

PREPARING FOR CHINA AT BERKELEY: 1960-63

Jerome A. Cohen*

The University of California at Berkeley was a wonderful place to start learning about China in 1960. Of course, China - the real thing - would have been more exciting, but that option was not on the table. Soon after I began the long course of study required to understand the Chinese legal system, I actually wrote letters to both Chairman Mao Zedong and Prime Minister Zhou Enlai telling them of my quest to study the contemporary Chinese legal system and asking for the opportunity to visit the Promised Land. I never received a reply and supposed that they were too preoccupied with their angry correspondence with Khrushchev and the Soviet Union to take on any new pen pals.

I did, however, receive a surprise letter from Beijing soon after doing an interview with the Voice of America. VOA had focused on why an American law professor would devote himself to the study of Communist China's legal system, of all things. I gave them the obvious message - "peaceful hands across the sea to a forbidden land" - not knowing whether this English language broadcast would be heard in China. Yet this quickly produced a neatly-typed letter from an American woman named Dorothy Fischer, who was based in Beijing. She had heard the broadcast and was evidently interested in promoting my effort. Ms. Fischer identified herself as a former member of the American Communist Party, who had quit the party because it "was insufficiently advanced", and chosen to live in China.

"Why don't you come to study in Beijing?", she asked. She told me that an African-American named Robert White, one of the twenty-one American soldiers who had been taken prisoner during the Korean conflict and had rejected repatriation, was studying law at Peking University, and she offered to introduce me. I replied that I welcomed her idea but that I had two questions. The first was whether the United States Government would allow me to travel to China, and the second was whether the Chinese Government would allow me to enter. I said that I would work on the first question if she would work on the second. Unfortunately, I never heard from her again, perhaps because the political climate in China had again become very tense after the brief respite that followed the disastrous Great Leap Forward of 1958-60.

In any event, I understood that Berkeley was as good a place as any in the world for acquiring the necessary preparation for a life dedicated to the Central Realm. This great university surely had one of the best faculties for learning about contemporary China, which was undoubtedly why Rockefeller Foundation had offered Berkeley's law school the chance to train someone in Chinese law.

BERKELEY CHINA COLLEAGUES

My first and closest colleague and mentor in my new field was Joseph R. Levenson, a brilliant historian who, like many of America's outstanding China specialists in the post-World War II era, had trained with John K. Fairbank at Harvard. Joan and I had met Joe and his British wife Rosemary through one of my cousins in my first year teaching at Boalt Hall, before China even appeared on our horizon, and

we became good friends. We consulted them while mulling over the Rockefeller opportunity, and Joe's encouragement and example buoyed my enthusiasm.

Once the decision to study China was made, Joan decided to take Joe's Chinese history class three times a week while managing our expanding family. I had to concentrate on my all-important Chinese language lessons while introducing a seminar on Chinese law and government in the law school. Yet three nights a week at dinner I benefited from Joan's summary of the lecture Joe had delivered that morning. It quickly became clear that I too had to take the course, one of the most highly-respected on the campus, the following year.

Joseph Levenson was a marvelous lecturer - thoughtful, substantive, well-organized, articulate, clear, succinct, modest and humorous. I already had discovered all that through Joan, of course. Moreover, just before I chose China, I had invited him to be one of the first speakers at the law school's summer workshop for prospective teachers of international and comparative law, for which I was responsible. At the end of an entire morning, whose mission, as Joe put it, was "to provide a little bit of instant China for busy people", a young British academic from Oxford breathlessly asked me: "Are all your Berkeley lecturers as good as this fellow? That was the best talk I have ever heard."

I envied the opportunity that Joe's able protégé, Ralph Crozier, had to work with him full time as Ralph pursued his doctoral dissertation. Yet I sympathized with Ralph the day he had to lecture in Joe's place while the master was giving a talk in Washington. Ralph had carefully prepared what he thought would be a fifty-minute presentation but, apparently out of nervousness, completed it in half the time. At that point, seeing no alternative, he asked whether the class had any questions, and he was promptly confronted with a host of questions that would have tested the mettle of veteran experts. Ralph weathered the storm well but later conceded it had been a harrowing experience!

