ideologies are implemented with little domestic opposition. Secondly, it acts as a legal fallback to minimize friction within the Chinese legal system. The document is supreme only nominally and ignored when politically expedient. Constitutional enforcement powers are ceremonially possessed by the NPC and its Standing Committee and theoretically possessed by the judiciary, yet only the latter institution has taken any steps toward this supervisory role and was subsequently halted by the Party. Laws including the Xinjiang Uyghur Autonomous Region Regulation on De-Radicalization and Regulations on Publication Administration appear to violate constitutional provisions, and even if they palpably do not, no state organs have ever initiated a semblance of investigation in this direction. Rather than limit state power, the document is the framework for a flexible, comprehensive, and robust legal system that efficiently polices society while simultaneously bolstering the CCP's authority and claim to infallibility. It is also a testament to the shift in ideological and political priorities of Chinese leaders throughout the decades, as the evolution of the document reveals. The Constitution will likely continue to serve this purpose in the foreseeable future, as Xi's constitutional amendments complement his vision for the

entirety of the Chinese legal system, state apparatus, and society.

Political power in China is divided differently than it is in constitutional governments. In the latter, powers are vested in multiple institutions, such as the judiciary, legislature, and executive branches. These branches of government together comprise the entirety of sovereign power in a constitutional government such as the U.S. In China, the Constitution organizes the state apparatus but much of the sovereign power is instead vested in the CCP, whose members conform to the Party's rules—ones which are relatively opaque compared to those of state administrative organizations. Yet, in spite of the legal contradictions and absence of checks on Party power, the PRC and its ruling party have endured. The persistence of the modern Chinese model challenges Grimm's doctrine on constitutionalism. Grimm and other proponents of constitutionalism point out that constitutional governments tend to enjoy more civilized political debate, diminished political violence, and a minimization of political disillusionment.⁵² On the other hand, the governmental stability and economic success heralded by the CCP, the PRC Constitution, and the Chinese state inherently threaten this characterization. Political decision-making in democratic governments relies on deliberation and compromise to ultimately sustain individual freedoms which can elicit or induce economic, social, or civilizational progress. In China, the CCP has demonstrated that political expediency and economic progress can be prioritized without necessarily undermining social stability. While democratically elected leaders derive their legislative and administrative powers and political legitimacy from the citizenry that elected them, CCP leaders derive their political legitimacy from their performance. The Party's rule in the Chinese model is legitimized by improvements in the quality of life for the average Chinese citizen. So long as economic growth and social stability remain, Chinese citizens have little incentive to seek alternative political leaders or systems. Modern and future nations seeking reform at governmental or constitutional levels must introspectively

examine their values to uncover the true purpose of a political system and government.

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Disaggregating Health Data: Proposing a Local-Level Comparison of Cancer Incidence in Chinese Immigrants

Sarah Kong

ABSTRACT

While much work in disaggregating Asian American health statistics compares data between specific ethnicities, Chinese Americans also comprise a heterogeneous population and can be broken down into smaller subgroups. Immigration trends contribute towards significant heterogeneity of the Chinese American population. Thus, this article argues that examining distinct subgroups within the Chinese ethnicity reveals additional health disparities and potential risk factors. Recent and earlier Chinese American immigrants, broadly, have differences in socioeconomic status, education level, and geographic settlement patterns. Thus, an approach of comparing cancer statistics between local geographic regions is proposed for studying health disparities between the two subgroups. Controlling for ethnicity allows for consideration of socioeconomic, lifestyle, and environmental factors, offering insight into the “immigrant paradox” and etiology of specific cancers. Lastly, a review of health data structures reveals cancer registries to be the most comprehensive data source for the proposed study. Central regulation, adequate sampling, and self-reported ethnicity identification are also identified as important factors for collecting high quality health data.

BACKGROUND

Asian Americans are a heterogeneous group in terms of socioeconomic status, cultural and genetic background, immigration history, and thus geographic concentrations and demographic makeup.¹ Yet, many national health surveys² and large cohort studies³ collect health data using a single Asian group, even in studies focused on chronic conditions in minorities.⁴ Organizing all of these diverse ethnicities under one group hides health disparities, requiring the need for health data disaggregation. The lack of data in specific Asian American subgroups in the US has been noted by the White House,⁵ the American Heart Association,⁶ and the National Heart Blood and Lung Institute,⁷ which all recognize a gap in knowledge about Asian health disparities.

Most significantly, aggregating all Asian ethnicities (Chinese, Korean, Indian, Bangladeshi, Filipino, etc.) into one group masks health disparities between ethnicities, limiting public health initiatives. There is also heterogeneity in the cancers prevalent among each ethnicity, indicating that different ethnicities face unique cancer burdens, which are only revealed after data disaggregation. Since different types of cancers vary widely in terms of causative agents, survival rates, and treatments, different preventive efforts are required for each type.

Uncovering the health disparities associated with specific ethnicities allows for effective prevention, screening, and treatment efforts, often in combination with culturally and linguistically tailored public health measures. Thus, data disaggregation by ethnicity is key to understanding and combating critical health conditions for diverse Asian American populations in the U.S.

While previous work on data disaggregation has studied health disparities between different Asian ethnicities, the Chinese ethnicity in particular is a very heterogeneous population and can be further broken down into subgroups. Comparing the two subgroups – recent versus earlier immigrants – offers an opportunity to study the immigrant paradox by controlling for cultural background. To identify potential health disparities, I propose a comparison of colon & rectum cancer incidence between earlier and recent immigrants, represented by an urban and suburban neighborhood respectively. Subsequently, I review health surveys, mortality records, and cancer registries, finding the latter to provide the most comprehensive health data for my proposed study. Through evaluating these health data structures, I also suggest recommendations for improving the quality of future health data.

