

A child custody dispute worthy of Solomon will be decided by a judge in Tennessee within the next 30 days, and while he will rule on the law, underlying cultural assumptions raise questions about just how well Americans understand China and how we appear to the rest of the world.

The dispute is between Jack and Casey He, who are Chinese, and Jerry and Louise Baker, Americans who cite their Christian religion as one reason the Hes' daughter, Anna Mae, should remain with them. About five years ago, when facing financial difficulties, the Hes signed an agreement giving the Bakers temporary custody of Anna Mae. The presiding judge must decide whether or not the agreement is valid. But non-legal issues have arisen during the trial that demonstrate a misunderstanding of modern China.

For one, the Bakers have contended that for Anna Mae to return to China with her natural parents could be harmful to the child because of the way females are sometimes treated. It is true, especially in rural areas, that female babies are not the joy they should be and Chinese female babies are readily available for adoption by Americans.

But the Bakers have projected the fate of babies onto a 5-year-old girl who will not be living in a rural area and whose father has three master's degrees and has studied in the United States. He will be valuable in China and will be able to provide comfortably for his family (which now includes two other children).

The entire He family will dote on Anna Mae, and she will receive educational opportunities to advance. She will also have on her side federal laws, including Article 48 of the country's constitution, which states: "Women in the People's Republic of China enjoy equal rights with men in all spheres of life, political, economic, cultural and social, and family life." There's an article that does not appear in the U.S. Constitution.

Population numbers taken from the United Nations' web site provide insights about women in Chinese society. The ratio of men to women in China was 105.9:100 in 2000 and is projected to drop only to 103:100 by 2020. If Anna Mae turns marrying age in China, she will be able to choose from a large pool of eligible bachelors. Also, women have a greater life expectancy than men.

Anecdotally, I can talk about the Chinese students I taught in 1994. One of them was the first woman sent by the New China News Agency to cover the war in Afghanistan. She returned in five weeks, as planned, but was offered a bureau chief's position in another country, so impressed were her male superiors. And two women who applied to replace her in Afghanistan were dispatched for six months because of the trail-blazing success by the first woman. A male student told me that in his two jobs in public relations, his supervisors have been women and that in one case, the woman had replaced a man and turned the office around financially.

Of the 59 people listed in the new leadership group in China, seven are women, including Wu Yi, who led the negotiations that got China into the World Trade Organization, and who as the vice-premier in charge of health is credited with taking over the handling of the SARS crisis in 2003 and turning the situation from cover-up to one of transparency. Another is Chen Zhili, the vice-premier for education, who has studied at Penn State and who is now fashioning

a distance education program for her country. So Anna Mae will have some positive role models to emulate, and more are on the way.

If the Bakers keep Anna Mae from her natural parents, they will also deprive her of her Chinese culture. They say they belong to a group called “Families with Children from China” and that the girl participates in activities with other Chinese children. But that won’t keep her in touch with her real culture, which is nearly 4000 years old. The Bakers have also said that they want Anna Mae to stay with them so she can “grow up and love the Lord.” People find all sorts of ways to try to convert the Chinese to Christianity. For example, I’ve known people who have gone to China ostensibly to study or to teach English as a second language whose only purpose was to save souls.

For Americans who wonder why the United States is hated by so many, it is simple: We try to impose on other cultures democracy, Christianity and capitalism, as though they are the way, the truth and the light and nothing else matters.

The custody dispute in Tennessee is a microcosm of a larger problem.

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