Joe was a great scholar. His three-volume "Confucian China's Modern Fate" had a major impact on a rapidly developing field that was groping to understand the extent to which Karl Marx, Lenin, Stalin and Mao Zedong had altered the course of contemporary China. Yet there was an enormous contrast between Joe's writing and his speaking. Listening to him was delightful. Reading him, although a pleasure of a different kind, was not easy. Every sentence was richly worked, virtually baroque or rococo in its jewel-like embellishments. I had to rest every ten pages or so.

I sometimes thought that his essays must have set some sort of record in terms of their viscosity. Joe's friend and contemporary, Benjamin Schwartz, another great Fairbank protégé, one who became a Harvard professor and my future colleague, did not match Joe's skills as a lecturer. But his books were composed in a style that made potentially difficult subjects, such as the influence of the 19th century Chinese scholar/translator Yen Fu, easily accessible, indeed deceptively simple, to non-specialists like me.

Tragically, Joe's life was cut short in 1969, when at age 48 he drowned in a family canoeing accident in Northern California's Russian River. Joan and I will never forget his modest charm and delightful, self-deprecating stories. One of my

favorites recalled his first visit to England to meet Rosemary's family, some of whom had been concerned that she was going to marry a socially remote American intellectual. After meeting him, however, one senior relative approvingly told Rosemary: "The nicest thing is that you'd never know he is clever!"

Because Joe's relatives were rooted in the Boston area, it was especially appropriate to hold a memorial service at Harvard, where he had spent many years as an outstanding undergraduate and graduate student and where I was then teaching. Together with Benjamin Schwartz and others, I was asked to be a speaker and, overcome with emotion, managed to finish my remarks only with the greatest difficulty. For almost half a century after that, I have generally declined all memorial talks and have even had a poor record in attending funerals of friends.

Joe Levenson was not an expert on contemporary China but our Berkeley colleague Franz Schurmann was, and I was enormously lucky to also become his friend. One of the handicaps I confronted at the outset of my study was that few scholarly analyses of Chinese government, politics and society under the People's Republic had yet appeared. The PRC was barely into its second decade and had witnessed extraordinary and profound upheavals since its establishment in 1949. Getting to know Franz Schurmann helped me to deal with this challenge because he was researching a magnum opus about the PRC and welcomed my interest. I read his informal academic papers, went to many of his public lectures and talked with him extensively.

It was Franz who introduced me to the value of interviewing refugees from the PRC in order to put together in a comprehensible way the shards of relevant legal research materials that were slowly leaking out of a very non-transparent regime. Although some scholars had doubts about the validity of refugee interviewing, Franz convinced me that careful screening and analysis could separate the wheat from the chaff and shed new light on China's social, political and legal realities. Franz, a sociologist as well as historian, also heightened my understanding of how the new China was structured and functioned prior to the Great Proletarian Cultural Revolution that broke out in the spring of 1966.

It was his influence that led me to spend the year 1963-64 interviewing refugees in Hong Kong. That resulted in my first book "The Criminal Process in the People's Republic of China, 1949-63: An Introduction". And it was Franz's own subsequent interviewing that enabled him to finally publish in 1968 the monumental work "Ideology and Organization in Communist China", which turned out to be the best scholarly publication of his long career.

Franz's writing was neither as finely-cultivated as that of Joe Levenson nor as pellucid as that of Ben Schwartz, but it was clear, informative and full of ideas imaginatively culled from the printed and human resources on which he was able to rely. Moreover, his linguistic prowess permitted him personally to consult the broadest possible sources, since he literally had a dozen languages at his fingertips. His mastery of German, Russian and Serbo-Croatian facilitated his study of comparative communism as background for coping with China. He acquired Japanese as a young American military specialist during World War II. When in 1963 we both

happened to be in Tokyo at the same time, my learned Japanese interpreter gushed with admiration at Franz's command of Japanese.

As a newcomer to the field, I was particularly awed by Franz's fluency in reading and speaking Chinese, first learned at Harvard and then Berkeley. Joe Levenson, who had known Franz for years before they traveled together in 1960 to attend the International Congress of Orientalists, which met in Moscow that year, returned to Berkeley with tales of how flabbergasting it was to stand with Franz in Red Square while he held forth in Turkish, Arabic and other exotic languages with conference delegates and others from those countries.