CHINESE AMERICANS ARE A HETEROGENEOUS POPULATION

Chinese Americans are notable among Asian ethnicities for their heterogeneity due to a long immigration history to the US and variation in geographical origin. Chinese Americans make up the largest Asian origin group in the US, at approximately 5.4 million people in 2019, which accounts for 24% of the Asian American population.⁸

Over the 150 years of Chinese immigration history, different waves of immigration have contributed towards the heterogeneity of the Chinese American population.⁹ This contrasts with some other Asian ethnicities, who may not have as long an immigration history to the US or as much geographical diversity. For example, most Bhutanese American immigrants arrived recently to the U.S. as refugees, with a large majority (85%) being foreign-born.¹⁰ Different waves of immigration due to changing U.S. immigration policy as well as varying push and pull factors have led to distinct populations of Chinese immigrants. Thus, Chinese Americans range from those with multigenerational ties to the US to those who have just immigrated. In this paper, I use “recent” to refer to Chinese immigrants who migrated within the last one to two decades and use “earlier” to refer to Chinese immigrants who migrated before this time.

Recent and current immigrants from Mainland China make up a significant wave of Chinese American immigrants. 34% of Chinese immigrants arrived in 2010 or later, while 42% of Chinese immigrants had immigrated before 2000 (earlier Chinese immigrants).¹¹ In 2018, China was the largest country of origin among Asian countries for new lawful permanent residents in America.¹² Chinese immigrants are also more likely to have recently arrived in the U.S. in comparison to immigrants from other countries and make up a significant portion of the Chinese American population.¹³

Recent Chinese immigrants to the US differ from earlier Chinese immigrants in reasons for immigration as well as socioeconomic status and educational attainment. During interviews, recent Chinese Americans cited pursuing business & investment opportunities, getting an American education, and living in a better environment with clean air and food as pull factors.¹⁴ These motivations for U.S. immigration slightly contrast with the pull factors for earlier waves of Chinese immigrants. While the first Chinese Americans immigrated to the U.S. for

basic economic opportunities such as the Gold Rush, many recent Chinese immigrants sought higher educational and advanced occupational opportunities.

With China’s economic rise, recent Chinese immigrants tend to be wealthier than earlier Chinese immigrants. As China’s extreme poverty rate dropped from 84% in 1981 to 12% in 2010 as reported by the World Bank,¹⁵ the socioeconomic status of Chinese immigrants to the US has changed. As the incomes of middle-class and wealthy elites have increased considerably with China’s economic growth, they are increasingly seeking educational and work opportunities overseas for themselves and their families.¹⁶ While high-skilled emigration from China is rising quickly, low-skilled and unskilled emigration has stayed stagnant.¹⁷ Previous literature also notes top wealth owners not just among immigrants from Hong Kong and Taiwan (both of which have a long history of high-skilled immigration to the US) but also particularly in recent immigrants from Mainland China.¹⁸ Economic journals have reported Chinese Americans as a whole to be financially heterogeneous, confirming the idea of distinct populations.¹⁹

Recent Chinese immigrants also typically have or are working to achieve higher educational attainment than earlier Chinese immigrants. A significant number of Chinese immigrants in the recent one to two decades immigrated to attend higher educational institutions, including university or graduate school.²⁰ In the 2018-2019 school year, students from Mainland China, Hong Kong, and Macau accounted for approximately one-third of all international students studying in the U.S.²¹ This significant student population is further evidence of the increased wealth of Chinese immigrants, who can afford the significantly higher U.S. tuition and other moving costs. There are also a significant number of Chinese immigrants that immigrate for professional degrees, including master’s programs and positions at scientific research institutions.²²

These immigration trends indicate two distinct subgroups or populations within the Chinese ethnicity: recent versus earlier Chinese Americans. Further disaggregating the heterogeneous Chinese American population into these subgroups allows for a closer study of socioeconomic status and education level as important health risk factors, which have been extensively studied in other racial/ethnic groups as well.²³

HEALTH DISPARITIES ASSOCIATED WITH CHINESE AMERICANS & THE IMMIGRANT PARADOX

Chinese Americans are a unique group and face health disparities distinct from other Asian ethnicities, the general American population, and Chinese nationals residing in China.²⁴ Chinese Americans experience relatively high rates of cancers associated with diet, including colon & rectum cancer, and infections, including liver cancer.²⁵ They also experience unique disease risks for stomach cancer,²⁶ hypertension,²⁷ diabetes,²⁸ and nasopharyngeal cancer (particularly in those with Southern Chinese origin).²⁹ Since Chinese Americans experience a unique cancer burden, primarily those associated with diet and infectious agents, and cancer also their leading cause of death, this paper will focus on cancer health statistics.

The unique cancer burden that Chinese Americans face, including colon & rectum, stomach, and liver cancer, are often associated with “Westernization” or lifestyle changes after migration to the U.S. Risk factors associated with acculturation to U.S. society include dietary change and sedentary living, which can lead to these types of cancers³⁰ and other health conditions prevalent in Chinese Americans, such as higher cholesterol levels.³¹ After immigration, Chinese immigrants find themselves in a different landscape regarding dietary options. Dietary changes often include an increase in consumption of red meat, which is significantly more affordable in the U.S. than in China. This is reflected by increases in colon and rectum cancer rates, specifically among Chinese Americans in the San Francisco Bay area.³² Moreover, rates of colon and rectum cancer are higher for Chinese Americans living in New York City’s Chinatown (an urban enclave) than among Chinese nationals in China, confirming their association with U.S. migration.³³ Studying the risk factors associated with “Westernization,” including dietary change and sedentary living, could also explain the immigrant paradox.