Although he was eighteen years older than I, Professor Choh-Ming Li, who was then chairman of the university's already eminent Center for Chinese Studies and a distinguished expert on China's economy, proved to be another very nice colleague. C.M. Li as he was often known, had come from China to earn his doctorate in economics at Berkeley before World War II. He returned to Chiang Kaishek's wartime capital in Chongqing to become an important economic official and diplomat in the final years of Chiang's Kuomintang (Nationalist party or KMT) government before it was forced to retreat to the island refuge of Taiwan in 1949. By 1951 Li was back in Berkeley as a business school professor specializing in the economic aspects of the Chinese revolution, and a decade later he became the logical choice to lead the university's Center for Chinese Studies.

The Center's major research project at that time, which had begun years before I entered the field, was seldom openly discussed because it was a continuing study of China's agricultural development sponsored by the Central Intelligence Agency, and there appeared to be apprehension that some "left wing" faculty and students might protest university involvement. By 1962 I was asked to join the Center's academic committee since I was a friend of two of the leading social scientists - the sociologist Seymour Martin Lipset and the political scientist David Apter - who were influential in the university's Institute of International Relations, to which the Center reported.

I had little time for or interest in involving myself in the Center's political problems, but vaguely recall that there was dissatisfaction expressed by some about the Center's administration. Fortunately, before the grumbling developed very far, C.M. Li agreed to become the first leader of the newly-established Chinese University of Hong Kong and was replaced as chairman of our Center by Professor Walter Galenson, who was not a China expert but a specialist in economics and comparative development. Galenson had actually chaired the Center for a few years before Li assumed the chairmanship and was thought to be a more vigorous administrator and broader fundraiser than Li. He reluctantly returned to the post until a more permanent successor could be found.

The only specific recollection I have of C.M.'s chairmanship was that he ran our committee meetings in what for me was an unusual manner, which some more senior colleagues described as "the Chinese way". He tried very hard to avoid detailed discussion at the meetings of any potentially contentious topic. He often did this successfully by diligently consulting each committee member individually beforehand in an effort to resolve all problems in a quiet and harmonious fashion before the meeting. This annoyed some of the faculty participants, since it seemed to inhibit free

debate, and I recall supporting those voices that at least on one occasion insisted on full and open discussion during our meeting. Walter Galenson, a much more relaxed presider whose New York accent suggested familiarity with more rough and tumble collegial exchanges, let it all hang out at committee meetings during his brief return to the chairmanship.

C.M. Li was always curious about my efforts. He had a rather formalistic view of what a legal system should be and how it should be analyzed, and his own work had made clear to him that, by 1960, the party's revolutionary twists and turns culminating in the "Anti-rightist Campaign" of 1957-58 and the "Great Leap Forward" of 1958-60 had decimated the Soviet-style legal system that Mao had imported in the early 1950s. He also knew how scarce conventional Chinese legal research materials had become. One day at a cocktail reception our Center gave for graduate students, C.M. took me aside and said, with a hand sheltering his mouth: "Since China doesn't have a legal system and there are very few materials, confidentially, how do you spend your time?"

Neither Joe Levenson nor Franz Schurmann ever asked such a question, nor did Bob Scalapino, Berkeley's best-known political scientist in the East Asian area. Bob was the person whom Rockefeller Foundation had first consulted about its interest in China's legal system. It then asked him to inquire whether the law school might be willing to train someone in Chinese studies. Scalapino, another Harvard product whose Asia-related career had been launched by military service in World War II and who had found the West Coast congenial, was a remarkable scholar, policy wonk, public intellectual and administrator. By 1960 he was eminent with respect to Japan as well as China, and, to me at least, seemed to simultaneously crank out thoughtful essays with both hands while on airplanes to Washington and Asia.

Bob was also a fine teacher who took pride in training and fostering the careers of his many outstanding graduate students in comparative politics and international relations of East Asia. Chalmers Johnson seemed to be his favorite and, when I began, Chal was a young teacher in the government department already noted for his analytical, acerbic and prolific anti-Communist scholarship and lectures. I was too new to the subject to want to adopt his firm views but I admired his ability and presence while preferring Scalapino's more balanced and open attitude toward developments in Mainland China, Taiwan and Hong Kong.

Berkeley had so many other scholars specializing in various aspects of China that I could prattle on at even greater length, but I think the point has been demonstrated that it was indeed a stimulating place to learn about China. I only want to say a word about Cyril Birch, S.H. Chen and T.A. Hsia, three learned experts in Chinese language and literature whom I will always remember.