The immigrant paradox is a well researched phenomenon across many racial/ethnic groups and countries,³⁴ where recent immigrants have better health outcomes than U.S.-born members of the same ethnicity or immigrants with a longer tenure in the U.S., despite possibly facing more barriers to social integration. For example, when comparing the cancer mortality rates between Canadian-born Chinese, recent Chinese immigrants, and

earlier Chinese immigrants, the lowest mortality rates were in recent immigrants, then Canadian-born Chinese, then earlier immigrants.³⁵ Since the cancers prevalent in Chinese Americans are linked with U.S. immigration, considering length of U.S. tenure could explain the disparities in cancer rates observed across different segments of the Chinese American population. More time spent in the U.S. after immigration, and increasing dietary change and sedentary living, could explain the poorer health outcomes observed in earlier immigrants & U.S.-born Chinese Americans, as well as the better health outcomes in recent immigrants.

Moreover, studying health outcomes for recent immigrants is a key point for understanding the etiology of cancers linked with U.S. immigration considering that earlier immigrants tend to have worse health outcomes. The recent Chinese American immigrant population represents a critical transitional point between Chinese in China with lower cancer rates (in cancers associated with U.S. immigration: colon, rectum, stomach) and “earlier” Chinese American immigrants with higher cancer rates. Thus, recent Chinese Americans are hypothesized to have intermediate rates of cancer between the general American population and Chinese in China as well as earlier Chinese immigrants.

In addition, recent Chinese immigrants report cleaner air and food in the U.S. as a pull factor, suggesting the need for closer study of their dietary habits and rates for diet-associated cancers. In contrast, food hygiene and environmental concerns were not a motivating factor for earlier Chinese immigrants. Chinese Americans could be more health conscious with higher health literacy or have had better access to health diagnoses in China than earlier immigrants. Thus, the rates of colon, rectum, stomach, and other cancers in recent Chinese immigrants could provide additional data for examining risk factors linked with cultural background, diet, and sedentary living. Again, recent Chinese immigrants represent a transitional point between low and high cancer incidence, and studying their health outcomes could provide greater context to the development of cancers associated with lifestyle changes.

PROPOSING A LOCAL-LEVEL, ETHNICITY SPECIFIC APPROACH FOR STUDYING CANCER INCIDENCE

Earlier and recent Chinese immigrants tend to reside

in different areas, allowing for convenient comparison of these subgroups. Earlier Chinese immigrants often reside in urban Chinatowns, settling into enclaves seen in San Francisco, Queens, Flushing, and Chicago today. Chinatowns were the first settlements and residential areas established by earlier Chinese immigrants, who were drawn to the urban areas for a strong social support network, lack of a language barrier, and refuge from discrimination. As a result, many of the residential spaces in Chinatowns are single dwelling units and/or senior housing for the older Chinese immigrant population. Studies have identified that those with hypertensive conditions (high blood pressure) in San Francisco tend to reside in small, single-person housing in Chinatown communities.³⁶ These environmental conditions differ from typical living conditions of recent Chinese immigrants and comparing these subgroups could also reveal environmental risk factors.

Recent immigrants typically have higher socioeconomic status and immigrate to well-established communities in suburbs, with higher living costs and better schools. As the Chinese American population in the US has increased, suburban communities have been well-established outside of urban Chinatown areas.³⁷ Areas with very high percentages of Chinese residents include the suburban neighborhoods of California, such as Monterey Park and the slightly wealthier Arcadia, both in the San Gabriel Valley.³⁸ The different residence patterns of recent and earlier Chinese immigrants allow for comparison of health data between the two subgroups.

To compare health outcomes between recent and earlier Chinese immigrants, I propose comparing the health statistics between Chinese Americans in an urban neighborhood (such as San Francisco's Chinatown), and a suburban neighborhood (such as Arcadia). Because Chinese Americans experience a unique cancer burden, I propose comparing rates of colon & rectum cancer. Both the urban and suburban neighborhoods have a considerable Chinese American population; however, the urban neighborhood is predominantly made of earlier immigrants while the suburban neighborhood is predominantly made of recent immigrants. By comparing the two areas and controlling for ethnicity (common genetic risk factors and dietary habits due to same cultural background), differences in socioeconomic status, education level, and environment can be studied as risk factors for health outcomes. Comparing the rates of colon and rectum cancer between these two immigrant subgroups

also allows for understanding the immigrant paradox and etiology of cancers.

REVIEWING HEALTH DATA STRUCTURES

Main sources of data in published literature on health data disaggregation draw upon national health surveys, mortality records, and cancer registries. To determine the source of health data for my proposed study, these data structures and their differences in health information collection as summarized in Table 1.

Table 1. Characteristics of Different Health Data Sources for Disaggregation

	Health Surveys	Mortality Records	Cancer Registries
Regulation	No central regulation	Federal guidelines	Federal guidelines
Data Sampling	Inadequate sampling	All cases reported*	All cases reported*
Ethnicity Identification	Self-reported	Identified by coroners	Identified by healthcare workers

*Note: All cases are attempted to be reported

Health surveys are typically done at the national level and include the National Health Interview Survey (NHIS), which is collected by the Centers for Disease Control and Prevention (CDC). While many national health surveys like the NHIS do collect ethnicity-specific information, there is considerable variation between surveys depending on the collector. Many national health surveys only classify race with the aggregated category of "Asian".³⁹ Furthermore, epidemiologic cohort studies that conduct health surveys often do not study Asian Americans or only study one Asian ethnicity, and findings are sometimes used to expand to all Asians.⁴⁰ Another major issue with health surveys, which require sampling, is that Asian Americans are inadequately sampled, resulting in inadequate data for specific Asian ethnicities. In other words, while Asian Americans may be disaggregated into "Chinese" and "Japanese," there may not be enough Japanese people sampled to calculate health rates of cancer, diabetes, etc. Sample sizes for the disaggregated groups are too small to make accurate conclusions of health outcomes, limiting the utility of this data source. How-

ever, ethnicity is typically self-reported in health surveys, which makes this data relatively accurate.

Mortality records are also extensively used in health data disaggregation studies and are a source of comprehensive data. Since 2003, federal guidelines required that mortality records collect disaggregated data, including options for six specific Asian ethnicities. There is also no sampling issue with death certificates since all deaths should get a death certificate, which often also list detailed data on address, birthplace, and level of education. Thus, mortality records provide a source of comprehensive data and are often used to study ethnicity-specific health outcomes in previous literature. However, using death records to examine populations does not offer an accurate viewpoint of the current health situation and is an inaccurate and lagging view of patient health outcomes. Especially since prevention, early screening, and diagnosis are key in treating cancers and other conditions that particularly affect Chinese Americans and other Asian Americans, mortality records are an outdated source of capturing diagnosed health conditions. In addition, my proposed study of Chinese American subgroups involves the data of recent Chinese immigrants, who have immigrated within the past 1-2 decades. This greatly limits the amount of death records on Chinese immigrants, as they have just immigrated, are typically younger than earlier Chinese immigrants, and are less likely to appear in current mortality records. Furthermore, coroners and medical examiners, who collect mortality records, may inaccurately identify ethnicity. Coroner misclassification of ethnicity/race has been shown to be greater in Asian Americans than other groups.⁴¹

Finally, cancer registries offer the most detailed source of data and are especially useful in studying health outcomes for Chinese Americans, who experience a unique cancer burden. In 1992, Congress enacted the Cancer Registries Amendment Act that pushed state governments to enact legislation for rigid reporting of all cancer diagnoses.⁴² State cancer registries also report to the North American Association of Cancer Registries (NAACCR) which establish strict, central guidelines for data reporting, including coding for eleven specific Asian ethnicities. Moreover, detailed coding guidelines allow for reporting multiple ethnicities for mixed ethnicity/race patients. Furthermore, the NAACCR awards state registries with certification depending on reported data quality and completeness, resulting in higher quality

of reported health data. For example, gold certification entails that more than 95% of cases are complete and less than 3% of cases are missing information on race for the registry's area.⁴³ State law also requires physicians and healthcare workers at hospitals and cancer centers to report the required data, which should be more accurate than coroners. Since cancer registries focus on cancer cases, there is also not a sampling issue, and cancer registries attempt to record all cases, resulting in plentiful data for each ethnicity.

Besides examining datasets, reviewing and comparing case studies is also a source of health data. However, most research examines Chinese Americans residing in urban Chinatown communities, which are predominantly older Chinese Americans, representing earlier immigrants. Case studies often compare Chinese citizens in China to Chinatown residents, typically older Chinese immigrants, who often have higher rates of particular health conditions.⁴⁴ In addition, the results of these studies are often extrapolated to all Chinese Americans. However, a significant part of, if not most Chinese Americans now reside in suburbs, which decreases the generalizability of these findings.⁴⁵ There is little research that examines other Chinese American subgroups besides Chinatown residents, who are largely earlier immigrants. This lack of knowledge about a significant proportion of the Chinese American population suggests the need to examine recent Chinese American immigrants.

FINDINGS & RECOMMENDATIONS

My exploration of data structures in the context of comparing health outcomes between recent and earlier Chinese immigrants show that cancer registries provide the most comprehensive health data. Cancer registries report all cases, code for eleven different Asian ethnicities, and are published each year, resulting in accurate and current health data. Moreover, my review of data structures reveals each source's strengths and weaknesses, which can be utilized to improve health data, resulting in better quality research and a greater understanding of health disparities. Federal guidelines are extremely important in establishing central guidelines among the different states, as shown by requirements for reporting specific Asian ethnicities in cancer cases and on death certificates. Central guidelines should also be implemented for national health surveys and surveys used in epidemiological research, which typically examine chronic conditions like diabetes over time. Reporting the

specific Asian ethnicity of patients should become part of the established scientific protocol and incorporated into relevant education regarding conducting scientific studies. Moreover, health studies should increase sampling in diverse populations to ensure an adequate sample size of specific Asian ethnicities. Establishing central guidelines, improving scientific protocol, and increasing sampling could be set by the CDC, a major collector of health surveys and source of public health education.

Another major finding from my research is the need to study other Chinese American subgroups beyond those residing in urban Chinatown communities. As a significant proportion of Chinese Americans are recent immigrants and reside in suburbs, studying recent Chinese immigrants provides a more comprehensive and accurate picture for studying health outcomes of Chinese Americans. Since cancers associated with Chinese Americans are often linked with “Westernization,” recent Chinese immigrants are also a key population for understanding how these cancers develop. Within the context of the “immigrant paradox,” recent Chinese immigrants should have lower rates of these cancers in comparison to earlier Chinese immigrants. In addition, cultural elements like the family style sharing of meals are often cited as risk factors (as a challenge to controlling diet), such as with stomach cancer.⁴⁶ If recent Chinese Americans have particularly low rates, this subgroup could be studied for greater insight into the role of cultural factors in cancer incidence.

CONCLUSION

This paper continues the praxis of health data disaggregation among Asian Americans and specifically narrows in on two subgroups of Chinese Americans. After exploring the unique cancer burden of Chinese Americans, I proposed a methodology to identify health disparities between earlier and recent Chinese American immigrants by comparing the cancer incidence between an urban and suburban neighborhood, such as San Francisco’s Chinatown and Arcadia respectively. This approach differs from previous studies in focusing on potential health disparities at the local geographical level for a single ethnicity. By studying two subgroups of immigrants with a common cultural background, disparities in cancer incidence offer a greater understanding of the etiology of cancers associated with “Westernization” and the immigrant paradox. For the source of health

data, cancer registries are the most comprehensive data structure available for my proposed study. Through reviewing health surveys, mortality records, and cancer registries, I identify central regulation, adequate sampling, and self-reported ethnicity identification to be beneficial towards improving the quality of health data.