Cyril came to Berkeley from England in 1961 with a formidable scholarly reputation even though barely older than I, and he and his wife Dorothy became our friendly neighbors. Joan, who delighted in pursuing the arts, literature and Chinese culture at the university, despite the demands of three hyperactive young boys, thoroughly enjoyed Cyril's teaching, writing and reading list. Although I never got to know him as well as some other colleagues, I found him to be thoughtful, broadly

informed, amusing and interested beyond his professional brief. He is, at this writing, my only China colleague of that era who is still with us.

S.H. Chen, Berkeley's senior specialist in Chinese literature, who brought Cyril to our campus, was the embodiment of the humane Chinese tradition. Warm, welcoming and sympathetic to newcomers like Joan and me who were brash enough to belatedly take on the huge task of learning about the Central Realm's millennial civilization, he and his charming wife Grace did everything they could to assist us. They twice found Chinese students who could live with us and help with the children and the dishes while starting to speak Mandarin to us. When the boyfriend of one of the students got her pregnant, they came to the rescue in impressive fashion, presiding over a prompt wedding. They also introduced a friend visiting from Taiwan who taught Joan how to make my favorite steamed dumplings called "jiaozi". And SH's even more valuable contribution to me was his advice and arrangements for my study of the language.

T.A. Hsia, who was not actually on the faculty but on the staff of the Center for Chinese Studies, was a delightful friend who often loved to call my attention to the many changes in the Chinese language that the Maoist revolution was bringing to his country. I rarely saw him without a copy of the latest issue of the People's Daily, in which he had underlined or circled new terms and usages that illustrated often subtle, yet important, changes in Chinese life. He shared them with an infectious enthusiasm that reinforced my determination to learn to read and to use these words and phrases in my efforts to speak. Long after I left Berkeley I continued to benefit from the elegant essays that T.A., brother of the better-known C.T. Hsia, professor of Chinese literature at Columbia, published in English.

LEARNING CHINESE

Although I had recognized that my biggest gamble in choosing China was whether I could learn to use the language, I did not worry about it and actually looked forward to it. In high school I was good at Latin as well as Spanish, and I did well at French while at Yale College. I ended the Fulbright year that I spent in France between college and law school by giving a lecture in French that I was pleased with. To be sure, my accent and intonation were never native, and I used to joke that I was merely learning to speak English with a French accent! I didn't know what Chinese would be like, but welcomed the challenge.

I was a young man in a hurry, so I tried to accelerate my language study. Instead of enrolling in regular undergraduate classes, I joined a special new program for graduate student beginners that the Center for Chinese Studies was organizing four hours a week in the hope of attracting more talent to the field, and I decided to supplement that with private tutorials. That, including intensive preparation, was about all that my law teaching left me time for, approximately thirty hours a week.

I loved it. Our Center program only enrolled three graduate students plus myself, and I enjoyed knowing them all, especially a very bright, humorous first-year graduate student in history named Fred Wakeman. He was as committed as I was, and the two of us set the pace for the other two. One, a nice fellow named Joe something, was studying economics but didn't have much talent for languages and dropped out

before the end of the year. The other, Robert Scheer, was a very smart, would-be political scientist whom I liked, but he was much more enamored of Fidel Castro's then new and vibrant revolution than Mao's and eventually threw in his Chinese towel. I later benefited from reading articles he published about Cuba in liberal journals.

That left just Wakeman and me, and we made the best of the opportunity. Fred went on to become a marvelous historian of modern China and a splendid successor to his beloved mentor Joe Levenson in Berkeley's history department. It is hard for me to believe that he too went to his heavenly reward prematurely.

Our principal tutor also deserves a word. Mr. Wenshun Chi was a middle-aged, displaced Chinese intellectual who had come to us after years of teaching Chinese at the Army Language School in Monterey, California. His spirit may have been deadened by the endless classroom drilling required to produce the impressive results in its students for which Monterey was famous. He seemed a sadsack who would always be surprised when Wakeman and I made wisecracks while buckling down on our work. Although he found the university environment more congenial than Monterey's more drill camp atmosphere, he felt like a fish out of water in Berkeley, even while spending most of his time doing research on Center projects about the Mainland.

I encouraged Mr. Chi to try writing in English and suggested, as a start, that he edit the mimeographed teaching materials that he prepared for us - Mainland Chinese language essays and speeches - into a book that could be used by many aspiring Chinese language students. He later did publish: "Readings in Chinese Communist Documents: A Manual for Students of the Chinese Language". I felt glad to have encouraged Mr. Chi and pleased at the publication, not only for him but also for future students. After our time tutoring with him, I only occasionally glimpsed him adding his quiet, perhaps depressed, presence to seminars and lectures put on by the Center.