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ASIAN STUDIES
& BIOSCIENCES

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Significant “Others”: Examining Race and Whiteness in Vietnam’s English Textbooks

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ABSTRACT

This paper examines racial diversity in the set of English textbooks developed for Vietnamese students as a part of Vietnam’s National Foreign Language Project 2020. I quantify the frequency with which non-Vietnamese characters of each race and nationality appear and interact with Vietnamese characters, as well as do a qualitative analysis of the characters’ backgrounds and interactions. I find that when it comes to non-Vietnamese characters, white characters, specifically those from Western, developed English-speaking countries, appear much more frequently than Black or non-Vietnamese Asian characters. White characters, compared to Black or non-Vietnamese Asian ones, also appear more frequently in interaction with Vietnamese characters and are portrayed as integrated into Vietnamese life. This bias towards whiteness calls into question the narratives of global integration and cosmopolitanism that the Vietnamese government attaches to its push for English education in recent decades. On the whole, this paper contributes to filling a gap in the literature on diversity in Vietnam’s English textbooks and on the Vietnamese conception of race more generally.

INTRODUCTION

Since the 1980s economic reform known as *Đổi Mới*, the demand for English has increased in Vietnam. English has become the cornerstone of the country’s foreign language education, so much so that “foreign language” here has become synonymous with English since the vast majority of Vietnamese students learn English at school.¹ The rise in English education has closely followed Vietnam’s goals for national development. For example, setting up the new Common Education Program (Chương trình Giáo dục Phổ thông) in 2018, the Ministry of Education and Training (MOET) wrote that foreign language education “meets the need to develop the workforce for Vietnam’s process of industrialization, modernization, and global integration.”² Similar language was used in 2008, when the Vietnamese government put forward the National Foreign Language Project 2020, which sought to increase foreign language proficiency in Vietnamese students. The goal of NFLP 2020 was that “by 2020 most Vietnamese young people (...) will be able to use a foreign language confidently (...) in an integrated, multicultural, and multilingual environment, making foreign language a competitive advantage of the Vietnamese people to serve the cause of industrialization and modernization of the country.”³ Thus, it is evident that Vietnam attaches narratives of modernity and globalization to its push for English education.

However, it is worth asking: when the Vietnamese government speaks of global integration, who exactly do they see Vietnam integrating with? With English dominating foreign language education, I posit that the vision of diversity and multiculturalism proposed by the Vietnamese government is not as “global” as it may seem. As part of NFLP 2020, the Vietnamese Education Publishing House (VEPH) partnered with Macmillan and Pearson – two UK-based education publishing companies – to make a new set of English textbooks for students from grade 3 to 12.⁴ In this paper, I examine these textbooks for ethnic and racial diversity along two dimensions: quantity and quality. In terms of quantity, I hypothesize that the vast majority of non-Vietnamese characters will be from Western, developed English-speaking countries and that they will mostly be white. In terms of quality, I hypothesize that characters from Western countries and white characters will be more fully-realized (i.e. portrayed as real people with families, hobbies, and so on) and, most importantly, have more dialogue and interaction with Vietnamese characters. Examining these hypotheses, I argue that Vietnam’s English textbooks display a strong bias towards Western countries and whiteness, which casts doubt on the country’s vision of global integration.

LITERATURE REVIEW: EFL TEXTBOOKS AND DIVERSITY

Textbooks do not exist merely as tools for imparting knowledge. As Fuchs and Bock note, textbooks “contain and enshrine underlying norms and values; they transmit constructions of identity; and they generate specific patterns of perceiving the world.”⁵ As a result, textbooks are an important, if not the most important, educational media, reflecting and reinforcing cultural and ideological norms of the societies in which they are used. Scholars have looked at textbooks for depictions of class, gender, sexuality, ability, as well as race and ethnicity. Textbooks can serve as catalysts for diversity and inclusion, but they can also consolidate stigma and hierarchies of power. For example, several studies have shown that textbooks reproduce racial stereotypes and hold up whiteness as the normative standard.⁶ Therefore, it is important to study which groups are portrayed in textbooks and how they are represented. English as Foreign Language (EFL) textbooks provide a particularly rich source to study the representation of ethnic and racial groups, as these textbooks offer an insight into how non-English-speaking countries perceive English-speaking people as well as other peoples around the world.

Many researchers have studied racial, ethnic, and cultural diversity in EFL textbooks in Asian countries and found that the books displayed a bias towards native English speakers, American culture, and white people.⁷ Other studies revealed a trend whereby EFL textbooks got more diverse over time when it comes to nationalities. For example, Yamada (2011) looked at junior high English textbooks in Japan from 1987 to 2002 and found that earlier books portrayed Western nations more frequently, while later ones contained a greater variety of non-Western countries.⁸ Despite the abundance of literature on ethnic and racial diversity in EFL textbooks in many Asian countries, only a few scholars have investigated Vietnam’s EFL textbooks. Dang and Seals (2018) evaluated English textbooks for primary students in Vietnam but primarily focused on the lack of different varieties of English (e.g. Singaporean English) with a rather superficial analysis of “cross-cultural knowledge” that included images of different countries’ flags and famous cultural symbols (e.g. kangaroos in Australia, the kimono in Japan).⁹ Nguyen & Cao (2019) found that there was more Anglophone/Western than non-Vietnamese Asian cultural content in secondary English textbooks, but it

was unclear how they defined and quantified “cultural content.”¹⁰ As a result, this paper seeks to address a gap in the literature on EFL textbooks in Vietnam by providing a systematic assessment of the representation of different races and nationalities.

METHODOLOGY

Conceptualizing Race and Whiteness in Vietnam

The concept of “race” is largely associated with European expansion, as Western Europeans began their overseas exploration of other lands and devised a taxonomy of the different peoples that they encountered. In the process of colonization, “race” became a tool for Europeans’ pursuit of power over the “Other,” whom they understood to be distinct and inferior.¹¹ Since the 1940s, the concept of “race” has been attacked for its scientific validity.¹² Given the ambiguity of “race” in Western scholarship, talking about “race” in different cultures and contexts can present even more problems since the concept does not manifest similarly across the globe.¹³ Indeed, when it comes to Vietnam, “race” (often translated as chủng tộc in Vietnamese) is not a prominent term or concept, at least in the legal and academic realm. Instead, Vietnam usually uses dân tộc, which can be translated to “ethnicity” or “people,” to formally talk about different peoples. Specifically, dân tộc is often used when referring to the peoples of and within Vietnam – including the majority Kinh ethnicity and ethnic minorities. For example, in the Vietnamese Constitution, dân tộc is mentioned multiple times as a basis for principles of ethnic equality and government responsibility towards ethnic minorities (e.g. Vietnam Const. chap. 1. art. 5.; Vietnam Const. chap. 3. art. 58) while chủng tộc never appears.¹⁴ Ethnicity can also be translated as tộc người, which Vuong and Vu (2021) use in their overview of ethnological anthropology (dân học tộc người) in Vietnam. In their text, Vuong and Vu note that Soviet anthropological traditions dismiss the concept of “race” or biology as a distinguishing factor between different groups, and that anthropology in Vietnam is largely influenced by this ethnicity-based rather than race-based approach to anthropology.¹⁵

However, while “race” is not prominent in the Vietnamese legal or academic vocabulary, skin color is still salient in how Vietnamese people conceive of themselves and others. Whiteness, in particular, holds considerable

power in Vietnam. Having fair and light-colored skin has been part of Vietnamese beauty standards, especially for women, for centuries due to its association with high status.¹⁶ French colonialism only magnified this relationship between whiteness and power as white colonists lived comfortably at the expense of the native Vietnamese. White privilege was even mapped onto the Hanoi cityscape, where the French constructed the city so that Vietnamese people lived in unpleasant and overcrowded neighborhoods, while white people lived in their own quarters of leisure and safety.¹⁷ With this distinction, Vietnamese people also came to homogenize white people of different nationalities with the term “Tây” or “Westerner.”¹⁸ Today, whiteness remains coveted in Vietnam. For example, white English teachers are consistently favored over Black and Asian ones.¹⁹ As such, even if “race” might not be a state-sanctioned category in Vietnam, the processes of discrimination and privilege based on skin color among other attributes like nationality in Vietnam are still worthy of investigation. I do not use the term “ethnic diversity” in this paper, because as mentioned above, “ethnicity” or dân tộc is primarily used to refer to different ethnic groups within Vietnam, rather than non-Vietnamese, and especially non-Asian, peoples. I also do not use the term “cultural diversity,” since it is extremely difficult to pinpoint what “culture” means and quantify it in my analysis. Counting the number of times a tangible manifestation of culture appears (e.g. Unit 3 of English 10 contains information on different musical genres around the world) might not be such a challenge, but intangible values and attitudes are harder to examine. Rather, in this paper, I analyze racial diversity as well as representation of different nationalities. While, indeed, “race” can refer to a combination of biological and physical features, including skin color, in this paper, I conceptualize “race” mainly as a proxy for skin color.

Seeing Race and Whiteness in Vietnam's English Textbooks

At the time this paper was written, new versions of the textbooks for grade 3 and grade 6, as well as new textbooks for grade 1 and 2, had been published under the new Common Education Program. However, for the sake of consistency, I examine the textbooks developed for NFLP 2020 as described by Van V. Hoang, the chief author of the set of textbooks. When it comes to collecting quantitative data, I distinguish the books for primary school students (grade 3 to grade 5) from those for lower

and upper secondary school students (grade 6 to grade 12). The primary-level textbooks, which were developed in collaboration with Macmillan, contain a main cast of characters that consistently appear throughout the books. Within this cast of characters are Vietnamese and non-Vietnamese students, all of whom are named and have a distinct appearance. The nationalities of the characters are explicitly stated or reasonably inferable from context. The books are illustrated purely with these fictional characters without any photos of real people. As a result, in examining the primary-level books, I follow this main cast of characters, specifically the non-Vietnamese ones, to see how frequently they appear in the units and in what capacity. There are illustrations of other characters, mostly unnamed, that do not belong to the main cast, but I only make note of them when they contain a dark-skinned character since, as we shall see, Black/dark-skinned characters are an incredibly rare sight in these textbooks.

As it is virtually impossible to tell whether a light-skinned, black-haired character without a stated name and/or nationality is Vietnamese or non-Vietnamese Asian, I do not look for non-Vietnamese Asian characters in these complementary illustrations. It is also worth noting that these generalizations about race and physical features are valid in the context of this paper, as textbooks for schoolchildren tend to follow digestible, typified imagery of people. It is hard to imagine, for example, textbooks depicting a Vietnamese character with blond dyed hair. The criteria for an “interaction” between non-Vietnamese and Vietnamese characters are simple. First, the interaction must be illustrated: a text dialogue between two students that is not accompanied by pictures, for example, would not count. Second, the interaction must show a non-Vietnamese character in close distance to a Vietnamese character and engaging in conversation or an activity like playing games, even if these “conversations” may be purely for the purposes of grammar or speaking exercises for the students. Still, given that textbook illustrations can be ambiguous, for the sake of simplicity, I choose to count the number of units where a non-Vietnamese character interacts with at least one Vietnamese character, rather than the raw number of interactions.