My other tutor, Mr. Hsutu Chen, was very different and a delight. He too had been teaching in Monterey but he was younger, age 26, and came to Berkeley to be a graduate student in physics. His major interest, however, was the history and sociology of religion. Yet he decided to study physics. In the 1960s Chinese who came to America often chose the natural sciences and mathematics rather than the humanities, regardless of their true interest, because they envisioned a more financially secure future professionally and because the United States Government's visa policy then favored the entry of foreign students in the sciences, math and engineering.

I got to know Hsutu better than Mr. Chi because he was a tennis player, as was I, and on a couple of occasions I tried to mix tennis and tutorials, thinking we might combine language learning and sport. Unfortunately, Hsutu was a much better player than I. He left me breathless and unable to utter many new Chinese phrases such as "Wo hen lei".(I'm very tired) and "Ni dage hen hao" (You play very well) as we played. But afterward we had some good chats. He told me how unhappy he was with his study of physics, a subject for which he did not feel uniquely qualified and for which, at 26, he already felt too old. Most of the great physicists, he claimed, had

already done their best work by age 26, and here he was a mere second-year graduate student.

I urged him to follow his real intellectual interests and told him that his talents seemed to suit his desire to study religion. Joan was also impressed by her talks with him, and we both were pleased when he switched fields and was last heard from as a professor of religious studies at a university in Canada.

Since I only had to teach one two-hour law seminar a week for the academic years 1960-63, I was able to spend a great deal of time learning Chinese and about China in the basement of our old Spanish-style stucco house at 647 San Luis Road in the Berkeley hills. My basement study had a downhill window that looked out upon the small front lawn, which had a magnificent Magnolia tree that prevented me from feeling cut off from the outside world. I enjoyed the solitude required for the acquisition of new Chinese characters and found focusing on even the simplified characters adopted by the Mainland to be an esthetic experience.

I made one major mistake, however. Having discovered that it was taking me at least fifty percent longer to learn to write a character than merely to recognize it and know its meaning, in order to speed up my reading I decided to deemphasize writing. I later regretted this decision when it became apparent that I would have remembered the characters better had I practiced writing them. Moreover, I had denied myself the pleasure of gaining some measure of accomplishment in and greater understanding of calligraphy, one of the great Chinese arts and one I enjoy viewing. When, many years later, our youngest son Ethan spent a year in Japan as part of his Harvard College concentration in Japanese studies, he developed considerable skill in one of the Japanese styles of calligraphy, and I witnessed the satisfaction that gave him as well as his parents. Finally, it has always been embarrassing to me, as a purported specialist on China, that I cannot write Chinese, particularly when some of my non-Chinese students became quite expert at it.

Of course, I have always put a high value on oral communication and wanted to become a fluent Chinese speaker, even though I noted that many of the senior American scholars in the China field, educated before World War II, were more comfortable reading than speaking. Wartime needs and training seem to have produced much greater emphasis on speaking East Asian languages, an emphasis that carried over into post-war academic programs, and I found that quite congenial.

I tried to create opportunities to begin to speak Chinese at Berkeley. I have already mentioned one idea that seemed more likely to lead to progress than mixing tutoring and tennis. That was recruiting a Chinese student to live with us in order to talk with us in Mandarin while helping with the children and the evening dishes, as some American students had already done. The problem was to find the right one, someone who spoke in the four tones of standard Mandarin then practiced in Beijing and much of northern China. Many China experts and Chinese friends had emphasized the importance of avoiding undue exposure to the accents of people from southern China, including the East coast natives of the Shanghai area, whose local dialects, at least at that time, often inhibited the proper pronunciations and intonations of the standard Mandarin that was my goal.

There were many Chinese students eager for the chance to earn room and board plus some spending money but none of those I interviewed seemed to have the requisite linguistic background. Then, with the help of S.H. Chen, I found Shirley Wang, a first year undergrad bent upon medical school who had actually come from Beijing a few years earlier and seemed the perfect person I was seeking. So she came to live with us, but it proved a huge disappointment to our family.

Shirley was perfect for the conversations we sought except for one thing - she almost never spoke and, when she did, it was invariably in one-syllable words or mere grunts. None of my efforts to strike up a chat ever seemed to work. On mornings I drove to the law school and dropped her off on campus, a typical exchange would go like this. JAC: "Jintian tianqi hen hao" (Today's weather is very good); Shirley: "Ugh". JAC: "Ni qu tushuguan ma"? (Are you going to the Library?) Shirley: "Dui" (Yes). Then silence! At home the situation was rarely better, since Shirley proved to be a serious, deeply-committed, almost gloomy person who desperately wanted to do well in her courses, get to her homework as soon as possible after dinner and on to med school. To say she was not personable would be an understatement. Because she was the first Chinese who lived with us, our children developed the misimpression that China was not populated by happy people.

We rode out the academic year with Shirley but, again with the aid of S.H. Chen, who by then better understood our needs, we found a very different student for the summer - a dynamic, talkative, humorous grad student from Taiwan. Her parents hailed from Jiangsu Province next to Shanghai, she had all the wrong tones and used some expressions peculiar to Taiwan at that time, but she was terrific, just what the doctor ordered. Irene Chang and I talked by the hour in Chinese. She responded to my questions about Chinese life and society with fascinating stories and examples that caused me to want to talk more with her and to lose my self-consciousness as she corrected my halting efforts in Chinese. By the end of the summer I had made real progress, and, only years later, when Joan and I finally reached Beijing in 1972, did I regret that I hadn't paid more attention to my tones once I started speaking with Irene.

I supplemented all these efforts with one other technique - informal but systematic Chinese language conversations with some of the few students who had recently managed to leave Mainland China and find their way to Berkeley. I especially recall two attractive women introduced by S.H. Chen, who was trying both to help my linguistic progress and find some income to support these sympathetic young people. One, who had adopted the English first name of Stella, was very pleasant and moderately interesting, but the other, who called herself Sally, was livelier and fascinating.

Sally, then only 23, had just left Shanghai in 1962. Although she was short, she wore her hair in an attention-getting high pompadour that brought her up to five feet six or thereabouts. When I asked her about it, she explained that to her America represented freedom from China's then repressive social atmosphere, and she wanted to make the most of the new opportunity. She had hated the bowlcut hairdo that was then being foisted on her and many young Chinese women and relished the new-found symbol of her personal liberation.

Sally helped me understand the pre-Cultural Revolution Maoist impact on Chinese daily life, from which Americans had been cut off for over a decade. One vivid example concerned the changing bourgeois definition of what should be considered a “good” marriage in China. Sally’s mother, ambitious for her daughter to make her way in the recent radically-restructured Shanghai society, repeatedly pressed her to marry a member of the People’s Liberation Army, which would have relieved her of the miserable class status she had inherited as a child of the formerly elite but later condemned “national bourgeoisie”. Sally, university-educated and extremely bright, persistently rejected the military “duxiang” (target) selected by her mother. He was a pleasant but uneducated and uninteresting soldier whose companionship Sally could not abide. This proved to be the precipitating factor in her decision to leave the Motherland!

BOALT HALL AND CHINA

Although a few of my law school colleagues looked askance at my weekly Chinese language lunches with Stella or Sally at the Faculty Club, Boalt Hall, Berkeley’s law school, proved to be a good and welcoming place to undertake study and teaching about China. Only Dean William L. Prosser, who was about to retire, tried to dissuade me from such a radical decision. His successor, the dynamic public law professor, Frank Newman, was extremely supportive once he recovered from the shock of learning that, by asking me to find someone else to specialize in Chinese law, he had inadvertently set me on this unexpected course. Other faculty members were, by and large, accepting of the choice, even if surprised. A few were understandably skeptical.

To be sure, no faculty members at Berkeley or other leading law schools had much to offer me in terms of actual China knowledge, which was, after all, one of the reasons why I had chosen the subject. Yet there was much to learn in related fields.

The University of Washington Law School in Seattle had already begun to feature the study of Japanese law, with the historian/lawyer Professor Dan Fenno Henderson leading the way, and the Ford Foundation had initiated a distinguished Harvard-Michigan-Stanford comparative law project focused on Japan’s post-World War II legal progress. It later culminated in the very valuable 1964 Harvard University Press volume “Law In Japan” edited by Harvard law professor Arthur Von Mehren.