The textbooks for secondary and high school students, which were developed in collaboration with Pearson, are more complicated. While these books also contain a main cast of characters, which remains the focus

of my analysis, they include a large variety of illustrations and photos of both real and fictional people. This poses a challenge to collecting data. Due to the sheer number of images and the people within them, it is hard to count the raw number of light-skinned vs. dark-skinned characters. Looking for people's nationalities is also difficult when characters only appear in the background of the images or the images they appear in are too small. As a result, I make two necessary limitations on collecting data with this set of textbooks. First, I only count the characters who are named and pictured, as this allows me to streamline the data as well as draw inferences about the characters' nationalities. In fact, in the majority of cases, a character who is named usually has their nationality explicitly mentioned as well. As stated above, it is hard to tell just from a drawing whether a light-skinned, black-haired character is Vietnamese, non-Vietnamese Asian, etc. so focusing on named characters allows me to avoid this ambiguity. Second, apart from those in the main cast, I do not collect data on white characters. Instead, I only count Black/dark-skinned and non-Vietnamese Asian characters. This limitation should not affect the final conclusion of the paper, since a quick flip-through of the textbooks already reveals that the illustrations and images contain mostly white/light-skinned characters. This means that if my hypotheses are borne out by only counting a subset of white characters, they would remain valid if I counted all of them.

RESULTS

Primary-level textbooks

Table 1 lists the names and nationalities of the main non-Vietnamese characters in the textbooks and the number of units they appear in as well as the number of units in which they are shown interacting with a Vietnamese character. Note that these characters are all students portrayed in the same school alongside Vietnamese students. Each grade level has 20 units, so there are a total of 60 units in this set of textbooks. There are also review sections that I have not included here since they comprise an inconsequential amount of space in the textbooks: there are four review sections per grade level and each take up only two pages. Since I am not counting the raw number of times that characters appear, but the number of units that they appear in, this does not affect the data.

As Table 1 shows, characters from developed, En-

glish-speaking countries appear far more frequently than other characters. Furthermore, all of them – Linda, Peter, Tony, Tom, and Mary – are unmistakably white. They have fair skin, either blond, orange, or brown hair, and last names like Jones, Green, and Brown. The other two characters, Akiko and Hakim, appear almost as token non-white and non-Vietnamese characters. While all of the five white characters appear throughout the set of textbooks, Akiko and Hakim are not introduced until Unit 2 of English 4, a unit that teaches students to say which country they are from, and rarely make an appearance later. When it comes to dark-skinned figures, with the exception of Hakim, only a handful appear in the textbooks: an unnamed child in an illustration of a multi-racial group of children holding hands (English 4, Unit 15), a character named Jim shown riding a bicycle in an illustration for a reading (English 5, Unit 12), an unnamed student shown playing a game with Vietnamese-looking students in a classroom (English 5, Unit 13), and an unnamed student shown talking to a light-skinned student with orange hair (English 5, Unit 14). It is also worth noting that all of these dark-skinned figures are male-presenting and depicted with a short, black afro.

Given that they appear in significantly more units, it is no surprise that white characters are more fully-realized than their non-white counterparts. They are portrayed with preferences, hobbies, dreams, and their parents even make occasional appearances. Meanwhile, Akiko and Hakim are largely underdeveloped as characters. For example, all we learn about Hakim throughout the textbooks is that he is Malaysian and he can play the piano. More importantly, white characters are portrayed in interaction with Vietnamese characters. Although all of these non-Vietnamese characters are portrayed as attending the same school as Vietnamese students, evidenced by their similar school uniform, white characters are portrayed as more integrated into life in Vietnam. They hang out at Vietnamese students' houses, attend their birthday parties, and learn about Vietnamese culture from them. In sharp contrast, there is hardly any interaction between Vietnamese characters and non-Vietnamese Asian and/or dark-skinned characters. As a result, the vision of the “integrated” and “global” environment that these textbooks set out for Vietnamese schoolchildren is an ostensibly white one.

Table 1. Frequency of appearance and interaction with Vietnamese characters of the main non-Vietnamese characters in primary-level English textbooks (grades 3 to 5)

	Linda (UK)	Peter (UK)	Tony (AU)	Tom (US)	Mary (US)	Akiko (JPN)	Hakim (MY)
Units w/ ap- pear- ance	50	33	32	26	11	10	2
Units w/ inter- action	41	22	26	15	5	9	1

Lower and upper secondary-level textbooks

Table 2 illustrates the number of Black/dark-skinned and non-Vietnamese Asian characters and their nationalities in the set of textbooks for secondary and high school students. As mentioned above, the characters' nationalities are often explicitly mentioned. When not explicitly mentioned, I infer their nationalities from their names. While this is not a foolproof way to determine one's nationality in real life, I do so here given textbooks' tendency to simplify things. As noted in the methodology section, all of these characters are named and pictured. One Dark-skinned Asian characters such as Mahatma Gandhi are included in the column for non-Vietnamese Asian characters.

Table 2. Number of Black/dark-skinned characters and non-Vietnamese Asian characters and upper-secondary level English textbooks

	Black/dark-skinned characters		Non-Vietnamese Asian characters	
Nationality	Brazil	1	China	1
	Nigeria	1	India	2
	USA	2	Japan	4
	Unknown	0	Unknown	2
Total		4		9

Note that there are pictures of the film "Slumdog Millionaire," which features Indian characters, that accompany a listening exercise on the movie (English 7, Unit 12), but given that this paper is only a visual and textual analysis of the textbooks, I have opted not to include this in the data presented above. There is also a

character named Adri Prakoso who is pictured (English 7, Unit 11), and while a quick Google search reveals that this person is Indonesian, in the textbook, they are presented as from a fictional place called "Wonderland" so I did not include them in this table. Worth mentioning is that English 5, Unit 10 contains a rather lengthy article on King Bhumibol Adulyadej (Thai), but since he is not pictured, I also did not include him in the table.

As the table shows, the number of named Black/dark-skinned and non-Vietnamese Asian characters in this set of textbooks is few, considering that together, these books comprise a total of 78 lesson units, and that white/light-skinned figures appear consistently throughout the books. Black/dark-skinned figures are also mostly celebrities such as Brazilian soccer player Pele, American actor Chris Rock, and American singer Michael Jackson (who actually appears twice throughout the textbooks) who are not portrayed in interaction with Vietnamese people. English 11, Unit 7 features a student named Maria with tan skin talking to a Vietnamese student, but "Maria" also appears in other units where she is portrayed with fair skin, so this inconsistency in illustration leads me to not take this character into account. On the whole, it is evident that Black/dark-skinned characters are a rare sight in these textbooks, and they are never in interaction with Vietnamese characters. There is also barely any interaction between Vietnamese characters and non-Vietnamese Asian characters. The only occasion where we see an illustrated interaction between a Vietnamese character and a named non-Vietnamese Asian character is in Unit 5 of English 12, in which a Japanese character named Yumi talks to Vietnamese students about Japanese culture in a classroom. Otherwise, there are two instances of unillustrated interaction between a Vietnamese character and a non-Vietnamese Asian character. Interestingly, both of these interactions (English 8, Unit 4 and English 11, Unit 9) involve an email exchange between a Vietnamese and a Japanese character.

In sharp contrast, not only do white characters appear in a large number of images and illustrations in the textbooks, but they are also seen interacting with Vietnamese characters. A prime example of this is the dialogues that begin each unit in the textbook, which are rather lengthy and often accompanied by large illustrations. In the set of books for lower secondary students (grade 6 to 9), for example, 34 out of 48 units begin with dialogue between Vietnamese characters and white characters. One character in particular, Nick, a British

student with fair skin and blond hair, appears in 25 out of those 34 dialogues. Similar to the white students in the primary-level textbooks, Nick is portrayed as a close friend of Vietnamese students, participating in various activities like touring a city and going shopping with them. He is also shown as eager to learn about Vietnamese culture from his Vietnamese friends. As the most frequently recurring character of the textbooks, Nick represents the white foreigner who is integrated into daily Vietnamese life, whom Vietnamese people befriend, and with whom they share the beauty of Vietnamese culture.

DISCUSSION & CONCLUSIONS

It is not surprising to find characters from English-speaking countries in English textbooks. It is noteworthy, however, that the most prominent non-Vietnamese characters are 1) white and 2) from Western, developed English-speaking countries. On the first point about whiteness, it seems that, in the eyes of Vietnamese textbook writers as well as Macmillan and Pearson, the default British, or the default American, or the default Australian, is white. By only depicting white English people or white Americans, these textbooks hold up whiteness as the norm for English speakers. Consequently, this reinforces the way Vietnamese people conceive of the typical native English speaker. For instance, Hewson's interviews with English teachers in Vietnam reveal that Vietnamese parents attach native speaker status to white people, expecting, for example, an American English teacher to be white.²⁰ These findings also fit into the wider context of English as a Second Language (ESL) education in nearby Asian countries such as China, where the normalization of whiteness when it comes to foreign English teachers has entailed discriminatory employment practices towards non-white teachers.²¹

On the second point on nationality, it seems that despite the claims about English as a tool for globalization, “global integration” as set out in Vietnam's English textbooks shows a heavy bias towards developed, Western countries. Arguably, the non-Western nation that receives the most representation in these textbooks (besides Vietnam itself) is Japan. As such, it would seem that the vision of a modernized and multicultural Vietnam consists of Vietnamese people mingling with those from so-called more “modern” developed countries. This finding is partly puzzling considering that there is a clear effort to emphasize Vietnam's unity with developing na-

tions, especially those in the Southeast Asian area, in the curriculum. Unit 5 of English 11, for example, is a unit dedicated entirely to discussing countries in the Association of Southeast Asian Nations (ASEAN), of which Vietnam is a member, and the importance of the Association itself. Thus, one might wonder why there is not a single Southeast Asian character in these textbooks except for the rarely-present Hakim. If the concern was about presenting native English speakers (which, if it were the case, still did not stop the publishers from including Japanese characters), then the books could have depicted a student from Singapore or the Philippines. As such, there might exist a gap between Vietnam's diplomatic relations and what the country imagines itself actually looking like in the era of globalization. A modernized, cosmopolitan Vietnam, it seems, would be one in which Vietnamese students live alongside British or American peers, not Indonesian or Thai ones.

Speaking to Tuoi Tre News about the collaboration between Vietnamese Education Publishing House and Pearson, David Kaye, Pearson's regional teacher development manager, said: “as English is now a global language, we have introduced more links to the world around us, to help our students understand and be part of the global community.”²² Yet, as I have demonstrated, this “global community” is not exactly global. From Vietnam's English textbooks, it would seem that Vietnamese students are only expected to use English to interact with those who are white and come from developed Western nations. Throughout this paper, I have used the word “Others” to refer to non-Vietnamese people. While “Others” in the Western context might refer to non-Western people who are deemed inferior and insignificant, in this case, the Vietnamese treatment of “Others” is differentiated between those who are white and those who are not. The invisibility of Black/dark-skinned and non-Vietnamese Asian characters proves that, for Vietnam, some “Others” are more significant – more worthy of representation and interaction with – than others. If MOET's goal is truly to prepare Vietnamese youth for an “integrated, multicultural, and multilingual environment,” racial diversity is integral to that endeavor, even if, or perhaps precisely because, “race” is not a prominent concept in Vietnam.

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NOTES

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