At Berkeley I benefited from a few conversations with Professor Sho Sato, whose office was next to mine. Although American citizens, he and his family had been interned in California together with many other ethnic Japanese during World War II. After joining the faculty, he had shown interest in Japanese law and spent some time in Japan, but had decided to specialize in American law instead.

Despite Berkeley’s west coast location, my colleagues had more to offer me in the field of German law, which had profoundly influenced the legal systems of East Asia beginning the latter part of the nineteenth century. Japan, after considering whether to adopt French or English law as a model for its modernization efforts, had chosen the German system instead. Because this decision had contributed to Japan’s rapid rise to power, it exerted important influence on Chinese reformers and

revolutionaries who, throughout the vicissitudes of the twentieth century's first half, continued to build on the German model, either directly or via its Japanese adaptation.

Moreover, following China's "Liberation" in 1949, Chairman Mao, by importing the Soviet legal system during the first decade of his nationwide rule, had chosen a model that Lenin and Stalin had built on the edifice of pre-Bolshevik Russian law. Pre-1917 Russian law in turn had been modeled on late nineteenth century continental European, largely German and French, law.

So I had much to learn from my dynamic senior colleagues Albert Ehrenzweig, who had actually served as a young judge in Austria, and the great German scholar of comparative law, Stefan Riesenfeld, who, before coming to study and later teach at Berkeley, had acquired law degrees in Germany and Italy. Without their help, I might have made the mistake of thinking that some basic Chinese legal institutions and norms, in both the Mainland and Taiwan, that seemed so different from their Anglo-American counterparts were rooted in China's history and culture rather than Europe's.

Ironically, the greatest help I received from a law professor during my initial preparation for China was not from a Berkeley colleague but from a Columbia University law professor, John N. Hazard, the nation's senior specialist in Soviet law. Luckily, not only had he arranged to spend the academic year 1962-63 on leave at the Center for the Advanced Study of the Behavioral Sciences at Stanford University, but he was planning to expand his research beyond the Soviet system in order to assess its impact upon other countries in the "socialist", i.e., Communist world. Thus, he had developed an intense interest in China, which, by the early 1960s, had rejected the Soviet model and branded it "revisionist".

Hazard had blazed the trail for Western students of communists and their law by daringly arranging to study law in Moscow in the 1930s after his graduation from Harvard Law School, and he later taught for many years in both the law school and the political science department at Columbia. When this happy, charming scholar and generous mentor heard that I would be teaching about China in Berkeley while he was at Stanford, he suggested that we join forces in offering a seminar comparing the legal systems of the two major communist powers, and he volunteered to make the long trek from Palo Alto every week. This proved to be a golden opportunity for both my students and me, and the experience made me appreciate how valuable it would be to have a colleague in the Soviet field on the same faculty, something that would later affect my decision to leave Berkeley to join Harold Berman, another leading expert on Soviet law, at Harvard.

Teaching with John Hazard for a year was also fun. I liked his ability to make classroom learning stimulating and pleasant, and I noted how much I enjoyed co-teaching, which I have often done ever since. One day, at the end of class, I said to John in genuine admiration: "John, you could sell soap!" Unfortunately, he at first misinterpreted my remark to mean I thought he SHOULD sell soap!! I immediately clarified my intent, but this incident did reveal his sensitivity to the charge of being superficial that I learned later had occasionally been leveled against him.

He may also have been reacting to the criticism of some other social scientists that his work was naively legalistic and too willing to accept Soviet norms and statements at their face value rather than analyze them in the context of political reality. Similar criticism was occasionally voiced regarding the work of Harold Berman, who also became my mentor and friend soon after. I always believed that much of this criticism was inaccurate and more a reflection of some scholars' dismissiveness of the idea that law could play any significant role in a communist dictatorship, an idea that continues to generate controversy in Chinese studies even today. Yet I have always tried to ground my work on China's legal system in political reality and have more than occasionally worried that perhaps I leaned too far in that direction and failed to emphasize the extent to which some aspects of the system functioned with considerable non-political autonomy.

By the summer of 1963, I felt that Berkeley had prepared me well for the final year of the Rockefeller grant, which I decided to spend interviewing Chinese refugees in Hong Kong. That was as close as most Americans could get to Mainland China at that time.

*Jerome A. Cohen is Professor of Law and Faculty Director of the US-Asia Law Institute at the New York University School of Law. He is also Adjunct Senior Fellow for Asia at the Council on Foreign Relations.